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2 **2SHB 1079 - H AMD 068 FAILED 3-3-97**

3 By Representative Tokuda

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "TABLE OF CONTENTS

8 Page #

9	I. GENERAL PROVISIONS	3
10	II. WORKFIRST	8
11	III. CHILD CARE	16
12	IV. IMMIGRANTS	17
13	V. STUDIES	19
14	VI. DATA SHARING	20
15	VII. MISCELLANEOUS	22
16	VIII. LICENSE SUSPENSION	31
17	IX. CHILD SUPPORT ENFORCEMENT	123
18	X. TECHNICAL PROVISIONS	193

19 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that it is in
20 the public interest that the state adopt public assistance policies for
21 needy families that stress: The central role of employment in reducing
22 poverty and need; the temporary nature of public assistance; the
23 importance of the state's efforts in sustaining economic independence
24 and promoting occupational and income advancement; and the continuing

1 responsibility of the state to protect children and other vulnerable
2 residents.

3 Therefore, the legislature intends that:

4 (1) Work should provide the best opportunity for needy families to
5 raise their incomes and leave poverty;

6 (2) Parents should be responsible for support of their children.
7 Child support will be aggressively pursued to assure that
8 responsibility is fulfilled;

9 (3) Those recipients who can work shall immediately participate in
10 mandatory work or work preparation activities;

11 (4) Sanctions for nonparticipation shall be clear, timely, and
12 progressive;

13 (5) Work should pay and the incentives in the system should support
14 unsubsidized employment opportunities;

15 (6) Education and job training should be accessible so an
16 entry-level job can be the first step on a career ladder;

17 (7) The individual shall sign a statement of personal
18 responsibility, acknowledging responsibility for moving quickly into
19 the world of work;

20 (8) The state should help provide the tools for assistance
21 recipients to get and keep a job, and improve their opportunity for
22 advancement;

23 (9) Essential services that low and moderate-income families need
24 for sustaining independence, including health care insurance and child
25 care, should be affordable and accessible;

26 (10) Assistance should be available for those unable to perform
27 self-sustaining work;

28 (11) Individuals temporarily not able to work will be responsible
29 for participating in activities designed to help them achieve self-
30 sufficiency;

31 (12) Legal immigrants should be eligible for the same programs as
32 other residents;

33 (13) State agencies involved with the temporary assistance for
34 needy families program will be focused on moving people into
35 self-sustaining work;

36 (14) The state's goals should be supported by working through
37 public and private providers who are most effective in getting people
38 ready for and into unsubsidized employment;

1 (15) Partnerships should be built with local governments, business,
2 labor, and civic and religious organizations to mobilize the resources
3 of communities to help families raise their incomes and leave poverty;
4 and

5 (16) WorkFirst should recognize the distinct needs and resources of
6 communities and provide recipients with programs suited to the
7 different labor markets of the state.

8 I. GENERAL PROVISIONS

9 **Sec. 101.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended
10 to read as follows:

11 All assistance granted under this title shall be deemed to be
12 granted and to be held subject to the provisions of any amending or
13 repealing act that may hereafter be enacted, and no recipient shall
14 have any claim for compensation, or otherwise, by reason of his
15 assistance being affected in any way by such amending or repealing act.
16 There is no legal entitlement to temporary assistance for needy
17 families.

18 **Sec. 102.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each
19 amended to read as follows:

20 Public assistance (~~shall~~) may be awarded to any applicant:

21 (1) Who is in need and otherwise meets the eligibility requirements
22 of department assistance programs; and

23 (2) Who has not made a voluntary assignment of property or cash for
24 the purpose of qualifying for an assistance grant; and

25 (3) Who is not an inmate of a public institution except as a
26 patient in a medical institution or except as an inmate in a public
27 institution who could qualify for federal aid assistance: PROVIDED,
28 That the assistance paid by the department to recipients in nursing
29 homes, or receiving nursing home care, may cover the cost of clothing
30 and incidentals and general maintenance exclusive of medical care and
31 health services. The department may pay a grant to cover the cost of
32 clothing and personal incidentals in public or private medical
33 institutions and institutions for tuberculosis. The department shall
34 allow recipients in nursing homes to retain, in addition to the grant
35 to cover the cost of clothing and incidentals, wages received for work
36 as a part of a training or rehabilitative program designed to prepare

1 the recipient for less restrictive placement to the extent permitted
2 under Title XIX of the federal social security act.

3 NEW SECTION. **Sec. 103.** A new section is added to chapter 74.12
4 RCW to read as follows:

5 TIME LIMITS. (1) A family that includes an adult who has received
6 temporary assistance for needy families for sixty months after the
7 effective date of this section shall be ineligible for further
8 temporary assistance for needy families assistance.

9 (2) For the purposes of applying the rules of this section, the
10 department shall count any month in which an adult family member
11 received a temporary assistance for needy families cash assistance
12 grant unless the assistance was provided when the family member was a
13 minor child and not the head of the household or married to the head of
14 the household.

15 (3) The legislature recognizes that under P.L. 104-193 the
16 department may exempt no more than twenty percent of the temporary
17 assistance for needy families caseload from the sixty-month time limit.
18 The legislature further recognizes that not all adult recipients of
19 temporary assistance for needy families can be expected to attain self-
20 sufficiency within this time limit. Because the sixty-month time limit
21 will not be applicable to recipients until 2002, the legislature
22 further believes that it is appropriate to engage in the study required
23 in section 501 of this act before making decisions about caseload
24 exemptions.

25 **Sec. 104.** RCW 74.12.035 and 1985 c 335 s 1 are each amended to
26 read as follows:

27 ~~(1) ((A family or assistance unit is not eligible for aid for any~~
28 ~~month if for that month the total income of the family or assistance~~
29 ~~unit, without application of income disregards, exceeds one hundred~~
30 ~~eighty-five percent of the state standard of need for a family of the~~
31 ~~same composition: PROVIDED, That for the purposes of determining the~~
32 ~~total income of the family or assistance unit, the earned income of a~~
33 ~~dependent child who is a full-time student for whom aid to families~~
34 ~~with dependent children is being provided shall be disregarded for six~~
35 ~~months per calendar year.~~

36 ~~(2))~~ Participation in a strike does not constitute good cause to
37 leave or to refuse to seek or accept employment. Assistance is not

1 payable to a family for any month in which any caretaker relative with
2 whom the child is living is, on the last day of the month,
3 participating in a strike. An individual's need shall not be included
4 in determining the amount of aid payable for any month to a family or
5 assistance unit if, on the last day of the month, the individual is
6 participating in a strike.

7 ~~((3))~~ (2) Children over eighteen years of age and under nineteen
8 years of age who are otherwise eligible for temporary assistance for
9 needy families and who are full-time students (~~(reasonably expected to~~
10 ~~complete a program of)~~) attending secondary school, or the equivalent
11 level of vocational or technical training(~~(, before reaching nineteen~~
12 ~~years of age)~~) are eligible to receive (~~(aid to families with dependent~~
13 ~~children: PROVIDED HOWEVER, That if such students do not successfully~~
14 ~~complete such program before reaching nineteen years of age, the~~
15 ~~assistance rendered under this subsection during such period shall not~~
16 ~~be a debt due the state)~~) temporary assistance for needy families.

17 NEW SECTION. Sec. 105. A new section is added to chapter 74.12A
18 RCW to read as follows:

19 GRANT DIVERSION. The legislature recognizes there are low-income
20 employable families who are in danger of becoming reliant on public
21 assistance. With minimal short-term help from the state, these
22 families can remain intact, actively involved in the labor market, and
23 financially self-sufficient. Therefore, the legislature finds it is in
24 the public interest to establish a grant diversion program to help at-
25 risk families remain off temporary assistance for needy families.

26 (1) The department may provide state-funded cash aid to meet short-
27 term need, thereby allowing employable low-income families to remain
28 off assistance.

29 (2) Diversion assistance may include cash or vouchers in payment
30 for the following needs:

31 (a) Child care;

32 (b) Housing assistance;

33 (c) Transportation-related expenses;

34 (d) Food;

35 (e) Medical costs not covered under chapter 74.09 RCW; and

36 (f) Employment-related expenses that are necessary to keep or
37 obtain paid unsubsidized employment.

1 (3) Diversion assistance is available once in each twelve-month
2 period. Recipients of diversion assistance are not included in the
3 temporary assistance for needy families program.

4 (4) Diversion assistance may not exceed one thousand five hundred
5 dollars for each instance.

6 (5) To be eligible for diversion assistance, a family must
7 otherwise be eligible for, but not receiving, temporary assistance for
8 needy families.

9 (6) Families ineligible for temporary assistance for needy families
10 due to sanction, noncompliance, the lump sum income rule, or any other
11 reason are not eligible for diversion assistance.

12 (7) Families must provide evidence showing that a bona fide need
13 exists according to subsection (2) of this section in order to be
14 eligible for diversion assistance.

15 (8) If the recipient of diversion assistance receives temporary
16 assistance for needy families assistance within a period specified by
17 the department, but not to exceed twelve months following the receipt
18 of diversion assistance, the amount of the diversion assistance shall
19 be recovered by the state by deduction from the recipient's temporary
20 assistance for needy families grant.

21 (9) If funds appropriated for grant diversion are exhausted, the
22 department shall discontinue the program in this section.

23 **Sec. 106.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to
24 read as follows:

25 Medical assistance may be provided in accordance with eligibility
26 requirements established by the department (~~(of social and health~~
27 ~~services))), as defined in the social security Title XIX state plan for
28 mandatory categorically needy persons and: (1) Individuals who would
29 be eligible for cash assistance except for their institutional status;
30 (2) individuals who are under twenty-one years of age, who would be
31 eligible for (~~(aid to families with dependent children))~~ temporary
32 assistance for needy families, but do not qualify as dependent children
33 and who are in (a) foster care, (b) subsidized adoption, (c) a nursing
34 facility or an intermediate care facility for the mentally retarded, or
35 (d) inpatient psychiatric facilities; (3) the aged, blind, and disabled
36 who: (a) Receive only a state supplement, or (b) would not be eligible
37 for cash assistance if they were not institutionalized; (4)
38 categorically related individuals who (~~would be eligible for but~~~~

1 ~~choose not to receive cash assistance~~) meet the income and resource
2 requirements of the cash assistance programs; (5) individuals who are
3 enrolled in managed health care systems, who have otherwise lost
4 eligibility for medical assistance, but who have not completed a
5 current six-month enrollment in a managed health care system, and who
6 are eligible for federal financial participation under Title XIX of the
7 social security act; (6) children and pregnant women allowed by federal
8 statute for whom funding is appropriated; (~~and~~) (7) other individuals
9 eligible for medical services under RCW 74.09.035 and 74.09.700 for
10 whom federal financial participation is available under Title XIX of
11 the social security act; and (8) persons allowed by section 1931 of the
12 social security act for whom funding is appropriated.

13 NEW SECTION. Sec. 107. A new section is added to chapter 74.08
14 RCW to read as follows:

15 GOOD CAUSE EXEMPTIONS. The department shall establish by rule good
16 cause exemptions consistent with the family violence options of Sec.
17 402 (a)(7) of Title IV-A of the federal social security act as amended
18 by P.L. 104-193. Individuals granted a good cause exemption may not be
19 subject to work requirements, child support cooperation requirements,
20 and time limits of section 103 of this act. The department shall
21 periodically review such exemptions to determine when they are no
22 longer necessary.

23 NEW SECTION. Sec. 108. A new section is added to chapter 74.12
24 RCW to read as follows:

25 STATE-FUNDED TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. (1) The
26 department may provide state-funded temporary assistance for needy
27 families and medical assistance to needy families if: The needy
28 caretaker relative is disabled; the needy caretaker relative is needed
29 in the home to care for a disabled family member; or the needy
30 nonparent caretaker relative is at least fifty years old.

31 (2) Such assistance shall be provided under the same rules and in
32 the same amount as under the temporary assistance for needy families
33 program except: Such families shall not be subject to temporary
34 assistance for needy families WorkFirst requirements unless they
35 volunteer and they will not be subject to the sixty-month time limit in
36 section 103 of this act.

1 (3) The department may use state funds as appropriated to provide
2 such benefits.

3 NEW SECTION. **Sec. 109.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 74.12.420 and 1994 c 299 s 9; and

6 (2) RCW 74.12.425 and 1994 c 299 s 10.

7 **II. WORKFIRST**

8 NEW SECTION. **Sec. 201.** A new section is added to chapter 74.25
9 RCW to read as follows:

10 STATEMENT OF PERSONAL RESPONSIBILITY. (1) A family receiving or
11 applying for assistance under the temporary assistance for needy
12 families program is ineligible for continued or new assistance if the
13 recipient and the department have not completed a statement of personal
14 responsibility satisfying the requirements of this section.

15 (2) The statement of personal responsibility shall emphasize the
16 importance of work.

17 (3) The statement of personal responsibility shall contain, but is
18 not limited to (a) an explanation of Washington's WorkFirst program,
19 including time limits; (b) the rights and responsibilities of the
20 recipient in the WorkFirst program; (c) a list of the available
21 programs for which the family is eligible; and (d) the sanctions
22 imposed on the recipient for refusing or failing to participate in the
23 WorkFirst program.

24 NEW SECTION. **Sec. 202.** A new section is added to chapter 74.25
25 RCW to read as follows:

26 WASHINGTON WORKFIRST PROGRAM. (1) There is established in the
27 department the WorkFirst program, the welfare-to-work program for
28 temporary assistance for needy families. The department shall
29 administer the program consistent with the temporary assistance for
30 needy families provisions of P.L. 104-193. In operating the WorkFirst
31 program the department shall require recipients of temporary assistance
32 for needy families to engage in work activities, as defined in P.L.
33 104-193 on the effective date of this section, including:

34 (a) Unsubsidized paid employment in the private or public sector;

35 (b) Subsidized paid employment in the private or public sector;

1 (c) Work experience, including work associated with the
2 refurbishing of publicly assisted housing, if sufficient paid
3 employment is not available;

4 (d) On-the-job training;

5 (e) Job search and job readiness assistance;

6 (f) Community service programs;

7 (g) Vocational educational training, not to exceed twelve months
8 with respect to any individual;

9 (h) Job skills training directly related to employment, including
10 structured pursuit of self-employment opportunities that involves
11 development of a business plan and meets criteria for micro-credit and
12 micro-enterprise opportunities;

13 (i) Education directly related to employment, in the case of a
14 recipient who has not received a high school diploma or a GED;

15 (j) Satisfactory attendance at secondary school or in a course of
16 study leading to a GED, in the case of a recipient who has not
17 completed secondary school or received such a certificate;

18 (k) The provision of child care services to an individual who is
19 participating in a community service program; or

20 (l) Other activities as defined by the department that are directly
21 related to improving the recipient's employability and lead to the
22 first available job.

23 (2) All recipients of temporary assistance for needy families shall
24 participate in the WorkFirst program except single custodial parent
25 recipients with a child under age one year. The exemption shall not
26 exceed a total of twelve months.

27 (3) The department shall adopt rules under chapter 34.05 RCW
28 establishing criteria constituting circumstances of good cause for an
29 individual failing or refusing to participate in an assigned activity,
30 or failing or refusing to accept or retain employment.

31 (4) All teen parents under age eighteen years who are approved for
32 assistance shall, as a condition of receiving benefits, actively
33 progress toward the completion of a high school diploma, GED, or an
34 approved alternative education program.

35 (5) The department may provide employment and training and
36 education support services to assist temporary assistance for needy
37 families recipients under chapter 74.12 RCW to obtain employment.

1 (6) The department may contract with public and private employment
2 and training agencies and other public service entities to carry out
3 the purposes of Washington's WorkFirst program.

4 (7) The department shall adopt rules under chapter 34.05 RCW as
5 necessary to effectuate the intent and purpose of this chapter.

6 NEW SECTION. **Sec. 203.** A new section is added to chapter 74.25
7 RCW to read as follows:

8 JOB SEARCH. (1) The department shall require temporary assistance
9 for needy families recipients to engage in initial and ongoing job
10 search. Failure to participate in the job search component shall
11 result in sanctions under section 204 of this act.

12 (2) The Washington WorkFirst program shall include an initial job
13 search component in which each nonexempt recipient of temporary
14 assistance for needy families shall participate. The initial job
15 search component will last four weeks for each recipient. Each
16 recipient shall be required to attend initial job search component
17 activities at least thirty hours per week. The initial job search
18 component shall serve as an assessment tool to determine a recipient's
19 employability. If a recipient fails to find paid employment during the
20 initial job search component, the department may refer the recipient to
21 those work activities that are directly related to improving the
22 recipient's employability. Priority shall be given to work activities
23 that simulate the work environment.

24 (3) As used in this section, "initial job search" means an activity
25 in which nonexempt recipients engage each weekday upon entering the
26 Washington WorkFirst program. The component shall provide classroom
27 instruction and a minimum of fifteen hours per week of structured,
28 individual job search activities.

29 (a) Individual job search shall include individual and group
30 activities.

31 (b) Job search instruction shall be structured in such a way as to
32 replicate the demands of a work environment. It shall include, at a
33 minimum, information on how to apply for work, the current labor
34 market, and available work force development resources.

35 (4) Ongoing job search shall include regular, structured work
36 search and weekly reporting of work search plans and results.

1 NEW SECTION. **Sec. 204.** A new section is added to chapter 74.08
2 RCW to read as follows:

3 SANCTIONS FOR NONCOOPERATION. Cooperation with the requirements of
4 Washington's WorkFirst program is required, unless exempt under this
5 title. Failure to cooperate, absent good cause, shall result in
6 sanctions, including but not limited to, reductions of the family's
7 cash assistance grant. The department shall adopt by rule, standards
8 for the imposition of such sanctions.

9 NEW SECTION. **Sec. 205.** A new section is added to chapter 74.25
10 RCW to read as follows:

11 WORKFIRST--SERVICE AREAS--PROGRAMS. (1) The legislature finds that
12 moving those eligible for assistance to self-sustaining employment is
13 a goal of the WorkFirst program. It is the intent of WorkFirst to aid
14 a participant's progress to self-sufficiency by allowing flexibility
15 within the state-wide program to reflect community resources, the local
16 characteristics of the labor market, and the composition of the
17 caseload. Program success will be enhanced through effective
18 coordination at regional and local levels, involving employers, labor
19 representatives, educators, community leaders, local governments, and
20 social service providers.

21 (2) The secretary shall establish WorkFirst service areas for
22 purposes of planning WorkFirst programs and for distributing WorkFirst
23 resources. Service areas shall reflect identifiable labor markets.

24 (3) By July 31st of each odd-numbered year, a plan for the
25 WorkFirst program shall be developed for each service area. The plan
26 shall be prepared in consultation with local and regional sources,
27 adapting the state-wide WorkFirst program to achieve maximum effect for
28 the participants and the communities within which they reside. Local
29 consultation shall include to the greatest extent possible input from
30 local and regional planning bodies for social services and work force
31 development. The regional and local administrator shall consult with
32 employers of various sizes, labor representatives, training and
33 education providers, program participants, economic development
34 organizations, community organizations, tribes, and local governments
35 in the preparation of the service area plan.

36 (4) The secretary shall have final authority in plan approval or
37 modification. Local program implementation may deviate from the state-
38 wide program if specified in a service area plan, as approved by the

1 secretary. The local service area plans may adjust the temporary
2 assistance for needy families cash grant for participants in that area,
3 under RCW 74.04.770, and an adjustment to the grant may not exceed five
4 percent of the state-wide grant established by the secretary. Local
5 administrators may adapt service delivery to reflect local labor market
6 and caseload characteristics, consistent with the service area plan, as
7 approved by the secretary.

8 **Sec. 206.** RCW 74.04.770 and 1983 1st ex.s. c 41 s 38 are each
9 amended to read as follows:

10 The department shall establish consolidated standards of need each
11 fiscal year which may vary by geographical areas, program, and family
12 size, for ~~((aid to families with dependent children))~~ temporary
13 assistance for needy families, refugee assistance, supplemental
14 security income, and general assistance. Standards for ~~((aid to~~
15 ~~families with dependent children))~~ temporary assistance for needy
16 families, refugee assistance, and general assistance shall be based on
17 studies of actual living costs and generally recognized inflation
18 indices and shall include reasonable allowances for shelter, fuel,
19 food, transportation, clothing, household maintenance and operations,
20 personal maintenance, and necessary incidentals. The standard of need
21 may take into account the economies of joint living arrangements, but
22 unless explicitly required by federal statute, there shall not be
23 proration of any portion of assistance grants unless the amount of the
24 grant standard is equal to the standard of need.

25 The department is authorized to establish rateable reductions and
26 grant maximums consistent with federal law. Further, the department
27 may adjust payment standards, within each WorkFirst service area, by up
28 to five percent, either up or down, to reflect labor market conditions,
29 resources needed to support work and mobilize and leverage local
30 resources, or cost-of-living differences within local geographic areas.

31 Payment level will be equal to need or a lesser amount if rateable
32 reductions or grant maximums are imposed. In no case shall a recipient
33 of supplemental security income receive a state supplement less than
34 the minimum required by federal law.

35 The department may establish a separate standard for shelter
36 provided at no cost.

1 NEW SECTION. **Sec. 207.** A new section is added to chapter 74.25
2 RCW to read as follows:

3 WORKER PROTECTIONS. (1) Recipients of public assistance who
4 participate in WorkFirst activities shall be entitled to certain
5 protections as provided in this section. In addition, the department
6 shall ensure, according to the criteria in this section, that existing
7 workers are not displaced from employment as a result of the
8 participation of public assistance recipients in department-mandated or
9 authorized WorkFirst activities.

10 (2) Work positions, paid or unpaid, held by public assistance
11 recipients as a department-authorized WorkFirst activity shall not be
12 created as the result of, nor result in, any of the following:

13 (a) The filling of a position created by termination, layoff, or
14 work force reduction;

15 (b) The filling of positions that would otherwise be promotional
16 opportunities for current employees;

17 (c) The filling of a position before compliance with applicable
18 personnel procedures or provisions of collective bargaining agreements;

19 (d) The filling of a work assignment customarily performed by a
20 worker in a job classification within a recognized collective
21 bargaining unit in that specific work site, or the filling of a work
22 assignment in any bargaining unit in which regular employees are on
23 layoff;

24 (e) A strike, lockout, or other bona fide labor dispute, or
25 violation of any existing collective bargaining agreement between
26 employees and employers; or

27 (f) Decertification of any collective bargaining unit.

28 (3) Participants in WorkFirst activities who receive a wage shall
29 be deemed employees, and as such shall be paid and receive benefits in
30 accordance with local, state, and federal law governing occupational
31 health and safety, minimum wage standards, worker compensation
32 insurance, and unemployment insurance.

33 (4) A participant who does not receive a wage should not be
34 required to participate in WorkFirst activities, other than job search,
35 for a number of hours greater than participant's monthly temporary
36 assistance for needy families benefit divided by the greater of the
37 state or federal minimum wage.

38 (5) Participants in WorkFirst activities who do not receive a wage
39 shall be deemed employees for purposes of medical aid benefits under

1 chapter 51.36 RCW and in accordance with local, state, and federal law
2 shall be covered by appropriate occupational health and safety
3 regulations. The agency or organization that provides the position
4 shall be the employer and, as such any and all premiums or assessments
5 due in relation to such benefits are the obligation of and shall be
6 paid by the agency.

7 (6) Subsection (2) of this section does not apply to public
8 assistance recipients who secure unsubsidized paid employment outside
9 of WorkFirst.

10 (7) WorkFirst employment positions shall not in any way be related
11 to political, electoral, partisan, or religious activities.

12 NEW SECTION. **Sec. 208.** A new section is added to chapter 74.25
13 RCW to read as follows:

14 COMMUNITY JOBS AND SUBSIDIZED EMPLOYMENT PROGRAMS. (1) The
15 department shall establish the community jobs program and the
16 subsidized employment program within WorkFirst to provide recipients of
17 temporary assistance for needy families valuable work experience,
18 increase their labor market participation, and meet business and
19 community needs.

20 (2) The community jobs program shall provide work opportunities
21 through nonprofit corporations. This shall be a mandatory program as
22 determined by the department.

23 (a) The department shall contract with local nonprofit corporations
24 for the operation of these programs. The contractor shall be
25 responsible for identifying work sites, referring recipients to work
26 sites, and providing support for recipients as necessary. The
27 contractor shall be considered the employer of the participant.

28 (b) The contractor shall receive the temporary assistance for needy
29 families recipient's monthly benefit allotment and an additional
30 payment, which together will cover the participant's wages, job
31 development, employee counseling, and administrative costs, including
32 the cost of employer-paid payroll taxes. Industrial insurance and
33 other applicable federal payroll taxes shall be deducted from wages
34 received by the employee.

35 (c) In lieu of a grant from the department, the recipient shall
36 receive wages from the contractor.

37 (d) In identifying recipients to place in the program, the
38 department shall target recipients who have limited prior work

1 experience; have low educational attainment; have children older than
2 two years of age; or have received public assistance for at least six
3 months.

4 (e) A temporary assistance for needy families recipient may
5 participate in the community jobs program for twelve months. At the
6 discretion of the department, the referral to community jobs may be
7 renewed. This section does not exempt the participant from mandatory,
8 ongoing job search requirements.

9 (3) The department may use cash grants as a wage subsidy in order
10 to provide full-time employment opportunities in the private sector for
11 temporary assistance for needy families recipients. In no case will
12 the wage subsidy exceed the value of the cash grant for which the
13 participant would be eligible through temporary assistance for needy
14 families. This shall be a voluntary program and no person will be
15 sanctioned by the department for failure to participate.

16 (a) The department shall adopt rules establishing the criteria for
17 employer participation and the participation of recipients of temporary
18 assistance for needy families in the wage subsidy program. Once the
19 recipient is hired, the wage subsidy shall be authorized for up to nine
20 months.

21 (b) In developing job opportunities through the subsidized
22 employment program, the department shall give priority to jobs with a
23 career ladder or reasonable opportunity for wage increases, either with
24 the subsidized employer or with another employer in the same industrial
25 sector. At the end of the subsidized employment, it is expected that
26 the employee be maintained in full-time, unsubsidized employment by the
27 employer.

28 (4) Participants in the community jobs program and the wage subsidy
29 program shall remain eligible for medical benefits.

30 NEW SECTION. **Sec. 209.** A new section is added to chapter 74.04
31 RCW to read as follows:

32 **OUTCOME MEASURES.** The WorkFirst program shall be evaluated through
33 a limited number of outcome measures designed to hold each region
34 accountable for program success. The outcomes measured used for
35 evaluation shall include:

- 36 (1) Exits through employment;
37 (2) Employment retention rates; measured every six months for up to
38 two years after leaving temporary assistance for needy families;

1 (3) Reduction in average grant through increased recipient
2 earnings; and

3 (4) Number of recipients working part time and full time.

4 NEW SECTION. **Sec. 210.** The following acts or parts of acts are
5 each repealed:

6 (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5;

7 (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126
8 s 6;

9 (3) RCW 74.25.030 and 1991 c 126 s 7;

10 (4) RCW 74.25.040 and 1994 c 299 s 8;

11 (5) RCW 74.25A.005 and 1994 c 299 s 19 & 1986 c 172 s 1;

12 (6) RCW 74.25A.010 and 1994 c 299 s 20 & 1986 c 172 s 2;

13 (7) RCW 74.25A.020 and 1994 c 299 s 21 & 1986 c 172 s 3;

14 (8) RCW 74.25A.030 and 1994 c 299 s 22 & 1986 c 172 s 4;

15 (9) RCW 74.25A.040 and 1986 c 172 s 5;

16 (10) RCW 74.25A.045 and 1994 c 299 s 23;

17 (11) RCW 74.25A.050 and 1994 c 299 s 24 & 1986 c 172 s 6;

18 (12) RCW 74.25A.060 and 1986 c 172 s 7;

19 (13) RCW 74.25A.070 and 1986 c 172 s 8; and

20 (14) RCW 74.25A.080 and 1994 c 299 s 25 & 1986 c 172 s 9.

21 **III. CHILD CARE**

22 NEW SECTION. **Sec. 301.** A new section is added to chapter 74.12
23 RCW to read as follows:

24 CHILD CARE. (1) The department shall administer a child care
25 subsidy program designed to serve families on Washington's WorkFirst
26 program and those families who are at or below one hundred seventy-five
27 percent of the federal poverty level.

28 (2) All families participating in the child care subsidy program
29 shall have access to the child care of their choice. However, the
30 child care providers must comply with applicable licensing rules set by
31 the department if they are required by law to comply with these rules.

32 (3) The department shall establish the eligibility and copayment
33 structure of the child care subsidy program.

34 (4) The department shall administer the program within available
35 funds.

1 IV. IMMIGRANTS

2 NEW SECTION. Sec. 401. A new section is added to chapter 74.08
3 RCW to read as follows:

4 IMMIGRANTS--ELIGIBILITY--GENERALLY. (1) The state shall exercise
5 its option under P.L. 104-193, as amended, to provide benefits and
6 services to legal immigrants under temporary assistance for needy
7 families, medicaid, and social services block grant programs.

8 (2) The department may provide state-funded cash, food, and medical
9 assistance to legal immigrants who are not eligible for federal
10 benefits due to their immigrant status and the provisions of P.L. 104-
11 193.

12 (3) Legal immigrants who are not eligible for the supplemental
13 security income program as a result of P.L. 104-193 are eligible to
14 apply for benefits under the state's general assistance programs. The
15 department shall redetermine income and resource eligibility at least
16 annually, in accordance with existing state policy.

17 NEW SECTION. Sec. 402. A new section is added to chapter 74.08
18 RCW to read as follows:

19 IMMIGRANTS--STATE CASH AND MEDICAL PROGRAMS. (1) The department
20 may provide state-funded cash and medical assistance to legal
21 immigrants including those permanently residing in the United States
22 under color of law who are not eligible under federal law for the
23 temporary assistance for needy families program solely due to their
24 date of entry or their immigration status.

25 (2) Such assistance shall be provided under the same rules and in
26 the same amount as under the temporary assistance for needy families
27 program. Any month in which a family receives such assistance should
28 be considered a month in which the family received temporary assistance
29 for needy families for the purpose of the sixty-month time limit.

30 (3) The department may use state general assistance and state
31 medical care services funds as may be appropriated to provide such
32 benefits.

33 (4) The department may provide state-funded medical care services,
34 including long-term care, to legal immigrants including those
35 permanently residing in the United States under color of law who are
36 not eligible under federal law for the federal medicaid program solely
37 due to their date of entry or their immigration status.

1 NEW SECTION. **Sec. 403.** A new section is added to chapter 74.08
2 RCW to read as follows:

3 IMMIGRANTS--FOOD ASSISTANCE. (1) The department may establish a
4 state-funded food assistance program for legal immigrants who do not
5 qualify for federal food stamps solely due to the immigrant exclusions
6 under P.L. 104-193. The rules and benefit amounts for the state food
7 assistance program shall be the same as in the federal food stamp
8 program.

9 (2) The department shall enter into a contract with the United
10 States department of agriculture to use the existing federal food stamp
11 program coupon system for the purposes of administering the state food
12 assistance program.

13 NEW SECTION. **Sec. 404.** A new section is added to chapter 74.08
14 RCW to read as follows:

15 SPONSOR-DEEMING FOR LEGAL IMMIGRANTS. (1) Except as provided in
16 subsection (2) of this section, in determining the eligibility and
17 amount of benefits for state-funded general assistance or state-funded
18 food stamps, the department may provide that the income and resources
19 of an alien shall be deemed to include the income and resources of any
20 individual, and his or her spouse, who executes an affidavit of support
21 under section 213A of the federal immigration and nationality act on
22 behalf of the alien for a period of five years following the execution
23 of that affidavit of support.

24 (2) The sponsor-deeming provisions of subsection (1) of this
25 section do not apply to the following:

26 (a) An alien who has worked forty qualifying quarters of coverage
27 as defined under Title II of the social security act or can be credited
28 with such qualifying quarters as provided under P.L. 104-193 Sec. 435;

29 (b) An alien who is lawfully residing in any state and is a veteran
30 of, or on active duty in, the armed forces of the United States, or the
31 spouse or unmarried dependent child of such individual;

32 (c) An alien who served in the armed forces of an allied country,
33 or was employed by an agency of the federal government, during a
34 military conflict between the United States and a military adversary;

35 (d) Aliens who are victims of domestic violence and who petition
36 for legal status under the federal violence against women act;

37 (e) For a period not to exceed twelve months, an alien for whom a
38 determination has been made by the department that, in the absence of

1 the assistance provided by the department, the alien would be unable to
2 obtain food and shelter, taking into account the alien's own income
3 plus any cash, food, housing, or other assistance provided by other
4 individuals including the sponsor; and

5 (f) An alien who achieves United States citizenship through
6 naturalization pursuant to chapter 2 of Title III of the immigration
7 and nationality act.

8 NEW SECTION. Sec. 405. A new section is added to chapter 74.08
9 RCW to read as follows:

10 NATURALIZATION FACILITATION. The department shall make an
11 affirmative effort to identify and contact legal immigrants receiving
12 public assistance to facilitate their applications for naturalization.

13 V. STUDIES

14 NEW SECTION. Sec. 501. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
15 STUDIES. (1) The office of financial management shall contract with a
16 qualified and objective research organization to evaluate the critical
17 elements of the program in chapter . . . , Laws of 1997 (this act).
18 Within available funds appropriated for this purpose, the research
19 shall address the impact of the program in promoting self-sufficiency,
20 in reducing poverty, and in improving the well-being of the families in
21 this state. In addition, the evaluation shall specifically examine:

22 (a) The effectiveness of the program design and of the
23 implementation of the program by state agencies in generating community
24 and employer participation to address the employment and family needs
25 of program participants;

26 (b) The impact of such components as wage subsidies and community
27 employment and the roles of private sector and nonprofit employers in
28 promoting unsubsidized employment;

29 (c) Participation by employed recipients and former recipients in
30 the community college or other education and training programs and the
31 impact of such participation;

32 (d) The impact of employment produced by the program on the labor
33 market and on the availability of child care;

34 (e) The effectiveness of employment produced by the program in
35 reducing poverty;

1 (f) The impact of other elements, such as diversion, the state-
2 funded temporary assistance for needy families program, and sanctions
3 in achieving the purposes of this program; and

4 (g) The effect of child support collections on the economic status
5 of recipients of temporary assistance for needy families and successful
6 collection strategies involving these families.

7 The evaluation in this section shall commence on the effective date
8 of this section and shall be completed by June 30, 2001. The office of
9 financial management shall ensure that reports are provided to the
10 legislature annually before the start of the legislative session and
11 that definitive responses to the research questions are available
12 before the start of the 2002 legislative session.

13 (2) Exemption Characteristics. The office of financial management
14 shall contract with a qualified and objective research organization to
15 study carefully the characteristics of adult recipients of temporary
16 assistance for needy families to determine the profile of recipients
17 for whom a hardship exemption to time limits should apply or where it
18 may be in the best interests of the state to broaden eligibility for
19 state-funded temporary assistance for needy families. Specifically,
20 the research shall address the extent and nature of the barriers to
21 independence based upon the personal characteristics of adults in the
22 temporary assistance for needy families program.

23 The office of financial management shall submit a final report on
24 the findings of this research by December 15, 1998. This final report
25 shall include an evaluation of the characteristics of adult recipients,
26 including a careful estimate of the prevalence of serious disability
27 and other barriers that may prevent self-supporting employment. The
28 research shall provide recommendations regarding how best to establish
29 criteria for exemptions to the five-year limit, how to establish
30 whether an adult recipient has satisfied those criteria, and whether
31 and in what ways the criteria for the state-funded program should be
32 narrowed or widened.

33 VI. DATA SHARING

34 NEW SECTION. **Sec. 601.** It is the intent of the legislature to
35 allow the department of social and health services access to employment
36 security department confidential employer wage files, for statistical
37 analysis, research, or evaluation of work force participation of

1 department of social and health services' clients. This information is
2 needed to monitor and evaluate department client outcomes in
3 employment, to fulfill agency performance reporting requirements of
4 chapter 43.88 RCW, for department management in evaluating and planning
5 for changing social needs, and in the effective development and
6 implementation of programs to achieve goals of the department of social
7 and health services. Chapter 50.38 RCW and federal law mandate the use
8 of labor market information, including employment security department
9 payroll and wage files, in the planning, coordination, management,
10 implementation, and evaluation of state programs like those of the
11 department of social and health services. RCW 50.13.060 requires
12 privacy protection of personal records obtained from employment
13 security department confidential employer wage files. Through
14 individual matches with accessed employment security department
15 confidential employer wage files, the department of social and health
16 services shall report only aggregate, statistical, group level data.

17 NEW SECTION. **Sec. 602.** A new section is added to chapter 43.20A
18 RCW to read as follows:

19 The employment security department shall provide to the department
20 of social and health services confidential employer wage files for
21 statistical analysis, research, and evaluation purposes as provided in
22 sections 604 and 605 of this act. The department of social and health
23 services shall limit access of its agency personnel to those
24 professional research and technical information systems personnel
25 needed to produce and analyze wage file data.

26 NEW SECTION. **Sec. 603.** A new section is added to chapter 50.13
27 RCW to read as follows:

28 The employment security department shall provide to the department
29 of social and health services confidential employer wage files for
30 statistical analysis, research, and evaluation purposes as provided in
31 sections 604 and 605 of this act. The department of social and health
32 services shall limit access of its agency personnel to those
33 professional research and technical information systems personnel
34 needed to produce and analyze wage file data.

35 NEW SECTION. **Sec. 604.** A new section is added to chapter 43.20A
36 RCW to read as follows:

1 (1) The information provided by the employment security department
2 under sections 602 and 603 of this act for statistical analysis,
3 research, and evaluation purposes shall be used to measure the work
4 force participation of department clients.

5 (2) The department shall protect the privacy of confidential
6 personal data supplied under sections 602 and 603 of this act
7 consistent with chapter 50.13 RCW and the terms and conditions of a
8 formal data-sharing agreement between the two departments. The misuse
9 or unauthorized use of confidential data supplied by the employment
10 security department is subject to the penalties in RCW 50.13.080.

11 NEW SECTION. **Sec. 605.** A new section is added to chapter 50.13
12 RCW to read as follows:

13 (1) The information provided by the employment security department
14 under sections 602 and 603 of this act for statistical analysis,
15 research, and evaluation purposes shall be used to measure the work
16 force participation of department clients.

17 (2) The department shall protect the privacy of confidential
18 personal data supplied under sections 602 and 603 of this act
19 consistent with chapter 50.13 RCW and the terms and conditions of a
20 formal data-sharing agreement between the two departments. The misuse
21 or unauthorized use of confidential data supplied by the employment
22 security department is subject to the penalties in RCW 50.13.080.

23 **VII. MISCELLANEOUS**

24 NEW SECTION. **Sec. 701.** A new section is added to chapter 74.12
25 RCW to read as follows:

26 EARNINGS DISREGARDS AND EARNED INCOME CUTOFFS. (1) In addition to
27 their monthly benefit payment, a family may earn and keep one-half of
28 its earnings during every month it is eligible to receive assistance
29 under this section.

30 (2) In no event may a family be eligible for temporary assistance
31 for needy families if its monthly gross earned income exceeds the
32 maximum earned income level as set by the department. In calculating
33 a household's gross earnings, the department shall disregard the
34 earnings of a minor child who is:

35 (a) A full-time student; or

1 (b) A part-time student carrying at least half the normal school
2 load and working fewer than thirty-five hours per week.

3 **Sec. 702.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
4 each reenacted and amended to read as follows:

5 For the purposes of this title, unless the context indicates
6 otherwise, the following definitions shall apply:

7 (1) "Public assistance" or "assistance"«Public aid to persons in
8 need thereof for any cause, including services, medical care,
9 assistance grants, disbursing orders, work relief, general assistance
10 and federal-aid assistance.

11 (2) "Department"«The department of social and health services.

12 (3) "County or local office"«The administrative office for one or
13 more counties or designated service areas.

14 (4) "Director" or "secretary" means the secretary of social and
15 health services.

16 (5) "Federal-aid assistance"«The specific categories of assistance
17 for which provision is made in any federal law existing or hereafter
18 passed by which payments are made from the federal government to the
19 state in aid or in respect to payment by the state for public
20 assistance rendered to any category of needy persons for which
21 provision for federal funds or aid may from time to time be made, or a
22 federally administered needs-based program.

23 (6)(a) "General assistance"«Aid to persons in need who:

24 (i) Are not eligible to receive federal-aid assistance, other than
25 food stamps and medical assistance; however, an individual who refuses
26 or fails to cooperate in obtaining federal-aid assistance, without good
27 cause, is not eligible for general assistance;

28 (ii) Meet one of the following conditions:

29 (A) Pregnant: PROVIDED, That need is based on the current income
30 and resource requirements of the federal ~~((aid to families with
31 dependent children))~~ temporary assistance for needy families program(~~(÷
32 PROVIDED FURTHER, That during any period in which an aid for dependent
33 children employable program is not in operation, only those pregnant
34 women who are categorically eligible for medicaid are eligible for
35 general assistance))~~); or

36 (B) Subject to chapter 165, Laws of 1992, incapacitated from
37 gainful employment by reason of bodily or mental infirmity that will

1 likely continue for a minimum of ninety days as determined by the
2 department.

3 (C) Persons who are unemployable due to alcohol or drug addiction
4 are not eligible for general assistance. Persons receiving general
5 assistance on July 26, 1987, or becoming eligible for such assistance
6 thereafter, due to an alcohol or drug-related incapacity, shall be
7 referred to appropriate assessment, treatment, shelter, or supplemental
8 security income referral services as authorized under chapter 74.50
9 RCW. Referrals shall be made at the time of application or at the time
10 of eligibility review. Alcoholic and drug addicted clients who are
11 receiving general assistance on July 26, 1987, may remain on general
12 assistance if they otherwise retain their eligibility until they are
13 assessed for services under chapter 74.50 RCW. Subsection
14 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
15 department from granting general assistance benefits to alcoholics and
16 drug addicts who are incapacitated due to other physical or mental
17 conditions that meet the eligibility criteria for the general
18 assistance program;

19 (iii) Are citizens or aliens lawfully admitted for permanent
20 residence or otherwise residing in the United States under color of
21 law; and

22 (iv) Have furnished the department their social security account
23 number. If the social security account number cannot be furnished
24 because it has not been issued or is not known, an application for a
25 number shall be made prior to authorization of assistance, and the
26 social security number shall be provided to the department upon
27 receipt.

28 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),
29 and (c) of this section, general assistance shall be provided to the
30 following recipients of federal-aid assistance:

31 (i) Recipients of supplemental security income whose need, as
32 defined in this section, is not met by such supplemental security
33 income grant because of separation from a spouse; or

34 (ii) To the extent authorized by the legislature in the biennial
35 appropriations act, to recipients of ~~((aid to families with dependent
36 children))~~ temporary assistance for needy families whose needs are not
37 being met because of a temporary reduction in monthly income below the
38 entitled benefit payment level caused by loss or reduction of wages or
39 unemployment compensation benefits or some other unforeseen

1 circumstances. The amount of general assistance authorized shall not
2 exceed the difference between the entitled benefit payment level and
3 the amount of income actually received.

4 (c) General assistance shall be provided only to persons who are
5 not members of assistance units receiving federal aid assistance,
6 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,
7 and will accept available services which can reasonably be expected to
8 enable the person to work or reduce the need for assistance unless
9 there is good cause to refuse. Failure to accept such services shall
10 result in termination until the person agrees to cooperate in accepting
11 such services and subject to the following maximum periods of
12 ineligibility after reapplication:

13 (i) First failure: One week;

14 (ii) Second failure within six months: One month;

15 (iii) Third and subsequent failure within one year: Two months.

16 (d) Persons found eligible for general assistance based on
17 incapacity from gainful employment may, if otherwise eligible, receive
18 general assistance pending application for federal supplemental
19 security income benefits. Any general assistance that is subsequently
20 duplicated by the person's receipt of supplemental security income for
21 the same period shall be considered a debt due the state and shall by
22 operation of law be subject to recovery through all available legal
23 remedies.

24 (e) The department shall adopt by rule medical criteria for general
25 assistance eligibility to ensure that eligibility decisions are
26 consistent with statutory requirements and are based on clear,
27 objective medical information.

28 (f) The process implementing the medical criteria shall involve
29 consideration of opinions of the treating or consulting physicians or
30 health care professionals regarding incapacity, and any eligibility
31 decision which rejects uncontroverted medical opinion must set forth
32 clear and convincing reasons for doing so.

33 (g) Recipients of general assistance based upon a finding of
34 incapacity from gainful employment who remain otherwise eligible shall
35 not have their benefits terminated absent a clear showing of material
36 improvement in their medical or mental condition or specific error in
37 the prior determination that found the recipient eligible by reason of
38 incapacitation. Recipients of general assistance based upon pregnancy
39 who relinquish their child for adoption, remain otherwise eligible, and

1 are not eligible to receive benefits under the federal (~~aid to~~
2 ~~families with dependent children~~) temporary assistance for needy
3 families program shall not have their benefits terminated until the end
4 of the month in which the period of six weeks following the birth of
5 the recipient's child falls. Recipients of the federal (~~aid to~~
6 ~~families with dependent children~~) temporary assistance for needy
7 families program who lose their eligibility solely because of the birth
8 and relinquishment of the qualifying child may receive general
9 assistance through the end of the month in which the period of six
10 weeks following the birth of the child falls.

11 (7) "Applicant"«Any person who has made a request, or on behalf of
12 whom a request has been made, to any county or local office for
13 assistance.

14 (8) "Recipient"«Any person receiving assistance and in addition
15 those dependents whose needs are included in the recipient's
16 assistance.

17 (9) "Standards of assistance"«The level of income required by an
18 applicant or recipient to maintain a level of living specified by the
19 department.

20 (10) "Resource"«Any asset, tangible or intangible, owned by or
21 available to the applicant at the time of application, which can be
22 applied toward meeting the applicant's need, either directly or by
23 conversion into money or its equivalent: PROVIDED, That an applicant
24 may retain the following described resources and not be ineligible for
25 public assistance because of such resources.

26 (a) A home, which is defined as real property owned and used by an
27 applicant or recipient as a place of residence, together with a
28 reasonable amount of property surrounding and contiguous thereto, which
29 is used by and useful to the applicant. Whenever a recipient shall
30 cease to use such property for residential purposes, either for himself
31 or his dependents, the property shall be considered as a resource which
32 can be made available to meet need, and if the recipient or his
33 dependents absent themselves from the home for a period of ninety
34 consecutive days such absence, unless due to hospitalization or health
35 reasons or a natural disaster, shall raise a rebuttable presumption of
36 abandonment: PROVIDED, That if in the opinion of three physicians the
37 recipient will be unable to return to the home during his lifetime, and
38 the home is not occupied by a spouse or dependent children or disabled

1 sons or daughters, such property shall be considered as a resource
2 which can be made available to meet need.

3 (b) Household furnishings and personal effects and other personal
4 property having great sentimental value to the applicant or recipient,
5 as limited by the department consistent with limitations on resources
6 and exemptions for federal aid assistance.

7 (c) A motor vehicle, other than a motor home, used and useful
8 having an equity value not to exceed one thousand five hundred dollars.
9 Recipients of temporary assistance for needy families may retain a
10 motor vehicle, other than a motor home, used and useful having an
11 equity value not to exceed five thousand dollars.

12 (d) All other resources, including any excess of values exempted,
13 not to exceed one thousand dollars or other limit as set by the
14 department, to be consistent with limitations on resources and
15 exemptions necessary for federal aid assistance. The department shall
16 also allow recipients of temporary assistance for needy families to
17 exempt savings accounts with combined balances of up to an additional
18 three thousand dollars.

19 (e) Applicants for or recipients of general assistance shall have
20 their eligibility based on resource limitations consistent with the
21 ~~((aid to families with dependent children))~~ temporary assistance for
22 needy families program rules adopted by the department.

23 (f) If an applicant for or recipient of public assistance possesses
24 property and belongings in excess of the ceiling value, such value
25 shall be used in determining the need of the applicant or recipient,
26 except that: (i) The department may exempt resources or income when
27 the income and resources are determined necessary to the applicant's or
28 recipient's restoration to independence, to decrease the need for
29 public assistance, or to aid in rehabilitating the applicant or
30 recipient or a dependent of the applicant or recipient; and (ii) the
31 department may provide grant assistance for a period not to exceed nine
32 months from the date the agreement is signed pursuant to this section
33 to persons who are otherwise ineligible because of excess real property
34 owned by such persons when they are making a good faith effort to
35 dispose of that property: PROVIDED, That:

36 (A) The applicant or recipient signs an agreement to repay the
37 lesser of the amount of aid received or the net proceeds of such sale;

38 (B) If the owner of the excess property ceases to make good faith
39 efforts to sell the property, the entire amount of assistance may

1 become an overpayment and a debt due the state and may be recovered
2 pursuant to RCW 43.20B.630;

3 (C) Applicants and recipients are advised of their right to a fair
4 hearing and afforded the opportunity to challenge a decision that good
5 faith efforts to sell have ceased, prior to assessment of an
6 overpayment under this section; and

7 (D) At the time assistance is authorized, the department files a
8 lien without a sum certain on the specific property.

9 (11) "Income"«(a) All appreciable gains in real or personal
10 property (cash or kind) or other assets, which are received by or
11 become available for use and enjoyment by an applicant or recipient
12 during the month of application or after applying for or receiving
13 public assistance. The department may by rule and regulation exempt
14 income received by an applicant for or recipient of public assistance
15 which can be used by him to decrease his need for public assistance or
16 to aid in rehabilitating him or his dependents, but such exemption
17 shall not, unless otherwise provided in this title, exceed the
18 exemptions of resources granted under this chapter to an applicant for
19 public assistance. In determining the amount of assistance to which an
20 applicant or recipient of ~~((aid to families with dependent children))~~
21 temporary assistance for needy families is entitled, the department is
22 hereby authorized to disregard as a resource or income the earned
23 income exemptions consistent with federal requirements. The department
24 may permit the above exemption of earnings of a child to be retained by
25 such child to cover the cost of special future identifiable needs even
26 though the total exceeds the exemptions or resources granted to
27 applicants and recipients of public assistance, but consistent with
28 federal requirements. In formulating rules and regulations pursuant to
29 this chapter, the department shall define income and resources and the
30 availability thereof, consistent with federal requirements. All
31 resources and income not specifically exempted, and any income or other
32 economic benefit derived from the use of, or appreciation in value of,
33 exempt resources, shall be considered in determining the need of an
34 applicant or recipient of public assistance.

35 (b) If, under applicable federal requirements, the state has the
36 option of considering property in the form of lump sum compensatory
37 awards or related settlements received by an applicant or recipient as
38 income or as a resource, the department shall consider such property to
39 be a resource.

1 (12) "Need"«The difference between the applicant's or recipient's
2 standards of assistance for himself and the dependent members of his
3 family, as measured by the standards of the department, and value of
4 all nonexempt resources and nonexempt income received by or available
5 to the applicant or recipient and the dependent members of his family.

6 (13) For purposes of determining eligibility for public assistance
7 and participation levels in the cost of medical care, the department
8 shall exempt restitution payments made to people of Japanese and Aleut
9 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
10 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
11 including all income and resources derived therefrom.

12 (14) In the construction of words and phrases used in this title,
13 the singular number shall include the plural, the masculine gender
14 shall include both the feminine and neuter genders and the present
15 tense shall include the past and future tenses, unless the context
16 thereof shall clearly indicate to the contrary.

17 NEW SECTION. **Sec. 703.** A new section is added to chapter 74.12
18 RCW to read as follows:

19 PATERNITY ESTABLISHMENT. In order to be eligible for temporary
20 assistance for needy families, applicants shall, at the time of
21 application for assistance, provide the names of both parents of their
22 child or children, whether born or unborn, unless the applicant meets
23 good cause criteria for refusing such identification.

24 NEW SECTION. **Sec. 704.** A new section is added to chapter 74.12
25 RCW to read as follows:

26 TRIBAL TEMPORARY ASSISTANCE FOR NEEDY FAMILIES. (1) The department
27 may (a) coordinate with and cooperate with eligible Indian tribes that
28 elect to operate a tribal temporary assistance for needy families
29 program as provided for in P.L. 104-193; and (b) upon approval by the
30 secretary of the federal department of health and human services of a
31 tribal temporary assistance for needy families program, transfer a fair
32 and equitable amount of the state maintenance of effort funds to the
33 eligible Indian tribe.

34 (2) An eligible Indian tribe exercising its authority under P.L.
35 104-193 to operate a tribal temporary assistance for needy families
36 program as a condition of receiving state maintenance of effort funds
37 shall operate the program on a state fiscal year basis. If a tribe

1 decides to cancel a tribal temporary assistance for needy families
2 program, it shall notify the department no later than ninety days
3 before the start of the state fiscal year.

4 NEW SECTION. **Sec. 705.** A new section is added to chapter 50.40
5 RCW to read as follows:

6 (1) An individual filing a new claim for unemployment compensation
7 shall, at the time of filing the claim, disclose whether or not the
8 individual owes an uncollected overissuance of food stamps as defined
9 under subsection (7) of this section. If the individual discloses that
10 he or she owes an uncollected overissuance of food stamps and is
11 determined to be eligible for unemployment compensation, the
12 commissioner shall notify the state food stamp agency enforcing those
13 obligations that the individual has been determined to be eligible for
14 unemployment compensation.

15 (2) The commissioner shall deduct and withhold from any
16 unemployment compensation payable to an individual who owes an
17 uncollected overissuance of food stamps as defined under subsection (7)
18 of this section:

19 (a) The amount specified by the individual to the commissioner to
20 be deducted and withheld under this subsection, if neither (b) nor (c)
21 of this subsection is applicable;

22 (b) The amount, if any, determined pursuant to an agreement
23 submitted to the state food stamp agency under section 13(c)(3)(A) of
24 the food stamp act of 1977; or

25 (c) Any amount otherwise required to be so deducted and withheld
26 from such unemployment compensation pursuant section 13(c)(3)(B) of the
27 food stamp act of 1977.

28 (3) Any amount deducted and withheld under subsection (2) of this
29 section shall be paid by the commissioner to the appropriate state food
30 stamp agency.

31 (4) Any amount deducted and withheld under subsection (2) of this
32 section shall be treated for all purposes as if it were paid to the
33 individual as unemployment compensation and paid by that individual to
34 the state food stamp agency in satisfaction of the individual's
35 uncollected overissuance.

36 (5) For the purposes of this section, "unemployment compensation"
37 means any compensation payable under this chapter including amounts
38 payable by the commissioner under an agreement under any federal law

1 providing for compensation, assistance, or allowances with respect to
2 unemployment.

3 (6) This section applies only if appropriate arrangements have been
4 made for reimbursement by the state food stamp agency for the
5 administrative costs incurred by the commissioner under this section
6 which are attributable to the repayment of uncollected overissuance to
7 the state food stamp agency.

8 (7) "Uncollected overissuances of food stamps" as used in this
9 section means only those obligations which are being enforced pursuant
10 to section 13(c)(1) of the food stamp act of 1977.

11 (8) This section applies only if arrangements have been made for
12 reimbursement by the state food stamp agency for the administrative
13 costs incurred by the commissioner under this section which are
14 attributable to the state food stamp agency.

15 VIII. LICENSE SUSPENSION

16 NEW SECTION. **Sec. 801.** It is the intent of the legislature to
17 provide a strong incentive for persons owing child support to make
18 timely payments, and to cooperate with the department of social and
19 health services to establish an appropriate schedule for the payment of
20 any arrears. To further ensure that child support obligations are met,
21 sections 802 through 898 of this act establish a program by which
22 certain licenses may be suspended or not renewed if a person is one
23 hundred eighty days or more in arrears on child support payments.

24 In the implementation and management of this program, it is the
25 legislature's intent that the objective of the department of social and
26 health services be to obtain payment in full of arrears, or where that
27 is not possible, to enter into agreements with delinquent obligors to
28 make timely support payments and make reasonable payments towards the
29 arrears. The legislature intends that if the obligor refuses to
30 cooperate in establishing a fair and reasonable payment schedule for
31 arrears or refuses to make timely support payments, the department
32 shall proceed with certification to a licensing entity or the
33 department of licensing that the person is not in compliance with a
34 child support order.

35 NEW SECTION. **Sec. 802.** A new section is added to chapter 74.20A
36 RCW to read as follows:

1 (1) The department may serve upon a responsible parent a notice
2 informing the responsible parent of the department's intent to submit
3 the parent's name to the department of licensing and any appropriate
4 licensing entity as a licensee who is not in compliance with a child
5 support order. The department shall attach a copy of the responsible
6 parent's child support order to the notice. Service of the notice must
7 be by certified mail, return receipt requested. If service by
8 certified mail is not successful, service shall be by personal service.

9 (2) The notice of noncompliance must include the address and
10 telephone number of the department's division of child support office
11 that issues the notice and must inform the responsible parent that:

12 (a) The parent may request an adjudicative proceeding to contest
13 the issue of compliance. The only issues that may be considered at the
14 adjudicative proceeding are whether the parent is required to pay child
15 support under a child support order and whether the parent is in
16 compliance with that order;

17 (b) A request for an adjudicative proceeding shall be in writing
18 and must be received by the department within twenty days of the date
19 of service of the notice;

20 (c) If the parent requests an adjudicative proceeding within twenty
21 days of service, the department will stay action to certify the parent
22 to the department of licensing and any licensing entity for
23 noncompliance with a child support order pending entry of a written
24 decision after the adjudicative proceeding;

25 (d) If the parent does not request an adjudicative proceeding
26 within twenty days of service and remains in noncompliance with a child
27 support order, the department will certify the parent's name to the
28 department of licensing and any appropriate licensing entity for
29 noncompliance with a child support order;

30 (e) The department will stay action to certify the parent to the
31 department of licensing and any licensing entity for noncompliance if
32 the parent agrees to make timely payments of current support and agrees
33 to a reasonable payment schedule for payment of the arrears. It is the
34 parent's responsibility to contact in person or by mail the
35 department's division of child support office indicated on the notice
36 within twenty days of service of the notice to arrange for a payment
37 schedule. The department may stay certification for up to thirty days
38 after contact from a parent to arrange for a payment schedule;

1 (f) If the department certifies the responsible parent to the
2 department of licensing and a licensing entity for noncompliance with
3 a child support order, the licensing entity will suspend or not renew
4 the parent's license and the department of licensing will suspend or
5 not renew any driver's license that the parent holds until the parent
6 provides the department of licensing and the licensing entity with a
7 release from the department stating that the responsible parent is in
8 compliance with the child support order;

9 (g) Suspension of a license will affect insurability if the
10 responsible parent's insurance policy excludes coverage for acts
11 occurring after the suspension of a license;

12 (h) If after receiving the notice of noncompliance with a child
13 support order, the responsible parent files a motion to modify support
14 with the court or requests the department to amend a support obligation
15 established by an administrative decision, the department or the court
16 may stay action to certify the parent to the department of licensing
17 and any licensing entity for noncompliance with a child support order.
18 The responsible parent has the obligation to notify the department that
19 a modification proceeding is pending and provide a copy of the motion
20 or request for modification; and

21 (i) If the responsible parent subsequently becomes in compliance
22 with the child support order, the department will promptly provide the
23 parent with a release stating that the parent is in compliance with the
24 order, and the parent may request that the licensing entity or the
25 department of licensing reinstate the suspended license.

26 (3) A responsible parent may request an adjudicative proceeding
27 upon service of the notice described in subsection (1) of this section.
28 The request for an adjudicative proceeding must be received by the
29 department within twenty days of service. The request must be in
30 writing and indicate the current mailing address and daytime phone
31 number, if available, of the responsible parent. The proceedings under
32 this subsection shall be conducted in accordance with the requirements
33 of chapter 34.05 RCW. The issues that may be considered at the
34 adjudicative proceeding are limited to whether:

35 (a) The person named as the responsible parent is the responsible
36 parent;

37 (b) The responsible parent is required to pay child support under
38 a child support order; and

39 (c) The responsible parent is in compliance with the order.

1 (4) The decision resulting from the adjudicative proceeding must be
2 in writing and inform the responsible parent of his or her rights to
3 review. The parent's copy of the decision may be sent by regular mail
4 to the parent's most recent address of record.

5 (5) If a responsible parent contacts the department's division of
6 child support office indicated on the notice of noncompliance within
7 twenty days of service of the notice and requests arrangement of a
8 payment schedule, the department shall stay the certification of
9 noncompliance during negotiation of the schedule for payment of
10 arrears. In no event shall the stay continue for more than thirty days
11 from the date of contact by the parent. The department shall make good
12 faith efforts to establish a schedule for payment of arrears that is
13 fair and reasonable, and that considers the financial situation of the
14 responsible parent and the needs of all children who rely on the
15 responsible parent for support. At the end of the thirty days, if no
16 payment schedule has been agreed to in writing, the department shall
17 proceed with certification of noncompliance.

18 (6) If a responsible parent timely requests an adjudicative
19 proceeding pursuant to subsection (4) of this section, the department
20 may not certify the name of the parent to the department of licensing
21 or a licensing entity for noncompliance with a child support order
22 unless the adjudicative proceeding results in a finding that the
23 responsible parent is not in compliance with the order.

24 (7) The department may certify to the department of licensing and
25 any appropriate licensing entity the name of a responsible parent who
26 is not in compliance with a child support order if:

27 (a) The responsible parent does not timely request an adjudicative
28 proceeding upon service of a notice issued under subsection (1) of this
29 section and is not in compliance with a child support order twenty-one
30 days after service of the notice;

31 (b) An adjudicative proceeding results in a decision that the
32 responsible parent is not in compliance with a child support order;

33 (c) The court enters a judgment on a petition for judicial review
34 that finds the responsible parent is not in compliance with a child
35 support order;

36 (d) The department and the responsible parent have been unable to
37 agree on a fair and reasonable schedule of payment of the arrears; or

38 (e) The responsible parent fails to comply with a payment schedule
39 established pursuant to subsection (5) of this section.

1 The department shall send by regular mail a copy of any
2 certification of noncompliance filed with the department of licensing
3 or a licensing entity to the responsible parent at the responsible
4 parent's most recent address of record.

5 (8) The department of licensing and a licensing entity shall,
6 without undue delay, notify a responsible parent certified by the
7 department under subsection (7) of this section that the parent's
8 driver's license or other license has been suspended because the
9 parent's name has been certified by the department as a responsible
10 parent who is not in compliance with a child support order.

11 (9) When a responsible parent who is served notice under subsection
12 (1) of this section subsequently complies with the child support order,
13 the department shall promptly provide the parent with a release stating
14 that the responsible parent is in compliance with the order. A copy of
15 the release shall be transmitted by the department to the appropriate
16 licensing entities.

17 (10) The department may adopt rules to implement and enforce the
18 requirements of this section.

19 (11) Nothing in this section prohibits a responsible parent from
20 filing a motion to modify support with the court or from requesting the
21 department to amend a support obligation established by an
22 administrative decision. If there is a reasonable likelihood that the
23 motion or request will significantly change the amount of the child
24 support obligation, the department or the court may stay action to
25 certify the responsible parent to the department of licensing and any
26 licensing entity for noncompliance with a child support order. The
27 responsible parent has the obligation to notify the department that a
28 modification proceeding is pending and provide a copy of the motion or
29 request for modification.

30 (12) The department of licensing and a licensing entity may issue,
31 renew, reinstate, or otherwise extend a license in accordance with the
32 licensing entity's or the department of licensing's rules after the
33 licensing entity or the department of licensing receives a copy of the
34 release specified in subsection (9) of this section. The department of
35 licensing and a licensing entity may waive any applicable requirement
36 for reissuance, renewal, or other extension if it determines that the
37 imposition of that requirement places an undue burden on the person and
38 that waiver of the requirement is consistent with the public interest.

1 (13) The procedures in chapter . . . , Laws of 1997 (this act),
2 constitute the exclusive administrative remedy for contesting the
3 establishment of noncompliance with a child support order and
4 suspension of a license under this section, and satisfy the
5 requirements of RCW 34.05.422.

6 NEW SECTION. **Sec. 803.** A new section is added to chapter 74.20A
7 RCW to read as follows:

8 (1) The department and all of the various licensing entities
9 subject to section 802 of this act shall enter into such agreements as
10 are necessary to carry out the requirements of the license suspension
11 program established in section 802 of this act.

12 (2) The department and all licensing entities subject to section
13 802 of this act shall compare data to identify responsible parents who
14 may be subject to the provisions of chapter . . . , Laws of 1997 (this
15 act). The comparison may be conducted electronically, or by any other
16 means that is jointly agreeable between the department and the
17 particular licensing entity. The data shared shall be limited to those
18 items necessary to implementation of chapter . . . , Laws of 1997 (this
19 act). The purpose of the comparison shall be to identify current
20 licensees who are not in compliance with a child support order, and to
21 provide to the department the following information regarding those
22 licensees:

- 23 (a) Name;
- 24 (b) Date of birth;
- 25 (c) Address of record;
- 26 (d) Federal employer identification number and social security
27 number;
- 28 (e) Type of license;
- 29 (f) Effective date of license or renewal;
- 30 (g) Expiration date of license; and
- 31 (h) Active or inactive status.

32 NEW SECTION. **Sec. 804.** A new section is added to chapter 74.20A
33 RCW to read as follows:

34 In furtherance of the public policy of increasing collection of
35 child support and to assist in evaluation of the program established in
36 section 802 of this act, the department shall report the following to

1 the legislature and the governor on December 1, 1998, and annually
2 thereafter:

3 (1) The number of responsible parents identified as licensees
4 subject to section 802 of this act;

5 (2) The number of responsible parents identified by the department
6 as not in compliance with a child support order;

7 (3) The number of notices of noncompliance served upon responsible
8 parents by the department;

9 (4) The number of responsible parents served a notice of
10 noncompliance who request an adjudicative proceeding;

11 (5) The number of adjudicative proceedings held, and the results of
12 the adjudicative proceedings;

13 (6) The number of responsible parents certified to the department
14 of licensing or licensing entities for noncompliance with a child
15 support order, and the number of each type of licenses that were
16 suspended;

17 (7) The costs incurred in the implementation and enforcement of
18 section 802 of this act and an estimate of the amount of child support
19 collected due to the department under section 802 of this act;

20 (8) Any other information regarding this program that the
21 department feels will assist in evaluation of the program;

22 (9) Recommendations for the addition of specific licenses in the
23 program or exclusion of specific licenses from the program, and reasons
24 for such recommendations; and

25 (10) Any recommendations for statutory changes necessary for the
26 cost-effective management of the program.

27 **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
28 amended to read as follows:

29 Unless a different meaning is plainly required by the context, the
30 following words and phrases as hereinafter used in this chapter and
31 chapter 74.20 RCW shall have the following meanings:

32 (1) "Department" means the state department of social and health
33 services.

34 (2) "Secretary" means the secretary of the department of social and
35 health services, (~~his~~) the secretary's designee or authorized
36 representative.

37 (3) "Dependent child" means any person:

1 (a) Under the age of eighteen who is not self-supporting, married,
2 or a member of the armed forces of the United States; or

3 (b) Over the age of eighteen for whom a court order for support
4 exists.

5 (4) "Support obligation" means the obligation to provide for the
6 necessary care, support, and maintenance, including medical expenses,
7 of a dependent child or other person as required by statutes and the
8 common law of this or another state.

9 (5) "Superior court order" means any judgment, decree, or order of
10 the superior court of the state of Washington, or a court of comparable
11 jurisdiction of another state, establishing the existence of a support
12 obligation and ordering payment of a set or determinable amount of
13 support moneys to satisfy the support obligation. For purposes of RCW
14 74.20A.055, orders for support which were entered under the uniform
15 reciprocal enforcement of support act by a state where the responsible
16 parent no longer resides shall not preclude the department from
17 establishing an amount to be paid as current and future support.

18 (6) "Administrative order" means any determination, finding,
19 decree, or order for support pursuant to RCW 74.20A.055, or by an
20 agency of another state pursuant to a substantially similar
21 administrative process, establishing the existence of a support
22 obligation and ordering the payment of a set or determinable amount of
23 support moneys to satisfy the support obligation.

24 (7) "Responsible parent" means a natural parent, adoptive parent,
25 or stepparent of a dependent child or a person who has signed an
26 affidavit acknowledging paternity which has been filed with the state
27 office of vital statistics and includes the parent of an unmarried
28 minor with a child.

29 (8) "Stepparent" means the present spouse of the person who is
30 either the mother, father, or adoptive parent of a dependent child, and
31 such status shall exist until terminated as provided for in RCW
32 26.16.205.

33 (9) "Support moneys" means any moneys or in-kind providings paid to
34 satisfy a support obligation whether denominated as child support,
35 spouse support, alimony, maintenance, or any other such moneys intended
36 to satisfy an obligation for support of any person or satisfaction in
37 whole or in part of arrears or delinquency on such an obligation.

38 (10) "Support debt" means any delinquent amount of support moneys
39 which is due, owing, and unpaid under a superior court order or an

1 administrative order, a debt for the payment of expenses for the
2 reasonable or necessary care, support, and maintenance, including
3 medical expenses, of a dependent child or other person for whom a
4 support obligation is owed; or a debt under RCW 74.20A.100 or
5 74.20A.270. Support debt also includes any accrued interest, fees, or
6 penalties charged on a support debt, and attorneys fees and other costs
7 of litigation awarded in an action to establish and enforce a support
8 obligation or debt.

9 (11) "State" means any state or political subdivision, territory,
10 or possession of the United States, the District of Columbia, and the
11 Commonwealth of Puerto Rico.

12 (12) "Account" means a demand deposit account, checking or
13 negotiable withdrawal order account, savings account, time deposit
14 account, or money-market mutual fund account.

15 (13) "Child support order" means a superior court order or an
16 administrative order.

17 (14) "Financial institution" means:

18 (a) A depository institution, as defined in section 3(c) of the
19 federal deposit insurance act;

20 (b) An institution-affiliated party, as defined in section 3(u) of
21 the federal deposit insurance act;

22 (c) Any federal or state credit union, as defined in section 101 of
23 the federal credit union act, including an institution-affiliated party
24 of such credit union, as defined in section 206(r) of the federal
25 deposit insurance act; or

26 (d) Any benefit association, insurance company, safe deposit
27 company, money-market mutual fund, or similar entity.

28 (15) "License" means a license, certificate, registration, permit,
29 approval, or other similar document issued by a licensing entity to a
30 licensee evidencing admission to or granting authority to engage in a
31 profession, occupation, business, industry, recreational pursuit, or
32 the operation of a motor vehicle.

33 (16) "Licensee" means any individual holding a license,
34 certificate, registration, permit, approval, or other similar document
35 issued by a licensing entity evidencing admission to or granting
36 authority to engage in a profession, occupation, business, industry,
37 recreational pursuit, or the operation of a motor vehicle.

38 (17) "Licensing entity" includes any department, board, commission,
39 or other organization authorized to issue, renew, suspend, or revoke a

1 license authorizing an individual to engage in a business, occupation,
2 profession, industry, recreational pursuit, or the operation of a motor
3 vehicle, and includes the Washington state supreme court, to the extent
4 that a rule has been adopted by the court to implement suspension of
5 licenses related to the practice of law.

6 (18) "Noncompliance with a child support order" for the purposes of
7 the license suspension program authorized under section 802 of this act
8 means a responsible parent has:

9 (a) Accumulated arrears totaling more than six months of child
10 support payments;

11 (b) Failed to make payments pursuant to a written agreement with
12 the department towards a support arrearage in an amount that exceeds
13 six months of payments; or

14 (c) Failed to make payments required by a superior court order or
15 administrative order towards a support arrearage in an amount that
16 exceeds six months of payments.

17 **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to
18 read as follows:

19 The department is authorized to suspend the license of a driver
20 upon a showing by its records or other sufficient evidence that the
21 licensee:

22 (1) Has committed an offense for which mandatory revocation or
23 suspension of license is provided by law;

24 (2) Has, by reckless or unlawful operation of a motor vehicle,
25 caused or contributed to an accident resulting in death or injury to
26 any person or serious property damage;

27 (3) Has been convicted of offenses against traffic regulations
28 governing the movement of vehicles, or found to have committed traffic
29 infractions, with such frequency as to indicate a disrespect for
30 traffic laws or a disregard for the safety of other persons on the
31 highways;

32 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
33 ((~~or~~))

34 (5) Has failed to respond to a notice of traffic infraction, failed
35 to appear at a requested hearing, violated a written promise to appear
36 in court, or has failed to comply with the terms of a notice of traffic
37 infraction or citation, as provided in RCW 46.20.289; ((~~or~~))

1 (6) Has committed one of the prohibited practices relating to
2 drivers' licenses defined in RCW 46.20.336; or

3 (7) Has been certified by the department of social and health
4 services as a person who is not in compliance with a child support
5 order as provided in section 802 of this act.

6 **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to
7 read as follows:

8 (1) The department shall not suspend a driver's license or
9 privilege to drive a motor vehicle on the public highways for a fixed
10 period of more than one year, except as specifically permitted under
11 RCW 46.20.342 or other provision of law. Except for a suspension under
12 RCW 46.20.289 ((and)), 46.20.291(5), or section 802 of this act,
13 whenever the license or driving privilege of any person is suspended by
14 reason of a conviction, a finding that a traffic infraction has been
15 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
16 or 46.20.308, the suspension shall remain in effect until the person
17 gives and thereafter maintains proof of financial responsibility for
18 the future as provided in chapter 46.29 RCW. If the suspension is the
19 result of a violation of RCW 46.61.502 or 46.61.504, the department
20 shall determine the person's eligibility for licensing based upon the
21 reports provided by the alcoholism agency or probation department
22 designated under RCW 46.61.5056 and shall deny reinstatement until
23 enrollment and participation in an approved program has been
24 established and the person is otherwise qualified. Whenever the
25 license or driving privilege of any person is suspended as a result of
26 certification of noncompliance with a child support order under chapter
27 74.20A RCW, the suspension shall remain in effect until the person
28 provides a release issued by the department of social and health
29 services stating that the person is in compliance with the order. The
30 department shall not issue to the person a new, duplicate, or renewal
31 license until the person pays a reissue fee of twenty dollars. If the
32 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
33 or is the result of administrative action under RCW 46.20.308, the
34 reissue fee shall be fifty dollars.

35 (2) Any person whose license or privilege to drive a motor vehicle
36 on the public highways has been revoked, unless the revocation was for
37 a cause which has been removed, is not entitled to have the license or
38 privilege renewed or restored until: (a) After the expiration of one

1 year from the date the license or privilege to drive was revoked; (b)
2 after the expiration of the applicable revocation period provided by
3 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
4 persons convicted of vehicular homicide; or (d) after the expiration of
5 the applicable revocation period provided by RCW 46.20.265. After the
6 expiration of the appropriate period, the person may make application
7 for a new license as provided by law together with a reissue fee in the
8 amount of twenty dollars, but if the revocation is the result of a
9 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
10 shall be fifty dollars. If the revocation is the result of a violation
11 of RCW 46.61.502 or 46.61.504, the department shall determine the
12 person's eligibility for licensing based upon the reports provided by
13 the alcoholism agency or probation department designated under RCW
14 46.61.5056 and shall deny reissuance of a license, permit, or privilege
15 to drive until enrollment and participation in an approved program has
16 been established and the person is otherwise qualified. Except for a
17 revocation under RCW 46.20.265, the department shall not then issue a
18 new license unless it is satisfied after investigation of the driving
19 ability of the person that it will be safe to grant the privilege of
20 driving a motor vehicle on the public highways, and until the person
21 gives and thereafter maintains proof of financial responsibility for
22 the future as provided in chapter 46.29 RCW. For a revocation under
23 RCW 46.20.265, the department shall not issue a new license unless it
24 is satisfied after investigation of the driving ability of the person
25 that it will be safe to grant that person the privilege of driving a
26 motor vehicle on the public highways.

27 (3) Whenever the driver's license of any person is suspended
28 pursuant to Article IV of the nonresident violators compact or RCW
29 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
30 to the person any new or renewal license until the person pays a
31 reissue fee of twenty dollars. If the suspension is the result of a
32 violation of the laws of this or any other state, province, or other
33 jurisdiction involving (a) the operation or physical control of a motor
34 vehicle upon the public highways while under the influence of
35 intoxicating liquor or drugs, or (b) the refusal to submit to a
36 chemical test of the driver's blood alcohol content, the reissue fee
37 shall be fifty dollars.

1 NEW SECTION. **Sec. 808.** A new section is added to chapter 48.22
2 RCW to read as follows:

3 If a motor vehicle liability insurance policy contains any
4 provision excluding insurance coverage for an unlicensed driver, such
5 provision shall not apply for ninety days from the date of suspension
6 in the event that the department of licensing suspends a driver's
7 license solely for the nonpayment of child support as provided in
8 chapter 74.20A RCW.

9 NEW SECTION. **Sec. 809.** ATTORNEYS. The legislature intends that
10 the license suspension program established in chapter 74.20A RCW be
11 implemented fairly to ensure that child support obligations are met.
12 However, being mindful of the separations of powers and
13 responsibilities among the branches of government, the legislature
14 strongly encourages the state supreme court to adopt rules providing
15 for suspension and denial of licenses related to the practice of law to
16 those individuals who are in noncompliance with a support order.

17 NEW SECTION. **Sec. 810.** A new section is added to chapter 2.48 RCW
18 to read as follows:

19 ATTORNEYS. The Washington state supreme court may provide by rule
20 that no person who has been certified by the department of social and
21 health services as a person who is in noncompliance with a support
22 order as provided in section 802 of this act may be admitted to the
23 practice of law in this state, and that any member of the Washington
24 state bar association who has been certified by the department of
25 social and health services as a person who is in noncompliance with a
26 support order as provided in section 802 of this act shall be
27 immediately suspended from membership. The court's rules may provide
28 for review of an application for admission or reinstatement of
29 membership after the department of social and health services has
30 issued a release stating that the person is in compliance with the
31 order.

32 NEW SECTION. **Sec. 811.** A new section is added to chapter 18.04
33 RCW to read as follows:

34 The board shall immediately suspend the certificate or license of
35 a person who has been certified pursuant to section 802 of this act by
36 the department of social and health services as a person who is not in

1 compliance with a support order. If the person has continued to meet
2 all other requirements for reinstatement during the suspension,
3 reissuance of the license or certificate shall be automatic upon the
4 board's receipt of a release issued by the department of social and
5 health services stating that the licensee is in compliance with the
6 order.

7 **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
8 read as follows:

9 (1) Upon application in writing and after hearing pursuant to
10 notice, the board may:

11 ~~((1))~~ (a) Modify the suspension of, or reissue a certificate or
12 license to, an individual whose certificate has been revoked or
13 suspended; or

14 ~~((2))~~ (b) Modify the suspension of, or reissue a license to a
15 firm whose license has been revoked, suspended, or which the board has
16 refused to renew.

17 (2) In the case of suspension for failure to comply with a support
18 order under chapter 74.20A RCW, if the person has continued to meet all
19 other requirements for reinstatement during the suspension, reissuance
20 of a certificate or license shall be automatic upon the board's receipt
21 of a release issued by the department of social and health services
22 stating that the individual is in compliance with the order.

23 **Sec. 813.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to
24 read as follows:

25 (1) Except as provided in section 815 of this act, a certificate of
26 registration shall be granted by the director to all qualified
27 applicants who are certified by the board as having passed the required
28 examination and as having given satisfactory proof of completion of the
29 required experience.

30 (2) Applications for examination shall be filed as the board
31 prescribes by rule. The application and examination fees shall be
32 determined by the director under RCW 43.24.086.

33 (3) An applicant for registration as an architect shall be of a
34 good moral character, at least eighteen years of age, and shall possess
35 any of the following qualifications:

36 (a) Have an accredited architectural degree and three years'
37 practical architectural work experience approved by the board, which

1 may include designing buildings as a principal activity. At least two
2 years' work experience must be supervised by an architect with detailed
3 professional knowledge of the work of the applicant;

4 (b) Have eight years' practical architectural work experience
5 approved by the board. Each year spent in an accredited architectural
6 program approved by the board shall be considered one year of practical
7 experience. At least four years' practical work experience shall be
8 under the direct supervision of an architect; or

9 (c) Be a person who has been designing buildings as a principal
10 activity for eight years, or has an equivalent combination of education
11 and experience, but who was not registered under chapter 323, Laws of
12 1959, as amended, as it existed before July 28, 1992, provided that
13 application is made within four years after July 28, 1992. Nothing in
14 this chapter prevents such a person from designing buildings for four
15 years after July 28, 1992, or the five-year period allowed for
16 completion of the examination process, after that person has applied
17 for registration. A person who has been designing buildings and is
18 qualified under this subsection shall, upon application to the board of
19 registration for architects, be allowed to take the examination for
20 architect registration on an equal basis with other applicants.

21 **Sec. 814.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to
22 read as follows:

23 (1) Except as provided in section 815 of this act, a certificate of
24 registration shall be granted by the director to all qualified
25 applicants who are certified by the board as having passed the required
26 examination and as having given satisfactory proof of completion of the
27 required experience.

28 (2) Applications for examination shall be filed as the board
29 prescribes by rule. The application and examination fees shall be
30 determined by the director under RCW 43.24.086.

31 (3) An applicant for registration as an architect shall be of a
32 good moral character, at least eighteen years of age, and shall possess
33 any of the following qualifications:

34 (a) Have an accredited architectural degree and three years'
35 practical architectural work experience approved by the board, which
36 may include designing buildings as a principal activity. At least two
37 years' work experience must be supervised by an architect with detailed
38 professional knowledge of the work of the applicant; or

1 (b) Have eight years' practical architectural work experience
2 approved by the board. Each year spent in an accredited architectural
3 program approved by the board shall be considered one year of practical
4 experience. At least four years' practical work experience shall be
5 under the direct supervision of an architect.

6 NEW SECTION. **Sec. 815.** A new section is added to chapter 18.08
7 RCW to read as follows:

8 The board shall immediately suspend the certificate of registration
9 or certificate of authorization to practice architecture of a person
10 who has been certified pursuant to section 802 of this act by the
11 department of social and health services as a person who is not in
12 compliance with a support order. If the person has continued to meet
13 other requirements for reinstatement during the suspension, reissuance
14 of the certificate shall be automatic upon the board's receipt of a
15 release issued by the department of social and health services stating
16 that the individual is in compliance with the order.

17 **Sec. 816.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
18 read as follows:

19 (1) No license shall be issued by the department to any person who
20 has been convicted of forgery, embezzlement, obtaining money under
21 false pretenses, extortion, criminal conspiracy, fraud, theft,
22 receiving stolen goods, unlawful issuance of checks or drafts, or other
23 similar offense, or to any partnership of which the person is a member,
24 or to any association or corporation of which the person is an officer
25 or in which as a stockholder the person has or exercises a controlling
26 interest either directly or indirectly.

27 (2) The following shall be grounds for denial, suspension, or
28 revocation of a license, or imposition of an administrative fine by the
29 department:

30 (a) Misrepresentation or concealment of material facts in obtaining
31 a license;

32 (b) Underreporting to the department of sales figures so that the
33 auctioneer or auction company surety bond is in a lower amount than
34 required by law;

35 (c) Revocation of a license by another state;

36 (d) Misleading or false advertising;

1 (e) A pattern of substantial misrepresentations related to
2 auctioneering or auction company business;

3 (f) Failure to cooperate with the department in any investigation
4 or disciplinary action;

5 (g) Nonpayment of an administrative fine prior to renewal of a
6 license;

7 (h) Aiding an unlicensed person to practice as an auctioneer or as
8 an auction company; and

9 (i) Any other violations of this chapter.

10 (3) The department shall immediately suspend the license of a
11 person who has been certified pursuant to section 802 of this act by
12 the department of social and health services as a person who is not in
13 compliance with a support order. If the person has continued to meet
14 all other requirements for reinstatement during the suspension,
15 reissuance of the license shall be automatic upon the department's
16 receipt of a release issued by the department of social and health
17 services stating that the licensee is in compliance with the order.

18 **Sec. 817.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to
19 read as follows:

20 (1) Upon payment of the proper fee, except as provided in section
21 818 of this act, the director shall issue the appropriate license to
22 any person who:

23 (a) Is at least seventeen years of age or older;

24 (b) Has completed and graduated from a course approved by the
25 director of sixteen hundred hours of training in cosmetology, one
26 thousand hours of training in barbering, five hundred hours of training
27 in manicuring, five hundred hours of training in esthetics, and/or five
28 hundred hours of training as an instructor-trainee; and

29 (c) Has received a passing grade on the appropriate licensing
30 examination approved or administered by the director.

31 (2) A person currently licensed under this chapter may qualify for
32 examination and licensure, after the required examination is passed, in
33 another category if he or she has completed the crossover training
34 course approved by the director.

35 (3) Upon payment of the proper fee, the director shall issue a
36 salon/shop license to the operator of a salon/shop if the salon/shop
37 meets the other requirements of this chapter as demonstrated by
38 information submitted by the operator.

1 (4) The director may consult with the state board of health and the
2 department of labor and industries in establishing training and
3 examination requirements.

4 NEW SECTION. **Sec. 818.** A new section is added to chapter 18.16
5 RCW to read as follows:

6 The department shall immediately suspend the license of a person
7 who has been certified pursuant to section 802 of this act by the
8 department of social and health services as a person who is not in
9 compliance with a support order. If the person has continued to meet
10 all other requirements for reinstatement during the suspension,
11 reissuance of the license shall be automatic upon the department's
12 receipt of a release issued by the department of social and health
13 services stating that the licensee is in compliance with the order.

14 NEW SECTION. **Sec. 819.** A new section is added to chapter 18.20
15 RCW to read as follows:

16 The department shall immediately suspend the license of a person
17 who has been certified pursuant to section 802 of this act by the
18 department of social and health services as a person who is not in
19 compliance with a support order. If the person has continued to meet
20 all other requirements for reinstatement during the suspension,
21 reissuance of the license shall be automatic upon the department's
22 receipt of a release issued by the department of social and health
23 services stating that the licensee is in compliance with the order.

24 **Sec. 820.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
25 amended to read as follows:

26 (1) A certificate of registration shall be valid for one year and
27 shall be renewed on or before the expiration date. The department
28 shall issue to the applicant a certificate of registration upon
29 compliance with the registration requirements of this chapter.

30 (2) If the department approves an application, it shall issue a
31 certificate of registration to the applicant. The certificate shall be
32 valid for:

33 (a) One year;

34 (b) Until the bond expires; or

35 (c) Until the insurance expires, whichever comes first. The
36 department shall place the expiration date on the certificate.

1 (3) A contractor may supply a short-term bond or insurance policy
2 to bring its registration period to the full one year.

3 (4) If a contractor's surety bond or other security has an
4 unsatisfied judgment against it or is canceled, or if the contractor's
5 insurance policy is canceled, the contractor's registration shall be
6 automatically suspended on the effective date of the impairment or
7 cancellation. The department shall give notice of the suspension to
8 the contractor.

9 (5) The department shall immediately suspend the certificate of
10 registration of a contractor who has been certified by the department
11 of social and health services as a person who is not in compliance with
12 a support order as provided in section 802 of this act. The
13 certificate of registration shall not be reissued or renewed unless the
14 person provides to the department a release from the department of
15 social and health services stating that he or she is in compliance with
16 the order and the person has continued to meet all other requirements
17 for certification during the suspension.

18 **Sec. 821.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to
19 read as follows:

20 Except as provided in section 822 of this act, the director shall
21 issue a license to an applicant if the following requirements are met:

22 (1) The application is complete and the applicant has complied with
23 RCW 18.28.030.

24 (2) Neither an individual applicant, nor any of the applicant's
25 members if the applicant is a partnership or association, nor any of
26 the applicant's officers or directors if the applicant is a
27 corporation: (a) Has ever been convicted of forgery, embezzlement,
28 obtaining money under false pretenses, larceny, extortion, conspiracy
29 to defraud or any other like offense, or has been disbarred from the
30 practice of law; (b) has participated in a violation of this chapter or
31 of any valid rules, orders or decisions of the director promulgated
32 under this chapter; (c) has had a license to engage in the business of
33 debt adjusting revoked or removed for any reason other than for failure
34 to pay licensing fees in this or any other state; or (d) is an employee
35 or owner of a collection agency, or process serving business.

36 (3) An individual applicant is at least eighteen years of age.

37 (4) An applicant which is a partnership, corporation, or
38 association is authorized to do business in this state.

1 (5) An individual applicant for an original license as a debt
2 adjuster has passed an examination administered by the director, which
3 examination may be oral or written, or partly oral and partly written,
4 and shall be practical in nature and sufficiently thorough to ascertain
5 the applicant's fitness. Questions on bookkeeping, credit adjusting,
6 business ethics, agency, contracts, debtor and creditor relationships,
7 trust funds and the provisions of this chapter shall be included in the
8 examination. No applicant may use any books or other similar aids
9 while taking the examination, and no applicant may take the examination
10 more than three times in any twelve month period.

11 NEW SECTION. **Sec. 822.** A new section is added to chapter 18.28
12 RCW to read as follows:

13 The department shall immediately suspend the license of a person
14 who has been certified pursuant to section 802 of this act by the
15 department of social and health services as a person who is not in
16 compliance with a support order. If the person has continued to meet
17 all other requirements for reinstatement during the suspension,
18 reissuance of the license shall be automatic upon the department's
19 receipt of a release issued by the department of social and health
20 services stating that the licensee is in compliance with the order.

21 **Sec. 823.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
22 read as follows:

23 The director shall have the following powers and duties:

24 (1) To issue all licenses provided for under this chapter;

25 (2) To renew licenses under this chapter;

26 (3) To collect all fees prescribed and required under this chapter;

27 (~~and~~)

28 (4) To immediately suspend the license of a person who has been
29 certified pursuant to section 802 of this act by the department of
30 social and health services as a person who is not in compliance with a
31 support order; and

32 (5) To keep general books of record of all official acts,
33 proceedings, and transactions of the department of licensing while
34 acting under this chapter.

35 NEW SECTION. **Sec. 824.** A new section is added to chapter 18.39
36 RCW to read as follows:

1 In the case of suspension for failure to comply with a support
2 order under chapter 74.20A RCW, if the person has continued to meet all
3 other requirements for reinstatement during the suspension, reissuance
4 of a license shall be automatic upon the director's receipt of a
5 release issued by the department of social and health services stating
6 that the individual is in compliance with the order.

7 NEW SECTION. **Sec. 825.** A new section is added to chapter 18.43
8 RCW to read as follows:

9 The board shall immediately suspend the registration of a person
10 who has been certified pursuant to section 802 of this act by the
11 department of social and health services as a person who is not in
12 compliance with a support order. If the person has continued to meet
13 all other requirements for membership during the suspension, reissuance
14 of the certificate of registration shall be automatic upon the board's
15 receipt of a release issued by the department of social and health
16 services stating that the person is in compliance with the order.

17 NEW SECTION. **Sec. 826.** A new section is added to chapter 18.44
18 RCW to read as follows:

19 The department shall immediately suspend the certificate of
20 registration of a person who has been certified pursuant to section 802
21 of this act by the department of social and health services as a person
22 who is not in compliance with a support order. If the person has
23 continued to meet all other requirements for certification during the
24 suspension, reissuance of the certificate shall be automatic upon the
25 department's receipt of a release issued by the department of social
26 and health services stating that the person is in compliance with the
27 order.

28 **Sec. 827.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
29 read as follows:

30 (1) The department may deny, suspend, or revoke a license in any
31 case in which it finds that there has been failure or refusal to comply
32 with the requirements established under this chapter or the rules
33 adopted under it.

34 (2) The department shall immediately suspend the license of a
35 person who has been certified pursuant to section 802 of this act by
36 the department of social and health services as a person who is not in

1 compliance with a support order. If the person has continued to meet
2 all other requirements for reinstatement during the suspension,
3 reissuance of the license shall be automatic upon the department's
4 receipt of a release issued by the department of social and health
5 services stating that the person is in compliance with the order.

6 RCW 43.70.115 governs notice of a license denial, revocation,
7 suspension, or modification and provides the right to an adjudicative
8 proceeding but shall not apply to actions taken under subsection (2) of
9 this section.

10 NEW SECTION. Sec. 828. A new section is added to chapter 18.51
11 RCW to read as follows:

12 The department shall immediately suspend the license of a person
13 who has been certified pursuant to section 802 of this act by the
14 department of social and health services, division of support, as a
15 person who is not in compliance with a child support order. If the
16 person has continued to meet all other requirements for reinstatement
17 during the suspension, reissuance of the license shall be automatic
18 upon the department's receipt of a release issued by the division of
19 child support stating that the person is in compliance with the order.

20 NEW SECTION. Sec. 829. A new section is added to chapter 18.76
21 RCW to read as follows:

22 The department shall immediately suspend the certification of a
23 poison center medical director or a poison information specialist who
24 has been certified pursuant to section 802 of this act by the
25 department of social and health services as a person who is not in
26 compliance with a support order. If the person has continued to meet
27 all other requirements for certification during the suspension,
28 reissuance of the certification shall be automatic upon the
29 department's receipt of a release issued by the department of social
30 and health services stating that the person is in compliance with the
31 order.

32 NEW SECTION. Sec. 830. A new section is added to chapter 18.85
33 RCW to read as follows:

34 The director shall immediately suspend the license of a broker or
35 salesperson who has been certified pursuant to section 802 of this act
36 by the department of social and health services as a person who is not

1 in compliance with a support order. If the person has continued to
2 meet all other requirements for reinstatement during the suspension,
3 reissuance of the license shall be automatic upon the director's
4 receipt of a release issued by the department of social and health
5 services stating that the person is in compliance with the order.

6 **Sec. 831.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
7 to read as follows:

8 (1) The director may refuse to renew, or may suspend or revoke, a
9 certificate of registration to use the titles landscape architect,
10 landscape architecture, or landscape architectural in this state upon
11 the following grounds:

12 ~~((1))~~ (a) The holder of the certificate of registration is
13 impersonating a practitioner or former practitioner.

14 ~~((2))~~ (b) The holder of the certificate of registration is guilty
15 of fraud, deceit, gross negligence, gross incompetency or gross
16 misconduct in the practice of landscape architecture.

17 ~~((3))~~ (c) The holder of the certificate of registration permits
18 his seal to be affixed to any plans, specifications or drawings that
19 were not prepared by him or under his personal supervision by employees
20 subject to his direction and control.

21 ~~((4))~~ (d) The holder of the certificate has committed fraud in
22 applying for or obtaining a certificate.

23 (2) The director shall immediately suspend the certificate of
24 registration of a landscape architect who has been certified pursuant
25 to section 802 of this act by the department of social and health
26 services as a person who is not in compliance with a support order. If
27 the person has continued to meet all other requirements for
28 certification during the suspension, reissuance of the certificate of
29 registration shall be automatic upon the director's receipt of a
30 release issued by the department of social and health services stating
31 that the person is in compliance with the order.

32 **Sec. 832.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
33 read as follows:

34 (1) In cases other than those relating to the failure of a licensee
35 to renew a license, the director may suspend or revoke a license issued
36 pursuant to this chapter for any of the following reasons:

37 ~~((1))~~ (a) For fraud or deception in obtaining the license;

1 (~~(2)~~) (b) For fraud or deception in reporting under RCW
2 18.104.050;

3 (~~(3)~~) (c) For violating the provisions of this chapter, or of any
4 lawful rule or regulation of the department or the department of
5 health.

6 (2) The director shall immediately suspend any license issued under
7 this chapter if the holder of the license has been certified pursuant
8 to section 802 of this act by the department of social and health
9 services as a person who is not in compliance with a support order. If
10 the person has continued to meet all other requirements for
11 reinstatement during the suspension, reissuance of the license shall be
12 automatic upon the director's receipt of a release issued by the
13 department of social and health services stating that the person is in
14 compliance with the order.

15 (3) No license shall be suspended for more than six months, except
16 that a suspension under section 802 of this act shall continue until
17 the department receives a release issued by the department of social
18 and health services stating that the person is in compliance with the
19 order.

20 (4) No person whose license is revoked shall be eligible to apply
21 for a license for one year from the effective date of the final order
22 of revocation.

23 **Sec. 833.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to
24 read as follows:

25 (1) Except as provided in section 834 of this act, the department
26 shall issue a certificate of competency to all applicants who have
27 passed the examination and have paid the fee for the certificate. The
28 certificate shall bear the date of issuance, and shall expire on the
29 birthdate of the holder immediately following the date of issuance.
30 The certificate shall be renewable every other year, upon application,
31 on or before the birthdate of the holder. A renewal fee shall be
32 assessed for each certificate. If a person fails to renew the
33 certificate by the renewal date, he or she must pay a doubled fee. If
34 the person does not renew the certificate within ninety days of the
35 renewal date, he or she must retake the examination and pay the
36 examination fee.

37 The certificate of competency and the temporary permit provided for
38 in this chapter grant the holder the right to engage in the work of

1 plumbing as a journeyman plumber or specialty plumber in accordance
2 with their provisions throughout the state and within any of its
3 political subdivisions on any job or any employment without additional
4 proof of competency or any other license or permit or fee to engage in
5 the work. This section does not preclude employees from adhering to a
6 union security clause in any employment where such a requirement
7 exists.

8 (2) A person who is indentured in an apprenticeship program
9 approved under chapter 49.04 RCW for the plumbing construction trade or
10 who is learning the plumbing construction trade may work in the
11 plumbing construction trade if supervised by a certified journeyman
12 plumber or a certified specialty plumber in that plumber's specialty.
13 All apprentices and individuals learning the plumbing construction
14 trade shall obtain a plumbing training certificate from the department.
15 The certificate shall authorize the holder to learn the plumbing
16 construction trade while under the direct supervision of a journeyman
17 plumber or a specialty plumber working in his or her specialty. The
18 holder of the plumbing training certificate shall renew the certificate
19 annually. At the time of renewal, the holder shall provide the
20 department with an accurate list of the holder's employers in the
21 plumbing construction industry for the previous year and the number of
22 hours worked for each employer. An annual fee shall be charged for the
23 issuance or renewal of the certificate. The department shall set the
24 fee by rule. The fee shall cover but not exceed the cost of
25 administering and enforcing the trainee certification and supervision
26 requirements of this chapter. Apprentices and individuals learning the
27 plumbing construction trade shall have their plumbing training
28 certificates in their possession at all times that they are performing
29 plumbing work. They shall show their certificates to an authorized
30 representative of the department at the representative's request.

31 (3) Any person who has been issued a plumbing training certificate
32 under this chapter may work if that person is under supervision.
33 Supervision shall consist of a person being on the same job site and
34 under the control of either a journeyman plumber or an appropriate
35 specialty plumber who has an applicable certificate of competency
36 issued under this chapter. Either a journeyman plumber or an
37 appropriate specialty plumber shall be on the same job site as the
38 noncertified individual for a minimum of seventy-five percent of each
39 working day unless otherwise provided in this chapter. The ratio of

1 noncertified individuals to certified journeymen or specialty plumbers
2 working on a job site shall be: (a) From July 28, 1985, through June
3 30, 1988, not more than three noncertified plumbers working on any one
4 job site for every certified journeyman or specialty plumber; (b)
5 effective July 1, 1988, not more than two noncertified plumbers working
6 on any one job site for every certified specialty plumber or journeyman
7 plumber working as a specialty plumber; and (c) effective July 1, 1988,
8 not more than one noncertified plumber working on any one job site for
9 every certified journeyman plumber working as a journeyman plumber.

10 An individual who has a current training certificate and who has
11 successfully completed or is currently enrolled in an approved
12 apprenticeship program or in a technical school program in the plumbing
13 construction trade in a school approved by the (~~commission for~~
14 ~~vocational education~~) work force training and education coordinating
15 board, may work without direct on-site supervision during the last six
16 months of meeting the practical experience requirements of this
17 chapter.

18 NEW SECTION. Sec. 834. A new section is added to chapter 18.106
19 RCW to read as follows:

20 The department shall immediately suspend any certificate of
21 competency issued under this chapter if the holder of the certificate
22 has been certified pursuant to section 802 of this act by the
23 department of social and health services as a person who is not in
24 compliance with a support order. If the person has continued to meet
25 all other requirements for certification during the suspension,
26 reissuance of the certificate of competency shall be automatic upon the
27 department's receipt of a release issued by the department of social
28 and health services stating that the person is in compliance with the
29 order.

30 NEW SECTION. Sec. 835. A new section is added to chapter 18.130
31 RCW to read as follows:

32 The secretary shall immediately suspend the license of any person
33 subject to this chapter who has been certified by the department of
34 social and health services as a person who is not in compliance with a
35 support order as provided in section 802 of this act.

1 **Sec. 836.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
2 read as follows:

3 A person whose license has been suspended or revoked under this
4 chapter may petition the disciplining authority for reinstatement after
5 an interval as determined by the disciplining authority in the order.
6 The disciplining authority shall hold hearings on the petition and may
7 deny the petition or may order reinstatement and impose terms and
8 conditions as provided in RCW 18.130.160 and issue an order of
9 reinstatement. The disciplining authority may require successful
10 completion of an examination as a condition of reinstatement.

11 A person whose license has been suspended for noncompliance with a
12 support order under section 802 of this act may petition for
13 reinstatement at any time by providing the secretary a release issued
14 by the department of social and health services stating that the person
15 is in compliance with the order. If the person has continued to meet
16 all other requirements for reinstatement during the suspension, the
17 secretary shall automatically reissue the person's license upon receipt
18 of the release, and payment of a reinstatement fee, if any.

19 **NEW SECTION. Sec. 837.** A new section is added to chapter 18.140
20 RCW to read as follows:

21 The director shall immediately suspend any license or certificate
22 issued under this chapter if the holder has been certified pursuant to
23 section 802 of this act by the department of social and health services
24 as a person who is not in compliance with a support order. If the
25 person has continued to meet all other requirements for reinstatement
26 during the suspension, reissuance of the license or certificate shall
27 be automatic upon the director's receipt of a release issued by the
28 department of social and health services stating that the person is in
29 compliance with the order.

30 **Sec. 838.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8
31 are each reenacted and amended to read as follows:

32 Except as provided in section 839 of this act, the department
33 shall issue a certificate to any applicant who meets the standards
34 established under this chapter and who:

- 35 (1) Is holding one of the following:

1 (a) Certificate of proficiency, registered professional reporter,
2 registered merit reporter, or registered diplomate reporter from
3 (~~{the}~~) the national court reporters association;

4 (b) Certificate of proficiency or certificate of merit from
5 (~~{the}~~) the national stenomask verbatim reporters association; or

6 (c) A current Washington state court reporter certification; or

7 (2) Has passed an examination approved by the director or an
8 examination that meets or exceeds the standards established by the
9 director.

10 NEW SECTION. Sec. 839. A new section is added to chapter 18.145
11 RCW to read as follows:

12 The director shall immediately suspend any certificate issued under
13 this chapter if the holder has been certified pursuant to section 802
14 of this act by the department of social and health services as a person
15 who is not in compliance with a support order. If the person has
16 continued to meet all other requirements for certification during the
17 suspension, reissuance of the certificate shall be automatic upon the
18 director's receipt of a release issued by the department of social and
19 health services stating that the person is in compliance with the
20 order.

21 **Sec. 840.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
22 read as follows:

23 (1) The state director of fire protection may refuse to issue or
24 renew or may suspend or revoke the privilege of a licensed fire
25 protection sprinkler system contractor or the certificate of a
26 certificate of competency holder to engage in the fire protection
27 sprinkler system business or in lieu thereof, establish penalties as
28 prescribed by Washington state law, for any of the following reasons:

29 (a) Gross incompetency or gross negligence in the preparation of
30 technical drawings, installation, repair, alteration, maintenance,
31 inspection, service, or addition to fire protection sprinkler systems;

32 (b) Conviction of a felony;

33 (c) Fraudulent or dishonest practices while engaging in the fire
34 protection sprinkler systems business;

35 (d) Use of false evidence or misrepresentation in an application
36 for a license or certificate of competency;

1 (e) Permitting his or her license to be used in connection with the
2 preparation of any technical drawings which have not been prepared by
3 him or her personally or under his or her immediate supervision, or in
4 violation of this chapter; or

5 (f) Knowingly violating any provisions of this chapter or the
6 regulations issued thereunder.

7 (2) The state director of fire protection shall revoke the license
8 of a licensed fire protection sprinkler system contractor or the
9 certificate of a certificate of competency holder who engages in the
10 fire protection sprinkler system business while the license or
11 certificate of competency is suspended.

12 (3) The state director of fire protection shall immediately suspend
13 any license or certificate issued under this chapter if the holder has
14 been certified pursuant to section 802 of this act by the department of
15 social and health services as a person who is not in compliance with a
16 support order. If the person has continued to meet all other
17 requirements for issuance or reinstatement during the suspension,
18 issuance or reissuance of the license or certificate shall be automatic
19 upon the director's receipt of a release issued by the department of
20 social and health services stating that the person is in compliance
21 with the order.

22 (4) Any licensee or certificate of competency holder who is
23 aggrieved by an order of the state director of fire protection
24 suspending or revoking a license may, within thirty days after notice
25 of such suspension or revocation, appeal under chapter 34.05 RCW. This
26 subsection does not apply to actions taken under subsection (3) of this
27 section.

28 **Sec. 841.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
29 read as follows:

30 The following acts are prohibited and constitute grounds for
31 disciplinary action, assessing administrative penalties, or denial,
32 suspension, or revocation of any license under this chapter, as deemed
33 appropriate by the director:

34 (1) Knowingly violating any of the provisions of this chapter or
35 the rules adopted under this chapter;

36 (2) Knowingly making a material misstatement or omission in the
37 application for or renewal of a license or firearms certificate,
38 including falsifying requested identification information;

1 (3) Not meeting the qualifications set forth in RCW 18.165.030,
2 18.165.040, or 18.165.050;

3 (4) Failing to return immediately on demand a firearm issued by an
4 employer;

5 (5) Carrying a firearm in the performance of his or her duties if
6 not the holder of a valid armed private investigator license, or
7 carrying a firearm not meeting the provisions of this chapter while in
8 the performance of his or her duties;

9 (6) Failing to return immediately on demand company identification,
10 badges, or other items issued to the private investigator by an
11 employer;

12 (7) Making any statement that would reasonably cause another person
13 to believe that the private investigator is a sworn peace officer;

14 (8) Divulging confidential information obtained in the course of
15 any investigation to which he or she was assigned;

16 (9) Acceptance of employment that is adverse to a client or former
17 client and relates to a matter about which a licensee has obtained
18 confidential information by reason of or in the course of the
19 licensee's employment by the client;

20 (10) Conviction of a gross misdemeanor or felony or the commission
21 of any act involving moral turpitude, dishonesty, or corruption whether
22 the act constitutes a crime or not. If the act constitutes a crime,
23 conviction in a criminal proceeding is not a condition precedent to
24 disciplinary action. Upon such a conviction, however, the judgment and
25 sentence is conclusive evidence at the ensuing disciplinary hearing of
26 the guilt of the license holder or applicant of the crime described in
27 the indictment or information, and of the person's violation of the
28 statute on which it is based. For the purposes of this section,
29 conviction includes all instances in which a plea of guilty or nolo
30 contendere is the basis for the conviction and all proceedings in which
31 the sentence has been deferred or suspended;

32 (11) Advertising that is false, fraudulent, or misleading;

33 (12) Incompetence or negligence that results in injury to a person
34 or that creates an unreasonable risk that a person may be harmed;

35 (13) Suspension, revocation, or restriction of the individual's
36 license to practice the profession by competent authority in any state,
37 federal, or foreign jurisdiction, a certified copy of the order,
38 stipulation, or agreement being conclusive evidence of the revocation,
39 suspension, or restriction;

1 (14) Failure to cooperate with the director by:

2 (a) Not furnishing any necessary papers or documents requested by
3 the director for purposes of conducting an investigation for
4 disciplinary action, denial, suspension, or revocation of a license
5 under this chapter;

6 (b) Not furnishing in writing a full and complete explanation
7 covering the matter contained in a complaint filed with the department;
8 or

9 (c) Not responding to subpoenas issued by the director, whether or
10 not the recipient of the subpoena is the accused in the proceeding;

11 (15) Failure to comply with an order issued by the director or an
12 assurance of discontinuance entered into with the director;

13 (16) Aiding or abetting an unlicensed person to practice if a
14 license is required;

15 (17) Misrepresentation or fraud in any aspect of the conduct of the
16 business or profession;

17 (18) Failure to adequately supervise employees to the extent that
18 the public health or safety is at risk;

19 (19) Interference with an investigation or disciplinary proceeding
20 by willful misrepresentation of facts before the director or the
21 director's authorized representative, or by the use of threats or
22 harassment against any client or witness to prevent them from providing
23 evidence in a disciplinary proceeding or any other legal action;

24 (20) Assigning or transferring any license issued pursuant to the
25 provisions of this chapter, except as provided in RCW 18.165.050;

26 (21) Assisting a client to locate, trace, or contact a person when
27 the investigator knows that the client is prohibited by any court order
28 from harassing or contacting the person whom the investigator is being
29 asked to locate, trace, or contact, as it pertains to domestic
30 violence, stalking, or minor children;

31 (22) Failure to maintain bond or insurance; (~~or~~)

32 (23) Failure to have a qualifying principal in place; or

33 (24) Being certified as not in compliance with a support order as
34 provided in section 802 of this act.

35 NEW SECTION. Sec. 842. A new section is added to chapter 18.165
36 RCW to read as follows:

37 The director shall immediately suspend a license issued under this
38 chapter if the holder has been certified pursuant to section 802 of

1 this act by the department of social and health services as a person
2 who is not in compliance with a support order. If the person has
3 continued to meet all other requirements for reinstatement during the
4 suspension, reissuance of the license shall be automatic upon the
5 director's receipt of a release issued by the department of social and
6 health services stating that the person is in compliance with the
7 order.

8 **Sec. 843.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
9 read as follows:

10 In addition to the provisions of section 844 of this act, the
11 following acts are prohibited and constitute grounds for disciplinary
12 action, assessing administrative penalties, or denial, suspension, or
13 revocation of any license under this chapter, as deemed appropriate by
14 the director:

15 (1) Knowingly violating any of the provisions of this chapter or
16 the rules adopted under this chapter;

17 (2) Practicing fraud, deceit, or misrepresentation in any of the
18 private security activities covered by this chapter;

19 (3) Knowingly making a material misstatement or omission in the
20 application for a license or firearms certificate;

21 (4) Not meeting the qualifications set forth in RCW 18.170.030,
22 18.170.040, or 18.170.060;

23 (5) Failing to return immediately on demand a firearm issued by an
24 employer;

25 (6) Carrying a firearm in the performance of his or her duties if
26 not the holder of a valid armed private security guard license, or
27 carrying a firearm not meeting the provisions of this chapter while in
28 the performance of his or her duties;

29 (7) Failing to return immediately on demand any uniform, badge, or
30 other item of equipment issued to the private security guard by an
31 employer;

32 (8) Making any statement that would reasonably cause another person
33 to believe that the private security guard is a sworn peace officer;

34 (9) Divulging confidential information that may compromise the
35 security of any premises, or valuables shipment, or any activity of a
36 client to which he or she was assigned;

37 (10) Conviction of a gross misdemeanor or felony or the commission
38 of any act involving moral turpitude, dishonesty, or corruption whether

1 the act constitutes a crime or not. If the act constitutes a crime,
2 conviction in a criminal proceeding is not a condition precedent to
3 disciplinary action. Upon such a conviction, however, the judgment and
4 sentence is conclusive evidence at the ensuing disciplinary hearing of
5 the guilt of the license holder or applicant of the crime described in
6 the indictment or information, and of the person's violation of the
7 statute on which it is based. For the purposes of this section,
8 conviction includes all instances in which a plea of guilty or nolo
9 contendere is the basis for the conviction and all proceedings in which
10 the sentence has been deferred or suspended;

11 (11) Misrepresentation or concealment of a material fact in
12 obtaining a license or in reinstatement thereof;

13 (12) Advertising that is false, fraudulent, or misleading;

14 (13) Incompetence or negligence that results in injury to a person
15 or that creates an unreasonable risk that a person may be harmed;

16 (14) Suspension, revocation, or restriction of the individual's
17 license to practice the profession by competent authority in any state,
18 federal, or foreign jurisdiction, a certified copy of the order,
19 stipulation, or agreement being conclusive evidence of the revocation,
20 suspension, or restriction;

21 (15) Failure to cooperate with the director by:

22 (a) Not furnishing any necessary papers or documents requested by
23 the director for purposes of conducting an investigation for
24 disciplinary action, denial, suspension, or revocation of a license
25 under this chapter;

26 (b) Not furnishing in writing a full and complete explanation
27 covering the matter contained in a complaint filed with the department;
28 or

29 (c) Not responding to subpoenas issued by the director, whether or
30 not the recipient of the subpoena is the accused in the proceeding;

31 (16) Failure to comply with an order issued by the director or an
32 assurance of discontinuance entered into with the disciplining
33 authority;

34 (17) Aiding or abetting an unlicensed person to practice if a
35 license is required;

36 (18) Misrepresentation or fraud in any aspect of the conduct of the
37 business or profession;

38 (19) Failure to adequately supervise employees to the extent that
39 the public health or safety is at risk;

1 (20) Interference with an investigation or disciplinary proceeding
2 by willful misrepresentation of facts before the director or the
3 director's authorized representative, or by the use of threats or
4 harassment against a client or witness to prevent them from providing
5 evidence in a disciplinary proceeding or any other legal action;

6 (21) Assigning or transferring any license issued pursuant to the
7 provisions of this chapter, except as provided in RCW 18.170.060;

8 (22) Failure to maintain insurance; and

9 (23) Failure to have a qualifying principal in place.

10 NEW SECTION. Sec. 844. A new section is added to chapter 18.170
11 RCW to read as follows:

12 The director shall immediately suspend any license issued under
13 this chapter if the holder has been certified pursuant to section 802
14 of this act by the department of social and health services as a person
15 who is not in compliance with a support order. If the person has
16 continued to meet all other requirements for reinstatement during the
17 suspension, reissuance of the license shall be automatic upon the
18 director's receipt of a release issued by the department of social and
19 health services stating that the person is in compliance with the
20 order.

21 NEW SECTION. Sec. 845. A new section is added to chapter 18.175
22 RCW to read as follows:

23 The director shall immediately suspend a certificate of
24 registration issued under this chapter if the holder has been certified
25 pursuant to section 802 of this act by the department of social and
26 health services as a person who is not in compliance with a support
27 order. If the person has continued to meet all other requirements for
28 certification during the suspension, reissuance of the certificate
29 shall be automatic upon the director's receipt of a release issued by
30 the department of social and health services stating that the person is
31 in compliance with the order.

32 NEW SECTION. Sec. 846. A new section is added to chapter 18.185
33 RCW to read as follows:

34 The director shall immediately suspend any license issued under
35 this chapter if the holder has been certified pursuant to section 802
36 of this act by the department of social and health services as a person

1 who is not in compliance with a support order. If the person has
2 continued to meet all other requirements for reinstatement during the
3 suspension, reissuance of the license shall be automatic upon the
4 director's receipt of a release issued by the department of social and
5 health services stating that the person is in compliance with the
6 order.

7 **Sec. 847.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
8 read as follows:

9 This section governs the denial of an application for a license or
10 the suspension, revocation, or modification of a license by the
11 department.

12 (1) The department shall give written notice of the denial of an
13 application for a license to the applicant or his or her agent. The
14 department shall give written notice of revocation, suspension, or
15 modification of a license to the licensee or his or her agent. The
16 notice shall state the reasons for the action. The notice shall be
17 personally served in the manner of service of a summons in a civil
18 action or shall be given in (~~an other~~) another manner that shows
19 proof of receipt.

20 (2) Except as otherwise provided in this subsection and in
21 subsection (4) of this section, revocation, suspension, or modification
22 is effective twenty-eight days after the licensee or the agent receives
23 the notice.

24 (a) The department may make the date the action is effective later
25 than twenty-eight days after receipt. If the department does so, it
26 shall state the effective date in the written notice given the licensee
27 or agent.

28 (b) The department may make the date the action is effective sooner
29 than twenty-eight days after receipt when necessary to protect the
30 public health, safety, or welfare. When the department does so, it
31 shall state the effective date and the reasons supporting the effective
32 date in the written notice given to the licensee or agent.

33 (c) When the department has received certification pursuant to
34 chapter 74.20A RCW from the division of child support that the licensee
35 is a person who is not in compliance with a support order, the
36 department shall provide that the suspension is effective immediately
37 upon receipt of the suspension notice by the licensee.

1 (3) Except for licensees suspended for noncompliance with a support
2 order under chapter 74.20A RCW, a license applicant or licensee who is
3 aggrieved by a department denial, revocation, suspension, or
4 modification has the right to an adjudicative proceeding. The
5 proceeding is governed by the Administrative Procedure Act, chapter
6 34.05 RCW. The application must be in writing, state the basis for
7 contesting the adverse action, include a copy of the adverse notice, be
8 served on and received by the department within twenty-eight days of
9 the license applicant's or licensee's receiving the adverse notice, and
10 be served in a manner that shows proof of receipt.

11 (4)(a) If the department gives a licensee twenty-eight or more days
12 notice of revocation, suspension, or modification and the licensee
13 files an appeal before its effective date, the department shall not
14 implement the adverse action until the final order has been entered.
15 The presiding or reviewing officer may permit the department to
16 implement part or all of the adverse action while the proceedings are
17 pending if the appellant causes an unreasonable delay in the
18 proceeding, if the circumstances change so that implementation is in
19 the public interest, or for other good cause.

20 (b) If the department gives a licensee less than twenty-eight days
21 notice of revocation, suspension, or modification and the licensee
22 timely files a sufficient appeal, the department may implement the
23 adverse action on the effective date stated in the notice. The
24 presiding or reviewing officer may order the department to stay
25 implementation of part or all of the adverse action while the
26 proceedings are pending if staying implementation is in the public
27 interest or for other good cause.

28 NEW SECTION. Sec. 848. A new section is added to chapter 28A.410
29 RCW to read as follows:

30 Any certificate or permit authorized under this chapter or chapter
31 28A.405 RCW shall be suspended by the authority authorized to grant the
32 certificate or permit if the department of social and health services
33 certifies that the person is not in compliance with a support order as
34 provided in section 802 of this act. If the person continues to meet
35 other requirements for reinstatement during the suspension, reissuance
36 of the certificate or permit shall be automatic after the person
37 provides the authority a release issued by the department of social and

1 health services stating that the person is in compliance with the
2 order.

3 **Sec. 849.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to
4 read as follows:

5 This section governs the denial of an application for a license or
6 the suspension, revocation, or modification of a license by the
7 department. This section does not govern actions taken under chapter
8 18.130 RCW.

9 (1) The department shall give written notice of the denial of an
10 application for a license to the applicant or his or her agent. The
11 department shall give written notice of revocation, suspension, or
12 modification of a license to the licensee or his or her agent. The
13 notice shall state the reasons for the action. The notice shall be
14 personally served in the manner of service of a summons in a civil
15 action or shall be given in ((~~an other~~ {~~another~~})) another manner that
16 shows proof of receipt.

17 (2) Except as otherwise provided in this subsection and in
18 subsection (4) of this section, revocation, suspension, or modification
19 is effective twenty-eight days after the licensee or the agent receives
20 the notice.

21 (a) The department may make the date the action is effective later
22 than twenty-eight days after receipt. If the department does so, it
23 shall state the effective date in the written notice given the licensee
24 or agent.

25 (b) The department may make the date the action is effective sooner
26 than twenty-eight days after receipt when necessary to protect the
27 public health, safety, or welfare. When the department does so, it
28 shall state the effective date and the reasons supporting the effective
29 date in the written notice given to the licensee or agent.

30 (c) When the department has received certification pursuant to
31 chapter 74.20A RCW from the department of social and health services
32 that the licensee is a person who is not in compliance with a child
33 support order, the department shall provide that the suspension is
34 effective immediately upon receipt of the suspension notice by the
35 licensee.

36 (3) Except for licensees suspended for noncompliance with a child
37 support order under chapter 74.20A RCW, a license applicant or licensee
38 who is aggrieved by a department denial, revocation, suspension, or

1 modification has the right to an adjudicative proceeding. The
2 proceeding is governed by the Administrative Procedure Act, chapter
3 34.05 RCW. The application must be in writing, state the basis for
4 contesting the adverse action, include a copy of the adverse notice, be
5 served on and received by the department within twenty-eight days of
6 the license applicant's or licensee's receiving the adverse notice, and
7 be served in a manner that shows proof of receipt.

8 (4)(a) If the department gives a licensee twenty-eight or more days
9 notice of revocation, suspension, or modification and the licensee
10 files an appeal before its effective date, the department shall not
11 implement the adverse action until the final order has been entered.
12 The presiding or reviewing officer may permit the department to
13 implement part or all of the adverse action while the proceedings are
14 pending if the appellant causes an unreasonable delay in the
15 proceeding, if the circumstances change so that implementation is in
16 the public interest, or for other good cause.

17 (b) If the department gives a licensee less than twenty-eight days
18 notice of revocation, suspension, or modification and the licensee
19 timely files a sufficient appeal, the department may implement the
20 adverse action on the effective date stated in the notice. The
21 presiding or reviewing officer may order the department to stay
22 implementation of part or all of the adverse action while the
23 proceedings are pending if staying implementation is in the public
24 interest or for other good cause.

25 **Sec. 850.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
26 read as follows:

27 (1) The department has the power, in case of serious noncompliance
28 with the provisions of this chapter, to revoke or suspend for such a
29 period as it determines, any electrical contractor license or
30 electrical contractor administrator certificate issued under this
31 chapter. The department shall notify the holder of the license or
32 certificate of the revocation or suspension by certified mail. A
33 revocation or suspension is effective twenty days after the holder
34 receives the notice. Any revocation or suspension is subject to review
35 by an appeal to the board. The filing of an appeal stays the effect of
36 a revocation or suspension until the board makes its decision. The
37 appeal shall be filed within twenty days after notice of the revocation
38 or suspension is given by certified mail sent to the address of the

1 holder of the license or certificate as shown on the application for
2 the license or certificate, and shall be effected by filing a written
3 notice of appeal with the department, accompanied by a certified check
4 for two hundred dollars, which shall be returned to the holder of the
5 license or certificate if the decision of the department is not
6 sustained by the board. The hearing shall be conducted in accordance
7 with chapter 34.05 RCW. If the board sustains the decision of the
8 department, the two hundred dollars shall be applied by the department
9 to the payment of the per diem and expenses of the members of the board
10 incurred in the matter, and any balance remaining after payment of per
11 diem and expenses shall be paid into the electrical license fund.

12 (2) The department shall immediately suspend the license or
13 certificate of a person who has been certified pursuant to section 802
14 of this act by the department of social and health services as a person
15 who is not in compliance with a support order. If the person has
16 continued to meet all other requirements for reinstatement during the
17 suspension, reissuance of the license or certificate shall be automatic
18 upon the department's receipt of a release issued by the department of
19 social and health services stating that the licensee is in compliance
20 with the order.

21 **Sec. 851.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to
22 read as follows:

23 (1) The department may revoke any certificate of competency upon
24 the following grounds:

25 (a) The certificate was obtained through error or fraud;

26 (b) The holder thereof is judged to be incompetent to work in the
27 electrical construction trade as a journeyman electrician or specialty
28 electrician;

29 (c) The holder thereof has violated any of the provisions of RCW
30 19.28.510 through 19.28.620 or any rule adopted under this chapter.

31 (2) Before any certificate of competency shall be revoked, the
32 holder shall be given written notice of the department's intention to
33 do so, mailed by registered mail, return receipt requested, to the
34 holder's last known address. The notice shall enumerate the
35 allegations against the holder, and shall give the holder the
36 opportunity to request a hearing before the board. At the hearing, the
37 department and the holder may produce witnesses and give testimony.
38 The hearing shall be conducted in accordance with chapter 34.05 RCW.

1 The board shall render its decision based upon the testimony and
2 evidence presented, and shall notify the parties immediately upon
3 reaching its decision. A majority of the board shall be necessary to
4 render a decision.

5 (3) The department shall immediately suspend the license or
6 certificate of a person who has been certified pursuant to section 802
7 of this act by the department of social and health services as a person
8 who is not in compliance with a support order. If the person has
9 continued to meet all other requirements for reinstatement during the
10 suspension, reissuance of the license or certificate shall be automatic
11 upon the department's receipt of a release issued by the department of
12 social and health services stating that the licensee is in compliance
13 with the order.

14 **Sec. 852.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
15 read as follows:

16 Any person may protest the grant or renewal of a license under this
17 section. The director may revoke, suspend, or refuse to issue or renew
18 any license when it is shown that:

19 (1) The farm labor contractor or any agent of the contractor has
20 violated or failed to comply with any of the provisions of this
21 chapter;

22 (2) The farm labor contractor has made any misrepresentations or
23 false statements in his or her application for a license;

24 (3) The conditions under which the license was issued have changed
25 or no longer exist;

26 (4) The farm labor contractor, or any agent of the contractor, has
27 violated or wilfully aided or abetted any person in the violation of,
28 or failed to comply with, any law of the state of Washington regulating
29 employment in agriculture, the payment of wages to farm employees, or
30 the conditions, terms, or places of employment affecting the health and
31 safety of farm employees, which is applicable to the business
32 activities, or operations of the contractor in his or her capacity as
33 a farm labor contractor;

34 (5) The farm labor contractor or any agent of the contractor has in
35 recruiting farm labor solicited or induced the violation of any then
36 existing contract of employment of such laborers; or

1 (6) The farm labor contractor or any agent of the contractor has an
2 unsatisfied judgment against him or her in any state or federal court,
3 arising out of his or her farm labor contracting activities.

4 The director shall immediately suspend the license or certificate
5 of a person who has been certified pursuant to section 802 of this act
6 by the department of social and health services as a person who is not
7 in compliance with a support order. If the person has continued to
8 meet all other requirements for reinstatement during the suspension,
9 reissuance of the license or certificate shall be automatic upon the
10 director's receipt of a release issued by the department of social and
11 health services stating that the licensee is in compliance with the
12 order.

13 **Sec. 853.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
14 read as follows:

15 In addition to other provisions of this chapter, any license issued
16 pursuant to this chapter or any application therefor may be denied, not
17 renewed, revoked, or suspended, or in lieu of or in addition to
18 suspension a licensee may be assessed a civil, monetary penalty in an
19 amount not to exceed one thousand dollars:

20 (1) If an individual applicant or licensee is less than eighteen
21 years of age or is not a resident of this state.

22 (2) If an applicant or licensee is not authorized to do business in
23 this state.

24 (3) If the application or renewal forms required by this chapter
25 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
26 applicable, have not been paid, and the surety bond or cash deposit or
27 other negotiable security acceptable to the director required by RCW
28 19.16.190, if applicable, has not been filed or renewed or is canceled.

29 (4) If any individual applicant, owner, officer, director, or
30 managing employee of a nonindividual applicant or licensee:

31 (a) Shall have knowingly made a false statement of a material fact
32 in any application for a collection agency license or an out-of-state
33 collection agency license or renewal thereof, or in any data attached
34 thereto and two years have not elapsed since the date of such
35 statement;

36 (b) Shall have had a license to engage in the business of a
37 collection agency or out-of-state collection agency denied, not
38 renewed, suspended, or revoked by this state, any other state, or

1 foreign country, for any reason other than the nonpayment of licensing
2 fees or failure to meet bonding requirements: PROVIDED, That the terms
3 of this subsection shall not apply if:

4 (i) Two years have elapsed since the time of any such denial,
5 nonrenewal, or revocation; or

6 (ii) The terms of any such suspension have been fulfilled;

7 (c) Has been convicted in any court of any felony involving
8 forgery, embezzlement, obtaining money under false pretenses, larceny,
9 extortion, or conspiracy to defraud and is incarcerated for that
10 offense or five years have not elapsed since the date of such
11 conviction;

12 (d) Has had any judgment entered against him in any civil action
13 involving forgery, embezzlement, obtaining money under false pretenses,
14 larceny, extortion, or conspiracy to defraud and five years have not
15 elapsed since the date of the entry of the final judgment in said
16 action: PROVIDED, That in no event shall a license be issued unless
17 the judgment debt has been discharged;

18 (e) Has had his license to practice law suspended or revoked and
19 two years have not elapsed since the date of such suspension or
20 revocation, unless he has been relicensed to practice law in this
21 state;

22 (f) Has had any judgment entered against him or it under the
23 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
24 violations of RCW 19.86.020 and two years have not elapsed since the
25 entry of the final judgment: PROVIDED, That in no event shall a
26 license be issued unless the terms of such judgment, if any, have been
27 fully complied with: PROVIDED FURTHER, That said judgment shall not be
28 grounds for denial, suspension, nonrenewal, or revocation of a license
29 unless the judgment arises out of and is based on acts of the
30 applicant, owner, officer, director, managing employee, or licensee
31 while acting for or as a collection agency or an out-of-state
32 collection agency;

33 (g) Has petitioned for bankruptcy, and two years have not elapsed
34 since the filing of said petition;

35 (h) Shall be insolvent in the sense that his or its liabilities
36 exceed his or its assets or in the sense that he or it cannot meet his
37 or its obligations as they mature;

1 (i) Has failed to pay any civil, monetary penalty assessed in
2 accordance with RCW 19.16.351 or 19.16.360 within ten days after the
3 assessment becomes final;

4 (j) Has knowingly failed to comply with, or violated any provisions
5 of this chapter or any rule or regulation issued pursuant to this
6 chapter, and two years have not elapsed since the occurrence of said
7 noncompliance or violation; or

8 (k) Has been found by a court of competent jurisdiction to have
9 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
10 1692 et seq., or the Washington state consumer protection act, chapter
11 19.86 RCW, and two years have not elapsed since that finding.

12 Except as otherwise provided in this section, any person who is
13 engaged in the collection agency business as of January 1, 1972 shall,
14 upon filing the application, paying the fees, and filing the surety
15 bond or cash deposit or other negotiable security in lieu of bond
16 required by this chapter, be issued a license ((hereunder)) under this
17 chapter.

18 The director shall immediately suspend the license or certificate
19 of a person who has been certified pursuant to section 802 of this act
20 by the department of social and health services as a person who is not
21 in compliance with a support order. If the person has continued to
22 meet all other requirements for reinstatement during the suspension,
23 reissuance of the license or certificate shall be automatic upon the
24 director's receipt of a release issued by the department of social and
25 health services stating that the licensee is in compliance with the
26 order.

27 **Sec. 854.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
28 to read as follows:

29 (1) In accordance with the provisions of chapter 34.05 RCW as now
30 or as hereafter amended, the director may by order deny, suspend or
31 revoke the license of any employment agency if he finds that the
32 applicant or licensee:

33 ((+1)) (a) Was previously the holder of a license issued under
34 this chapter, which was revoked for cause and never reissued by the
35 director, or which license was suspended for cause and the terms of the
36 suspension have not been fulfilled;

37 ((+2)) (b) Has been found guilty of any felony within the past
38 five years involving moral turpitude, or for any misdemeanor concerning

1 fraud or conversion, or suffering any judgment in any civil action
2 involving wilful fraud, misrepresentation or conversion;

3 ~~((3))~~ (c) Has made a false statement of a material fact in his
4 application or in any data attached thereto;

5 ~~((4))~~ (d) Has violated any provisions of this chapter, or failed
6 to comply with any rule or regulation issued by the director pursuant
7 to this chapter.

8 (2) The director shall immediately suspend the license or
9 certificate of a person who has been certified pursuant to section 802
10 of this act by the department of social and health services as a person
11 who is not in compliance with a support order. If the person has
12 continued to meet all other requirements for reinstatement during the
13 suspension, reissuance of the license or certificate shall be automatic
14 upon the director's receipt of a release issued by the department of
15 social and health services stating that the licensee is in compliance
16 with the order.

17 **Sec. 855.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
18 read as follows:

19 (1) The director of agriculture may cancel or suspend any such
20 license if he finds after proper investigation that (a) the licensee
21 has violated any provision of this chapter or of any other law of this
22 state relating to the operation of refrigerated lockers or of the sale
23 of any human food in connection therewith, or any regulation effective
24 under any act the administration of which is in the charge of the
25 department of agriculture, or (b) the licensed refrigerated locker
26 premises or any equipment used therein or in connection therewith is in
27 an unsanitary condition and the licensee has failed or refused to
28 remedy the same within ten days after receipt from the director of
29 agriculture of written notice to do so.

30 (2) No license shall be revoked or suspended by the director
31 without delivery to the licensee of a written statement of the charge
32 involved and an opportunity to answer such charge within ten days from
33 the date of such notice.

34 (3) Any order made by the director suspending or revoking any
35 license may be reviewed by certiorari in the superior court of the
36 county in which the licensed premises are located, within ten days from
37 the date notice in writing of the director's order revoking or
38 suspending such license has been served upon him.

1 (4) The director shall immediately suspend the license or
2 certificate of a person who has been certified pursuant to section 802
3 of this act by the department of social and health services as a person
4 who is not in compliance with a support order. If the person has
5 continued to meet all other requirements for reinstatement during the
6 suspension, reissuance of the license or certificate shall be automatic
7 upon the director's receipt of a release issued by the department of
8 social and health services stating that the licensee is in compliance
9 with the order.

10 **Sec. 856.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
11 read as follows:

12 (1) A registration or an application for registration of camping
13 resort contracts or renewals thereof may by order be denied, suspended,
14 or revoked if the director finds that:

15 (a) The advertising, sales techniques, or trade practices of the
16 applicant, registrant, or its affiliate or agent have been or are
17 deceptive, false, or misleading;

18 (b) The applicant or registrant has failed to file copies of the
19 camping resort contract form under RCW 19.105.360;

20 (c) The applicant, registrant, or affiliate has failed to comply
21 with any provision of this chapter, the rules adopted or the conditions
22 of a permit granted under this chapter, or a stipulation or final order
23 previously entered into by the operator or issued by the department
24 under this chapter;

25 (d) The applicant's, registrant's, or affiliate's offering of
26 camping resort contracts has worked or would work a fraud upon
27 purchasers or owners of camping resort contracts;

28 (e) The camping resort operator or any officer, director, or
29 affiliate of the camping resort operator has been within the last five
30 years convicted of or pleaded nolo contendere to any misdemeanor or
31 felony involving conversion, embezzlement, theft, fraud, or dishonesty,
32 has been enjoined from or had any civil penalty assessed for a finding
33 of dishonest dealing or fraud in a civil suit, or been found to have
34 engaged in any violation of any act designed to protect consumers, or
35 has been engaged in dishonest practices in any industry involving sales
36 to consumers;

37 (f) The applicant or registrant has represented or is representing
38 to purchasers in connection with the offer or sale of a camping resort

1 contract that a camping resort property, facility, amenity camp site,
2 or other development is planned, promised, or required, and the
3 applicant or registrant has not provided the director with a security
4 or assurance of performance as required by this chapter;

5 (g) The applicant or registrant has not provided or is no longer
6 providing the director with the necessary security arrangements to
7 assure future availability of titles or properties as required by this
8 chapter or agreed to in the permit to market;

9 (h) The applicant or registrant is or has been employing
10 unregistered salespersons or offering or proposing a membership
11 referral program not in compliance with this chapter;

12 (i) The applicant or registrant has breached any escrow, impound,
13 reserve account, or trust arrangement or the conditions of an order or
14 permit to market required by this chapter;

15 (j) The applicant or registrant has breached any stipulation or
16 order entered into in settlement of the department's filing of a
17 previous administrative action;

18 (k) The applicant or registrant has filed or caused to be filed
19 with the director any document or affidavit, or made any statement
20 during the course of a registration or exemption procedure with the
21 director, that is materially untrue or misleading;

22 (l) The applicant or registrant has engaged in a practice of
23 failing to provide the written disclosures to purchasers or prospective
24 purchasers as required under this chapter;

25 (m) The applicant, registrant, or any of its officers, directors,
26 or employees, if the operator is other than a natural person, have
27 wilfully done, or permitted any of their salespersons or agents to do,
28 any of the following:

29 (i) Engage in a pattern or practice of making untrue or misleading
30 statements of a material fact, or omitting to state a material fact;

31 (ii) Employ any device, scheme, or artifice to defraud purchasers
32 or members;

33 (iii) Engage in a pattern or practice of failing to provide the
34 written disclosures to purchasers or prospective purchasers as required
35 under this chapter;

36 (n) The applicant or registrant has failed to provide a bond,
37 letter of credit, or other arrangement to assure delivery of promised
38 gifts, prizes, awards, or other items of consideration, as required
39 under this chapter, breached such a security arrangement, or failed to

1 maintain such a security arrangement in effect because of a resignation
2 or loss of a trustee, impound, or escrow agent;

3 (o) The applicant or registrant has engaged in a practice of
4 selling contracts using material amendments or codicils that have not
5 been filed or are the consequences of breaches or alterations in
6 previously filed contracts;

7 (p) The applicant or registrant has engaged in a practice of
8 selling or proposing to sell contracts in a ratio of contracts to sites
9 available in excess of that filed in the affidavit required by this
10 chapter;

11 (q) The camping resort operator has withdrawn, has the right to
12 withdraw, or is proposing to withdraw from use all or any portion of
13 any camping resort property devoted to the camping resort program,
14 unless:

15 (i) Adequate provision has been made to provide within a reasonable
16 time thereafter a substitute property in the same general area that is
17 at least as desirable for the purpose of camping and outdoor
18 recreation;

19 (ii) The property is withdrawn because, despite good faith efforts
20 by the camping resort operator, a nonaffiliate of the camping resort
21 has exercised a right of withdrawal from use by the camping resort
22 (such as withdrawal following expiration of a lease of the property to
23 the camping resort) and the terms of the withdrawal right have been
24 disclosed in writing to all purchasers at or prior to the time of any
25 sales of camping resort contracts after the camping resort has
26 represented to purchasers that the property is or will be available for
27 camping or recreation purposes;

28 (iii) The specific date upon which the withdrawal becomes effective
29 has been disclosed in writing to all purchasers and members prior to
30 the time of any sales of camping resort contracts after the camping
31 resort has represented to purchasers that the property is or will be
32 available for camping or recreation purposes;

33 (iv) The rights of members and owners of the camping resort
34 contracts under the express terms of the camping resort contract have
35 expired, or have been specifically limited, upon the lapse of a stated
36 or determinable period of time, and the director by order has found
37 that the withdrawal is not otherwise inconsistent with the protection
38 of purchasers or the desire of the majority of the owners of camping

1 resort contracts, as expressed in their previously obtained vote of
2 approval;

3 (r) The format, form, or content of the written disclosures
4 provided therein is not complete, full, or materially accurate, or
5 statements made therein are materially false, misleading, or deceptive;

6 (s) The applicant or registrant has failed or declined to respond
7 to any subpoena lawfully issued and served by the department under this
8 chapter;

9 (t) The applicant or registrant has failed to file an amendment for
10 a material change in the manner or at the time required under this
11 chapter or its implementing rules;

12 (u) The applicant or registrant has filed voluntarily or been
13 placed involuntarily into a federal bankruptcy or is proposing to do
14 so; or

15 (v) A camping resort operator's rights or interest in a campground
16 has been terminated by foreclosure or the operations in a camping
17 resort have been terminated in a manner contrary to contract
18 provisions.

19 (2) Any applicant or registrant who has violated subsection (1)(a),
20 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be
21 fined by the director in an amount not to exceed one thousand dollars
22 for each such violation. Proceedings seeking such fines shall be held
23 in accordance with chapter 34.05 RCW and may be filed either separately
24 or in conjunction with other administrative proceedings to deny,
25 suspend, or revoke registrations authorized under this chapter. Fines
26 collected from such proceedings shall be deposited in the state general
27 fund.

28 (3) An operator, registrant, or applicant against whom
29 administrative or legal proceedings have been filed shall be
30 responsible for and shall reimburse the state, by payment into the
31 general fund, for all administrative and legal costs actually incurred
32 by the department in issuing, processing, and conducting any such
33 administrative or legal proceeding authorized under this chapter that
34 results in a final legal or administrative determination of any type or
35 degree in favor of the department.

36 (4) No order may be entered under this section without appropriate
37 prior notice to the applicant or registrant of opportunity for a
38 hearing and written findings of fact and conclusions of law, except
39 that the director may by order summarily deny an application for

1 registration or renewal under any of the above subsections and may
2 summarily suspend or revoke a registration under subsection (1)(d),
3 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine
4 may be imposed by summary order.

5 (5) The proceedings to deny an application or renewal, suspend or
6 revoke a registration or permit, whether summarily or otherwise, or
7 impose a fine shall be held in accordance with chapter 34.05 RCW.

8 (6) The director may enter into assurances of discontinuance in
9 lieu of issuing a statement of charges or a cease and desist order or
10 conducting a hearing under this chapter. The assurances shall consist
11 of a statement of the law in question and an agreement not to violate
12 the stated provision. The applicant or registrant shall not be
13 required to admit to any violation of the law, nor shall the assurance
14 be construed as such an admission. Violating or breaching an assurance
15 under this subsection is grounds for suspension or revocation of
16 registration or imposition of a fine.

17 (7) The director shall immediately suspend the license or
18 certificate of a person who has been certified pursuant to section 802
19 of this act by the department of social and health services as a person
20 who is not in compliance with a support order. If the person has
21 continued to meet all other requirements for reinstatement during the
22 suspension, reissuance of the license or certificate shall be automatic
23 upon the director's receipt of a release issued by the department of
24 social and health services stating that the licensee is in compliance
25 with the order.

26 **Sec. 857.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
27 read as follows:

28 (1) A salesperson may apply for registration by filing in a
29 complete and readable form with the director an application form
30 provided by the director which includes the following:

31 (a) A statement whether or not the applicant within the past five
32 years has been convicted of, pleaded nolo contendere to, or been ordered
33 to serve probation for a period of a year or more for any misdemeanor
34 or felony involving conversion, embezzlement, theft, fraud, or
35 dishonesty or the applicant has been enjoined from, had any civil
36 penalty assessed for, or been found to have engaged in any violation of
37 any act designed to protect consumers;

1 (b) A statement fully describing the applicant's employment history
2 for the past five years and whether or not any termination of
3 employment during the last five years was the result of any theft,
4 fraud, or act of dishonesty;

5 (c) A consent to service comparable to that required of operators
6 under this chapter; and

7 (d) Required filing fees.

8 (2) The director may by order deny, suspend, or revoke a camping
9 resort salesperson's registration or application for registration under
10 this chapter or the person's license or application under chapter 18.85
11 RCW, or impose a fine on such persons not exceeding two hundred dollars
12 per violation, if the director finds that the order is necessary for
13 the protection of purchasers or owners of camping resort contracts and
14 the applicant or registrant is guilty of:

15 (a) Obtaining registration by means of fraud, misrepresentation, or
16 concealment, or through the mistake or inadvertence of the director;

17 (b) Violating any of the provisions of this chapter or any lawful
18 rules adopted by the director pursuant thereto;

19 (c) Being convicted in a court of competent jurisdiction of this or
20 any other state, or federal court, of forgery, embezzlement, obtaining
21 money under false pretenses, bribery, larceny, extortion, conspiracy to
22 defraud, or any similar offense or offenses. For the purposes of this
23 section, "being convicted" includes all instances in which a plea of
24 guilty or nolo contendere is the basis for the conviction, and all
25 proceedings in which the sentence has been deferred or suspended;

26 (d) Making, printing, publishing, distributing, or causing,
27 authorizing, or knowingly permitting the making, printing, publication,
28 or distribution of false statements, descriptions, or promises of such
29 character as to reasonably induce any person to act thereon, if the
30 statements, descriptions, or promises purport to be made or to be
31 performed by either the applicant or registrant and the applicant or
32 registrant then knew or, by the exercise of reasonable care and
33 inquiry, could have known, of the falsity of the statements,
34 descriptions, or promises;

35 (e) Knowingly committing, or being a party to, any material fraud,
36 misrepresentation, concealment, conspiracy, collusion, trick, scheme,
37 or device whereby any other person lawfully relies upon the work,
38 representation, or conduct of the applicant or registrant;

1 (f) Failing, upon demand, to disclose to the director or the
2 director's authorized representatives acting by authority of law any
3 information within his or her knowledge or to produce for inspection
4 any document, book or record in his or her possession, which is
5 material to the salesperson's registration or application for
6 registration;

7 (g) Continuing to sell camping resort contracts in a manner whereby
8 the interests of the public are endangered, if the director has, by
9 order in writing, stated objections thereto;

10 (h) Committing any act of fraudulent or dishonest dealing or a
11 crime involving moral turpitude, and a certified copy of the final
12 holding of any court of competent jurisdiction in such matter shall be
13 conclusive evidence in any hearing under this chapter;

14 (i) Misrepresentation of membership in any state or national
15 association; or

16 (j) Discrimination against any person in hiring or in sales
17 activity on the basis of race, color, creed, or national origin, or
18 violating any state or federal antidiscrimination law.

19 (3) No order may be entered under this section without appropriate
20 prior notice to the applicant or registrant of opportunity for a
21 hearing and written findings of fact and conclusions of law, except
22 that the director may by order summarily deny an application for
23 registration under this section.

24 (4) The proceedings to deny an application or renewal, suspend or
25 revoke a registration or permit, whether summarily or otherwise, or
26 impose a fine shall be held in accordance with chapter 34.05 RCW.

27 (5) The director, subsequent to any complaint filed against a
28 salesperson or pursuant to an investigation to determine violations,
29 may enter into stipulated assurances of discontinuances in lieu of
30 issuing a statement of charges or a cease and desist order or
31 conducting a hearing. The assurance shall consist of a statement of
32 the law in question and an agreement not to violate the stated
33 provision. The salesperson shall not be required to admit to any
34 violation of the law, nor shall the assurance be construed as such an
35 admission. Violation of an assurance under this subsection is grounds
36 for a disciplinary action, a suspension of registration, or a fine not
37 to exceed one thousand dollars.

38 (6) The director may by rule require such further information or
39 conditions for registration as a camping resort salesperson, including

1 qualifying examinations and fingerprint cards prepared by authorized
2 law enforcement agencies, as the director deems necessary to protect
3 the interests of purchasers.

4 (7) Registration as a camping resort salesperson shall be effective
5 for a period of one year unless the director specifies otherwise or the
6 salesperson transfers employment to a different registrant.
7 Registration as a camping resort salesperson shall be renewed annually,
8 or at the time of transferring employment, whichever occurs first, by
9 the filing of a form prescribed by the director for that purpose.

10 (8) It is unlawful for a registrant of camping resort contracts to
11 employ or a person to act as a camping resort salesperson covered under
12 this section unless the salesperson has in effect with the department
13 and displays a valid registration in a conspicuous location at each of
14 the sales offices at which the salesperson is employed. It is the
15 responsibility of both the operator and the salesperson to notify the
16 department when and where a salesperson is employed, his or her
17 responsibilities and duties, and when the salesperson's employment or
18 reported duties are changed or terminated.

19 (9) The director shall immediately suspend the license or
20 certificate of a person who has been certified pursuant to section 802
21 of this act by the department of social and health services as a person
22 who is not in compliance with a support order. If the person has
23 continued to meet all other requirements for reinstatement during the
24 suspension, reissuance of the license or certificate shall be automatic
25 upon the director's receipt of a release issued by the department of
26 social and health services stating that the licensee is in compliance
27 with the order.

28 **Sec. 858.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
29 read as follows:

30 (1) The director may deny, suspend, or revoke the registration of
31 a seller of travel if the director finds that the applicant:

32 (a) Was previously the holder of a registration issued under this
33 chapter, and the registration was revoked for cause and never reissued
34 by the director, or the registration was suspended for cause and the
35 terms of the suspension have not been fulfilled;

36 (b) Has been found guilty of a felony within the past five years
37 involving moral turpitude, or of a misdemeanor concerning fraud or

1 conversion, or suffers a judgment in a civil action involving willful
2 fraud, misrepresentation, or conversion;

3 (c) Has made a false statement of a material fact in an application
4 under this chapter or in data attached to it;

5 (d) Has violated this chapter or failed to comply with a rule
6 adopted by the director under this chapter;

7 (e) Has failed to display the registration as provided in this
8 chapter;

9 (f) Has published or circulated a statement with the intent to
10 deceive, misrepresent, or mislead the public; or

11 (g) Has committed a fraud or fraudulent practice in the operation
12 and conduct of a travel agency business, including, but not limited to,
13 intentionally misleading advertising.

14 (2) If the seller of travel is found in violation of this chapter
15 or in violation of the consumer protection act, chapter 19.86 RCW, by
16 the entry of a judgment or by settlement of a claim, the director may
17 revoke the registration of the seller of travel, and the director may
18 reinstate the registration at the director's discretion.

19 (3) The director shall immediately suspend the license or
20 certificate of a person who has been certified pursuant to section 802
21 of this act by the department of social and health services as a person
22 who is not in compliance with a support order. If the person has
23 continued to meet all other requirements for reinstatement during the
24 suspension, reissuance of the license or certificate shall be automatic
25 upon the director's receipt of a release issued by the department of
26 social and health services stating that the licensee is in compliance
27 with the order.

28 **Sec. 859.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to
29 read as follows:

30 (1) In order to maintain or defend a lawsuit or do any business in
31 this state, a commercial telephone solicitor must be registered with
32 the department of licensing. Prior to doing business in this state, a
33 commercial telephone solicitor shall register with the department of
34 licensing. Doing business in this state includes both commercial
35 telephone solicitation from a location in Washington and solicitation
36 of purchasers located in Washington.

37 (2) The department of licensing, in registering commercial
38 telephone solicitors, shall have the authority to require the

1 submission of information necessary to assist in identifying and
2 locating a commercial telephone solicitor, including past business
3 history, prior judgments, and such other information as may be useful
4 to purchasers.

5 (3) The department of licensing shall issue a registration number
6 to the commercial telephone solicitor.

7 (4) It is a violation of this chapter for a commercial telephone
8 solicitor to:

9 (a) Fail to maintain a valid registration;

10 (b) Advertise that one is registered as a commercial telephone
11 solicitor or to represent that such registration constitutes approval
12 or endorsement by any government or governmental office or agency;

13 (c) Provide inaccurate or incomplete information to the department
14 of licensing when making a registration application; or

15 (d) Represent that a person is registered or that such person has
16 a valid registration number when such person does not.

17 (5) An annual registration fee shall be assessed by the department
18 of licensing, the amount of which shall be determined at the discretion
19 of the director of the department of licensing, and which shall be
20 reasonably related to the cost of administering the provisions of this
21 chapter.

22 (6) The department shall immediately suspend the license or
23 certificate of a person who has been certified pursuant to section 802
24 of this act by the department of social and health services as a person
25 who is not in compliance with a support order. If the person has
26 continued to meet all other requirements for reinstatement during the
27 suspension, reissuance of the license or certificate shall be automatic
28 upon the department's receipt of a release issued by the department of
29 social and health services stating that the licensee is in compliance
30 with the order.

31 **Sec. 860.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to
32 read as follows:

33 (1) An application for registration as an international student
34 exchange visitor placement organization shall be submitted in the form
35 prescribed by the secretary of state. The application shall include:

36 (a) Evidence that the organization meets the standards established
37 by the secretary of state under RCW 19.166.050;

1 (b) The name, address, and telephone number of the organization,
2 its chief executive officer, and the person within the organization who
3 has primary responsibility for supervising placements within the state;

4 (c) The organization's unified business identification number, if
5 any;

6 (d) The organization's United States Information Agency number, if
7 any;

8 (e) Evidence of council on standards for international educational
9 travel listing, if any;

10 (f) Whether the organization is exempt from federal income tax; and

11 (g) A list of the organization's placements in Washington for the
12 previous academic year including the number of students placed, their
13 home countries, the school districts in which they were placed, and the
14 length of their placements.

15 (2) The application shall be signed by the chief executive officer
16 of the organization and the person within the organization who has
17 primary responsibility for supervising placements within Washington.
18 If the secretary of state determines that the application is complete,
19 the secretary of state shall file the application and the applicant is
20 registered.

21 (3) International student exchange visitor placement organizations
22 that have registered shall inform the secretary of state of any changes
23 in the information required under subsection (1) of this section within
24 thirty days of the change.

25 (4) Registration shall be renewed annually as established by rule
26 by the office of the secretary of state.

27 (5) The office of the secretary of state shall immediately suspend
28 the license or certificate of a person who has been certified pursuant
29 to section 802 of this act by the department of social and health
30 services as a person who is not in compliance with a support order. If
31 the person has continued to meet all other requirements for
32 reinstatement during the suspension, reissuance of the license or
33 certificate shall be automatic upon the office of the secretary of
34 state's receipt of a release issued by the department of social and
35 health services stating that the licensee is in compliance with the
36 order.

37 NEW SECTION. Sec. 861. A new section is added to chapter 20.01
38 RCW to read as follows:

1 The director shall immediately suspend the license or certificate
2 of a person who has been certified pursuant to section 802 of this act
3 by the department of social and health services as a person who is not
4 in compliance with a support order. If the person has continued to
5 meet all other requirements for reinstatement during the suspension,
6 reissuance of the license or certificate shall be automatic upon the
7 director's receipt of a release issued by the department of social and
8 health services stating that the licensee is in compliance with the
9 order.

10 **Sec. 862.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
11 read as follows:

12 The director may by order deny, suspend, or revoke registration of
13 any broker-dealer, salesperson, investment adviser representative, or
14 investment adviser; censure or fine the registrant or an officer,
15 director, partner, or person occupying similar functions for a
16 registrant; or restrict or limit a registrant's function or activity of
17 business for which registration is required in this state; if the
18 director finds that the order is in the public interest and that the
19 applicant or registrant or, in the case of a broker-dealer or
20 investment adviser, any partner, officer, or director:

21 (1) Has filed an application for registration under this section
22 which, as of its effective date, or as of any date after filing in the
23 case of an order denying effectiveness, was incomplete in any material
24 respect or contained any statement which was, in the light of the
25 circumstances under which it was made, false, or misleading with
26 respect to any material fact;

27 (2) Has willfully violated or willfully failed to comply with any
28 provision of this chapter or a predecessor act or any rule or order
29 under this chapter or a predecessor act, or any provision of chapter
30 21.30 RCW or any rule or order thereunder;

31 (3) Has been convicted, within the past five years, of any
32 misdemeanor involving a security, or a commodity contract or commodity
33 option as defined in RCW 21.30.010, or any aspect of the securities or
34 investment commodities business, or any felony involving moral
35 turpitude;

36 (4) Is permanently or temporarily enjoined by any court of
37 competent jurisdiction from engaging in or continuing any conduct or

1 practice involving any aspect of the securities or investment
2 commodities business;

3 (5) Is the subject of an order of the director denying, suspending,
4 or revoking registration as a broker-dealer, salesperson, investment
5 adviser, or investment adviser representative;

6 (6) Is the subject of an order entered within the past five years
7 by the securities administrator of any other state or by the federal
8 securities and exchange commission denying or revoking registration as
9 a broker-dealer or salesperson, or a commodity broker-dealer or sales
10 representative, or the substantial equivalent of those terms as defined
11 in this chapter or by the commodity futures trading commission denying
12 or revoking registration as a commodity merchant as defined in RCW
13 21.30.010, or is the subject of an order of suspension or expulsion
14 from membership in or association with a self-regulatory organization
15 registered under the securities exchange act of 1934 or the federal
16 commodity exchange act, or is the subject of a United States post
17 office fraud order; but (a) the director may not institute a revocation
18 or suspension proceeding under this clause more than one year from the
19 date of the order relied on, and (b) the director may not enter any
20 order under this clause on the basis of an order unless that order was
21 based on facts which would currently constitute a ground for an order
22 under this section;

23 (7) Has engaged in dishonest or unethical practices in the
24 securities or investment commodities business;

25 (8) Is insolvent, either in the sense that his or her liabilities
26 exceed his or her assets or in the sense that he or she cannot meet his
27 or her obligations as they mature; but the director may not enter an
28 order against a broker-dealer or investment adviser under this clause
29 without a finding of insolvency as to the broker-dealer or investment
30 adviser;

31 (9) Has not complied with a condition imposed by the director under
32 RCW 21.20.100, or is not qualified on the basis of such factors as
33 training, experience, or knowledge of the securities business; or

34 (10)(a) Has failed to supervise reasonably a salesperson or an
35 investment adviser representative. For the purposes of this
36 subsection, no person fails to supervise reasonably another person, if:

37 (i) There are established procedures, and a system for applying
38 those procedures, that would reasonably be expected to prevent and

1 detect, insofar as practicable, any violation by another person of this
2 chapter, or a rule or order under this chapter; and

3 (ii) The supervising person has reasonably discharged the duties
4 and obligations required by these procedures and system without
5 reasonable cause to believe that another person was violating this
6 chapter or rules or orders under this chapter.

7 (b) The director may issue a summary order pending final
8 determination of a proceeding under this section upon a finding that it
9 is in the public interest and necessary or appropriate for the
10 protection of investors. The director may not impose a fine under this
11 section except after notice and opportunity for hearing. The fine
12 imposed under this section may not exceed five thousand dollars for
13 each act or omission that constitutes the basis for issuing the order.

14 The director shall immediately suspend the license or certificate
15 of a person who has been certified pursuant to section 802 of this act
16 by the department of social and health services as a person who is not
17 in compliance with a support order. If the person has continued to
18 meet all other requirements for reinstatement during the suspension,
19 reissuance of the license or certificate shall be automatic upon the
20 director's receipt of a release issued by the department of social and
21 health services stating that the licensee is in compliance with the
22 order.

23 NEW SECTION. Sec. 863. A new section is added to chapter 48.17
24 RCW to read as follows:

25 The commissioner shall immediately suspend the license or
26 certificate of a person who has been certified pursuant to section 802
27 of this act by the department of social and health services as a person
28 who is not in compliance with a support order. If the person has
29 continued to meet all other requirements for reinstatement during the
30 suspension, reissuance of the license or certificate shall be automatic
31 upon the commissioner's receipt of a release issued by the department
32 of social and health services stating that the licensee is in
33 compliance with the order.

34 NEW SECTION. Sec. 864. A new section is added to chapter 74.15
35 RCW to read as follows:

36 The secretary shall immediately suspend the license or certificate
37 of a person who has been certified pursuant to section 802 of this act

1 by the department of social and health services as a person who is not
2 in compliance with a support order. If the person has continued to
3 meet all other requirements for reinstatement during the suspension,
4 reissuance of the license or certificate shall be automatic upon the
5 secretary's receipt of a release issued by the department of social and
6 health services stating that the licensee is in compliance with the
7 order.

8 NEW SECTION. **Sec. 865.** A new section is added to chapter 47.68
9 RCW to read as follows:

10 The department shall immediately suspend the license or certificate
11 of a person who has been certified pursuant to section 802 of this act
12 by the department of social and health services as a person who is not
13 in compliance with a support order. If the person has continued to
14 meet all other requirements for reinstatement during the suspension,
15 reissuance of the license or certificate shall be automatic upon the
16 department's receipt of a release issued by the department of social
17 and health services stating that the licensee is in compliance with the
18 order.

19 NEW SECTION. **Sec. 866.** A new section is added to chapter 71.12
20 RCW to read as follows:

21 The department of health shall immediately suspend the license or
22 certificate of a person who has been certified pursuant to section 802
23 of this act by the department of social and health services as a person
24 who is not in compliance with a support order. If the person has
25 continued to meet all other requirements for reinstatement during the
26 suspension, reissuance of the license or certificate shall be automatic
27 upon the department of health's receipt of a release issued by the
28 department of social and health services stating that the licensee is
29 in compliance with the order.

30 **Sec. 867.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to
31 read as follows:

32 (1) The board shall regulate a required alcohol server education
33 program that includes:

34 (a) Development of the curriculum and materials for the education
35 program;

36 (b) Examination and examination procedures;

1 (c) Certification procedures, enforcement policies, and penalties
2 for education program instructors and providers;

3 (d) The curriculum for an approved class 12 alcohol permit training
4 program that includes but is not limited to the following subjects:

5 (i) The physiological effects of alcohol including the effects of
6 alcohol in combination with drugs;

7 (ii) Liability and legal information;

8 (iii) Driving while intoxicated;

9 (iv) Intervention with the problem customer, including ways to stop
10 service, ways to deal with the belligerent customer, and alternative
11 means of transportation to get the customer safely home;

12 (v) Methods for checking proper identification of customers;

13 (vi) Nationally recognized programs, such as TAM (Techniques in
14 Alcohol Management) and TIPS (Training for Intervention Programs)
15 modified to include Washington laws and regulations.

16 (2) The board shall provide the program through liquor licensee
17 associations, independent contractors, private persons, private or
18 public schools certified by the board, or any combination of such
19 providers.

20 (3) Except as provided in section 869 of this act, each training
21 entity shall provide a class 12 permit to the manager or bartender who
22 has successfully completed a course the board has certified. A list of
23 the individuals receiving the class 12 permit shall be forwarded to the
24 board on the completion of each course given by the training entity.

25 (4) After January 1, 1997, the board shall require all alcohol
26 servers applying for a class 13 alcohol server permit to view a video
27 training session. Retail liquor licensees shall fully compensate
28 employees for the time spent participating in this training session.

29 (5) When requested by a retail liquor licensee, the board shall
30 provide copies of videotaped training programs that have been produced
31 by private vendors and make them available for a nominal fee to cover
32 the cost of purchasing and shipment, with the fees being deposited in
33 the liquor revolving fund for distribution to the board as needed.

34 (6) Each training entity may provide the board with a video program
35 of not less than one hour that covers the subjects in subsection
36 (1)(d)(i) through (v) of this section that will be made available to a
37 licensee for the training of a class 13 alcohol server.

1 (7) Except as provided in section 869 of this act, applicants shall
2 be given a class 13 permit upon the successful completion of the
3 program.

4 (8) A list of the individuals receiving the class 13 permit shall
5 be forwarded to the board on the completion of each video training
6 program.

7 (9) The board shall develop a model permit for the class 12 and 13
8 permits. The board may provide such permits to training entities or
9 licensees for a nominal cost to cover production.

10 (10)(a) Persons who have completed a nationally recognized alcohol
11 management or intervention program since July 1, 1993, may be issued a
12 class 12 or 13 permit upon providing proof of completion of such
13 training to the board.

14 (b) Persons who completed the board's alcohol server training
15 program after July 1, 1993, but before July 1, 1995, may be issued a
16 class 13 permit upon providing proof of completion of such training to
17 the board.

18 NEW SECTION. Sec. 868. A new section is added to chapter 66.20
19 RCW to read as follows:

20 The board shall immediately suspend the license of a person who has
21 been certified pursuant to section 802 of this act by the department of
22 social and health services as a person who is not in compliance with a
23 support order. If the person has continued to meet all other
24 requirements for reinstatement during the suspension, reissuance of the
25 license shall be automatic upon the board's receipt of a release issued
26 by the department of social and health services stating that the
27 licensee is in compliance with the order.

28 NEW SECTION. Sec. 869. A new section is added to chapter 66.24
29 RCW to read as follows:

30 The board shall immediately suspend the license of a person who has
31 been certified pursuant to section 802 of this act by the department of
32 social and health services as a person who is not in compliance with a
33 support order. If the person has continued to meet all other
34 requirements for reinstatement during the suspension, reissuance of the
35 license shall be automatic upon the board's receipt of a release issued
36 by the department of social and health services stating that the
37 licensee is in compliance with the order.

1 NEW SECTION. **Sec. 870.** A new section is added to chapter 88.02
2 RCW to read as follows:

3 The department shall immediately suspend the vessel registration or
4 vessel dealer's registration of a person who has been certified
5 pursuant to section 802 of this act by the department of social and
6 health services as a person who is not in compliance with a support
7 order. If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the registration
9 shall be automatic upon the department's receipt of a release issued by
10 the department of social and health services stating that the licensee
11 is in compliance with the order.

12 **Sec. 871.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to
13 read as follows:

14 Except as provided in RCW 67.08.100, upon the approval by the
15 department of any application for a license, as hereinabove provided,
16 and the filing of the bond the department shall forthwith issue such
17 license.

18 **Sec. 872.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
19 read as follows:

20 (1) The department may grant annual licenses upon application in
21 compliance with the rules and regulations prescribed by the director,
22 and the payment of the fees, the amount of which is to be set by the
23 director in accordance with RCW 43.24.086, prescribed to promoters,
24 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the
25 provisions of this section shall not apply to contestants or
26 participants in strictly amateur contests and/or fraternal
27 organizations and/or veterans' organizations chartered by congress or
28 the defense department or any bona fide athletic club which is a member
29 of the Pacific northwest association of the amateur athletic union of
30 the United States, holding and promoting athletic contests and where
31 all funds are used primarily for the benefit of their members.

32 (2) Any such license may be revoked by the department for any cause
33 which it shall deem sufficient.

34 (3) No person shall participate or serve in any of the above
35 capacities unless licensed as provided in this chapter.

36 (4) The referee for any boxing contest shall be designated by the
37 department from among such licensed referees.

1 (5) The referee for any wrestling exhibition or show shall be
2 provided by the promoter and licensed by the department.

3 (6) The department shall immediately suspend the license or
4 certificate of a person who has been certified pursuant to section 802
5 of this act by the department of social and health services as a person
6 who is not in compliance with a support order. If the person has
7 continued to meet all other requirements for reinstatement during the
8 suspension, reissuance of the license or certificate shall be automatic
9 upon the department's receipt of a release issued by the department of
10 social and health services stating that the licensee is in compliance
11 with the order.

12 **Sec. 873.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
13 as follows:

14 (1) The department shall not issue or renew a master license to any
15 person if:

16 (a) The person does not have a valid tax registration, if required;

17 (b) The person is a corporation delinquent in fees or penalties
18 owing to the secretary of state or is not validly registered under
19 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
20 now or hereafter adopted which gives corporate or business licensing
21 responsibilities to the secretary of state; or

22 (c) The person has not submitted the sum of all fees and deposits
23 required for the requested individual license endorsements, any
24 outstanding master license delinquency fee, or other fees and penalties
25 to be collected through the system.

26 (2) Nothing in this section shall prevent registration by the state
27 of an employer for the purpose of paying an employee of that employer
28 industrial insurance or unemployment insurance benefits.

29 (3) The department shall immediately suspend the license or
30 certificate of a person who has been certified pursuant to section 802
31 of this act by the department of social and health services as a person
32 who is not in compliance with a support order. If the person has
33 continued to meet all other requirements for reinstatement during the
34 suspension, reissuance of the license or certificate shall be automatic
35 upon the department's receipt of a release issued by the department of
36 social and health services stating that the licensee is in compliance
37 with the order.

1 **Sec. 874.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
2 read as follows:

3 Except as provided in section 877 of this act, at the close of each
4 examination the department of licensing shall prepare the proper
5 licenses, where no further fee is required to be paid, and issue
6 licenses to the successful applicants signed by the director and notify
7 all successful applicants, where a further fee is required, of the fact
8 that they are entitled to receive such license upon the payment of such
9 further fee to the department of licensing and notify all applicants
10 who have failed to pass the examination of that fact.

11 **Sec. 875.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
12 read as follows:

13 Except as provided in section 877 of this act, whenever there is
14 filed in a matter under the jurisdiction of the director of licensing
15 any complaint charging that the holder of a license has been guilty of
16 any act or omission which by the provisions of the law under which the
17 license was issued would warrant the revocation thereof, verified in
18 the manner provided by law, the director of licensing shall request the
19 governor to appoint, and the governor shall appoint within thirty days
20 of the request, two qualified practitioners of the profession or
21 calling of the person charged, who, with the director or his duly
22 appointed representative, shall constitute a committee to hear and
23 determine the charges and, in case the charges are sustained, impose
24 the penalty provided by law. In addition, the governor shall appoint
25 a consumer member of the committee.

26 The decision of any three members of such committee shall be the
27 decision of the committee.

28 The appointed members of the committee shall be compensated in
29 accordance with RCW 43.03.240 and shall be reimbursed for their travel
30 expenses, in accordance with RCW 43.03.050 and 43.03.060.

31 **Sec. 876.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
32 read as follows:

33 Except as provided in section 877 of this act, any person feeling
34 aggrieved by the refusal of the director to issue a license, or to
35 renew one, or by the revocation or suspension of a license shall have
36 a right of appeal to superior court from the decision of the director

1 of licensing, which shall be taken, prosecuted, heard, and determined
2 in the manner provided in chapter 34.05 RCW.

3 The decision of the superior court may be reviewed by the supreme
4 court or the court of appeals in the same manner as other civil cases.

5 NEW SECTION. **Sec. 877.** A new section is added to chapter 43.24
6 RCW to read as follows:

7 The department shall immediately suspend any license issued by the
8 department of licensing of a person who has been certified pursuant to
9 section 802 of this act by the department of social and health services
10 as a person who is not in compliance with a support order. If the
11 person has continued to meet all other requirements for reinstatement
12 during the suspension, reissuance of the license shall be automatic
13 upon the department's receipt of a release issued by the department of
14 social and health services stating that the licensee is in compliance
15 with the order.

16 **Sec. 878.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to
17 read as follows:

18 All persons engaged in the manufacture of explosives, or any
19 process involving explosives, or where explosives are used as a
20 component part in the manufacture of any article or device, on (~~the~~
21 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,
22 shall within sixty days thereafter, and all persons engaging in the
23 manufacture of explosives, or any process involving explosives, or
24 where explosives are used as a component part in the manufacture of any
25 article or device after (~~this act takes effect~~) August 11, 1969,
26 shall, before so engaging, make an application in writing, subscribed
27 to by such person or his agent, to the department of labor and
28 industries, the application stating:

- 29 (1) Location of place of manufacture or processing;
30 (2) Kind of explosives manufactured, processed or used;
31 (3) The distance that such explosives manufacturing building is
32 located or intended to be located from the other factory buildings,
33 magazines, inhabited buildings, railroads and highways and public
34 utility transmission systems;
35 (4) The name and address of the applicant;
36 (5) The reason for desiring to manufacture explosives;
37 (6) The applicant's citizenship, if the applicant is an individual;

1 (7) If the applicant is a partnership, the names and addresses of
2 the partners, and their citizenship;

3 (8) If the applicant is an association or corporation, the names
4 and addresses of the officers and directors thereof, and their
5 citizenship; and

6 (9) Such other pertinent information as the director of labor and
7 industries shall require to effectuate the purpose of this chapter.

8 There shall be kept in the main office on the premises of each
9 explosives manufacturing plant a plan of said plant showing the
10 location of all explosives manufacturing buildings and the distance
11 they are located from other factory buildings where persons are
12 employed and from magazines, and these plans shall at all times be open
13 to inspection by duly authorized inspectors of the department of labor
14 and industries. The superintendent of each plant shall upon demand of
15 said inspector furnish the following information:

16 (a) The maximum amount and kind of explosive material which is or
17 will be present in each building at one time.

18 (b) The nature and kind of work carried on in each building and
19 whether or not said buildings are surrounded by natural or artificial
20 barricades.

21 Except as provided in RCW 70.74.370, the department of labor and
22 industries shall as soon as possible after receiving such application
23 cause an inspection to be made of the explosives manufacturing plant,
24 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and
25 70.74.061, such department shall issue a license to the person applying
26 therefor showing compliance with the provisions of this chapter if the
27 applicant demonstrates that either the applicant or the officers,
28 agents or employees of the applicant are sufficiently experienced in
29 the manufacture of explosives and the applicant meets the
30 qualifications for a license under RCW 70.74.360. Such license shall
31 continue in full force and effect until expired, suspended, or revoked
32 by the department pursuant to this chapter.

33 **Sec. 879.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to
34 read as follows:

35 Every person desiring to engage in the business of dealing in
36 explosives shall apply to the department of labor and industries for a
37 license therefor. Said application shall state, among other things:

38 (1) The name and address of applicant;

1 (2) The reason for desiring to engage in the business of dealing in
2 explosives;

3 (3) Citizenship, if an individual applicant;

4 (4) If a partnership, the names and addresses of the partners and
5 their citizenship;

6 (5) If an association or corporation, the names and addresses of
7 the officers and directors thereof and their citizenship; and

8 (6) Such other pertinent information as the director of labor and
9 industries shall require to effectuate the purpose of this chapter.

10 Except as provided in RCW 70.74.370, the department of labor and
11 industries shall issue the license if the applicant demonstrates that
12 either the applicant or the principal officers, agents, or employees of
13 the applicant are experienced in the business of dealing in explosives,
14 possess suitable facilities therefor, have not been convicted of any
15 crime that would warrant revocation or nonrenewal of a license under
16 this chapter, and have never had an explosives-related license revoked
17 under this chapter or under similar provisions of any other state.

18 **Sec. 880.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
19 read as follows:

20 (1) The department of labor and industries shall revoke and not
21 renew the license of any person holding a manufacturer, dealer,
22 purchaser, user, or storage license upon conviction of any of the
23 following offenses, which conviction has become final:

24 (a) A violent offense as defined in RCW 9.94A.030;

25 (b) A crime involving perjury or false swearing, including the
26 making of a false affidavit or statement under oath to the department
27 of labor and industries in an application or report made pursuant to
28 this title;

29 (c) A crime involving bomb threats;

30 (d) A crime involving a schedule I or II controlled substance, or
31 any other drug or alcohol related offense, unless such other drug or
32 alcohol related offense does not reflect a drug or alcohol dependency.
33 However, the department of labor and industries may condition renewal
34 of the license to any convicted person suffering a drug or alcohol
35 dependency who is participating in an alcoholism or drug recovery
36 program acceptable to the department of labor and industries and has
37 established control of their alcohol or drug dependency. The

1 department of labor and industries shall require the licensee to
2 provide proof of such participation and control;

3 (e) A crime relating to possession, use, transfer, or sale of
4 explosives under this chapter or any other chapter of the Revised Code
5 of Washington.

6 (2) The department of labor and industries shall revoke the license
7 of any person adjudged to be mentally ill or insane, or to be
8 incompetent due to any mental disability or disease. The director
9 shall not renew the license until the person has been restored to
10 competency.

11 (3) The department of labor and industries is authorized to
12 suspend, for a period of time not to exceed six months, the license of
13 any person who has violated this chapter or the rules promulgated
14 pursuant to this chapter.

15 (4) The department of labor and industries may revoke the license
16 of any person who has repeatedly violated this chapter or the rules
17 promulgated pursuant to this chapter, or who has twice had his or her
18 license suspended under this chapter.

19 (5) The department of labor and industries shall immediately
20 suspend the license or certificate of a person who has been certified
21 pursuant to section 802 of this act by the department of social and
22 health services as a person who is not in compliance with a support
23 order. If the person has continued to meet all other requirements for
24 reinstatement during the suspension, reissuance of the license or
25 certificate shall be automatic upon the department of labor and
26 industries' receipt of a release issued by the department of social and
27 health services stating that the licensee is in compliance with the
28 order.

29 (6) Upon receipt of notification by the department of labor and
30 industries of revocation or suspension, a licensee must surrender
31 immediately to the department any or all such licenses revoked or
32 suspended.

33 **Sec. 881.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
34 read as follows:

35 (1) Every license shall be issued in the name of the applicant, and
36 the holder thereof shall not allow any other person to use the license.

37 (2) For the purpose of considering any application for a license,
38 the board may cause an inspection of the premises to be made, and may

1 inquire into all matters in connection with the construction and
2 operation of the premises. For the purpose of reviewing any
3 application for a license and for considering the denial, suspension or
4 revocation of any license, the liquor control board may consider any
5 prior criminal conduct of the applicant and the provisions of RCW
6 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
7 board may, in its discretion, grant or refuse the license applied for.
8 Authority to approve an uncontested or unopposed license may be granted
9 by the board to any staff member the board designates in writing.
10 Conditions for granting such authority shall be adopted by rule. No
11 retail license of any kind may be issued to:

12 (a) A person who has not resided in the state for at least one
13 month prior to making application, except in cases of licenses issued
14 to dining places on railroads, boats, or aircraft;

15 (b) A copartnership, unless all of the members thereof are
16 qualified to obtain a license, as provided in this section;

17 (c) A person whose place of business is conducted by a manager or
18 agent, unless such manager or agent possesses the same qualifications
19 required of the licensee; or

20 (d) A corporation, unless it was created under the laws of the
21 state of Washington or holds a certificate of authority to transact
22 business in the state of Washington.

23 (3)(a) The board may, in its discretion, subject to the provisions
24 of RCW 66.08.150, suspend or cancel any license; and all rights of the
25 licensee to keep or sell liquor thereunder shall be suspended or
26 terminated, as the case may be.

27 (b) The board shall immediately suspend the license or certificate
28 of a person who has been certified pursuant to section 802 of this act
29 by the department of social and health services as a person who is not
30 in compliance with a support order. If the person has continued to
31 meet all other requirements for reinstatement during the suspension,
32 reissuance of the license or certificate shall be automatic upon the
33 board's receipt of a release issued by the department of social and
34 health services stating that the licensee is in compliance with the
35 order.

36 (c) The board may request the appointment of administrative law
37 judges under chapter 34.12 RCW who shall have power to administer
38 oaths, issue subpoenas for the attendance of witnesses and the
39 production of papers, books, accounts, documents, and testimony,

1 examine witnesses, and to receive testimony in any inquiry,
2 investigation, hearing, or proceeding in any part of the state, under
3 such rules and regulations as the board may adopt.

4 (d) Witnesses shall be allowed fees and mileage each way to and
5 from any such inquiry, investigation, hearing, or proceeding at the
6 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
7 need not be paid in advance of appearance of witnesses to testify or to
8 produce books, records, or other legal evidence.

9 (e) In case of disobedience of any person to comply with the order
10 of the board or a subpoena issued by the board, or any of its members,
11 or administrative law judges, or on the refusal of a witness to testify
12 to any matter regarding which he or she may be lawfully interrogated,
13 the judge of the superior court of the county in which the person
14 resides, on application of any member of the board or administrative
15 law judge, shall compel obedience by contempt proceedings, as in the
16 case of disobedience of the requirements of a subpoena issued from said
17 court or a refusal to testify therein.

18 (4) Upon receipt of notice of the suspension or cancellation of a
19 license, the licensee shall forthwith deliver up the license to the
20 board. Where the license has been suspended only, the board shall
21 return the license to the licensee at the expiration or termination of
22 the period of suspension. The board shall notify all vendors in the
23 city or place where the licensee has its premises of the suspension or
24 cancellation of the license; and no employee may allow or cause any
25 liquor to be delivered to or for any person at the premises of that
26 licensee.

27 (5)(a) At the time of the original issuance of a class H license,
28 the board shall prorate the license fee charged to the new licensee
29 according to the number of calendar quarters, or portion thereof,
30 remaining until the first renewal of that license is required.

31 (b) Unless sooner canceled, every license issued by the board shall
32 expire at midnight of the thirtieth day of June of the fiscal year for
33 which it was issued. However, if the board deems it feasible and
34 desirable to do so, it may establish, by rule pursuant to chapter 34.05
35 RCW, a system for staggering the annual renewal dates for any and all
36 licenses authorized by this chapter. If such a system of staggered
37 annual renewal dates is established by the board, the license fees
38 provided by this chapter shall be appropriately prorated during the
39 first year that the system is in effect.

1 (6) Every license issued under this section shall be subject to all
2 conditions and restrictions imposed by this title or by the regulations
3 in force from time to time. All conditions and restrictions imposed by
4 the board in the issuance of an individual license shall be listed on
5 the face of the individual license along with the trade name, address,
6 and expiration date.

7 (7) Every licensee shall post and keep posted its license, or
8 licenses, in a conspicuous place on the premises.

9 (8) Before the board shall issue a license to an applicant it shall
10 give notice of such application to the chief executive officer of the
11 incorporated city or town, if the application be for a license within
12 an incorporated city or town, or to the county legislative authority,
13 if the application be for a license outside the boundaries of
14 incorporated cities or towns; and such incorporated city or town,
15 through the official or employee selected by it, or the county
16 legislative authority or the official or employee selected by it, shall
17 have the right to file with the board within twenty days after date of
18 transmittal of such notice, written objections against the applicant or
19 against the premises for which the license is asked, and shall include
20 with such objections a statement of all facts upon which such
21 objections are based, and in case written objections are filed, may
22 request and the liquor control board may in its discretion hold a
23 formal hearing subject to the applicable provisions of Title 34 RCW.
24 Upon the granting of a license under this title the board shall send a
25 duplicate of the license or written notification to the chief executive
26 officer of the incorporated city or town in which the license is
27 granted, or to the county legislative authority if the license is
28 granted outside the boundaries of incorporated cities or towns.

29 (9) Before the board issues any license to any applicant, it shall
30 give (a) due consideration to the location of the business to be
31 conducted under such license with respect to the proximity of churches,
32 schools, and public institutions and (b) written notice by certified
33 mail of the application to churches, schools, and public institutions
34 within five hundred feet of the premises to be licensed. The board
35 shall issue no beer retailer license class A, B, D, or E or wine
36 retailer license class C or F or class H license covering any premises
37 not now licensed, if such premises are within five hundred feet of the
38 premises of any tax-supported public elementary or secondary school
39 measured along the most direct route over or across established public

1 walks, streets, or other public passageway from the outer property line
2 of the school grounds to the nearest public entrance of the premises
3 proposed for license, and if, after receipt by the school or public
4 institution of the notice as provided in this subsection, the board
5 receives written notice, within twenty days after posting such notice,
6 from an official representative or representatives of the school within
7 five hundred feet of said proposed licensed premises, indicating to the
8 board that there is an objection to the issuance of such license
9 because of proximity to a school. For the purpose of this section,
10 church shall mean a building erected for and used exclusively for
11 religious worship and schooling or other activity in connection
12 therewith. No liquor license may be issued or reissued by the board to
13 any motor sports facility or licensee operating within the motor sports
14 facility unless the motor sports facility enforces a program reasonably
15 calculated to prevent alcohol or alcoholic beverages not purchased
16 within the facility from entering the facility and such program is
17 approved by local law enforcement agencies. It is the intent under
18 this subsection that a retail license shall not be issued by the board
19 where doing so would, in the judgment of the board, adversely affect a
20 private school meeting the requirements for private schools under Title
21 28A RCW, which school is within five hundred feet of the proposed
22 licensee. The board shall fully consider and give substantial weight
23 to objections filed by private schools. If a license is issued despite
24 the proximity of a private school, the board shall state in a letter
25 addressed to the private school the board's reasons for issuing the
26 license.

27 (10) The restrictions set forth in subsection (9) of this section
28 shall not prohibit the board from authorizing the assumption of
29 existing licenses now located within the restricted area by other
30 persons or licenses or relocations of existing licensed premises within
31 the restricted area. In no case may the licensed premises be moved
32 closer to a church or school than it was before the assumption or
33 relocation.

34 (11) Nothing in this section prohibits the board, in its
35 discretion, from issuing a temporary retail or wholesaler license to an
36 applicant assuming an existing retail or wholesaler license to continue
37 the operation of the retail or wholesaler premises during the period
38 the application for the license is pending and when the following
39 conditions exist:

1 (a) The licensed premises has been operated under a retail or
2 wholesaler license within ninety days of the date of filing the
3 application for a temporary license;

4 (b) The retail or wholesaler license for the premises has been
5 surrendered pursuant to issuance of a temporary operating license;

6 (c) The applicant for the temporary license has filed with the
7 board an application to assume the retail or wholesaler license at such
8 premises to himself or herself; and

9 (d) The application for a temporary license is accompanied by a
10 temporary license fee established by the board by rule.

11 A temporary license issued by the board under this section shall be
12 for a period not to exceed sixty days. A temporary license may be
13 extended at the discretion of the board for an additional sixty-day
14 period upon payment of an additional fee and upon compliance with all
15 conditions required in this section.

16 Refusal by the board to issue or extend a temporary license shall
17 not entitle the applicant to request a hearing. A temporary license
18 may be canceled or suspended summarily at any time if the board
19 determines that good cause for cancellation or suspension exists. RCW
20 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

21 Application for a temporary license shall be on such form as the
22 board shall prescribe. If an application for a temporary license is
23 withdrawn before issuance or is refused by the board, the fee which
24 accompanied such application shall be refunded in full.

25 **Sec. 882.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
26 read as follows:

27 (1) The department shall issue a certificate of manufactured home
28 installation to an applicant who has taken the training course, passed
29 the examination, paid the fees, and in all other respects (~~meet[s]~~)
30 meets the qualifications. The certificate shall bear the date of
31 issuance, a certification identification number, and is renewable every
32 three years upon application and completion of a continuing education
33 program as determined by the department. A renewal fee shall be
34 assessed for each certificate. If a person fails to renew a
35 certificate by the renewal date, the person must retake the examination
36 and pay the examination fee.

37 (2) The certificate of manufactured home installation provided for
38 in this chapter grants the holder the right to engage in manufactured

1 home installation throughout the state, without any other installer
2 certification.

3 (3) The department shall immediately suspend the license or
4 certificate of a person who has been certified pursuant to section 802
5 of this act by the department of social and health services as a person
6 who is not in compliance with a support order. If the person has
7 continued to meet all other requirements for reinstatement during the
8 suspension, reissuance of the license or certificate shall be automatic
9 upon the department's receipt of a release issued by the department of
10 social and health services stating that the licensee is in compliance
11 with the order.

12 **Sec. 883.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
13 read as follows:

14 (1) The department shall establish a process to certify incinerator
15 and landfill operators. To the greatest extent possible, the
16 department shall rely on the certification standards and procedures
17 developed by national organizations and the federal government.

18 (2) Operators shall be certified if they:

19 (a) Attend the required training sessions;

20 (b) Successfully complete required examinations; and

21 (c) Pay the prescribed fee.

22 (3) By January 1, 1991, the department shall adopt rules to require
23 incinerator and appropriate landfill operators to:

24 (a) Attend a training session concerning the operation of the
25 relevant type of landfill or incinerator;

26 (b) Demonstrate sufficient skill and competency for proper
27 operation of the incinerator or landfill by successfully completing an
28 examination prepared by the department; and

29 (c) Renew the certificate of competency at reasonable intervals
30 established by the department.

31 (4) The department shall provide for the collection of fees for the
32 issuance and renewal of certificates. These fees shall be sufficient
33 to recover the costs of the certification program.

34 (5) The department shall establish an appeals process for the
35 denial or revocation of a certificate.

36 (6) The department shall establish a process to automatically
37 certify operators who have received comparable certification from

1 another state, the federal government, a local government, or a
2 professional association.

3 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
4 operator of an incinerator or landfill may apply to the department for
5 interim certification. Operators shall receive interim certification
6 if they:

7 (a) Have received training provided by a recognized national
8 organization, educational institution, or the federal government that
9 is acceptable to the department; or

10 (b) Have received individualized training in a manner approved by
11 the department; and

12 (c) Have successfully completed any required examinations.

13 (8) No interim certification shall be valid after January 1, 1992,
14 and interim certification shall not automatically qualify operators for
15 certification pursuant to subsections (2) through (4) of this section.

16 (9) The department shall immediately suspend the license or
17 certificate of a person who has been certified pursuant to section 802
18 of this act by the department of social and health services as a person
19 who is not in compliance with a support order. If the person has
20 continued to meet all other requirements for reinstatement during the
21 suspension, reissuance of the license or certificate shall be automatic
22 upon the department's receipt of a release issued by the department of
23 social and health services stating that the licensee is in compliance
24 with the order.

25 NEW SECTION. Sec. 884. A new section is added to chapter 70.95B
26 RCW to read as follows:

27 The director shall immediately suspend the license or certificate
28 of a person who has been certified pursuant to section 802 of this act
29 by the department of social and health services as a person who is not
30 in compliance with a support order. If the person has continued to
31 meet all other requirements for reinstatement during the suspension,
32 reissuance of the license or certificate shall be automatic upon the
33 director's receipt of a release issued by the department of social and
34 health services stating that the licensee is in compliance with the
35 order.

36 **Sec. 885.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
37 read as follows:

1 Any license, permit, or certification provided for in this chapter
2 may be revoked or suspended, and any license, permit, or certification
3 application may be denied by the director for cause. If the director
4 suspends a license under this chapter with respect to activity of a
5 continuing nature under chapter 34.05 RCW, the director may elect to
6 suspend the license for a subsequent license year during a period that
7 coincides with the period commencing thirty days before and ending
8 thirty days after the date of the incident or incidents giving rise to
9 the violation.

10 The director shall immediately suspend the license or certificate
11 of a person who has been certified pursuant to section 802 of this act
12 by the department of social and health services as a person who is not
13 in compliance with a support order. If the person has continued to
14 meet all other requirements for reinstatement during the suspension,
15 reissuance of the license or certificate shall be automatic upon the
16 director's receipt of a release issued by the department of social and
17 health services stating that the licensee is in compliance with the
18 order.

19 **Sec. 886.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
20 read as follows:

21 (1) After January 1, 1991, a contractor may not perform
22 decontamination, demolition, or disposal work unless issued a
23 certificate by the state department of health. The department shall
24 establish performance standards for contractors by rule in accordance
25 with chapter 34.05 RCW, the administrative procedure act. The
26 department shall train and test, or may approve courses to train and
27 test, contractors and their employees on the essential elements in
28 assessing property used as an illegal drug manufacturing or storage
29 site to determine hazard reduction measures needed, techniques for
30 adequately reducing contaminants, use of personal protective equipment,
31 methods for proper demolition, removal, and disposal of contaminated
32 property, and relevant federal and state regulations. Upon successful
33 completion of the training, the contractor or employee shall be
34 certified.

35 (2) The department may require the successful completion of annual
36 refresher courses provided or approved by the department for the
37 continued certification of the contractor or employee.

1 (3) The department shall provide for reciprocal certification of
2 any individual trained to engage in decontamination, demolition, or
3 disposal work in another state when the prior training is shown to be
4 substantially similar to the training required by the department. The
5 department may require such individuals to take an examination or
6 refresher course before certification.

7 (4) The department may deny, suspend, or revoke a certificate for
8 failure to comply with the requirements of this chapter or any rule
9 adopted pursuant to this chapter. A certificate may be denied,
10 suspended, or revoked on any of the following grounds:

11 (a) Failing to perform decontamination, demolition, or disposal
12 work under the supervision of trained personnel;

13 (b) Failing to file a work plan;

14 (c) Failing to perform work pursuant to the work plan;

15 (d) Failing to perform work that meets the requirements of the
16 department; ~~((or))~~

17 (e) The certificate was obtained by error, misrepresentation, or
18 fraud; or

19 (f) If the person has been certified pursuant to section 802 of
20 this act by the department of social and health services as a person
21 who is not in compliance with a support order. If the person has
22 continued to meet all other requirements for reinstatement during the
23 suspension, reissuance of the license or certificate shall be automatic
24 upon the department's receipt of a release issued by the department of
25 social and health services stating that the person is in compliance
26 with the order.

27 (5) A contractor who violates any provision of this chapter may be
28 assessed a fine not to exceed five hundred dollars for each violation.

29 (6) The department of health shall prescribe fees as provided for
30 in RCW 43.70.250 for the issuance and renewal of certificates, the
31 administration of examinations, and for the review of training courses.

32 (7) The decontamination account is hereby established in the state
33 treasury. All fees collected under this chapter shall be deposited in
34 this account. Moneys in the account may only be spent after
35 appropriation for costs incurred by the department in the
36 administration and enforcement of this chapter.

37 **Sec. 887.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
38 read as follows:

1 (1) The director shall enforce all laws and rules relating to the
2 licensing of mortgage brokers, grant or deny licenses to mortgage
3 brokers, and hold hearings.

4 (2) The director may impose the following sanctions:

5 (a) Deny applications for licenses for: (i) Violations of orders,
6 including cease and desist orders issued under this chapter; or (ii)
7 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

8 (b) Suspend or revoke licenses for:

9 (i) False statements or omission of material information on the
10 application that, if known, would have allowed the director to deny the
11 application for the original license;

12 (ii) Failure to pay a fee required by the director or maintain the
13 required bond;

14 (iii) Failure to comply with any directive or order of the
15 director; or

16 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)
17 or (13), 19.146.205(3), or 19.146.265;

18 (c) Impose fines on the licensee, employee or loan originator of
19 the licensee, or other person subject to this chapter for:

20 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
21 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
22 19.146.265; or

23 (ii) Failure to comply with any directive or order of the director;

24 (d) Issue orders directing a licensee, its employee or loan
25 originator, or other person subject to this chapter to:

26 (i) Cease and desist from conducting business in a manner that is
27 injurious to the public or violates any provision of this chapter; or

28 (ii) Pay restitution to an injured borrower; or

29 (e) Issue orders removing from office or prohibiting from
30 participation in the conduct of the affairs of a licensed mortgage
31 broker, or both, any officer, principal, employee, or loan originator
32 of any licensed mortgage broker or any person subject to licensing
33 under this chapter for:

34 (i) Any violation of 19.146.0201 (1) through (9) or (13),
35 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
36 19.146.265; or

37 (ii) False statements or omission of material information on the
38 application that, if known, would have allowed the director to deny the
39 application for the original license;

1 (iii) Conviction of a gross misdemeanor involving dishonesty or
2 financial misconduct or a felony after obtaining a license; or

3 (iv) Failure to comply with any directive or order of the director.

4 (3) Each day's continuance of a violation or failure to comply with
5 any directive or order of the director is a separate and distinct
6 violation or failure.

7 (4) The director shall establish by rule standards for licensure of
8 applicants licensed in other jurisdictions. Every licensed mortgage
9 broker that does not maintain a physical office within the state must
10 maintain a registered agent within the state to receive service of any
11 lawful process in any judicial or administrative noncriminal suit,
12 action, or proceeding, against the licensed mortgage broker which
13 arises under this chapter or any rule or order under this chapter, with
14 the same force and validity as if served personally on the licensed
15 mortgage broker. Service upon the registered agent shall be effective
16 if the plaintiff, who may be the director in a suit, action, or
17 proceeding instituted by him or her, sends notice of the service and a
18 copy of the process by registered mail to the defendant or respondent
19 at the last address of the respondent or defendant on file with the
20 director. In any judicial action, suit, or proceeding arising under
21 this chapter or any rule or order adopted under this chapter between
22 the department or director and a licensed mortgage broker who does not
23 maintain a physical office in this state, venue shall be exclusively in
24 the superior court of Thurston county.

25 (5) The director shall immediately suspend the license or
26 certificate of a person who has been certified pursuant to section 802
27 of this act by the department of social and health services as a person
28 who is not in compliance with a support order. If the person has
29 continued to meet all other requirements for reinstatement during the
30 suspension, reissuance of the license or certificate shall be automatic
31 upon the director's receipt of a release issued by the department of
32 social and health services stating that the licensee is in compliance
33 with the order.

34 NEW SECTION. Sec. 888. A new section is added to chapter 75.25
35 RCW to read as follows:

36 The director shall immediately suspend the license or certificate
37 of a person who has been certified pursuant to section 802 of this act
38 by the department of social and health services as a person who is not

1 in compliance with a support order. If the person has continued to
2 meet all other requirements for reinstatement during the suspension,
3 reissuance of the license or certificate shall be automatic upon the
4 director's receipt of a release issued by the department of social and
5 health services stating that the licensee is in compliance with the
6 order.

7 NEW SECTION. **Sec. 889.** A new section is added to chapter 77.32
8 RCW to read as follows:

9 The director shall immediately suspend the license or certificate
10 of a person who has been certified pursuant to section 802 of this act
11 by the department of social and health services as a person who is not
12 in compliance with a support order. If the person has continued to
13 meet all other requirements for reinstatement during the suspension,
14 reissuance of the license or certificate shall be automatic upon the
15 director's receipt of a release issued by the department of social and
16 health services stating that the licensee is in compliance with the
17 order.

18 **Sec. 890.** RCW 75.25.150 and 1994 c 255 s 7 are each amended to
19 read as follows:

20 It is unlawful to dig for, fish for, harvest, or possess shellfish,
21 food fish, or seaweed without the licenses required by this chapter or
22 with a suspended license pursuant to section 802 of this act.

23 NEW SECTION. **Sec. 891.** A new section is added to chapter 75.25
24 RCW to read as follows:

25 Licenses issued pursuant to this chapter shall be invalid for any
26 period in which a person is certified by the department of social and
27 health services as a person in noncompliance with a support order.
28 Fisheries patrol officers, ex officio fisheries patrol officers, and
29 authorized fisheries employees shall enforce this section through
30 checks of the department of licensing's computer data base.
31 Presentation of a release issued by the department of social and health
32 services stating that the person is in compliance with an order shall
33 serve as prima facie proof of compliance with a support order.

34 NEW SECTION. **Sec. 892.** A new section is added to chapter 77.32
35 RCW to read as follows:

1 Licenses issued pursuant to this chapter shall be invalid for any
2 period in which a person is certified by the department of social and
3 health services as a person in noncompliance with a support order.
4 Wildlife agents and ex officio wildlife agents shall enforce this
5 section through checks of the department of licensing's computer data
6 base. Presentation of a release issued by the department of social and
7 health services stating that the person is in compliance with an order
8 shall serve as prima facie proof of compliance with a support order.

9 **Sec. 893.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to
10 read as follows:

11 (1) Except as otherwise provided by this title, it is unlawful to
12 engage in any of the following activities without a license or permit
13 issued by the director:

- 14 (a) Commercially fish for or take food fish or shellfish;
- 15 (b) Deliver food fish or shellfish taken in offshore waters;
- 16 (c) Operate a charter boat or commercial fishing vessel engaged in
17 a fishery;
- 18 (d) Engage in processing or wholesaling food fish or shellfish; or
- 19 (e) Act as a guide for salmon for personal use in freshwater rivers
20 and streams, other than that part of the Columbia river below the
21 bridge at Longview.

22 (2) No person may engage in the activities described in subsection
23 (1) of this section unless the licenses or permits required by this
24 title are in the person's possession, (~~and~~) the person is the named
25 license holder or an alternate operator designated on the license, and
26 the person's license is not suspended pursuant to section 894 of this
27 act.

28 (3) A valid Oregon license that is equivalent to a license under
29 this title is valid in the concurrent waters of the Columbia river if
30 the state of Oregon recognizes as valid the equivalent Washington
31 license. The director may identify by rule what Oregon licenses are
32 equivalent.

33 (4) No license or permit is required for the production or
34 harvesting of private sector cultured aquatic products as defined in
35 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
36 aquatic products. However, if a means of identifying such products is
37 required by rules adopted under RCW 15.85.060, the exemption from
38 licensing or permit requirements established by this subsection applies

1 only if the aquatic products are identified in conformance with those
2 rules.

3 NEW SECTION. **Sec. 894.** A new section is added to chapter 75.28
4 RCW to read as follows:

5 The department shall immediately suspend the license of a person
6 who has been certified pursuant to section 802 of this act by the
7 department of social and health services as a person who is not in
8 compliance with a support order. If the person has continued to meet
9 all other requirements for reinstatement during the suspension,
10 reissuance of the license shall be automatic upon the department's
11 receipt of a release issued by the department of social and health
12 services stating that the licensee is in compliance with the order.

13 NEW SECTION. **Sec. 895.** (1) The director of the department of fish
14 and wildlife and the director of the department of information services
15 shall jointly develop a comprehensive, state-wide implementation plan
16 for the automated issuance, revocation, and general administration of
17 hunting, fishing, and recreational licenses administered under the
18 authority of the department of fish and wildlife to ensure compliance
19 with the license suspension requirements for failure to pay child
20 support in section 802 of this act.

21 (2) The plan shall detail the implementation steps necessary to
22 effectuate the automated administration of hunting, fishing, and
23 recreational licenses and shall include recommendations regarding all
24 costs and equipment associated with the plan.

25 (3) The plan shall be submitted to the legislature for review by
26 September 1, 1997.

27 **Sec. 896.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
28 read as follows:

29 (1) If the (~~office of support enforcement~~) division of child
30 support is providing support enforcement services under RCW 26.23.045,
31 or if a party is applying for support enforcement services by signing
32 the application form on the bottom of the support order, the superior
33 court shall include in all court orders that establish or modify a
34 support obligation:

35 (a) A provision that orders and directs the responsible parent to
36 make all support payments to the Washington state support registry;

1 (b) A statement that ~~((a notice of payroll deduction may be issued,~~
2 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~
3 ~~may be taken))~~ withholding action may be taken against wages, earnings,
4 assets, or benefits, and liens enforced against real and personal
5 property under the child support statutes of this or any other state,
6 without further notice to the responsible parent at any time after
7 entry of the court order, unless:

8 (i) One of the parties demonstrates, and the court finds, that
9 there is good cause not to require immediate income withholding and
10 that withholding should be delayed until a payment is past due; or

11 (ii) The parties reach a written agreement that is approved by the
12 court that provides for an alternate arrangement; ~~((and))~~

13 (c) A statement that the receiving parent might be required to
14 submit an accounting of how the support is being spent to benefit the
15 child; and

16 (d) A statement that the responsible parent's privileges to obtain
17 and maintain a license, as defined in section 802 of this act, may not
18 be renewed, or may be suspended if the parent is not in compliance with
19 a support order as defined in section 802 of this act.

20 As used in this subsection and subsection (3) of this section,
21 "good cause not to require immediate income withholding" means a
22 written determination of why implementing immediate wage withholding
23 would not be in the child's best interests and, in modification cases,
24 proof of timely payment of previously ordered support.

25 (2) In all other cases not under subsection (1) of this section,
26 the court may order the responsible parent to make payments directly to
27 the person entitled to receive the payments, to the Washington state
28 support registry, or may order that payments be made in accordance with
29 an alternate arrangement agreed upon by the parties.

30 (a) The superior court shall include in all orders under this
31 subsection that establish or modify a support obligation:

32 (i) A statement that ~~((a notice of payroll deduction may be issued~~
33 ~~or other income))~~ withholding action ~~((under chapter 26.18 or 74.20A~~
34 ~~RCW))~~ may be taken against wages, earnings, assets, or benefits, and
35 liens enforced against real and personal property under the child
36 support statutes of this or any other state, without further notice to
37 the responsible parent at any time after entry of the court order,
38 unless:

1 (A) One of the parties demonstrates, and the court finds, that
2 there is good cause not to require immediate income withholding and
3 that withholding should be delayed until a payment is past due; or

4 (B) The parties reach a written agreement that is approved by the
5 court that provides for an alternate arrangement; and

6 (ii) A statement that the receiving parent may be required to
7 submit an accounting of how the support is being spent to benefit the
8 child.

9 As used in this subsection, "good cause not to require immediate
10 income withholding" is any reason that the court finds appropriate.

11 (b) The superior court may order immediate or delayed income
12 withholding as follows:

13 (i) Immediate income withholding may be ordered if the responsible
14 parent has earnings. If immediate income withholding is ordered under
15 this subsection, all support payments shall be paid to the Washington
16 state support registry. The superior court shall issue a mandatory
17 wage assignment order as set forth in chapter 26.18 RCW when the
18 support order is signed by the court. The parent entitled to receive
19 the transfer payment is responsible for serving the employer with the
20 order and for its enforcement as set forth in chapter 26.18 RCW.

21 (ii) If immediate income withholding is not ordered, the court
22 shall require that income withholding be delayed until a payment is
23 past due. The support order shall contain a statement that (~~a notice~~
24 ~~of payroll deduction may be issued, or other income withholding action~~
25 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may
26 be taken against wages, earnings, assets, or benefits, and liens
27 enforced against real and personal property under the child support
28 statutes of this or any other state, without further notice to the
29 responsible parent, after a payment is past due.

30 (c) If a mandatory wage withholding order under chapter 26.18 RCW
31 is issued under this subsection and the (~~office of support~~
32 ~~enforcement~~) division of child support provides support enforcement
33 services under RCW 26.23.045, the existing wage withholding assignment
34 is prospectively superseded upon the (~~office of support~~
35 ~~enforcement's~~) division of child support's subsequent service of an
36 income withholding notice.

37 (3) The office of administrative hearings and the department of
38 social and health services shall require that all support obligations
39 established as administrative orders include a provision which orders

1 and directs that the responsible parent shall make all support payments
2 to the Washington state support registry. All administrative orders
3 shall also state that the responsible parent's privileges to obtain and
4 maintain a license, as defined in section 802 of this act, may not be
5 renewed, or may be suspended if the parent is not in compliance with a
6 support order as defined in section 802 of this act. All
7 administrative orders shall also state that (~~a notice of payroll~~
8 ~~deduction may be issued, or other income withholding action taken~~)
9 withholding action may be taken against wages, earnings, assets, or
10 benefits, and liens enforced against real and personal property under
11 the child support statutes of this or any other state without further
12 notice to the responsible parent at any time after entry of the order,
13 unless:

14 (a) One of the parties demonstrates, and the presiding officer
15 finds, that there is good cause not to require immediate income
16 withholding; or

17 (b) The parties reach a written agreement that is approved by the
18 presiding officer that provides for an alternate agreement.

19 (4) If the support order does not include the provision ordering
20 and directing that all payments be made to the Washington state support
21 registry and a statement that (~~a notice of payroll deduction may be~~
22 ~~issued~~) withholding action may be taken against wages, earnings,
23 assets, or benefits if a support payment is past due or at any time
24 after the entry of the order, or that a parent's licensing privileges
25 may not be renewed, or may be suspended, the (~~office of support~~
26 ~~enforcement~~) division of child support may serve a notice on the
27 responsible parent stating such requirements and authorizations.
28 Service may be by personal service or any form of mail requiring a
29 return receipt.

30 (5) Every support order shall state:

31 (a) The address where the support payment is to be sent;

32 (b) That (~~a notice of payroll deduction may be issued or other~~
33 ~~income withholding action under chapter 26.18 or 74.20A RCW may be~~
34 ~~taken~~) withholding action may be taken against wages, earnings,
35 assets, or benefits, and liens enforced against real and personal
36 property under the child support statutes of this or any other state,
37 without further notice to the responsible parent at any time after
38 entry of (~~an order by the court~~) a support order, unless:

1 (i) One of the parties demonstrates, and the court finds, that
2 there is good cause not to require immediate income withholding; or

3 (ii) The parties reach a written agreement that is approved by the
4 court that provides for an alternate arrangement;

5 (c) The income of the parties, if known, or that their income is
6 unknown and the income upon which the support award is based;

7 (d) The support award as a sum certain amount;

8 (e) The specific day or date on which the support payment is due;

9 (f) The social security number, residence address, date of birth,
10 telephone number, driver's license number, and name and address of the
11 employer of the responsible parent;

12 (g) The social security number and residence address of the
13 physical custodian except as provided in subsection (6) of this
14 section;

15 (h) The names, dates of birth, and social security numbers, if any,
16 of the dependent children;

17 (~~(i) ((In cases requiring payment to the Washington state support
18 registry, that the parties are to notify the Washington state support
19 registry of any change in residence address. The responsible parent
20 shall notify the registry of the name and address of his or her current
21 employer,))~~) A provision requiring the responsible parent to keep the
22 Washington state support registry informed of whether he or she has
23 access to health insurance coverage at reasonable cost and, if so, the
24 health insurance policy information;

25 (j) That any parent owing a duty of child support shall be
26 obligated to provide health insurance coverage for his or her child if
27 coverage that can be extended to cover the child is or becomes
28 available to that parent through employment or is union-related as
29 provided under RCW 26.09.105;

30 (k) That if proof of health insurance coverage or proof that the
31 coverage is unavailable is not provided within twenty days, the obligee
32 or the department may seek direct enforcement of the coverage through
33 the obligor's employer or union without further notice to the obligor
34 as provided under chapter 26.18 RCW; ~~((and))~~

35 (l) The reasons for not ordering health insurance coverage if the
36 order fails to require such coverage; and

37 (m) That the responsible parent's privileges to obtain and maintain
38 a license, as defined in section 802 of this act, may not be renewed,

1 or may be suspended if the parent is not in compliance with a support
2 order as defined in section 802 of this act.

3 (6) The physical custodian's address:

4 (a) Shall be omitted from an order entered under the administrative
5 procedure act. When the physical custodian's address is omitted from
6 an order, the order shall state that the custodian's address is known
7 to the ~~((office of support enforcement))~~ division of child support.

8 (b) A responsible parent may request the physical custodian's
9 residence address by submission of a request for disclosure under RCW
10 26.23.120 to the ~~((office of support enforcement))~~ division of child
11 support.

12 ~~((The superior court clerk, the office of administrative~~
13 ~~hearings, and the department of social and health services shall,~~
14 ~~within five days of entry, forward to the Washington state support~~
15 ~~registry, a true and correct copy of all superior court orders or~~
16 ~~administrative orders establishing or modifying a support obligation~~
17 ~~which provide that support payments shall be made to the support~~
18 ~~registry. If a superior court order entered prior to January 1, 1988,~~
19 ~~directs the responsible parent to make support payments to the clerk,~~
20 ~~the clerk shall send a true and correct copy of the support order and~~
21 ~~the payment record to the registry for enforcement action when the~~
22 ~~clerk identifies that a payment is more than fifteen days past due.~~
23 ~~The office of support enforcement shall reimburse the clerk for the~~
24 ~~reasonable costs of copying and sending copies of court orders to the~~
25 ~~registry at the reimbursement rate provided in Title IV-D of the social~~
26 ~~security act.~~

27 ~~(8) Receipt of a support order by the registry or other action~~
28 ~~under this section on behalf of a person or persons who have not made~~
29 ~~a written application for support enforcement services to the office of~~
30 ~~support enforcement and who are not recipients of public assistance is~~
31 ~~deemed to be a request for payment services only.~~

32 ~~(9))~~ After the responsible parent has been ordered or notified to
33 make payments to the Washington state support registry under this
34 section, the responsible parent shall be fully responsible for making
35 all payments to the Washington state support registry and shall be
36 subject to payroll deduction or other income-withholding action. The
37 responsible parent shall not be entitled to credit against a support
38 obligation for any payments made to a person or agency other than to
39 the Washington state support registry except as provided under RCW

1 74.20.101. A civil action may be brought by the payor to recover
2 payments made to persons or agencies who have received and retained
3 support moneys paid contrary to the provisions of this section.

4 **Sec. 897.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to
5 read as follows:

6 The wage assignment order shall be substantially in the following
7 form:

8 IN THE SUPERIOR COURT OF THE
9 STATE OF WASHINGTON IN AND FOR THE
10 COUNTY OF

11 ,
12 Obligee No.
13 vs.
14 , WAGE ASSIGNMENT
15 Obligor ORDER
16 ,
17 Employer

18 THE STATE OF WASHINGTON TO:
19 Employer

20 AND TO:
21 Obligor

22 The above-named obligee claims that the above-named obligor is
23 subject to a support order requiring immediate income withholding or is
24 more than fifteen days past due in either child support or spousal
25 maintenance payments, or both, in an amount equal to or greater than
26 the child support or spousal maintenance payable for one month. The
27 amount of the accrued child support or spousal maintenance debt as of
28 this date is dollars, the amount of arrearage payments
29 specified in the support or spousal maintenance order (if applicable)
30 is dollars per , and the amount of the current
31 and continuing support or spousal maintenance obligation under the
32 order is dollars per

33 You are hereby commanded to answer this order by filling in the
34 attached form according to the instructions, and you must mail or
35 deliver the original of the answer to the court, one copy to the
36 Washington state support registry, one copy to the obligee or obligee's

1 attorney, and one copy to the obligor within twenty days after service
2 of this wage assignment order upon you.

3 If you possess any earnings or other remuneration for employment
4 due and owing to the obligor, then you shall do as follows:

5 (1) Withhold from the obligor's earnings or remuneration each
6 month, or from each regular earnings disbursement, the lesser of:

7 (a) The sum of the accrued support or spousal maintenance debt and
8 the current support or spousal maintenance obligation;

9 (b) The sum of the specified arrearage payment amount and the
10 current support or spousal maintenance obligation; or

11 (c) Fifty percent of the disposable earnings or remuneration of the
12 obligor.

13 (2) The total amount withheld above is subject to the wage
14 assignment order, and all other sums may be disbursed to the obligor.

15 (3) Upon receipt of this wage assignment order you shall make
16 immediate deductions from the obligor's earnings or remuneration and
17 remit to the Washington state support registry or other address
18 specified below the proper amounts at each regular pay interval.

19 You shall continue to withhold the ordered amounts from nonexempt
20 earnings or remuneration of the obligor until notified by:

21 (a) The court that the wage assignment has been modified or
22 terminated; or

23 (b) The addressee specified in the wage assignment order under this
24 section that the accrued child support or spousal maintenance debt has
25 been paid.

26 You shall promptly notify the court and the addressee specified in
27 the wage assignment order under this section if and when the employee
28 is no longer employed by you, or if the obligor no longer receives
29 earnings or remuneration from you. If you no longer employ the
30 employee, the wage assignment order shall remain in effect for one year
31 after the employee has left your employment or you are no longer in
32 possession of any earnings or remuneration owed to the employee,
33 whichever is later. You shall continue to hold the wage assignment
34 order during that period. If the employee returns to your employment
35 during the one-year period you shall immediately begin to withhold the
36 employee's earnings according to the terms of the wage assignment
37 order. If the employee has not returned to your employment within one
38 year, the wage assignment will cease to have effect at the expiration

1 (a) As authorized by a support order that contains (~~the income~~
2 ~~withholding notice provisions in RCW 26.23.050 or a substantially~~
3 ~~similar notice~~) a notice clearly stating that child support may be
4 collected by withholding from earnings, wages, or benefits without
5 further notice to the obligated parent; or

6 (b) After service of a notice containing an income-withholding
7 provision under this chapter or chapter 74.20A RCW.

8 (2) The (~~office of support enforcement~~) division of child support
9 shall serve a notice of payroll deduction upon a responsible parent's
10 employer or upon the employment security department for the state in
11 possession of or owing any benefits from the unemployment compensation
12 fund to the responsible parent pursuant to Title 50 RCW (~~by personal~~
13 service or by any form of mail requiring a return receipt):

14 (a) In the manner prescribed for the service of a summons in a
15 civil action;

16 (b) By certified mail, return receipt requested; or

17 (c) By electronic means if there is an agreement between the
18 secretary and the person, firm, corporation, association, political
19 subdivision, department of the state, or agency, subdivision, or
20 instrumentality of the United States to accept service by electronic
21 means.

22 (3) Service of a notice of payroll deduction upon an employer or
23 employment security department requires the employer or employment
24 security department to immediately make a mandatory payroll deduction
25 from the responsible parent's unpaid disposable earnings or
26 unemployment compensation benefits. The employer or employment
27 security department shall thereafter deduct each pay period the amount
28 stated in the notice divided by the number of pay periods per month.
29 The payroll deduction each pay period shall not exceed fifty percent of
30 the responsible parent's disposable earnings.

31 (4) A notice of payroll deduction for support shall have priority
32 over any wage assignment, garnishment, attachment, or other legal
33 process.

34 (5) The notice of payroll deduction shall be in writing and
35 include:

36 (a) The name and social security number of the responsible parent;

37 (b) The amount to be deducted from the responsible parent's
38 disposable earnings each month, or alternate amounts and frequencies as
39 may be necessary to facilitate processing of the payroll deduction;

1 (c) A statement that the total amount withheld shall not exceed
2 fifty percent of the responsible parent's disposable earnings; ((and))

3 (d) The address to which the payments are to be mailed or
4 delivered; and

5 (e) A notice to the responsible parent warning the responsible
6 parent that, despite the payroll deduction, the responsible parent's
7 privileges to obtain and maintain a license, as defined in section 802
8 of this act, may not be renewed, or may be suspended if the parent is
9 not in compliance with a support order as defined in section 802 of
10 this act.

11 (6) An informational copy of the notice of payroll deduction shall
12 be mailed to the last known address of the responsible parent by
13 regular mail.

14 (7) An employer or employment security department that receives a
15 notice of payroll deduction shall make immediate deductions from the
16 responsible parent's unpaid disposable earnings and remit proper
17 amounts to the Washington state support registry on each date the
18 responsible parent is due to be paid.

19 (8) An employer, or the employment security department, upon whom
20 a notice of payroll deduction is served, shall make an answer to the
21 ~~((office of support enforcement))~~ division of child support within
22 twenty days after the date of service. The answer shall confirm
23 compliance and institution of the payroll deduction or explain the
24 circumstances if no payroll deduction is in effect. The answer shall
25 also state whether the responsible parent is employed by or receives
26 earnings from the employer or receives unemployment compensation
27 benefits from the employment security department, whether the employer
28 or employment security department anticipates paying earnings or
29 unemployment compensation benefits and the amount of earnings. If the
30 responsible parent is no longer employed, or receiving earnings from
31 the employer, the answer shall state the present employer's name and
32 address, if known. If the responsible parent is no longer receiving
33 unemployment compensation benefits from the employment security
34 department, the answer shall state the present employer's name and
35 address, if known.

36 (9) The employer or employment security department may deduct a
37 processing fee from the remainder of the responsible parent's earnings
38 after withholding under the notice of payroll deduction, even if the
39 remainder is exempt under RCW 26.18.090. The processing fee may not

1 exceed: (a) Ten dollars for the first disbursement made to the
2 Washington state support registry; and (b) one dollar for each
3 subsequent disbursement to the registry.

4 (10) The notice of payroll deduction shall remain in effect until
5 released by the (~~office of support enforcement~~) division of child
6 support, the court enters an order terminating the notice and approving
7 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has
8 expired since the employer has employed the responsible parent or has
9 been in possession of or owing any earnings to the responsible parent
10 or the employment security department has been in possession of or
11 owing any unemployment compensation benefits to the responsible parent.

12 (11) The division of child support may use uniform interstate
13 withholding forms adopted by the United States department of health and
14 human services to take withholding actions under this section when the
15 responsible parent is receiving earnings or unemployment compensation
16 in another state.

17 IX. CHILD SUPPORT ENFORCEMENT

18 **Sec. 901.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to
19 read as follows:

20 (1) Whenever the department (~~of social and health services~~)
21 receives an application for public assistance on behalf of a child, the
22 department shall take appropriate action under the provisions of this
23 chapter, chapter 74.20A RCW, or other appropriate statutes of this
24 state to establish or enforce support obligations against the parent or
25 other persons owing a duty to pay support moneys.

26 (2) The secretary may accept a request for support enforcement
27 services on behalf of persons who are not recipients of public
28 assistance and may take appropriate action to establish or enforce
29 support obligations against the parent or other persons owing a duty to
30 pay moneys. Requests accepted under this subsection may be conditioned
31 upon the payment of a fee as required through regulation issued by the
32 secretary. (~~Action may be taken under the provisions of chapter 74.20~~
33 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~
34 ~~statutes of this state, including but not limited to remedies~~
35 ~~established in chapter 74.20A RCW, to establish and enforce said~~
36 ~~support obligations.)) The secretary may establish by regulation,~~

1 reasonable standards and qualifications for support enforcement
2 services under this subsection.

3 (3) The secretary may accept requests for support enforcement
4 services from child support enforcement agencies in other states
5 operating child support programs under Title IV-D of the social
6 security act or from foreign countries, and may take appropriate action
7 to establish and enforce support obligations, or to enforce subpoenas,
8 information requests, orders for genetic testing, and collection
9 actions issued by the other agency against the parent or other person
10 owing a duty to pay support moneys, the parent or other person's
11 employer, or any other person or entity properly subject to child
12 support collection or information-gathering processes. The request
13 shall contain and be accompanied by such information and documentation
14 as the secretary may by rule require, and be signed by an authorized
15 representative of the agency. The secretary may adopt rules setting
16 forth the duration and nature of services provided under this
17 subsection.

18 (4) The department may take action to establish, enforce, and
19 collect a support obligation, including performing related services,
20 under this chapter and chapter 74.20A RCW, or through the attorney
21 general or prosecuting attorney for action under chapter 26.09, 26.18,
22 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common
23 law of this state.

24 (5) Whenever a support order is filed with the Washington state
25 support registry under chapter 26.23 RCW, the department may take
26 appropriate action under the provisions of this chapter, chapter 26.23
27 or 74.20A RCW, or other appropriate law of this state to establish or
28 enforce the support obligations contained in that order against the
29 responsible parent or other persons owing a duty to pay support moneys.

30 (6) The secretary may charge and collect a fee from the person
31 obligated to pay support to compensate the department for services
32 rendered in establishment of or enforcement of support obligations.
33 This fee shall be limited to not more than ten percent of any support
34 money collected as a result of action taken by the secretary. The fee
35 charged shall be in addition to the support obligation. In no event
36 may any moneys collected by the department (~~of social and health~~
37 ~~services)) from the person obligated to pay support be retained as
38 satisfaction of fees charged until all current support obligations have
39 been satisfied. The secretary shall by regulation establish reasonable~~

1 fees for support enforcement services and said schedule of fees shall
2 be made available to any person obligated to pay support. The
3 secretary may, on showing of necessity, waive or defer any such fee.

4 (7) Fees, due and owing, may be collected as delinquent support
5 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter
6 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity
7 available to the department or any agencies with whom it has a
8 cooperative or contractual arrangement to establish, enforce, or
9 collect support moneys or support obligations.

10 (8) The secretary may waive the fee, or any portion thereof, as a
11 part of a compromise of disputed claims or may grant partial or total
12 charge off of said fee if the secretary finds there are no available,
13 practical, or lawful means by which said fee may be collected or to
14 facilitate payment of the amount of delinquent support moneys owed.

15 (9) The secretary shall adopt rules conforming to federal laws,
16 rules, and regulations required to be observed in maintaining the state
17 child support enforcement program required under Title IV-D of the
18 federal social security act. The adoption of these rules shall be
19 calculated to promote the cost-effective use of the agency's resources
20 and not otherwise cause the agency to divert its resources from its
21 essential functions.

22 NEW SECTION. Sec. 902. A new section is added to chapter 74.20A
23 RCW to read as follows:

24 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--
25 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to
26 child support payments wrongfully or negligently retains child support
27 payments owed to another or to the Washington state support registry,
28 those payments retain their character as child support payments and may
29 be collected by the division of child support using any remedy
30 available to the division of child support under Washington law for the
31 collection of child support.

32 (2) Child support moneys subject to collection under this section
33 may be collected for the duration of the statute of limitations as it
34 applies to the support order governing the support obligations, and any
35 legislative or judicial extensions thereto.

36 (3) This section applies to the following:

37 (a) Cases in which an employer or other entity obligated to
38 withhold child support payments from the parent's pay, bank, or escrow

1 account, or from any other asset or distribution of money to the
2 parent, has withheld those payments and failed to remit them to the
3 payee;

4 (b) Cases in which child support moneys have been paid to the wrong
5 person or entity in error;

6 (c) Cases in which child support recipients have retained child
7 support payments in violation of a child support assignment executed or
8 arising by operation of law in exchange for the receipt of public
9 assistance; and

10 (d) Any other case in which child support payments are retained by
11 a party not entitled to them.

12 (4) This section does not apply to fines levied under section
13 903(3)(b) of this act.

14 NEW SECTION. **Sec. 903.** A new section is added to chapter 74.20A
15 RCW to read as follows:

16 NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--
17 LIABILITY. (1) The division of child support may issue a notice of
18 noncompliance to any person, firm, entity, or agency of state or
19 federal government that the division believes is not complying with:

20 (a) A notice of payroll deduction issued under chapter 26.23 RCW;

21 (b) A lien, order to withhold and deliver, or assignment of
22 earnings issued under this chapter;

23 (c) Any other wage assignment, garnishment, attachment, or
24 withholding instrument properly served by the agency or firm providing
25 child support enforcement services for another state, under Title IV-D
26 of the federal social security act;

27 (d) A subpoena issued by the division of child support, or the
28 agency or firm providing child support enforcement for another state,
29 under Title IV-D of the federal social security act;

30 (e) An information request issued by the division of child support,
31 or the agency or firm providing child support enforcement for another
32 state under Title IV-D of the federal social security act, to an
33 employer or entity required to respond to such requests under section
34 907 of this act; or

35 (f) The duty to report newly hired employees imposed by RCW
36 26.23.040.

37 (2) Liability for noncompliance with a wage withholding,
38 garnishment, order to withhold and deliver, or any other lien or

1 attachment issued to secure payment of child support is governed by RCW
2 26.23.090 and 74.20A.100, except that liability for noncompliance with
3 remittance time frames is governed by subsection (3) of this section.

4 (3) The division of child support may impose fines of up to one
5 hundred dollars per occurrence for:

6 (a) Noncompliance with a subpoena or an information request issued
7 by the division of child support, or the agency or firm providing child
8 support enforcement services for another state under Title IV-D of the
9 federal social security act;

10 (b) Noncompliance with the required time frames for remitting
11 withheld support moneys to the Washington state support registry, or
12 the agency or firm providing child support enforcement services for
13 another state, except that no liability shall be established for
14 failure to make timely remittance unless the division of child support
15 has provided the person, firm, entity, or agency of state or federal
16 government with written warning:

17 (i) Explaining the duty to remit withheld payments promptly;

18 (ii) Explaining the potential for fines for delayed submission; and

19 (iii) Providing a contact person within the division of child
20 support with whom the person, firm, entity, or agency of state or
21 federal government may seek assistance with child support withholding
22 issues.

23 (4) The division of child support may assess fines according to RCW
24 26.23.040 for failure to comply with employer reporting requirements.

25 (5) The division of child support may suspend licenses for failure
26 to comply with a subpoena issued under section 908 of this act.

27 (6) The division of child support may serve a notice of
28 noncompliance by personal service or by any method of mailing requiring
29 a return receipt.

30 (7) The liability asserted by the division of child support in the
31 notice of noncompliance becomes final and collectible on the twenty-
32 first day after the date of service, unless within that time the
33 person, firm, entity, or agency of state or federal government:

34 (a) Initiates an action in superior court to contest the notice of
35 noncompliance;

36 (b) Requests a hearing by delivering a hearing request to the
37 division of child support in accordance with rules adopted by the
38 secretary under this section; or

1 (c) Contacts the division of child support and negotiates an
2 alternate resolution to the asserted noncompliance or demonstrates that
3 the person, firm, entity, or agency of state or federal government has
4 complied with the child support processes.

5 (8) The notice of noncompliance shall contain:

6 (a) A full and fair disclosure of the rights and obligations
7 created by this section; and

8 (b) Identification of the:

9 (i) Child support process with respect to which the division of
10 child support is alleging noncompliance; and

11 (ii) State child support enforcement agency issuing the original
12 child support process.

13 (9) In an administrative hearing convened under subsection (7)(b)
14 of this section, the presiding officer shall determine whether or not,
15 and to what extent, liability for noncompliance exists under this
16 section, and shall enter an order containing these findings. If
17 liability does exist, the presiding officer shall include language in
18 the order advising the parties to the proceeding that the liability may
19 be collected by any means available to the division of child support
20 under subsection (12) of this section without further notice to the
21 liable party.

22 (10) Hearings under this section are governed by the administrative
23 procedure act, chapter 34.05 RCW.

24 (11) After the twenty days following service of the notice, the
25 person, firm, entity, or agency of state or federal government may
26 petition for a late hearing. A petition for a late hearing does not
27 stay any collection action to recover the debt. A late hearing is
28 available upon a showing of any of the grounds stated in civil rule 60
29 for the vacation of orders.

30 (12) The division of child support may collect any obligation
31 established under this section using any of the remedies available
32 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the
33 collection of child support.

34 (13) The division of child support may enter agreements for the
35 repayment of obligations under this section. Agreements may:

36 (a) Suspend the obligation imposed by this section conditioned on
37 future compliance with child support processes. Such suspension shall
38 end automatically upon any failure to comply with a child support
39 process. Amounts suspended become fully collectible without further

1 notice automatically upon failure to comply with a child support
2 process;

3 (b) Resolve amounts due under this section and provide for
4 repayment.

5 (14) The secretary may adopt rules to implement this section.

6 **Sec. 904.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to
7 read as follows:

8 (1) The employer shall be liable to the Washington state support
9 registry, or to the agency or firm providing child support enforcement
10 for another state, under Title IV-D of the federal social security act
11 and issuing a notice, garnishment, or wage assignment attaching wages
12 or earnings in satisfaction of a support obligation, for one hundred
13 percent of the amount of the support debt, or the amount of support
14 moneys which should have been withheld from the employee's earnings,
15 whichever is the lesser amount, if the employer:

16 (a) Fails or refuses, after being served with a notice of payroll
17 deduction, or substantially similar action issued by the agency or firm
18 providing child support enforcement for another state, under Title IV-D
19 of the federal social security act, to deduct and promptly remit from
20 unpaid earnings the amounts of money required in the notice;

21 (b) Fails or refuses to submit an answer to the notice of payroll
22 deduction, or substantially similar action issued by the agency or firm
23 providing child support enforcement for another state, under Title IV-D
24 of the federal social security act, after being served; or

25 (c) Is unwilling to comply with the other requirements of RCW
26 26.23.060.

27 (2) Liability may be established in superior court or may be
28 established pursuant to ~~((RCW 74.20A.270))~~ section 903 of this act.
29 Awards in superior court and in actions pursuant to ~~((RCW 74.20A.270))~~
30 section 903 of this act shall include costs, interest under RCW
31 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs
32 as a part of the award. Debts established pursuant to this section may
33 be collected ~~((pursuant to chapter 74.20A RCW utilizing any of the~~
34 ~~remedies contained in that chapter))~~ by the division of child support
35 using any of the remedies available under chapter 26.09, 26.18, 26.21,
36 26.23, 74.20, or 74.20A RCW for the collection of child support.

1 **Sec. 905.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
2 read as follows:

3 (1) Any person, firm, corporation, association, political
4 subdivision or department of the state shall be liable to the
5 department, or to the agency or firm providing child support
6 enforcement for another state, under Title IV-D of the federal social
7 security act and issuing a notice, garnishment, or wage assignment
8 attaching wages or earnings in satisfaction of a support obligation, in
9 an amount equal to one hundred percent of the value of the debt which
10 is the basis of the lien, order to withhold and deliver, distraint, or
11 assignment of earnings, or the amount that should have been withheld,
12 whichever amount is less, together with costs, interest, and reasonable
13 attorney fees if that person or entity:

14 (a) Fails to answer an order to withhold and deliver, or
15 substantially similar action issued by the agency or firm providing
16 child support enforcement for another state, under Title IV-D of the
17 federal social security act, within the time prescribed herein;

18 (b) Fails or refuses to deliver property pursuant to said order;

19 (c) After actual notice of filing of a support lien, pays over,
20 releases, sells, transfers, or conveys real or personal property
21 subject to a support lien to or for the benefit of the debtor or any
22 other person;

23 (d) Fails or refuses to surrender property distrained under RCW
24 74.20A.130 upon demand; or

25 (e) Fails or refuses to honor an assignment of earnings presented
26 by the secretary.

27 (2) The secretary is authorized to issue a notice of ~~((debt~~
28 ~~pursuant to RCW 74.20A.040 and to take appropriate action to collect~~
29 ~~the debt under this chapter if:~~

30 ~~(a) A judgment has been entered as the result of an action in~~
31 ~~superior court against a person, firm, corporation, association,~~
32 ~~political subdivision, or department of the state based on a violation~~
33 ~~of this section; or~~

34 ~~(b) Liability has been established under RCW 74.20A.270))~~
35 noncompliance under section 903 of this act or to proceed in superior
36 court to obtain a judgment for noncompliance under this section.

37 **Sec. 906.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156
38 are each reenacted and amended to read as follows:

1 (1) The secretary may issue a notice of ((noncompliance)) retained
2 support or notice to recover a support payment to any person((, firm,
3 corporation, association, or political subdivision of the state of
4 Washington or any officer or agent thereof who has violated chapter
5 26.18 RCW, RCW 74.20A.100, or 26.23.040,)):

6 (a) Who is in possession of support moneys, or who has had support
7 moneys in his or her possession at some time in the past, which support
8 moneys were or are claimed by the department as the property of the
9 department by assignment, subrogation, or by operation of law or legal
10 process under chapter 74.20A RCW((, if the support moneys have not been
11 remitted to the department as required by law)):

12 (b) Who has received a support payment erroneously directed to the
13 wrong payee, or issued by the department in error; or

14 (c) Who is in possession of a support payment obtained through the
15 internal revenue service tax refund offset process, which payment was
16 later reclaimed from the department by the internal revenue service as
17 a result of an amended tax return filed by the obligor or the obligor's
18 spouse.

19 (2) The notice shall ((describe the claim of the department,
20 stating)) state the legal basis for the claim and shall provide
21 sufficient detail to enable the person((, firm, corporation,
22 association, or political subdivision or officer or agent thereof upon
23 whom service is made)) to identify the support moneys in issue ((or the
24 specific violation of RCW 74.20A.100 that has occurred. The notice may
25 also make inquiry as to relevant facts necessary to the resolution of
26 the issue)).

27 (3) The department shall serve the notice ((may be served)) by
28 certified mail, return receipt requested, or in the manner of a summons
29 in a civil action. ((Upon service of the notice all moneys not yet
30 disbursed or spent or like moneys to be received in the future are
31 deemed to be impounded and shall be held in trust pending answer to the
32 notice and any adjudicative proceeding.))

33 (4) The amounts claimed in the notice ((shall be answered under
34 oath and in writing within twenty days of the date of service, which
35 answer shall include true answers to the matters inquired of in the
36 notice. The answer shall also either acknowledge)) shall become
37 assessed, determined, and subject to collection twenty days from the
38 date of service of the notice unless within those twenty days the
39 person in possession of the support moneys:

1 (a) Acknowledges the department's right to the moneys ((~~or~~
2 ~~application for~~) and executes an agreed settlement providing for
3 repayment of the moneys; or

4 (b) Requests an adjudicative proceeding to ((~~contest the allegation~~
5 ~~that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been~~
6 ~~violated, or~~) determine the rights to ownership of the support moneys
7 in issue. The hearing shall be held pursuant to this section, chapter
8 34.05 RCW, the Administrative Procedure Act, and the rules of the
9 department. The burden of proof to establish ownership of the support
10 moneys claimed((~~, including but not limited to moneys not yet disbursed~~
11 ~~or spent,~~) is on the department.

12 ((~~If no answer is made within the twenty days, the department's~~
13 ~~claim shall be assessed and determined and subject to collection action~~
14 ~~as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW~~
15 ~~26.23.040. Any such debtor~~))

16 (5) After the twenty-day period, a person served with a notice
17 under this section may, at any time within one year from the date of
18 service of the notice of support debt, petition the secretary or the
19 secretary's designee for an adjudicative proceeding upon a showing of
20 any of the grounds enumerated in RCW 4.72.010 or superior court civil
21 rule 60. A copy of the petition shall also be served on the
22 department. The filing of the petition shall not stay any collection
23 action being taken, but the debtor may petition the secretary or the
24 secretary's designee for an order staying collection action pending the
25 final administrative order. Any such moneys held and/or taken by
26 collection action ((~~prior to~~)) after the date of any such stay ((~~and~~
27 ~~any support moneys claimed by the department, including moneys to be~~
28 ~~received in the future to which the department may have a claim,~~))
29 shall be held ((~~in trust~~)) by the department pending the final order,
30 to be disbursed in accordance with the final order. ((~~The secretary or~~
31 ~~the secretary's designee shall condition the stay to provide for the~~
32 ~~trust.~~

33 If the petition is granted the issue in the proceeding is limited
34 to the determination of the ownership of the moneys claimed in the
35 notice of debt. The right to an adjudicative proceeding is conditioned
36 upon holding of any funds not yet disbursed or expended or to be
37 received in the future in trust pending the final order in these
38 proceedings. The presiding or reviewing officer shall enter an
39 appropriate order providing for the terms of the trust.))

1 (6) If the debtor fails to attend or participate in the hearing or
2 other stage of an adjudicative proceeding, the presiding officer shall,
3 upon showing of valid service, enter an order declaring the amount of
4 support moneys, as claimed in the notice, to be assessed and determined
5 and subject to collection action.

6 (7) The department may take action to collect an obligation
7 established under this section using any remedy available under this
8 chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection
9 of child support.

10 (8) If, at any time, the superior court enters judgment for an
11 amount of debt at variance with the amount determined by the final
12 order in an adjudicative proceeding, the judgment shall supersede the
13 final administrative order. ~~((Any debt determined by the superior~~
14 ~~court in excess of the amount determined by the final administrative~~
15 ~~order shall be the property of the department as assigned under 42~~
16 ~~U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or~~
17 ~~74.20.330.))~~ The department may~~((, despite any final administrative~~
18 ~~order,))~~ take action pursuant to chapter 74.20 or 74.20A RCW to obtain
19 such a judgment or to collect moneys determined by such a judgment to
20 be due and owing.

21 If public assistance moneys have been paid to a parent for the
22 benefit of that parent's minor dependent children, debt under this
23 chapter shall not be incurred by nor at any time be collected from that
24 parent because of that payment of assistance. ~~((Nothing in this~~
25 ~~section prohibits or limits the department from acting pursuant to RCW~~
26 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~
27 ~~recipient for receipt of support moneys paid in satisfaction of the~~
28 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~
29 ~~department but were received by a recipient or ex-recipient from~~
30 ~~another responsible parent and not remitted to the department. To~~
31 ~~collect these wrongfully retained funds from the recipient, the~~
32 ~~department may not take collection action in excess of ten percent of~~
33 ~~the grant payment standard during any month the public assistance~~
34 ~~recipient remains in that status unless required by federal law.))~~

35 (9) If a person owing a debt established under this section is
36 receiving public assistance, the department may collect the debt by
37 offsetting up to ten percent of the grant payment received by the
38 person. No collection action may be taken against the earnings of a

1 person receiving cash public assistance to collect a debt assessed
2 under this section.

3 (10) Payments not credited against the department's debt pursuant
4 to RCW 74.20.101 may not be assessed or collected under this section.

5 NEW SECTION. **Sec. 907.** A new section is added to chapter 74.20A
6 RCW to read as follows:

7 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)

8 Notwithstanding any other provision of Washington law, the division of
9 child support, the Washington state support registry, or the agency or
10 firm providing child support enforcement services for another state
11 under Title IV-D of the federal social security act may access records
12 of the following nature, in the possession of any agency or entity
13 listed in this section:

14 (a) Records of state and local agencies, including but not limited
15 to:

16 (i) The center for health statistics, including but not limited to
17 records of birth, marriage, and death;

18 (ii) Tax and revenue records, including, but not limited to,
19 information on residence addresses, employers, and assets;

20 (iii) Records concerning real and titled personal property;

21 (iv) Records of occupational, professional, and recreational
22 licenses and records concerning the ownership and control of
23 corporations, partnerships, and other business entities;

24 (v) Employment security records;

25 (vi) Records of agencies administering public assistance programs;
26 and

27 (vii) Records of the department of corrections, and of county and
28 municipal correction or confinement facilities;

29 (b) Records of public utilities and cable television companies
30 relating to persons who owe or are owed support, or against whom a
31 support obligation is sought, including names and addresses of the
32 individuals, and employers' names and addresses pursuant to section 908
33 of this act and RCW 74.20A.120; and

34 (c) Records held by financial institutions, pursuant to section 909
35 of this act.

36 (2) Upon the request of the division of child support, the
37 Washington state support registry, or the agency or firm providing
38 child support enforcement services for another state under Title IV-D

1 of the social security act, any employer shall provide information as
2 to the employment, earnings, benefits, and residential address and
3 phone number of any employee.

4 (3) Entities in possession of records described in subsection
5 (1)(a) and (c) of this section must provide information and records
6 upon the request of the division of child support, the Washington state
7 support registry, or the agency or firm providing child support
8 enforcement services for another state under Title IV-D of the federal
9 social security act. The division of child support may enter into
10 agreements providing for electronic access to these records.

11 (4) Public utilities and cable television companies must provide
12 the information in response to a judicial or administrative subpoena
13 issued by the division of child support, the Washington state support
14 registry, or the agency or firm providing child support enforcement
15 services for another state under Title IV-D of the federal social
16 security act.

17 (5) Entities responding to information requests and subpoenas under
18 this section are not liable for disclosing information pursuant to the
19 request or subpoena.

20 (6) The division of child support shall maintain all information
21 gathered under this section confidential and shall only disclose this
22 information as provided under RCW 26.23.120.

23 (7) The division of child support may impose fines for
24 noncompliance with this section using the notice of noncompliance under
25 section 903 of this act.

26 NEW SECTION. **Sec. 908.** A new section is added to chapter 74.20
27 RCW to read as follows:

28 SUBPOENA AUTHORITY--ENFORCEMENT. In carrying out the provisions of
29 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the
30 secretary and other duly authorized officers of the department may
31 subpoena witnesses, take testimony, and compel the production of such
32 papers, books, records, and documents as they may deem relevant to the
33 performance of their duties. The division of child support may enforce
34 subpoenas issued under this power according to section 903 of this act.

35 NEW SECTION. **Sec. 909.** A new section is added to chapter 74.20A
36 RCW to read as follows:

1 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter
2 financial institutions doing business in the state of Washington shall
3 report to the department the name, record address, social security
4 number or other taxpayer identification number, and other information
5 determined necessary by the department for each individual who
6 maintains an account at such institution and is identified by the
7 department as owing a support debt.

8 (2) The department and financial institutions shall enter into
9 agreements to develop and operate a data match system, using automated
10 data exchanges to the extent feasible, to minimize the cost of
11 providing information required under subsection (1) of this section.

12 (3) The department may pay a reasonable fee to a financial
13 institution for conducting the data match not to exceed the actual
14 costs incurred.

15 (4) A financial institution is not liable for any disclosure of
16 information to the department under this section.

17 (5) The division of child support shall maintain all information
18 gathered under this section confidential and shall only disclose this
19 information as provided under RCW 26.23.120.

20 **Sec. 910.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
21 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
22 follows:

23 (1) The following are exempt from public inspection and copying:

24 (a) Personal information in any files maintained for students in
25 public schools, patients or clients of public institutions or public
26 health agencies, or welfare recipients.

27 (b) Personal information in files maintained for employees,
28 appointees, or elected officials of any public agency to the extent
29 that disclosure would violate their right to privacy.

30 (c) Information required of any taxpayer in connection with the
31 assessment or collection of any tax if the disclosure of the
32 information to other persons would (i) be prohibited to such persons by
33 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
34 in unfair competitive disadvantage to the taxpayer.

35 (d) Specific intelligence information and specific investigative
36 records compiled by investigative, law enforcement, and penology
37 agencies, and state agencies vested with the responsibility to
38 discipline members of any profession, the nondisclosure of which is

1 essential to effective law enforcement or for the protection of any
2 person's right to privacy.

3 (e) Information revealing the identity of persons who are witnesses
4 to or victims of crime or who file complaints with investigative, law
5 enforcement, or penology agencies, other than the public disclosure
6 commission, if disclosure would endanger any person's life, physical
7 safety, or property. If at the time a complaint is filed the
8 complainant, victim or witness indicates a desire for disclosure or
9 nondisclosure, such desire shall govern. However, all complaints filed
10 with the public disclosure commission about any elected official or
11 candidate for public office must be made in writing and signed by the
12 complainant under oath.

13 (f) Test questions, scoring keys, and other examination data used
14 to administer a license, employment, or academic examination.

15 (g) Except as provided by chapter 8.26 RCW, the contents of real
16 estate appraisals, made for or by any agency relative to the
17 acquisition or sale of property, until the project or prospective sale
18 is abandoned or until such time as all of the property has been
19 acquired or the property to which the sale appraisal relates is sold,
20 but in no event shall disclosure be denied for more than three years
21 after the appraisal.

22 (h) Valuable formulae, designs, drawings, and research data
23 obtained by any agency within five years of the request for disclosure
24 when disclosure would produce private gain and public loss.

25 (i) Preliminary drafts, notes, recommendations, and intra-agency
26 memorandums in which opinions are expressed or policies formulated or
27 recommended except that a specific record shall not be exempt when
28 publicly cited by an agency in connection with any agency action.

29 (j) Records which are relevant to a controversy to which an agency
30 is a party but which records would not be available to another party
31 under the rules of pretrial discovery for causes pending in the
32 superior courts.

33 (k) Records, maps, or other information identifying the location of
34 archaeological sites in order to avoid the looting or depredation of
35 such sites.

36 (l) Any library record, the primary purpose of which is to maintain
37 control of library materials, or to gain access to information, which
38 discloses or could be used to disclose the identity of a library user.

1 (m) Financial information supplied by or on behalf of a person,
2 firm, or corporation for the purpose of qualifying to submit a bid or
3 proposal for (i) a ferry system construction or repair contract as
4 required by RCW 47.60.680 through 47.60.750 or (ii) highway
5 construction or improvement as required by RCW 47.28.070.

6 (n) Railroad company contracts filed prior to July 28, 1991, with
7 the utilities and transportation commission under RCW 81.34.070, except
8 that the summaries of the contracts are open to public inspection and
9 copying as otherwise provided by this chapter.

10 (o) Financial and commercial information and records supplied by
11 private persons pertaining to export services provided pursuant to
12 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
13 export projects pursuant to RCW 43.23.035.

14 (p) Financial disclosures filed by private vocational schools under
15 chapters 28B.85 and 28C.10 RCW.

16 (q) Records filed with the utilities and transportation commission
17 or attorney general under RCW 80.04.095 that a court has determined are
18 confidential under RCW 80.04.095.

19 (r) Financial and commercial information and records supplied by
20 businesses or individuals during application for loans or program
21 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
22 or during application for economic development loans or program
23 services provided by any local agency.

24 (s) Membership lists or lists of members or owners of interests of
25 units in timeshare projects, subdivisions, camping resorts,
26 condominiums, land developments, or common-interest communities
27 affiliated with such projects, regulated by the department of
28 licensing, in the files or possession of the department.

29 (t) All applications for public employment, including the names of
30 applicants, resumes, and other related materials submitted with respect
31 to an applicant.

32 (u) The residential addresses and residential telephone numbers of
33 employees or volunteers of a public agency which are held by the agency
34 in personnel records, employment or volunteer rosters, or mailing lists
35 of employees or volunteers.

36 (v) The residential addresses and residential telephone numbers of
37 the customers of a public utility contained in the records or lists
38 held by the public utility of which they are customers, except that
39 this information may be released to the division of child support or

1 the agency or firm providing child support enforcement for another
2 state under Title IV-D of the federal social security act, for the
3 establishment, enforcement, or modification of a support order.

4 (w)(i) The federal social security number of individuals governed
5 under chapter 18.130 RCW maintained in the files of the department of
6 health, except this exemption does not apply to requests made directly
7 to the department from federal, state, and local agencies of
8 government, and national and state licensing, credentialing,
9 investigatory, disciplinary, and examination organizations; (ii) the
10 current residential address and current residential telephone number of
11 a health care provider governed under chapter 18.130 RCW maintained in
12 the files of the department, if the provider requests that this
13 information be withheld from public inspection and copying, and
14 provides to the department an accurate alternate or business address
15 and business telephone number. On or after January 1, 1995, the
16 current residential address and residential telephone number of a
17 health care provider governed under RCW 18.130.140 maintained in the
18 files of the department shall automatically be withheld from public
19 inspection and copying unless the provider specifically requests the
20 information be released, and except as provided for under RCW
21 42.17.260(9).

22 (x) Information obtained by the board of pharmacy as provided in
23 RCW 69.45.090.

24 (y) Information obtained by the board of pharmacy or the department
25 of health and its representatives as provided in RCW 69.41.044,
26 69.41.280, and 18.64.420.

27 (z) Financial information, business plans, examination reports, and
28 any information produced or obtained in evaluating or examining a
29 business and industrial development corporation organized or seeking
30 certification under chapter 31.24 RCW.

31 (aa) Financial and commercial information supplied to the state
32 investment board by any person when the information relates to the
33 investment of public trust or retirement funds and when disclosure
34 would result in loss to such funds or in private loss to the providers
35 of this information.

36 (bb) Financial and valuable trade information under RCW 51.36.120.

37 (cc) Client records maintained by an agency that is a domestic
38 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
39 crisis center as defined in RCW 70.125.030.

1 (dd) Information that identifies a person who, while an agency
2 employee: (i) Seeks advice, under an informal process established by
3 the employing agency, in order to ascertain his or her rights in
4 connection with a possible unfair practice under chapter 49.60 RCW
5 against the person; and (ii) requests his or her identity or any
6 identifying information not be disclosed.

7 (ee) Investigative records compiled by an employing agency
8 conducting a current investigation of a possible unfair practice under
9 chapter 49.60 RCW or of a possible violation of other federal, state,
10 or local laws prohibiting discrimination in employment.

11 (ff) Business related information protected from public inspection
12 and copying under RCW 15.86.110.

13 (gg) Financial, commercial, operations, and technical and research
14 information and data submitted to or obtained by the clean Washington
15 center in applications for, or delivery of, program services under
16 chapter 70.95H RCW.

17 (hh) Information and documents created specifically for, and
18 collected and maintained by a quality improvement committee pursuant to
19 RCW 43.70.510, regardless of which agency is in possession of the
20 information and documents.

21 (ii) Personal information in files maintained in a data base
22 created under RCW 43.07.360.

23 (2) Except for information described in subsection (1)(c)(i) of
24 this section and confidential income data exempted from public
25 inspection pursuant to RCW 84.40.020, the exemptions of this section
26 are inapplicable to the extent that information, the disclosure of
27 which would violate personal privacy or vital governmental interests,
28 can be deleted from the specific records sought. No exemption may be
29 construed to permit the nondisclosure of statistical information not
30 descriptive of any readily identifiable person or persons.

31 (3) Inspection or copying of any specific records exempt under the
32 provisions of this section may be permitted if the superior court in
33 the county in which the record is maintained finds, after a hearing
34 with notice thereof to every person in interest and the agency, that
35 the exemption of such records is clearly unnecessary to protect any
36 individual's right of privacy or any vital governmental function.

37 (4) Agency responses refusing, in whole or in part, inspection of
38 any public record shall include a statement of the specific exemption

1 authorizing the withholding of the record (or part) and a brief
2 explanation of how the exemption applies to the record withheld.

3 NEW SECTION. **Sec. 911.** A new section is added to chapter 74.20
4 RCW to read as follows:

5 ORDERS FOR GENETIC TESTING. (1) The division of child support may
6 issue an order for genetic testing when providing services under this
7 chapter and Title IV-D of the federal social security act if genetic
8 testing:

9 (a) Is appropriate in an action under chapter 26.26 RCW, the
10 uniform parentage act;

11 (b) Is appropriate in an action to establish support under RCW
12 74.20A.056; or

13 (c) Would assist the parties or the division of child support in
14 determining whether it is appropriate to proceed with an action to
15 establish or disestablish paternity.

16 (2) The order for genetic testing shall be served on the alleged
17 parent or parents and the legal parent by personal service or by any
18 form of mail requiring a return receipt.

19 (3) Within twenty days of the date of service of an order for
20 genetic testing, any party required to appear for genetic testing, the
21 child, or a guardian on the child's behalf, may petition in superior
22 court under chapter 26.26 RCW to bar or postpone genetic testing.

23 (4) The order for genetic testing shall contain:

24 (a) An explanation of the right to proceed in superior court under
25 subsection (3) of this section;

26 (b) Notice that if no one proceeds under subsection (3) of this
27 section, the agency issuing the order will schedule genetic testing and
28 will notify the parties of the time and place of testing by regular
29 mail;

30 (c) Notice that the parties must keep the agency issuing the order
31 for genetic testing informed of their residence address and that
32 mailing a notice of time and place for genetic testing to the last
33 known address of the parties by regular mail constitutes valid service
34 of the notice of time and place;

35 (d) Notice that the order for genetic testing may be enforced
36 through:

1 (i) Public assistance grant reduction for noncooperation, pursuant
2 to agency rule, if the child and custodian are receiving public
3 assistance;

4 (ii) Termination of support enforcement services under Title IV-D
5 of the federal social security act if the child and custodian are not
6 receiving public assistance;

7 (iii) A referral to superior court for an appropriate action under
8 chapter 26.26 RCW; or

9 (iv) A referral to superior court for remedial sanctions under RCW
10 7.21.060.

11 (5) The department may advance the costs of genetic testing under
12 this section.

13 (6) If an action is pending under chapter 26.26 RCW, a judgment for
14 reimbursement of the cost of genetic testing may be awarded under RCW
15 26.26.100.

16 (7) If no action is pending in superior court, the department may
17 impose an obligation to reimburse costs of genetic testing according to
18 rules adopted by the department to implement RCW 74.20A.056.

19 **Sec. 912.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to
20 read as follows:

21 (1) The ~~((office of support enforcement))~~ division of child
22 support, Washington state support registry, shall provide support
23 enforcement services under the following circumstances:

24 (a) Whenever public assistance under RCW 74.20.330 is paid;

25 (b) ~~((Whenever a request for nonassistance support enforcement~~
26 ~~services under RCW 74.20.040(2) is received;~~

27 ~~(c))~~ Whenever a request for support enforcement services under RCW
28 74.20.040~~((3))~~ is received;

29 ~~((d))~~ (c) When a support order which contains language directing
30 a responsible parent to make support payments to the Washington state
31 support registry under RCW 26.23.050 is submitted and the division of
32 child support receives a written application for services or is already
33 providing services;

34 ~~((e) When a support order is forwarded to the Washington state~~
35 ~~support registry by the clerk of a superior court under RCW~~
36 ~~26.23.050(5);~~

37 ~~(f))~~ (d) When the obligor submits a support order or support
38 payment, and an application, to the Washington state support registry.

1 (2) The (~~office of support enforcement~~) division of child support
2 shall continue to provide support enforcement services for so long as
3 and under such conditions as the department shall establish by
4 regulation or until the superior court enters an order removing the
5 requirement that the obligor make support payments to the Washington
6 state support registry as provided for in RCW 26.23.050(~~(+2)~~)).

7 NEW SECTION. Sec. 913. A new section is added to chapter 26.23
8 RCW to read as follows:

9 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of
10 child support, Washington state support registry shall operate a state
11 case registry containing records of all orders establishing or
12 modifying a support order that are entered after October 1, 1998.

13 (2) The superior court clerk, the office of administrative
14 hearings, and the department of social and health services shall,
15 within five days of entry, forward to the Washington state support
16 registry, a true and correct copy of all superior court orders or
17 administrative orders establishing or modifying a support obligation
18 that provide that support payments shall be made to the support
19 registry.

20 (3) The division of child support shall reimburse the clerk for the
21 reasonable costs of copying and sending copies of court orders to the
22 registry at the reimbursement rate provided in Title IV-D of the
23 federal social security act.

24 (4) Effective October 1, 1998, the superior court clerk, the office
25 of administrative hearings, and the department of social and health
26 services shall, within five days of entry, forward to the Washington
27 state support registry a true and correct copy of all superior court
28 orders or administrative orders establishing or modifying a support
29 obligation.

30 (5) Receipt of a support order by the registry or other action
31 under this section on behalf of a person or persons who have not made
32 a written application for support enforcement services to the division
33 of child support and who are not recipients of public assistance is
34 deemed to be:

35 (a) A request for payment services only if the order requires
36 payment to the Washington state support registry;

1 (b) A submission for inclusion in the state case registry if the
2 order does not require that support payments be made to the Washington
3 state support registry.

4 NEW SECTION. Sec. 914. A new section is added to chapter 26.23
5 RCW to read as follows:

6 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO
7 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or
8 child support proceeding must provide the court and the Washington
9 state child support registry with his or her:

10 (a) Social security number;

11 (b) Current residential address;

12 (c) Date of birth;

13 (d) Telephone number;

14 (e) Driver's license number; and

15 (f) Employer's name, address, and telephone number.

16 (2) Each party to an order entered in a child support or paternity
17 proceeding shall update the information required under subsection (1)
18 of this section promptly after any change in the information. The duty
19 established under this section continues as long as any monthly support
20 or support debt remains due under the support order.

21 (3) In any proceeding to establish, enforce, or modify the child
22 support order between the parties, a party may demonstrate to the
23 presiding officer that he or she has diligently attempted to locate the
24 other party. Upon a showing of diligent efforts to locate, the
25 presiding officer may allow, or accept as adequate, service of process
26 for the action by delivery of written notice to the address most
27 recently provided by the party under this section.

28 (4) All support orders shall contain notice to the parties of the
29 obligations established by this section and possibility of service of
30 process according to subsection (3) of this section.

31 **Sec. 915.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to
32 read as follows:

33 (1) There is created a Washington state support registry within the
34 (~~office of support enforcement~~) division of child support as the
35 agency designated in Washington state to administer the child support
36 program under Title IV-D of the federal social security act. The
37 registry shall:

1 (a) Provide a central unit for collection of support payments made
2 to the registry;

3 (b) Account for and disburse all support payments received by the
4 registry;

5 (~~(b)~~) (c) Maintain the necessary records including, but not
6 limited to, information on support orders, support debts, the date and
7 amount of support due; the date and amount of payments; and the names,
8 social security numbers, and addresses of the parties;

9 (~~(e)~~) (d) Develop procedures for providing information to the
10 parties regarding action taken by, and support payments collected and
11 distributed by the registry; and

12 (e) Maintain a state child support case registry to compile and
13 maintain records on all child support orders entered in the state of
14 Washington.

15 (2) The (~~office of support enforcement~~) division of child support
16 may assess and collect interest at the rate of twelve percent per year
17 on unpaid child support that has accrued under any support order
18 entered into the registry. This interest rate shall not apply to those
19 support orders already specifying an interest assessment at a different
20 rate.

21 (3) The secretary of social and health services shall adopt rules
22 for the maintenance and retention of records of support payments and
23 for the archiving and destruction of such records when the support
24 obligation terminates or is satisfied. When a support obligation
25 established under court order entered in a superior court of this state
26 has been satisfied, a satisfaction of judgment form shall be prepared
27 by the registry and filed with the clerk of the court in which the
28 order was entered.

29 **Sec. 916.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153
30 are each reenacted and amended to read as follows:

31 (1) The secretary may assert a lien upon the real or personal
32 property of a responsible parent:

33 (a) When a support payment is past due, if the parent's support
34 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains
35 notice that liens may be enforced against real and personal property,
36 or notice that action may be taken under this chapter;

37 (b) Twenty-one days after service of a notice of support debt under
38 RCW 74.20A.040;

1 (c) Twenty-one days after service of a notice and finding of
2 financial responsibility under RCW 74.20A.055;

3 (d) Twenty-one days after service of a notice and finding of
4 parental responsibility;

5 (e) Twenty-one days after service of a notice of support owed under
6 RCW 26.23.110; or

7 (f) When appropriate under RCW 74.20A.270.

8 (2) The division of child support may use uniform interstate lien
9 forms adopted by the United States department of health and human
10 services to assert liens on a responsible parent's real and personal
11 property located in another state.

12 (3) The claim of the department for a support debt, not paid when
13 due, shall be a lien against all property of the debtor with priority
14 of a secured creditor. This lien shall be separate and apart from, and
15 in addition to, any other lien created by, or provided for, in this
16 title. The lien shall attach to all real and personal property of the
17 debtor on the date of filing of such statement with the county auditor
18 of the county in which such property is located.

19 (~~(3)~~) (4) Whenever a support lien has been filed and there is in
20 the possession of any person, firm, corporation, association, political
21 subdivision or department of the state having notice of said lien any
22 property which may be subject to the support lien, such property shall
23 not be paid over, released, sold, transferred, encumbered or conveyed,
24 except as provided for by the exemptions contained in RCW 74.20A.090
25 and 74.20A.130, unless:

26 (a) A written release or waiver signed by the secretary has been
27 delivered to said person, firm, corporation, association, political
28 subdivision or department of the state; or

29 (b) A determination has been made in an adjudicative proceeding
30 pursuant to RCW 74.20A.055 or by a superior court ordering release of
31 said support lien on the basis that no debt exists or that the debt has
32 been satisfied.

33 **Sec. 917.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
34 read as follows:

35 (1) The secretary may issue to any person, firm, corporation,
36 association, political subdivision, department of the state, or agency,
37 subdivision, or instrumentality of the United States, an order to
38 withhold and deliver property of any kind, including but not restricted

1 to earnings which are or might become due, owing, or belonging to the
2 debtor, when the secretary has reason to believe that there is in the
3 possession of such person, firm, corporation, association, political
4 subdivision, department of the state, or agency, subdivision, or
5 instrumentality of the United States property which is or might become
6 due, owing, or belonging to said debtor. Such order to withhold and
7 deliver may be issued:

8 (a) (~~When a support payment is past due~~) At any time, if a
9 responsible parent's support order:

10 (i) Contains (~~language directing the parent to make support~~
11 ~~payments to the Washington state support registry; and~~) notice that
12 withholding action may be taken against earnings, wages, or assets
13 without further notice to the parent; or

14 (ii) Includes a statement that other income-withholding action
15 under this chapter may be taken without further notice to the
16 responsible parent(~~, as provided for in RCW 26.23.050(1)~~);

17 (b) Twenty-one days after service of a notice of support debt under
18 RCW 74.20A.040;

19 (c) Twenty-one days after service of a notice and finding of
20 parental responsibility under RCW 74.20A.056;

21 (d) Twenty-one days after service of a notice of support owed under
22 RCW 26.23.110;

23 (e) Twenty-one days after service of a notice and finding of
24 financial responsibility under RCW 74.20A.055; or

25 (f) When appropriate under RCW 74.20A.270.

26 (2) The order to withhold and deliver shall:

27 (a) State the amount to be withheld on a periodic basis if the
28 order to withhold and deliver is being served to secure payment of
29 monthly current support;

30 (b) State the amount of the support debt accrued;

31 (~~(b)~~) (c) State in summary the terms of RCW 74.20A.090 and
32 74.20A.100;

33 (~~(c)~~) (d) Be served in the manner prescribed for the service of
34 a summons in a civil action or by certified mail, return receipt
35 requested.

36 (3) The division of child support may use uniform interstate
37 withholding forms adopted by the United States department of health and
38 human services to take withholding actions under this section when the

1 responsible parent is owed money or property that is located in another
2 state.

3 (4) Any person, firm, corporation, association, political
4 subdivision, department of the state, or agency, subdivision, or
5 instrumentality of the United States upon whom service has been made is
6 hereby required to:

7 (a) Answer said order to withhold and deliver within twenty days,
8 exclusive of the day of service, under oath and in writing, and shall
9 make true answers to the matters inquired of therein; and

10 (b) Provide further and additional answers when requested by the
11 secretary.

12 (~~(4)~~) (5) Any such person, firm, corporation, association,
13 political subdivision, department of the state, or agency, subdivision,
14 or instrumentality of the United States in possession of any property
15 which may be subject to the claim of the department (~~of social and~~
16 ~~health services~~) shall:

17 (a)(i) Immediately withhold such property upon receipt of the order
18 to withhold and deliver; and

19 (ii) Immediately deliver the property to the secretary as soon as
20 the twenty-day answer period expires;

21 (iii) Continue to withhold earnings payable to the debtor at each
22 succeeding disbursement interval as provided for in RCW 74.20A.090, and
23 deliver amounts withheld from earnings to the secretary on the date
24 earnings are payable to the debtor;

25 (iv) Deliver amounts withheld from periodic payments to the
26 secretary on the date the payments are payable to the debtor;

27 (v) Inform the secretary of the date the amounts were withheld as
28 requested under this section; or

29 (b) Furnish to the secretary a good and sufficient bond,
30 satisfactory to the secretary, conditioned upon final determination of
31 liability.

32 (~~(5)~~) (6) An order to withhold and deliver served under this
33 section shall not expire until:

34 (a) Released in writing by the (~~office of support enforcement~~)
35 division of child support;

36 (b) Terminated by court order; or

37 (c) The person or entity receiving the order to withhold and
38 deliver does not possess property of or owe money to the debtor for any

1 period of twelve consecutive months following the date of service of
2 the order to withhold and deliver.

3 ~~((+6+))~~ (7) Where money is due and owing under any contract of
4 employment, express or implied, or is held by any person, firm,
5 corporation, or association, political subdivision, or department of
6 the state, or agency, subdivision, or instrumentality of the United
7 States subject to withdrawal by the debtor, such money shall be
8 delivered by remittance payable to the order of the secretary.

9 ~~((+7+))~~ (8) Delivery to the secretary of the money or other
10 property held or claimed shall satisfy the requirement and serve as
11 full acquittance of the order to withhold and deliver.

12 ~~((+8+))~~ (9) A person, firm, corporation, or association, political
13 subdivision, department of the state, or agency, subdivision, or
14 instrumentality of the United States that complies with the order to
15 withhold and deliver under this chapter is not civilly liable to the
16 debtor for complying with the order to withhold and deliver under this
17 chapter.

18 ~~((+9+))~~ (10) The secretary may hold the money or property delivered
19 under this section in trust for application on the indebtedness
20 involved or for return, without interest, in accordance with final
21 determination of liability or nonliability.

22 ~~((+10+))~~ (11) Exemptions contained in RCW 74.20A.090 apply to
23 orders to withhold and deliver issued under this section.

24 ~~((+11+))~~ (12) The secretary shall also, on or before the date of
25 service of the order to withhold and deliver, mail or cause to be
26 mailed a copy of the order to withhold and deliver to the debtor at the
27 debtor's last known post office address, or, in the alternative, a copy
28 of the order to withhold and deliver shall be served on the debtor in
29 the same manner as a summons in a civil action on or before the date of
30 service of the order or within two days thereafter. The copy of the
31 order shall be mailed or served together with a concise explanation of
32 the right to petition for judicial review. This requirement is not
33 jurisdictional, but, if the copy is not mailed or served as in this
34 section provided, or if any irregularity appears with respect to the
35 mailing or service, the superior court, in its discretion on motion of
36 the debtor promptly made and supported by affidavit showing that the
37 debtor has suffered substantial injury due to the failure to mail the
38 copy, may set aside the order to withhold and deliver and award to the

1 debtor an amount equal to the damages resulting from the secretary's
2 failure to serve on or mail to the debtor the copy.

3 ~~((12))~~ (13) An order to withhold and deliver issued in accordance
4 with this section has priority over any other wage assignment,
5 garnishment, attachment, or other legal process(~~(, except for another~~
6 ~~wage assignment, garnishment, attachment, or other legal process for~~
7 ~~child support))~~).

8 ~~((13))~~ (14) The ~~((office of support enforcement))~~ division of
9 child support shall notify any person, firm, corporation, association,
10 or political subdivision, department of the state, or agency,
11 subdivision, or instrumentality of the United States required to
12 withhold and deliver the earnings of a debtor under this action that
13 they may deduct a processing fee from the remainder of the debtor's
14 earnings, even if the remainder would otherwise be exempt under RCW
15 74.20A.090. The processing fee shall not exceed ten dollars for the
16 first disbursement to the department and one dollar for each subsequent
17 disbursement under the order to withhold and deliver.

18 **Sec. 918.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to
19 read as follows:

20 (1) Any information or records concerning individuals who owe a
21 support obligation or for whom support enforcement services are being
22 provided which are obtained or maintained by the Washington state
23 support registry, the ~~((office of support enforcement))~~ division of
24 child support, or under chapter 74.20 RCW shall be private and
25 confidential and shall only be subject to public disclosure as provided
26 in subsection (2) of this section.

27 (2) The secretary of the department of social and health services
28 ~~((shall))~~ may adopt rules ~~((which))~~ :

29 (a) That specify what information is confidential;

30 (b) That specify the individuals or agencies to whom this
31 information and these records may be disclosed((,));

32 (c) Limiting the purposes for which the information may be
33 disclosed((, and the));

34 (d) Establishing procedures to obtain the information or records;
35 or

36 (e) Establishing safeguards necessary to comply with federal law
37 requiring safeguarding of information.

1 (3) The rules adopted under subsection (2) of this section shall
2 provide for disclosure of the information and records, under
3 appropriate circumstances, which shall include, but not be limited to:

4 (a) When authorized or required by federal statute or regulation
5 governing the support enforcement program;

6 (b) To the person the subject of the records or information, unless
7 the information is exempt from disclosure under RCW 42.17.310;

8 (c) To government agencies, whether state, local, or federal, and
9 including federally recognized tribes, law enforcement agencies,
10 prosecuting agencies, and the executive branch, if the disclosure is
11 necessary for child support enforcement purposes or required under
12 Title IV-D of the federal social security act;

13 (d) To the parties in a judicial or adjudicative proceeding upon a
14 specific written finding by the presiding officer that the need for the
15 information outweighs any reason for maintaining the privacy and
16 confidentiality of the information or records;

17 (e) To private persons, federally recognized tribes, or
18 organizations if the disclosure is necessary to permit private
19 contracting parties to assist in the management and operation of the
20 department;

21 (f) Disclosure of address and employment information to the parties
22 to an action for purposes relating to a child support order, subject to
23 the limitations in subsections (4) and (5) of this section;

24 (g) Disclosure of information or records when necessary to the
25 efficient administration of the support enforcement program or to the
26 performance of functions and responsibilities of the support registry
27 and the ~~((office of support enforcement))~~ division of child support as
28 set forth in state and federal statutes; or

29 (h) Disclosure of the information or records when authorized under
30 RCW 74.04.060.

31 ~~((3))~~ (4) Prior to disclosing the ~~((physical custodian's address~~
32 ~~under subsection (2)(f) of this section))~~ whereabouts of a parent or a
33 party to a support order to the other parent or party, a notice shall
34 be mailed, if appropriate under the circumstances, to the ~~((physical~~
35 ~~custodian))~~ parent or other party whose whereabouts are to be
36 disclosed, at ~~((the physical custodian's))~~ that person's last known
37 address. The notice shall advise the ~~((physical custodian))~~ parent or
38 party that a request for disclosure has been made and will be complied
39 with unless the department:

1 (a) Receives a copy of a court order within thirty days which
2 enjoins the disclosure of the information or restricts or limits the
3 requesting party's right to contact or visit the ((physical custodian))
4 parent or party whose address is to be disclosed or the child((, or the
5 custodial parent requests a hearing to contest the disclosure));

6 (b) Receives a hearing request within thirty days under subsection
7 (5) of this section; or

8 (c) Has reason to believe that the release of the information may
9 result in physical or emotional harm to the party whose whereabouts are
10 to be released, or to the child.

11 (5) A person receiving notice under subsection (4) of this section
12 may request an adjudicative proceeding under chapter 34.05 RCW, at
13 which the person may show that there is reason to believe that release
14 of the information may result in physical or emotional harm to the
15 person or the child. The administrative law judge shall determine
16 whether the ((address)) whereabouts of the ((custodial parent)) person
17 should be disclosed based on ((the same standard as a claim of "good
18 cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c)) subsection (4)(c)
19 of this section, however no hearing is necessary if the department has
20 in its possession a protective order or an order limiting visitation or
21 contact.

22 ~~((+4))~~ (6) Nothing in this section shall be construed as limiting
23 or restricting the effect of RCW 42.17.260(~~((+6))~~) (9). Nothing in this
24 section shall be construed to prevent the disclosure of information and
25 records if all details identifying an individual are deleted or the
26 individual consents to the disclosure.

27 ~~((+5))~~ (7) It shall be unlawful for any person or agency in
28 violation of this section to solicit, publish, disclose, receive, make
29 use of, or to authorize, knowingly permit, participate in or acquiesce
30 in the use of any lists of names for commercial or political purposes
31 or the use of any information for purposes other than those purposes
32 specified in this section. A violation of this section shall be a
33 gross misdemeanor as provided in chapter 9A.20 RCW.

34 **Sec. 919.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to
35 read as follows:

36 (1) Application for a marriage license must be made and filed with
37 the appropriate county auditor upon blanks to be provided by the county
38 auditor for that purpose, which application shall be under the oath of

1 each of the applicants, and each application shall state the name,
2 address at the time of execution of application, age, social security
3 number, birthplace, whether single, widowed or divorced, and whether
4 under control of a guardian, residence during the past six months:
5 PROVIDED, That each county may require such other and further
6 information on said application as it shall deem necessary.

7 (2) The county legislative authority may impose an additional fee
8 up to fifteen dollars on a marriage license for the purpose of funding
9 family services such as family support centers.

10 **Sec. 920.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to
11 read as follows:

12 (1) Except as otherwise provided in subsection (7) of RCW
13 26.09.070, the provisions of any decree respecting maintenance or
14 support may be modified: (a) Only as to installments accruing
15 subsequent to the petition for modification or motion for adjustment
16 except motions to compel court-ordered adjustments, which shall be
17 effective as of the first date specified in the decree for implementing
18 the adjustment; and, (b) except as otherwise provided in subsections
19 (4), (5), (8), and (9) of this section, only upon a showing of a
20 substantial change of circumstances. The provisions as to property
21 disposition may not be revoked or modified, unless the court finds the
22 existence of conditions that justify the reopening of a judgment under
23 the laws of this state.

24 (2) Unless otherwise agreed in writing or expressly provided in the
25 decree the obligation to pay future maintenance is terminated upon the
26 death of either party or the remarriage of the party receiving
27 maintenance.

28 (3) Unless otherwise agreed in writing or expressly provided in the
29 decree, provisions for the support of a child are terminated by
30 emancipation of the child or by the death of the parent obligated to
31 support the child.

32 (4) An order of child support may be modified one year or more
33 after it has been entered without showing a substantial change of
34 circumstances:

35 (a) If the order in practice works a severe economic hardship on
36 either party or the child;

37 (b) If a party requests an adjustment in an order for child support
38 which was based on guidelines which determined the amount of support

1 according to the child's age, and the child is no longer in the age
2 category on which the current support amount was based;

3 (c) If a child is still in high school, upon a finding that there
4 is a need to extend support beyond the eighteenth birthday to complete
5 high school; or

6 (d) To add an automatic adjustment of support provision consistent
7 with RCW 26.09.100.

8 (5) An order or decree entered prior to June 7, 1984, may be
9 modified without showing a substantial change of circumstances if the
10 requested modification is to:

11 (a) Require health insurance coverage for a child named therein; or

12 (b) Modify an existing order for health insurance coverage.

13 (6) An obligor's voluntary unemployment or voluntary
14 underemployment, by itself, is not a substantial change of
15 circumstances.

16 (7) The department of social and health services may file an action
17 to modify an order of child support if public assistance money is being
18 paid to or for the benefit of the child and the child support order is
19 twenty-five percent or more below the appropriate child support amount
20 set forth in the standard calculation as defined in RCW 26.19.011 and
21 reasons for the deviation are not set forth in the findings of fact or
22 order. The determination of twenty-five percent or more shall be based
23 on the current income of the parties and the department shall not be
24 required to show a substantial change of circumstances if the reasons
25 for the deviations were not set forth in the findings of fact or order.

26 (8)(a) All child support decrees may be adjusted once every twenty-
27 four months based upon changes in the income of the parents without a
28 showing of substantially changed circumstances. Either party may
29 initiate the adjustment by filing a motion and child support
30 worksheets.

31 (b) A party may petition for modification in cases of substantially
32 changed circumstances under subsection (1) of this section at any time.
33 However, if relief is granted under subsection (1) of this section,
34 twenty-four months must pass before a motion for an adjustment under
35 (a) of this subsection may be filed.

36 (c) If, pursuant to (a) of this subsection or subsection (9) of
37 this section, the court adjusts or modifies a child support obligation
38 by more than thirty percent and the change would cause significant
39 hardship, the court may implement the change in two equal increments,

1 one at the time of the entry of the order and the second six months
2 from the entry of the order. Twenty-four months must pass following
3 the second change before a motion for an adjustment under (a) of this
4 subsection may be filed.

5 (d) A parent who is receiving transfer payments who receives a wage
6 or salary increase may not bring a modification action pursuant to
7 subsection (1) of this section alleging that increase constitutes a
8 substantial change of circumstances.

9 (e) The department of social and health services may file an action
10 at any time to modify an order of child support in cases of
11 substantially changed circumstances if public assistance money is being
12 paid to or for the benefit of the child. The determination of the
13 existence of substantially changed circumstances by the department that
14 lead to the filing of an action to modify the order of child support is
15 not binding upon the court.

16 (9) An order of child support may be adjusted twenty-four months
17 from the date of the entry of the decree or the last adjustment or
18 modification, whichever is later, based upon changes in the economic
19 table or standards in chapter 26.19 RCW.

20 **Sec. 921.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to
21 read as follows:

22 In this chapter:

23 (1) "Child" means an individual, whether over or under the age of
24 majority, who is or is alleged to be owed a duty of support by the
25 individual's parent or who is or is alleged to be the beneficiary of a
26 support order directed to the parent.

27 (2) "Child support order" means a support order for a child,
28 including a child who has attained the age of majority under the law of
29 the issuing state.

30 (3) "Duty of support" means an obligation imposed or imposable by
31 law to provide support for a child, spouse, or former spouse, including
32 an unsatisfied obligation to provide support.

33 (4) "Home state" means the state in which a child lived with a
34 parent or a person acting as parent for at least six consecutive months
35 immediately preceding the time of filing of a petition or comparable
36 pleading for support and, if a child is less than six months old, the
37 state in which the child lived from birth with any of them. A period

1 of temporary absence of any of them is counted as part of the six-month
2 or other period.

3 (5) "Income" includes earnings or other periodic entitlements to
4 money from any source and any other property subject to withholding for
5 support under the law of this state.

6 (6) "Income-withholding order" means an order or other legal
7 process directed to an obligor's employer or other debtor, as defined
8 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income
9 of the obligor.

10 (7) "Initiating state" means a state (~~in~~) from which a proceeding
11 is forwarded or in which a proceeding is filed for forwarding to a
12 responding state under this chapter or a law or procedure substantially
13 similar to this chapter, the Uniform Reciprocal Enforcement of Support
14 Act, or the Revised Uniform Reciprocal Enforcement of Support Act (~~is~~
15 ~~filed for forwarding to a responding state~~)).

16 (8) "Initiating tribunal" means the authorized tribunal in an
17 initiating state.

18 (9) "Issuing state" means the state in which a tribunal issues a
19 support order or renders a judgment determining parentage.

20 (10) "Issuing tribunal" means the tribunal that issues a support
21 order or renders a judgment determining parentage.

22 (11) "Law" includes decisional and statutory law and rules and
23 regulations having the force of law.

24 (12) "Obligee" means:

25 (a) An individual to whom a duty of support is or is alleged to be
26 owed or in whose favor a support order has been issued or a judgment
27 determining parentage has been rendered;

28 (b) A state or political subdivision to which the rights under a
29 duty of support or support order have been assigned or which has
30 independent claims based on financial assistance provided to an
31 individual obligee; or

32 (c) An individual seeking a judgment determining parentage of the
33 individual's child.

34 (13) "Obligor" means an individual, or the estate of a decedent:

35 (a) Who owes or is alleged to owe a duty of support;

36 (b) Who is alleged but has not been adjudicated to be a parent of
37 a child; or

38 (c) Who is liable under a support order.

1 (14) "Register" means to record or file in the appropriate location
2 for the recording or filing of foreign judgments generally or foreign
3 support orders specifically, a support order or judgment determining
4 parentage.

5 (15) "Registering tribunal" means a tribunal in which a support
6 order is registered.

7 (16) "Responding state" means a state ~~((to))~~ in which a proceeding
8 is filed or to which a proceeding is forwarded for filing from an
9 initiating state under this chapter or a law or procedure substantially
10 similar to this chapter, the Uniform Reciprocal Enforcement of Support
11 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

12 (17) "Responding tribunal" means the authorized tribunal in a
13 responding state.

14 (18) "Spousal support order" means a support order for a spouse or
15 former spouse of the obligor.

16 (19) "State" means a state of the United States, the District of
17 Columbia, ~~((the Commonwealth of))~~ Puerto Rico, the United States Virgin
18 Islands, or any territory or insular possession subject to the
19 jurisdiction of the United States. The term ~~(("state"))~~ includes:

20 (i) An Indian tribe ~~((and includes))~~; and

21 (ii) A foreign jurisdiction that has enacted a law or established
22 procedures for issuance and enforcement of support orders ~~((that))~~
23 which are substantially similar to the procedures under this chapter,
24 the Uniform Reciprocal Enforcement of Support Act, or the Revised
25 Uniform Reciprocal Enforcement of Support Act.

26 (20) "Support enforcement agency" means a public official or agency
27 authorized to seek:

28 (a) Enforcement of support orders or laws relating to the duty of
29 support;

30 (b) Establishment or modification of child support;

31 (c) Determination of parentage; or

32 (d) Location of obligors or their assets.

33 (21) "Support order" means a judgment, decree, or order, whether
34 temporary, final, or subject to modification, for the benefit of a
35 child, a spouse, or a former spouse, that provides for monetary
36 support, health care, arrearages, or reimbursement, and may include
37 related costs and fees, interest, income withholding, attorneys' fees,
38 and other relief.

1 (22) "Tribunal" means a court, administrative agency, or quasi-
2 judicial entity authorized to establish, enforce, or modify support
3 orders or to determine parentage.

4 **Sec. 922.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to
5 read as follows:

6 (1) A tribunal of this state issuing a support order consistent
7 with the law of this state has continuing, exclusive jurisdiction over
8 a child support order:

9 (a) As long as this state remains the residence of the obligor, the
10 individual obligee, or the child for whose benefit the support order is
11 issued; or

12 (b) Until (~~each individual party has~~) all of the parties who are
13 individuals have filed written consents with the tribunal of this state
14 for a tribunal of another state to modify the order and assume
15 continuing, exclusive jurisdiction.

16 (2) A tribunal of this state issuing a child support order
17 consistent with the law of this state may not exercise its continuing
18 jurisdiction to modify the order if the order has been modified by a
19 tribunal of another state pursuant to this chapter or a law
20 substantially similar to this chapter.

21 (3) If a child support order of this state is modified by a
22 tribunal of another state pursuant to this chapter or a law
23 substantially similar to this chapter, a tribunal of this state loses
24 its continuing, exclusive jurisdiction with regard to prospective
25 enforcement of the order issued in this state, and may only:

26 (a) Enforce the order that was modified as to amounts accruing
27 before the modification;

28 (b) Enforce nonmodifiable aspects of that order; and

29 (c) Provide other appropriate relief for violations of that order
30 which occurred before the effective date of the modification.

31 (4) A tribunal of this state shall recognize the continuing,
32 exclusive jurisdiction of a tribunal of another state that has issued
33 a child support order pursuant to this chapter or a law substantially
34 similar to this chapter.

35 (5) A temporary support order issued ex parte or pending resolution
36 of a jurisdictional conflict does not create continuing, exclusive
37 jurisdiction in the issuing tribunal.

1 (6) A tribunal of this state issuing a support order consistent
2 with the law of this state has continuing, exclusive jurisdiction over
3 a spousal support order throughout the existence of the support
4 obligation. A tribunal of this state may not modify a spousal support
5 order issued by a tribunal of another state having continuing,
6 exclusive jurisdiction over that order under the law of that state.

7 **Sec. 923.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to
8 read as follows:

9 (1) If a proceeding is brought under this chapter and only one
10 tribunal has issued a child support order, the order of that tribunal
11 controls and must be so recognized.

12 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two
13 or more child support orders have been issued ((in)) by tribunals of
14 this state or another state with regard to ((an)) the same obligor and
15 ((a)) child, a tribunal of this state shall apply the following rules
16 in determining which order to recognize for purposes of continuing,
17 exclusive jurisdiction:

18 (a) If only one of the tribunals ((has issued a child support
19 order)) would have continuing, exclusive jurisdiction under this
20 chapter, the order of that tribunal controls and must be so recognized.

21 (b) ~~((If two or more tribunals have issued child support orders for~~
22 ~~the same obligor and child, and only one of the tribunals would have~~
23 ~~continuing, exclusive jurisdiction under this chapter, the order of~~
24 ~~that tribunal must be recognized.~~

25 (c)) If ~~((two or more tribunals have issued child support orders~~
26 ~~for the same obligor and child, and)) more than one of the tribunals
27 would have continuing, exclusive jurisdiction under this chapter, an
28 order issued by a tribunal in the current home state of the child
29 controls and must be so recognized, but if an order has not been issued
30 in the current home state of the child, the order most recently issued
31 controls and must be so recognized.~~

32 ~~((d) If two or more tribunals have issued child support orders for~~
33 ~~the same obligor and child, and none of the tribunals would have~~
34 ~~continuing, exclusive jurisdiction under this chapter, the tribunal of~~
35 ~~this state may issue a child support order, which must be recognized.~~

36 (2) ~~The tribunal that has issued an order recognized under~~
37 ~~subsection (1) of this section is the tribunal having continuing,~~
38 ~~exclusive jurisdiction.))~~

1 (c) If none of the tribunals would have continuing, exclusive
2 jurisdiction under this chapter, the tribunal of this state having
3 jurisdiction over the parties shall issue a child support order, which
4 controls and must be so recognized.

5 (3) If two or more child support orders have been issued for the
6 same obligor and child and if the obligor or the individual obligee
7 resides in this state, a party may request a tribunal of this state to
8 determine which order controls and must be so recognized under
9 subsection (2) of this section. The request must be accompanied by a
10 certified copy of every support order in effect. The requesting party
11 shall give notice of the request to each party whose rights may be
12 affected by the determination.

13 (4) The tribunal that issued the controlling order under subsection
14 (1), (2), or (3) of this section is the tribunal that has continuing,
15 exclusive jurisdiction under RCW 26.21.115.

16 (5) A tribunal of this state which determines by order the identity
17 of the controlling order under subsection (2)(a) or (b) of this section
18 or which issues a new controlling order under subsection (2)(c) of this
19 section shall state in that order the basis upon which the tribunal
20 made its determination.

21 (6) Within thirty days after issuance of an order determining the
22 identity of the controlling order, the party obtaining the order shall
23 file a certified copy of it with each tribunal that issued or
24 registered an earlier order of child support. A party who obtains the
25 order and fails to file a certified copy is subject to appropriate
26 sanctions by a tribunal in which the issue of failure to file arises.
27 The failure to file does not affect the validity or enforceability of
28 the controlling order.

29 **Sec. 924.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to
30 read as follows:

31 (1) Upon the filing of a petition authorized by this chapter, an
32 initiating tribunal of this state shall forward three copies of the
33 petition and its accompanying documents:

34 ~~((1))~~ (a) To the responding tribunal or appropriate support
35 enforcement agency in the responding state; or

36 ~~((2))~~ (b) If the identity of the responding tribunal is unknown,
37 to the state information agency of the responding state with a request

1 that they be forwarded to the appropriate tribunal and that receipt be
2 acknowledged.

3 (2) If a responding state has not enacted the Uniform Interstate
4 Family Support Act or a law or procedure substantially similar to the
5 Uniform Interstate Family Support Act, a tribunal of this state may
6 issue a certificate or other document and make findings required by the
7 law of the responding state. If the responding state is a foreign
8 jurisdiction, the tribunal may specify the amount of support sought and
9 provide other documents necessary to satisfy the requirements of the
10 responding state.

11 **Sec. 925.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to
12 read as follows:

13 (1) When a responding tribunal of this state receives a petition or
14 comparable pleading from an initiating tribunal or directly pursuant to
15 RCW 26.21.205(3), it shall cause the petition or pleading to be filed
16 and notify the petitioner (~~by first class mail~~) where and when it was
17 filed.

18 (2) A responding tribunal of this state, to the extent otherwise
19 authorized by law, may do one or more of the following:

20 (a) Issue or enforce a support order, modify a child support order,
21 or render a judgment to determine parentage;

22 (b) Order an obligor to comply with a support order, specifying the
23 amount and the manner of compliance;

24 (c) Order income withholding;

25 (d) Determine the amount of any arrearages, and specify a method of
26 payment;

27 (e) Enforce orders by civil or criminal contempt, or both;

28 (f) Set aside property for satisfaction of the support order;

29 (g) Place liens and order execution on the obligor's property;

30 (h) Order an obligor to keep the tribunal informed of the obligor's
31 current residential address, telephone number, employer, address of
32 employment, and telephone number at the place of employment;

33 (i) Issue a bench warrant or writ of arrest for an obligor who has
34 failed after proper notice to appear at a hearing ordered by the
35 tribunal and enter the bench warrant or writ of arrest in any local and
36 state computer systems for criminal warrants;

37 (j) Order the obligor to seek appropriate employment by specified
38 methods;

1 (k) Award reasonable attorneys' fees and other fees and costs; and

2 (l) Grant any other available remedy.

3 (3) A responding tribunal of this state shall include in a support
4 order issued under this chapter, or in the documents accompanying the
5 order, the calculations on which the support order is based.

6 (4) A responding tribunal of this state may not condition the
7 payment of a support order issued under this chapter upon compliance by
8 a party with provisions for visitation.

9 (5) If a responding tribunal of this state issues an order under
10 this chapter, the tribunal shall send a copy of the order (~~by first~~
11 ~~class mail~~) to the petitioner and the respondent and to the initiating
12 tribunal, if any.

13 **Sec. 926.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to
14 read as follows:

15 If a petition or comparable pleading is received by an
16 inappropriate tribunal of this state, it shall forward the pleading and
17 accompanying documents to an appropriate tribunal in this state or
18 another state and notify the petitioner (~~by first class mail~~) where
19 and when the pleading was sent.

20 **Sec. 927.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to
21 read as follows:

22 (1) A support enforcement agency of this state, upon request, shall
23 provide services to a petitioner in a proceeding under this chapter.

24 (2) A support enforcement agency that is providing services to the
25 petitioner as appropriate shall:

26 (a) Take all steps necessary to enable an appropriate tribunal in
27 this state or another state to obtain jurisdiction over the respondent;

28 (b) Request an appropriate tribunal to set a date, time, and place
29 for a hearing;

30 (c) Make a reasonable effort to obtain all relevant information,
31 including information as to income and property of the parties;

32 (d) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
33 legal holidays, after receipt of a written notice from an initiating,
34 responding, or registering tribunal, send a copy of the notice (~~by~~
35 ~~first class mail~~) to the petitioner;

36 (e) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and
37 legal holidays, after receipt of a written communication from the

1 respondent or the respondent's attorney, send a copy of the
2 communication (~~(by first class mail)~~) to the petitioner; and

3 (f) Notify the petitioner if jurisdiction over the respondent
4 cannot be obtained.

5 (3) This chapter does not create or negate a relationship of
6 attorney and client or other fiduciary relationship between a support
7 enforcement agency or the attorney for the agency and the individual
8 being assisted by the agency.

9 **Sec. 928.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to
10 read as follows:

11 (~~((1))~~) An income-withholding order issued in another state may be
12 sent (~~(by first class mail)~~) to the person or entity defined as the
13 obligor's employer under (~~(chapter 6.27)~~) RCW 50.04.080 without first
14 filing a petition or comparable pleading or registering the order with
15 a tribunal of this state. (~~(Upon receipt of the order, the employer~~
16 ~~shall:~~

17 ~~(a) Treat an income withholding order issued in another state that~~
18 ~~appears regular on its face as if it had been issued by a tribunal of~~
19 ~~this state;~~

20 ~~(b) Immediately provide a copy of the order to the obligor; and~~

21 ~~(c) Distribute the funds as directed in the income withholding~~
22 ~~order.~~

23 ~~(2) An obligor may contest the validity or enforcement of an~~
24 ~~income withholding order issued in another state in the same manner as~~
25 ~~if the order had been issued by a tribunal of this state. — RCW~~
26 ~~26.21.510 applies to the contest. The obligor shall give notice of the~~
27 ~~contest to any support enforcement agency providing services to the~~
28 ~~obligee and to:~~

29 ~~(a) The person or agency designated to receive payments in the~~
30 ~~income withholding order; or~~

31 ~~(b) If no person or agency is designated, the obligee.))~~

32 NEW SECTION. **Sec. 929.** A new section is added to chapter 26.21
33 RCW to read as follows:

34 EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER
35 STATE. (1) Upon receipt of an income-withholding order, the obligor's
36 employer shall immediately provide a copy of the order to the obligor.

1 (2) The employer shall treat an income-withholding order issued in
2 another state that appears regular on its face as if it had been issued
3 by a tribunal of this state.

4 (3) Except as provided in subsection (4) of this section and
5 section 930 of this act, the employer shall withhold and distribute the
6 funds as directed in the withholding order by complying with the terms
7 of the order which specify:

8 (a) The duration and amount of periodic payments of current child
9 support, stated as a sum certain;

10 (b) The person or agency designated to receive payments and the
11 address to which the payments are to be forwarded;

12 (c) Medical support, whether in the form of periodic cash payment,
13 stated as sum certain, or ordering the obligor to provide health
14 insurance coverage for the child under a policy available through the
15 obligor's employment;

16 (d) The amount of periodic payments of fees and costs for a support
17 enforcement agency, the issuing tribunal, and the obligee's attorney,
18 stated as sum certain; and

19 (e) The amount of periodic payments of arrearages and interest on
20 arrearages, stated as sum certain.

21 (4) The employer shall comply with the law of the state of the
22 obligor's principal place of employment for withholding from income
23 with respect to:

24 (a) The employer's fee for processing an income withholding order;

25 (b) The maximum amount permitted to be withheld from the obligor's
26 income; and

27 (c) The times within which the employer must implement the
28 withholding order and forward the child support payment.

29 NEW SECTION. **Sec. 930.** A new section is added to chapter 26.21
30 RCW to read as follows:

31 COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. If an
32 obligor's employer receives multiple income-withholding orders with
33 respect to the earnings of the same obligor, the employer satisfies the
34 terms of the multiple orders if the employer complies with the law of
35 the state of the obligor's principal place of employment to establish
36 the priorities for withholding and allocating income withheld for
37 multiple child support obligees.

1 NEW SECTION. **Sec. 931.** A new section is added to chapter 26.21
2 RCW to read as follows:

3 IMMUNITY FROM CIVIL LIABILITY. An employer who complies with an
4 income-withholding order issued in another state in accordance with
5 this article is not subject to civil liability to an individual or
6 agency with regard to the employer's withholding of child support from
7 the obligor's income.

8 NEW SECTION. **Sec. 932.** A new section is added to chapter 26.21
9 RCW to read as follows:

10 PENALTIES FOR NONCOMPLIANCE. An employer who willfully fails to
11 comply with an income-withholding order issued by another state and
12 received for enforcement is subject to the same penalties that may be
13 imposed for noncompliance with an order issued by a tribunal of this
14 state.

15 NEW SECTION. **Sec. 933.** A new section is added to chapter 26.21
16 RCW to read as follows:

17 CONTEST BY OBLIGOR. (1) An obligor may contest the validity or
18 enforcement of an income-withholding order issued in another state and
19 received directly by an employer in this state in the same manner as if
20 the order had been issued by a tribunal of this state. RCW 26.21.510
21 applies to the contest.

22 (2) The obligor shall give notice of the contest to:

23 (a) A support enforcement agency providing services to the obligee;

24 (b) Each employer that has directly received an income-withholding
25 order; and

26 (c) The person or agency designated to receive payments in the
27 income-withholding order, or if no person or agency is designated, to
28 the obligee.

29 **Sec. 934.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to
30 read as follows:

31 (1) A support order or income-withholding order of another state
32 may be registered in this state by sending the following documents and
33 information to the support enforcement agency of this state or to the
34 superior court of any county in this state where the obligor resides,
35 works, or has property:

- 1 (a) A letter of transmittal to the tribunal requesting registration
2 and enforcement;
- 3 (b) Two copies, including one certified copy, of all orders to be
4 registered, including any modification of an order;
- 5 (c) A sworn statement by the party seeking registration or a
6 certified statement by the custodian of the records showing the amount
7 of any arrearage;
- 8 (d) The name of the obligor and, if known:
- 9 (i) The obligor's address and social security number;
- 10 (ii) The name and address of the obligor's employer and any other
11 source of income of the obligor; and
- 12 (iii) A description and the location of property of the obligor in
13 this state not exempt from execution; and
- 14 (e) The name and address of the obligee and, if applicable, the
15 agency or person to whom support payments are to be remitted.
- 16 (2) On receipt of a request for registration, the registering
17 tribunal shall cause the order to be filed as a foreign judgment,
18 together with one copy of the documents and information, regardless of
19 their form.
- 20 (3) A petition or comparable pleading seeking a remedy that must be
21 affirmatively sought under other law of this state may be filed at the
22 same time as the request for registration or later. The pleading must
23 specify the grounds for the remedy sought.

24 **Sec. 935.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to
25 read as follows:

26 (1) When a support order or income-withholding order issued in
27 another state is registered, the registering tribunal shall notify the
28 nonregistering party. ~~((Notice must be given by certified or
29 registered mail or by any means of personal service authorized by the
30 law of this state.))~~ The notice must be accompanied by a copy of the
31 registered order and the documents and relevant information
32 accompanying the order.

33 (2) The notice must inform the nonregistering party:

34 (a) That a registered order is enforceable as of the date of
35 registration in the same manner as an order issued by a tribunal of
36 this state;

37 (b) That a hearing to contest the validity or enforcement of the
38 registered order must be requested within twenty days after the date of

1 receipt by certified or registered mail or personal service of the
2 notice given to a nonregistering party within the state and within
3 sixty days after the date of receipt by certified or registered mail or
4 personal service of the notice on a nonregistering party outside of the
5 state;

6 (c) That failure to contest the validity or enforcement of the
7 registered order in a timely manner will result in confirmation of the
8 order and enforcement of the order and the alleged arrearages and
9 precludes further contest of that order with respect to any matter that
10 could have been asserted; and

11 (d) Of the amount of any alleged arrearages.

12 (3) Upon registration of an income-withholding order for
13 enforcement, the registering tribunal shall notify the obligor's
14 employer pursuant to the income-withholding law of this state.

15 **Sec. 936.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to
16 read as follows:

17 (1) A nonregistering party seeking to contest the validity or
18 enforcement of a registered order in this state shall request a hearing
19 within twenty days after the date of receipt of certified or registered
20 mail or the date of personal service of notice of the registration on
21 the nonmoving party within this state, or, within sixty days after the
22 receipt of certified or registered mail or personal service of the
23 notice on the nonmoving party outside of the state. The nonregistering
24 party may seek to vacate the registration, to assert any defense to an
25 allegation of noncompliance with the registered order, or to contest
26 the remedies being sought or the amount of any alleged arrearages
27 pursuant to RCW 26.21.540.

28 (2) If the nonregistering party fails to contest the validity or
29 enforcement of the registered order in a timely manner, the order is
30 confirmed by operation of law.

31 (3) If a nonregistering party requests a hearing to contest the
32 validity or enforcement of the registered order, the registering
33 tribunal shall schedule the matter for hearing and give notice to the
34 parties (~~by first class mail~~) of the date, time, and place of the
35 hearing.

36 **Sec. 937.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to
37 read as follows:

1 (1) After a child support order issued in another state has been
2 registered in this state, the responding tribunal of this state may
3 modify that order only if ~~((7))~~ section 939 of this act does not apply
4 and after notice and hearing ~~((7))~~ it finds that:

5 (a) The following requirements are met:

6 (i) The child, the individual obligee, and the obligor do not
7 reside in the issuing state;

8 (ii) A petitioner who is a nonresident of this state seeks
9 modification; and

10 (iii) The respondent is subject to the personal jurisdiction of the
11 tribunal of this state; or

12 (b) ~~((An individual party or))~~ The child, or a party who is an
13 individual, is subject to the personal jurisdiction of the tribunal of
14 this state and all of the ~~((individual))~~ parties who are individuals
15 have filed ((a)) written consents in the issuing tribunal ((providing
16 that)) for a tribunal of this state ((may)) to modify the support order
17 and assume continuing, exclusive jurisdiction over the order. However,
18 if the issuing state is a foreign jurisdiction that has not enacted a
19 law or established procedures substantially similar to the procedures
20 under the Uniform Interstate Family Support Act, the consent otherwise
21 required of an individual residing in this state is not required for
22 the tribunal to assume jurisdiction to modify the child support order.

23 (2) Modification of a registered child support order is subject to
24 the same requirements, procedures, and defenses that apply to the
25 modification of an order issued by a tribunal of this state and the
26 order may be enforced and satisfied in the same manner.

27 (3) A tribunal of this state may not modify any aspect of a child
28 support order that may not be modified under the law of the issuing
29 state. If two or more tribunals have issued child support orders for
30 the same obligor and child, the order that controls and must be so
31 recognized under RCW 26.21.135 establishes the aspects of the support
32 order that are nonmodifiable.

33 (4) On issuance of an order modifying a child support order issued
34 in another state, a tribunal of this state becomes the tribunal ~~((of))~~
35 having continuing, exclusive jurisdiction.

36 ~~((5))~~ Within thirty days after issuance of a modified child support
37 order, the party obtaining the modification shall file a certified copy
38 of the order with the issuing tribunal which had continuing, exclusive

1 ~~jurisdiction over the earlier order, and in each tribunal in which the~~
2 ~~party knows that earlier order has been registered.))~~

3 **Sec. 938.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to
4 read as follows:

5 A tribunal of this state shall recognize a modification of its
6 earlier child support order by a tribunal of another state that assumed
7 jurisdiction pursuant to the Uniform Interstate Family Support Act or
8 a law substantially similar to this chapter and, upon request, except
9 as otherwise provided in this chapter, shall:

10 (1) Enforce the order that was modified only as to amounts accruing
11 before the modification;

12 (2) Enforce only nonmodifiable aspects of that order;

13 (3) Provide other appropriate relief only for violations of that
14 order which occurred before the effective date of the modification;
15 and

16 (4) Recognize the modifying order of the other state, upon
17 registration, for the purpose of enforcement.

18 NEW SECTION. **Sec. 939.** A new section is added to chapter 26.21
19 RCW to read as follows:

20 JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF
21 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who
22 are individuals reside in this state and the child does not reside in
23 the issuing state, a tribunal of this state has jurisdiction to enforce
24 and to modify the issuing state's child support order in a proceeding
25 to register that order.

26 (2) A tribunal of this state exercising jurisdiction under this
27 section shall apply the provisions of Articles 1 and 2, this article,
28 and the procedural and substantive law of this state to the proceeding
29 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this
30 chapter do not apply.

31 NEW SECTION. **Sec. 940.** A new section is added to chapter 26.21
32 RCW to read as follows:

33 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days
34 after issuance of a modified child support order, the party obtaining
35 the modification shall file a certified copy of the order with the
36 issuing tribunal that had continuing, exclusive jurisdiction over the

1 earlier order, and in each tribunal in which the party knows the
2 earlier order has been registered. A party who obtains the order and
3 fails to file a certified copy is subject to appropriate sanctions by
4 a tribunal in which the issue of failure to file arises. The failure
5 to file does not affect the validity or enforceability of the modified
6 order of the new tribunal having continuing, exclusive jurisdiction.

7 **Sec. 941.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to
8 read as follows:

9 (1) A tribunal of this state may serve as an initiating or
10 responding tribunal in a proceeding brought under this chapter or a law
11 or procedure substantially similar to this chapter, the Uniform
12 Reciprocal Enforcement of Support Act, or the Revised Uniform
13 Reciprocal Enforcement of Support Act to determine that the petitioner
14 is a parent of a particular child or to determine that a respondent is
15 a parent of that child.

16 (2) In a proceeding to determine parentage, a responding tribunal
17 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,
18 procedural and substantive law of this state, and the rules of this
19 state on choice of law.

20 NEW SECTION. **Sec. 942.** A new section is added to chapter 26.21
21 RCW to read as follows:

22 ADOPTION OF RULES. The secretary of the department of social and
23 health services shall issue such rules as necessary to act as the
24 administrative tribunal pursuant to RCW 26.21.015.

25 **Sec. 943.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to
26 read as follows:

27 (1) The department of social and health services shall adopt rules
28 for the distribution of support money collected by the (~~office of~~
29 ~~support enforcement~~) division of child support. These rules shall:

30 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal
31 social security act as amended by the personal responsibility and work
32 opportunity reconciliation act of 1996;

33 (b) Direct the (~~office of support enforcement~~) division of child
34 support to distribute support money within eight days of receipt,
35 unless one of the following circumstances, or similar circumstances
36 specified in the rules, prevents prompt distribution:

1 (i) The location of the custodial parent is unknown;
2 (ii) The support debt is in litigation;
3 (iii) The (~~office of support enforcement~~) division of child
4 support cannot identify the responsible parent or the custodian;

5 (c) Provide for proportionate distribution of support payments if
6 the responsible parent owes a support obligation or a support debt for
7 two or more Title IV-D cases; and

8 (d) Authorize the distribution of support money, except money
9 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
10 the IV-D custodian before the debt owed to the state when the custodian
11 stops receiving a public assistance grant.

12 (2) The (~~office of support enforcement~~) division of child support
13 may distribute support payments to the payee under the support order or
14 to another person who has lawful physical custody of the child or
15 custody with the payee's consent. The payee may file an application
16 for an adjudicative proceeding to challenge distribution to such other
17 person. Prior to distributing support payments to any person other
18 than the payee, the registry shall:

19 (a) Obtain a written statement from the child's physical custodian,
20 under penalty of perjury, that the custodian has lawful custody of the
21 child or custody with the payee's consent;

22 (b) Mail to the responsible parent and to the payee at the payee's
23 last known address a copy of the physical custodian's statement and a
24 notice which states that support payments will be sent to the physical
25 custodian; and

26 (c) File a copy of the notice with the clerk of the court that
27 entered the original support order.

28 (3) If the Washington state support registry distributes a support
29 payment to a person in error, the registry may obtain restitution by
30 means of a set-off against future payments received on behalf of the
31 person receiving the erroneous payment, or may act according to RCW
32 74.20A.270 as deemed appropriate. Any set-off against future support
33 payments shall be limited to amounts collected on the support debt and
34 ten percent of amounts collected as current support.

35 (4) The division of child support shall ensure that the fifty
36 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before
37 the adoption of P.L. 104-193, is terminated immediately upon the
38 effective date of this section and all rules to the contrary adopted
39 before the effective date of this section are without force and effect.

1 **Sec. 944.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each
2 amended to read as follows:

3 (1) The department shall be subrogated to the right of any
4 dependent child or children or person having the care, custody, and
5 control of said child or children, if public assistance money is paid
6 to or for the benefit of the child under a state program funded under
7 Title IV-A of the federal social security act as amended by the
8 personal responsibility and work opportunity reconciliation act of
9 1996, to prosecute or maintain any support action or execute any
10 administrative remedy existing under the laws of the state of
11 Washington to obtain reimbursement of moneys expended, based on the
12 support obligation of the responsible parent established by a superior
13 court order or RCW 74.20A.055. Distribution of any support moneys
14 shall be made in accordance with (~~42 U.S.C. Sec. 657~~) RCW 26.23.035.

15 (2) The department may initiate, continue, maintain, or execute an
16 action to establish, enforce, and collect a support obligation,
17 including establishing paternity and performing related services, under
18 this chapter and chapter 74.20 RCW, or through the attorney general or
19 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,
20 or 26.26 RCW or other appropriate statutes or the common law of this
21 state, for so long as and under such conditions as the department may
22 establish by regulation.

23 (3) Public assistance moneys shall be exempt from collection action
24 under this chapter except as provided in RCW 74.20A.270.

25 (4) No collection action shall be taken against parents of children
26 eligible for admission to, or children who have been discharged from a
27 residential habilitation center as defined by RCW 71A.10.020(7). For
28 the period July 1, 1993, through June 30, 1995, a collection action may
29 be taken against parents of children with developmental disabilities
30 who are placed in community-based residential care. The amount of
31 support the department may collect from the parents shall not exceed
32 one-half of the parents' support obligation accrued while the child was
33 in community-based residential care. The child support obligation
34 shall be calculated pursuant to chapter 26.19 RCW.

35 **Sec. 945.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended
36 to read as follows:

37 Whenever a custodian of children, or other person, receives support
38 moneys paid to them which moneys are paid in whole or in part in

1 satisfaction of a support obligation which has been assigned to the
2 department pursuant to (~~42 U.S.C. Sec. 602(A)(26)(a)~~) Title IV-A of
3 the federal social security act as amended by the personal
4 responsibility and work opportunity reconciliation act of 1996 or RCW
5 74.20.330 or to which the department is owed a debt pursuant to RCW
6 74.20A.030, the moneys shall be remitted to the department within eight
7 days of receipt by the custodian or other person. If not so remitted
8 the custodian or other person shall be indebted to the department as a
9 support debt in an amount equal to the amount of the support money
10 received and not remitted.

11 By not paying over the moneys to the department, a custodial parent
12 or other person is deemed, without the necessity of signing any
13 document, to have made an irrevocable assignment to the department of
14 any support delinquency owed which is not already assigned to the
15 department or to any support delinquency which may accrue in the future
16 in an amount equal to the amount of support money retained. The
17 department may utilize the collection procedures in chapter 74.20A RCW
18 to collect the assigned delinquency to effect recoupment and
19 satisfaction of the debt incurred by reason of the failure of the
20 custodial parent or other person to remit. The department is also
21 authorized to make a set-off to effect satisfaction of the debt by
22 deduction from support moneys in its possession or in the possession of
23 any clerk of the court or other forwarding agent which are paid to the
24 custodial parent or other person for the satisfaction of any support
25 delinquency. Nothing in this section authorizes the department to make
26 set-off as to current support paid during the month for which the
27 payment is due and owing.

28 **Sec. 946.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to
29 read as follows:

30 (1) Whenever public assistance is paid under (~~this title~~) a state
31 program funded under Title IV-A of the federal social security act as
32 amended by the personal responsibility and work opportunity
33 reconciliation act of 1996, each applicant or recipient is deemed to
34 have made assignment to the department of any rights to a support
35 obligation from any other person the applicant or recipient may have in
36 his or her own behalf or in behalf of any other family member for whom
37 the applicant or recipient is applying for or receiving public

1 assistance, including any unpaid support obligation or support debt
2 which has accrued at the time the assignment is made.

3 (2) Payment of public assistance under (~~this title~~) a state
4 program funded under Title IV-A of the federal social security act as
5 amended by the personal responsibility and work opportunity
6 reconciliation act of 1996 shall:

7 (a) Operate as an assignment by operation of law; and

8 (b) Constitute an authorization to the department to provide the
9 assistance recipient with support enforcement services.

10 **Sec. 947.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read
11 as follows:

12 (1) Within ten days after the birth of any child, the attending
13 physician, midwife, or his or her agent shall:

14 (a) Fill out a certificate of birth, giving all of the particulars
15 required, including: (i) The mother's name and date of birth, and (ii)
16 if the mother and father are married at the time of birth or the father
17 has signed an acknowledgment of paternity, the father's name and date
18 of birth; and

19 (b) File the certificate of birth together with the mother's and
20 father's social security numbers with the (~~local~~) state registrar of
21 (~~the district in which the birth occurred~~) vital statistics.

22 (2) The local registrar shall forward the birth certificate, any
23 signed affidavit acknowledging paternity, and the mother's and father's
24 social security numbers to the state office of vital statistics
25 pursuant to RCW 70.58.030.

26 (3) The state (~~office~~) registrar of vital statistics shall make
27 available to the (~~office of support enforcement~~) division of child
28 support the birth certificates, the mother's and father's social
29 security numbers and paternity affidavits.

30 (4) Upon the birth of a child to an unmarried woman, the attending
31 physician, midwife, or his or her agent shall:

32 (a) Provide an opportunity for the child's mother and natural
33 father to complete an affidavit acknowledging paternity. The completed
34 affidavit shall be filed with the (~~local~~) state registrar of vital
35 statistics. The affidavit shall contain or have attached:

36 (i) A sworn statement by the mother consenting to the assertion of
37 paternity and stating that this is the only possible father;

1 (ii) A statement by the father that he is the natural father of the
2 child;

3 (iii) A sworn statement signed by the mother and the putative
4 father that each has been given notice, both orally and in writing, of
5 the alternatives to, the legal consequences of, and the rights,
6 including, if one parent is a minor, any rights afforded due to
7 minority status, and responsibilities that arise from, signing the
8 affidavit acknowledging paternity;

9 (iv) Written information, furnished by the department of social and
10 health services, explaining the implications of signing, including
11 parental rights and responsibilities; and

12 (~~(iv)~~) (v) The social security numbers of both parents.

13 (b) Provide written information and oral information, furnished by
14 the department of social and health services, to the mother and the
15 father regarding the benefits of having (~~her~~) the child's paternity
16 established and of the availability of paternity establishment
17 services, including a request for support enforcement services. The
18 oral and written information shall also include information regarding
19 the alternatives to, the legal consequences of, and the rights,
20 including, if one parent is a minor any rights afforded due to minority
21 status, and responsibilities that arise from, signing the affidavit
22 acknowledging paternity.

23 (5) The physician or midwife or his or her agent is entitled to
24 reimbursement for reasonable costs, which the department shall
25 establish by rule, when an affidavit acknowledging paternity is filed
26 with the state (~~office~~) registrar of vital statistics.

27 (6) If there is no attending physician or midwife, the father or
28 mother of the child, householder or owner of the premises, manager or
29 superintendent of the public or private institution in which the birth
30 occurred, shall notify the local registrar, within ten days after the
31 birth, of the fact of the birth, and the local registrar shall secure
32 the necessary information and signature to make a proper certificate of
33 birth.

34 (7) When an infant is found for whom no certificate of birth is
35 known to be on file, a birth certificate shall be filed within the time
36 and in the form prescribed by the state board of health.

37 (8) When no putative father is named on a birth certificate of a
38 child born to an unwed mother the mother may give any surname she so

1 desires to her child but shall designate in space provided for father's
2 name on the birth certificate "None Named".

3 **Sec. 948.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to
4 read as follows:

5 (1) A man is presumed to be the natural father of a child for all
6 intents and purposes if:

7 (a) He and the child's natural mother are or have been married to
8 each other and the child is born during the marriage, or within three
9 hundred days after the marriage is terminated by death, annulment,
10 declaration of invalidity, divorce, or dissolution, or after a decree
11 of separation is entered by a court; or

12 (b) Before the child's birth, he and the child's natural mother
13 have attempted to marry each other by a marriage solemnized in apparent
14 compliance with law, although the attempted marriage is or could be
15 declared invalid, and the child is born within three hundred days after
16 the termination of cohabitation;

17 (c) After the child's birth, he and the child's natural mother have
18 married, or attempted to marry, each other by a marriage solemnized in
19 apparent compliance with law, although the attempted marriage is or
20 could be declared invalid, and

21 (i) He has acknowledged his paternity of the child in writing filed
22 with the state registrar of vital statistics,

23 (ii) With his consent, he is named as the child's father on the
24 child's birth certificate, or

25 (iii) He is obligated to support the child under a written
26 voluntary promise or by court order;

27 (d) While the child is under the age of majority, he receives the
28 child into his home and openly holds out the child as his child;

29 (e) He acknowledges his paternity of the child pursuant to RCW
30 70.58.080 or in a writing filed with the state ((office)) registrar of
31 vital statistics, which shall promptly inform the mother of the filing
32 of the acknowledgment, if she does not dispute the acknowledgment
33 within a reasonable time after being informed thereof, in a writing
34 filed with the state registrar of vital statistics. An acknowledgment
35 of paternity under RCW 70.58.080 shall be a legal finding of paternity
36 of the child sixty days after the acknowledgment is filed with the
37 center for health statistics unless the acknowledgment is sooner
38 rescinded or challenged. After the sixty-day period has passed, the

1 acknowledgment may be challenged in court only on the basis of fraud,
2 duress, or material mistake of fact, with the burden of proof upon the
3 challenger. Legal responsibilities of the challenger, including child
4 support obligations, may not be suspended during the challenge, except
5 for good cause shown. Judicial and administrative proceedings are
6 neither required nor permitted to ratify an unchallenged acknowledgment
7 of paternity filed after the effective date of this section. In order
8 to enforce rights of residential time, custody, and visitation, a man
9 presumed to be the father as a result of filing a written
10 acknowledgment must seek appropriate judicial orders under this title;

11 (f) The United States immigration and naturalization service made
12 or accepted a determination that he was the father of the child at the
13 time of the child's entry into the United States and he had the
14 opportunity at the time of the child's entry into the United States to
15 admit or deny the paternal relationship; or

16 (g) Genetic testing indicates a ninety-eight percent or greater
17 probability of paternity.

18 (2) A presumption under this section may be rebutted in an
19 appropriate action only by clear, cogent, and convincing evidence. If
20 two or more presumptions arise which conflict with each other, the
21 presumption which on the facts is founded on the weightier
22 considerations of policy and logic controls. The presumption is
23 rebutted by a court decree establishing paternity of the child by
24 another man.

25 NEW SECTION. Sec. 949. A new section is added to chapter 26.26
26 RCW to read as follows:

27 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all
28 actions brought under this chapter, bills for pregnancy, childbirth,
29 and genetic testing shall:

30 (1) Be admissible as evidence without requiring third-party
31 foundation testimony; and

32 (2) Constitute prima facie evidence of amounts incurred for such
33 services or for testing on behalf of the child.

34 **Sec. 950.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to
35 read as follows:

36 (1) The secretary may, in the absence of a superior court order, or
37 pursuant to an establishment of paternity under chapter 26.26 RCW,

1 serve on the responsible parent or parents a notice and finding of
2 financial responsibility requiring a responsible parent or parents to
3 appear and show cause in an adjudicative proceeding why the finding of
4 responsibility and/or the amount thereof is incorrect, should not be
5 finally ordered, but should be rescinded or modified. This notice and
6 finding shall relate to the support debt accrued and/or accruing under
7 this chapter and/or RCW 26.16.205, including periodic payments to be
8 made in the future. The hearing shall be held pursuant to this
9 section, chapter 34.05 RCW, the Administrative Procedure Act, and the
10 rules of the department.

11 (2) The notice and finding of financial responsibility shall be
12 served in the same manner prescribed for the service of a summons in a
13 civil action or may be served on the responsible parent by certified
14 mail, return receipt requested. The receipt shall be prima facie
15 evidence of service. The notice shall be served upon the debtor within
16 sixty days from the date the state assumes responsibility for the
17 support of the dependent child or children on whose behalf support is
18 sought. If the notice is not served within sixty days from such date,
19 the department shall lose the right to reimbursement of payments made
20 after the sixty-day period and before the date of notification:
21 PROVIDED, That if the department exercises reasonable efforts to locate
22 the debtor and is unable to do so the entire sixty-day period is tolled
23 until such time as the debtor can be located.

24 (3) The notice and finding of financial responsibility shall set
25 forth the amount the department has determined the responsible parent
26 owes, the support debt accrued and/or accruing, and periodic payments
27 to be made in the future. The notice and finding shall also include:

28 (a) A statement of the name of the recipient or custodian and the
29 name of the child or children for whom support is sought;

30 (b) A statement of the amount of periodic future support payments
31 as to which financial responsibility is alleged;

32 (c) A statement that the responsible parent may object to all or
33 any part of the notice and finding, and file an application for an
34 adjudicative proceeding to show cause why said responsible parent
35 should not be determined to be liable for any or all of the debt, past
36 and future;

37 (d) ~~((A statement that the alleged responsible parent may challenge
38 the presumption of paternity;~~

1 ~~(e))~~) A statement that, if the responsible parent fails in timely
2 fashion to file an application for an adjudicative proceeding, the
3 support debt and payments stated in the notice and finding, including
4 periodic support payments in the future, shall be assessed and
5 determined and ordered by the department and that this debt and amounts
6 due under the notice shall be subject to collection action;

7 ~~((f))~~) (e) A statement that the property of the debtor, without
8 further advance notice or hearing, will be subject to lien and
9 foreclosure, distraint, seizure and sale, order to withhold and
10 deliver, notice of payroll deduction or other collection action to
11 satisfy the debt and enforce the support obligation established under
12 the notice.

13 (4) A responsible parent who objects to the notice and finding of
14 financial responsibility may file an application for an adjudicative
15 proceeding within twenty days of the date of service of the notice or
16 thereafter as provided under this subsection. An adjudicative
17 proceeding shall be held in the county of residence or other place
18 convenient to the responsible parent.

19 (a) If the responsible parent files the application within twenty
20 days, the department shall schedule an adjudicative proceeding to hear
21 the parent's objection and determine the parents' support obligation
22 for the entire period covered by the notice and finding of financial
23 responsibility. The filing of the application stays collection action
24 pending the entry of a final administrative order;

25 (b) If the responsible parent fails to file an application within
26 twenty days, the notice and finding shall become a final administrative
27 order. The amounts for current and future support and the support debt
28 stated in the notice are final and subject to collection, except as
29 provided under (c) and (d) of this subsection;

30 (c) If the responsible parent files the application more than
31 twenty days after, but within one year of the date of service, the
32 department shall schedule an adjudicative proceeding to hear the
33 parents' objection and determine the parent's support obligation for
34 the entire period covered by the notice and finding of financial
35 responsibility. The filing of the application does not stay further
36 collection action, pending the entry of a final administrative order,
37 and does not affect any prior collection action;

38 (d) If the responsible parent files the application more than one
39 year after the date of service, the department shall schedule an

1 adjudicative proceeding at which the responsible parent must show good
2 cause for failure to file a timely application. The filing of the
3 application does not stay future collection action and does not affect
4 prior collection action:

5 (i) If the presiding officer finds that good cause exists, the
6 presiding officer shall proceed to hear the parent's objection to the
7 notice and determine the parent's support obligation;

8 (ii) If the presiding officer finds that good cause does not exist,
9 the presiding officer shall treat the application as a petition for
10 prospective modification of the amount for current and future support
11 established under the notice and finding. In the modification
12 proceeding, the presiding officer shall set current and future support
13 under chapter 26.19 RCW. The responsible parent need show neither good
14 cause nor a substantial change of circumstances to justify modification
15 of current and future support;

16 (e) The department shall retain and/or shall not refund support
17 money collected more than twenty days after the date of service of the
18 notice. Money withheld as the result of collection action shall be
19 delivered to the department. The department shall distribute such
20 money, as provided in published rules.

21 (5)((+a)) If an application for an adjudicative proceeding is
22 filed, the presiding or reviewing officer shall determine the past
23 liability and responsibility, if any, of the alleged responsible parent
24 and shall also determine the amount of periodic payments to be made in
25 the future, which amount is not limited by the amount of any public
26 assistance payment made to or for the benefit of the child. If
27 deviating from the child support schedule in making these
28 determinations, the presiding or reviewing officer shall apply the
29 standards contained in the child support schedule and enter written
30 findings of fact supporting the deviation.

31 ~~((b) If a responsible parent provides credible evidence at an
32 adjudicative proceeding that would rebut the presumption of paternity
33 set forth in RCW 26.26.040, the presiding officer shall direct the
34 department to refer the issue for scheduling of an appropriate hearing
35 in superior court to determine whether the presumption should be
36 rebutted.))~~

37 (6) If the responsible parent fails to attend or participate in the
38 hearing or other stage of an adjudicative proceeding, upon a showing of
39 valid service, the presiding officer shall enter an administrative

1 order declaring the support debt and payment provisions stated in the
2 notice and finding of financial responsibility to be assessed and
3 determined and subject to collection action.

4 (7) The final administrative order establishing liability and/or
5 future periodic support payments shall be superseded upon entry of a
6 superior court order for support to the extent the superior court order
7 is inconsistent with the administrative order.

8 (8) Debts determined pursuant to this section, accrued and not
9 paid, are subject to collection action under this chapter without
10 further necessity of action by a presiding or reviewing officer.

11 **Sec. 951.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5
12 are each reenacted and amended to read as follows:

13 (1) If an alleged father has signed an affidavit acknowledging
14 paternity which has been filed with the state ((office)) registrar of
15 vital statistics before July 1, 1997, the ((office of support
16 enforcement)) division of child support may serve a notice and finding
17 of parental responsibility on him. Procedures for and responsibility
18 resulting from acknowledgments filed after July 1, 1997, are in
19 subsections (8) and (9) of this section. Service of the notice shall be
20 in the same manner as a summons in a civil action or by certified mail,
21 return receipt requested. The notice shall have attached to it a copy
22 of the affidavit or certification of birth record information advising
23 of the existence of a filed affidavit, provided by the ((center for
24 health)) state registrar of vital statistics, and shall state that:

25 (a) The alleged father may file an application for an adjudicative
26 proceeding at which he will be required to appear and show cause why
27 the amount stated in the finding of financial responsibility as to
28 support is incorrect and should not be ordered;

29 (b) An alleged father may request that a blood or genetic test be
30 administered to determine whether such test would exclude him from
31 being a natural parent and, if not excluded, may subsequently request
32 that the ((office of support enforcement)) division of child support
33 initiate an action in superior court to determine the existence of the
34 parent-child relationship; and

35 (c) If the alleged father does not request that a blood or genetic
36 test be administered or file an application for an adjudicative
37 proceeding, the amount of support stated in the notice and finding of
38 parental responsibility shall become final, subject only to a

1 subsequent determination under RCW 26.26.060 that the parent-child
2 relationship does not exist.

3 (2) An alleged father who objects to the amount of support
4 requested in the notice may file an application for an adjudicative
5 proceeding up to twenty days after the date the notice was served. An
6 application for an adjudicative proceeding may be filed within one year
7 of service of the notice and finding of parental responsibility without
8 the necessity for a showing of good cause or upon a showing of good
9 cause thereafter. An adjudicative proceeding under this section shall
10 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
11 the accrued debt, the amount of the current and future support
12 obligation, and the reimbursement of the costs of blood or genetic
13 tests if advanced by the department.

14 (3) If the application for an adjudicative proceeding is filed
15 within twenty days of service of the notice, collection action shall be
16 stayed pending a final decision by the department. If no application
17 is filed within twenty days:

18 (a) The amounts in the notice shall become final and the debt
19 created therein shall be subject to collection action; and

20 (b) Any amounts so collected shall neither be refunded nor returned
21 if the alleged father is later found not to be a responsible parent.

22 (4) An alleged father who denies being a responsible parent may
23 request that a blood or genetic test be administered at any time. The
24 request for testing shall be in writing and served on the (~~office of~~
25 ~~support enforcement~~) division of child support personally or by
26 registered or certified mail. If a request for testing is made, the
27 department shall arrange for the test and, pursuant to rules adopted by
28 the department, may advance the cost of such testing. The department
29 shall mail a copy of the test results by certified mail, return receipt
30 requested, to the alleged father's last known address.

31 (5) If the test excludes the alleged father from being a natural
32 parent, the (~~office of support enforcement~~) division of child support
33 shall file a copy of the results with the state (~~office~~) registrar of
34 vital statistics and shall dismiss any pending administrative
35 collection proceedings based upon the affidavit in issue. The state
36 (~~office~~) registrar of vital statistics shall remove the alleged
37 father's name from the birth certificate and change the child's surname
38 to be the same as the mother's maiden name as stated on the birth
39 certificate, or any other name which the mother may select.

1 (6) The alleged father may, within twenty days after the date of
2 receipt of the test results, request the (~~office of support~~
3 ~~enforcement~~) division of child support to initiate an action under RCW
4 26.26.060 to determine the existence of the parent-child relationship.
5 If the (~~office of support enforcement~~) division of child support
6 initiates a superior court action at the request of the alleged father
7 and the decision of the court is that the alleged father is a natural
8 parent, the alleged father shall be liable for court costs incurred.

9 (7) If the alleged father does not request the (~~office of support~~
10 ~~enforcement~~) division of child support to initiate a superior court
11 action, or if the alleged father fails to appear and cooperate with
12 blood or genetic testing, the notice of parental responsibility shall
13 become final for all intents and purposes and may be overturned only by
14 a subsequent superior court order entered under RCW 26.26.060.

15 (8)(a) If an alleged father has signed an affidavit acknowledging
16 paternity that has been filed with the state registrar of vital
17 statistics after July 1, 1997, within sixty days from the date of
18 filing of the acknowledgment:

19 (i) The division of child support may serve a notice and finding of
20 parental responsibility on him as set forth under this section; and

21 (ii) The alleged father or any other signatory may rescind his
22 acknowledgment of paternity. The rescission shall be notarized and
23 delivered to the state registrar of vital statistics personally or by
24 registered or certified mail.

25 (b) If the alleged father does not file an application for an
26 adjudicative proceeding or rescind his acknowledgment of paternity, the
27 amount of support stated in the notice and finding of parental
28 responsibility becomes final, subject only to a subsequent
29 determination under RCW 26.26.060 that the parent-child relationship
30 does not exist.

31 (c) An alleged father who objects to the amount of support
32 requested in the notice may file an application for an adjudicative
33 proceeding up to twenty days after the date the notice was served. An
34 application for an adjudicative proceeding may be filed within one year
35 of service of the notice and finding of parental responsibility without
36 the necessity for a showing of good cause or upon a showing of good
37 cause thereafter. An adjudicative proceeding under this section shall
38 be pursuant to RCW 74.20A.055. The only issues shall be the amount of

1 the accrued debt and the amount of the current and future support
2 obligation.

3 (i) If the application for an adjudicative proceeding is filed
4 within twenty days of service of the notice, collection action shall be
5 stayed pending a final decision by the department.

6 (ii) If the application for an adjudicative proceeding is not filed
7 within twenty days of the service of the notice, any amounts collected
8 under the notice shall be neither refunded nor returned if the alleged
9 father is later found not to be a responsible parent.

10 (d) If an alleged father makes a request for genetic testing, the
11 department shall proceed as set forth under section 911 of this act.

12 (e) If the alleged father does not request an adjudicative
13 proceeding, or if the alleged father fails to rescind his filed
14 acknowledgment of paternity, the notice of parental responsibility
15 becomes final for all intents and purposes and may be overturned only
16 by a subsequent superior court order entered under RCW 26.26.060.

17 (9) Affidavits acknowledging paternity that are filed after July 1,
18 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

19 (10) The department and the department of health may adopt rules to
20 implement the requirements under this section.

21 NEW SECTION. Sec. 952. A new section is added to chapter 26.18
22 RCW to read as follows:

23 CHILD SUPPORT LIENS--CREATION--ATTACHMENT. Child support debts,
24 not paid when due, become liens by operation of law against all
25 property of the debtor with priority of a secured creditor. This lien
26 shall be separate and apart from, and in addition to, any other lien
27 created by, or provided for, in this title. The lien attaches to all
28 real and personal property of the debtor on the date of filing with the
29 county auditor of the county in which the property is located.

30 Sec. 953. RCW 26.23.040 and 1994 c 127 s 1 are each amended to
31 read as follows:

32 (1) Except as provided in subsection (3) of this section, all
33 employers doing business in the state of Washington, and to whom the
34 department of employment security has assigned the standard industrial
35 classification sic codes listed in subsection (2) of this section,
36 shall report to the Washington state support registry:

1 (a) The hiring of any person who resides or works in this state to
2 whom the employer anticipates paying earnings; and

3 (b) The rehiring or return to work of any employee who was laid
4 off, furloughed, separated, granted a leave without pay, or terminated
5 from employment.

6 (2) Employers in the standard industrial classifications that shall
7 report to the Washington state support registry include:

8 (a) Construction industry sic codes: 15, general building; 16,
9 heavy construction; and 17, special trades;

10 (b) Manufacturing industry sic code 37, transportation equipment;

11 (c) Business services sic codes: 73, except sic code 7363
12 (temporary help supply services); and health services sic code 80.

13 (3) Employers are not required to report the hiring of any person
14 who:

15 (a) Will be employed for less than one months duration;

16 (b) Will be employed sporadically so that the employee will be paid
17 for less than three hundred fifty hours during a continuous six-month
18 period; or

19 (c) Will have gross earnings less than three hundred dollars in
20 every month.

21 The secretary of the department of social and health services may
22 adopt rules to establish additional exemptions if needed to reduce
23 unnecessary or burdensome reporting.

24 (4) Employers may report by mailing the employee's copy of the W-4
25 form, or other means authorized by the registry which will result in
26 timely reporting.

27 (5) Employers shall submit reports within thirty-five days of the
28 hiring, rehiring, or return to work of the employee. The report shall
29 contain:

30 (a) The employee's name, address, social security number, and date
31 of birth; and

32 (b) The employer's name, address, and employment security reference
33 number or unified business identifier number.

34 (6) An employer who fails to report as required under this section
35 shall be given a written warning for the first violation and shall be
36 subject to a civil penalty of up to two hundred dollars per month for
37 each subsequent violation after the warning has been given. All
38 violations within a single month shall be considered a single violation
39 for purposes of assessing the penalty. The penalty may be imposed and

1 collected by the (~~office of support enforcement~~) division of child
2 support under (~~RCW 74.20A.270~~) section 903 of this act.

3 (~~(7) (The registry shall retain the information for a particular~~
4 ~~employee only if the registry is responsible for establishing,~~
5 ~~enforcing, or collecting a support obligation or debt of the employee.~~
6 ~~If the employee does not owe such an obligation or a debt, the registry~~
7 ~~shall not create a record regarding the employee and the information~~
8 ~~contained in the notice shall be promptly destroyed. Prior to the~~
9 ~~destruction of the notice, the department of social and health services~~
10 ~~shall make the information contained in the notice available to other~~
11 ~~state agencies, based upon the written request of an agency's director~~
12 ~~or chief executive, specifically for comparison with records or~~
13 ~~information possessed by the requesting agency to detect improper or~~
14 ~~fraudulent claims. If, after comparison, no such situation is found or~~
15 ~~reasonably suspected to exist, the information shall be promptly~~
16 ~~destroyed by the requesting agency. Requesting agencies that obtain~~
17 ~~information from the department of social and health services under~~
18 ~~this section shall maintain the confidentiality of the information~~
19 ~~received, except as necessary to implement the agencies'~~
20 ~~responsibilities.)) The registry shall retain the information for a
21 particular employee only if the registry is responsible for
22 establishing, enforcing, or collecting a support debt of the employee.
23 The registry may, however, retain information for a particular employee
24 for as long as may be necessary to:~~

25 (a) Transmit the information to the national directory of new hires
26 as required under federal law; or

27 (b) Provide the information to other state agencies for comparison
28 with records or information possessed by those agencies as required by
29 law.

30 Information that is not permitted to be retained shall be promptly
31 destroyed. Agencies that obtain information from the department of
32 social and health services under this section shall maintain the
33 confidentiality of the information received, except as necessary to
34 implement the agencies' responsibilities.

35 **Sec. 954.** RCW 26.23.040 and 1997 c ... s 953 (section 953 of this
36 act) are each amended to read as follows:

37 (1) (~~Except as provided in subsection (3) of this section,~~) All
38 employers doing business in the state of Washington, and to whom the

1 department of employment security has assigned ((the)) a standard
2 industrial classification sic code(~~(s listed in subsection (2) of this~~
3 ~~section,)) shall report to the Washington state support registry:~~)

4 (a) The hiring of any person who resides or works in this state to
5 whom the employer anticipates paying earnings; and

6 (b) The rehiring or return to work of any employee who was laid
7 off, furloughed, separated, granted a leave without pay, or terminated
8 from employment.

9 ~~((2) Employers in the standard industrial classifications that~~
10 ~~shall report to the Washington state support registry include:~~

11 ~~(a) Construction industry sic codes: 15, general building; 16,~~
12 ~~heavy construction; and 17, special trades;~~

13 ~~(b) Manufacturing industry sic code 37, transportation equipment;~~

14 ~~(c) Business services sic codes: 73, except sic code 7363~~
15 ~~(temporary help supply services); and health services sic code 80.~~

16 ~~(3) Employers are not required to report the hiring of any person~~
17 ~~who:~~

18 ~~(a) Will be employed for less than one months duration;~~

19 ~~(b) Will be employed sporadically so that the employee will be paid~~
20 ~~for less than three hundred fifty hours during a continuous six month~~
21 ~~period; or~~

22 ~~(c) Will have gross earnings less than three hundred dollars in~~
23 ~~every month.)~~

24 The secretary of the department of social and health services may
25 adopt rules to establish additional exemptions if needed to reduce
26 unnecessary or burdensome reporting.

27 ~~((4))~~ (2) Employers may report by mailing the employee's copy of
28 the W-4 form, or other means authorized by the registry which will
29 result in timely reporting.

30 ~~((5))~~ (3) Employers shall submit reports within ~~((thirty-five))~~
31 twenty days of the hiring, rehiring, or return to work of the employee,
32 except as provided in subsection (4) of this section. The report shall
33 contain:

34 (a) The employee's name, address, social security number, and date
35 of birth; and

36 (b) The employer's name, address, ~~((and))~~ employment security
37 reference number ~~((or)),~~ unified business identifier number and
38 identifying number assigned under section 6109 of the internal revenue
39 code of 1986.

1 ~~((6))~~ (4) In the case of an employer transmitting reports
2 magnetically or electronically, the employer shall report newly hired
3 employees by two monthly transmissions, if necessary, not less than
4 twelve days nor more than sixteen days apart.

5 (5) An employer who fails to report as required under this section
6 shall be given a written warning for the first violation and shall be
7 subject to a civil penalty of up to two hundred dollars per month for
8 each subsequent violation after the warning has been given. All
9 violations within a single month shall be considered a single violation
10 for purposes of assessing the penalty. The penalty may be imposed and
11 collected by the division of child support under RCW 74.20A.---
12 (section 903 of this act).

13 ~~((7))~~ (6) The registry shall retain the information for a
14 particular employee only if the registry is responsible for
15 establishing, enforcing, or collecting a support debt of the employee.
16 The registry may, however, retain information for a particular employee
17 for as long as may be necessary to:

18 (a) Transmit the information to the national directory of new hires
19 as required under federal law; or

20 (b) Provide the information to other state agencies for comparison
21 with records or information possessed by those agencies as required by
22 law.

23 Information that is not permitted to be retained shall be promptly
24 destroyed. Agencies that obtain information from the department of
25 social and health services under this section shall maintain the
26 confidentiality of the information received, except as necessary to
27 implement the agencies' responsibilities.

28 **Sec. 955.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c
29 375 s 3 are each reenacted and amended to read as follows:

30 (1) A petition in a proceeding for dissolution of marriage, legal
31 separation, or for a declaration concerning the validity of a marriage,
32 shall allege the following:

33 (a) The last known residence of each party;

34 (b) The social security number of each party;

35 (c) The date and place of the marriage;

36 ~~((e))~~ (d) If the parties are separated the date on which the
37 separation occurred;

1 (~~(d)~~) (e) The names, ages, and addresses of any child dependent
2 upon either or both spouses and whether the wife is pregnant;

3 (~~(e)~~) (f) Any arrangements as to the residential schedule of,
4 decision making for, dispute resolution for, and support of the
5 children and the maintenance of a spouse;

6 (~~(f)~~) (g) A statement specifying whether there is community or
7 separate property owned by the parties to be disposed of;

8 (~~(g)~~) (h) The relief sought.

9 (2) Either or both parties to the marriage may initiate the
10 proceeding.

11 (3) The petitioner shall complete and file with the petition a
12 certificate under RCW 70.58.200 on the form provided by the department
13 of health.

14 **Sec. 956.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are
15 each reenacted and amended to read as follows:

16 (1) The court may, and upon request of a party shall, require the
17 child, mother, and any alleged or presumed father who has been made a
18 party to submit to blood tests or genetic tests of blood, tissues, or
19 other bodily fluids. If (~~(an alleged father)~~) a party objects to a
20 proposed order requiring (~~(him to submit to paternity)~~) blood or
21 genetic tests, the court (~~(may)~~) shall require the party making the
22 allegation of possible paternity to provide sworn testimony, by
23 affidavit or otherwise, stating the facts upon which the allegation is
24 based. The court shall order blood or genetic tests if it appears that
25 a reasonable possibility exists that the requisite sexual contact
26 occurred or where nonpaternity is alleged, that the requisite sexual
27 contact did not occur. The tests shall be performed by an expert in
28 paternity blood or genetic testing appointed by the court. The
29 expert's verified report identifying the blood or genetic
30 characteristics observed is admissible in evidence in any hearing or
31 trial in the parentage action, if (a) the alleged or presumed father
32 has had the opportunity to gain information about the security,
33 validity, and interpretation of the tests and the qualifications of any
34 experts, and (b) the report is accompanied by an affidavit from the
35 expert which describes the expert's qualifications as an expert and
36 analyzes and interprets the results. Verified documentation of the
37 chain of custody of the blood or genetic samples tested is admissible

1 to establish the chain of custody. The court may consider published
2 sources as aids to interpretation of the test results.

3 (2)(a) Any objection to genetic testing results must be made in
4 writing and served upon the opposing party, within twenty days before
5 any hearing at which such results may be introduced into evidence.

6 (b) If an objection is not made as provided in this subsection, the
7 test results are admissible as evidence of paternity without the need
8 for foundation testimony or other proof of authenticity or accuracy.

9 (3) The court, upon request by a party, shall order that additional
10 blood or genetic tests be performed by the same or other experts
11 qualified in paternity blood or genetic testing, if the party
12 requesting additional tests advances the full costs of the additional
13 testing within a reasonable time. The court may order additional
14 testing without requiring that the requesting party advance the costs
15 only if another party agrees to advance the costs or if the court
16 finds, after hearing, that (a) the requesting party is indigent, and
17 (b) the laboratory performing the initial tests recommends additional
18 testing or there is substantial evidence to support a finding as to
19 paternity contrary to the initial blood or genetic test results. The
20 court may later order any other party to reimburse the party who
21 advanced the costs of additional testing for all or a portion of the
22 costs.

23 (4) In all cases, the court shall determine the number and
24 qualifications of the experts.

25 **Sec. 957.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to
26 read as follows:

27 (1) The judgment and order of the court determining the existence
28 or nonexistence of the parent and child relationship shall be
29 determinative for all purposes.

30 (2) If the judgment and order of the court is at variance with the
31 child's birth certificate, the court shall order that an amended birth
32 certificate be issued.

33 (3) The judgment and order shall contain other appropriate
34 provisions directed to the appropriate parties to the proceeding,
35 concerning the duty of current and future support, the extent of any
36 liability for past support furnished to the child if that issue is
37 before the court, the furnishing of bond or other security for the
38 payment of the judgment, or any other matter in the best interest of

1 the child. The judgment and order may direct the father to pay the
2 reasonable expenses of the mother's pregnancy and confinement. The
3 judgment and order may include a continuing restraining order or
4 injunction. In issuing the order, the court shall consider the
5 provisions of RCW 9.41.800.

6 (4) The judgment and order shall contain the social security
7 numbers of all parties to the order.

8 (5) Support judgment and orders shall be for periodic payments
9 which may vary in amount. The court may limit the father's liability
10 for the past support to the child to the proportion of the expenses
11 already incurred as the court deems just. The court shall not limit or
12 affect in any manner the right of nonparties including the state of
13 Washington to seek reimbursement for support and other services
14 previously furnished to the child.

15 ~~((+5+))~~ (6) After considering all relevant factors, the court shall
16 order either or both parents to pay an amount determined pursuant to
17 the schedule and standards contained in chapter 26.19 RCW.

18 ~~((+6+))~~ (7) On the same basis as provided in chapter 26.09 RCW, the
19 court shall make residential provisions with regard to minor children
20 of the parties, except that a parenting plan shall not be required
21 unless requested by a party.

22 ~~((+7+))~~ (8) In any dispute between the natural parents of a child
23 and a person or persons who have (a) commenced adoption proceedings or
24 who have been granted an order of adoption, and (b) pursuant to a court
25 order, or placement by the department of social and health services or
26 by a licensed agency, have had actual custody of the child for a period
27 of one year or more before court action is commenced by the natural
28 parent or parents, the court shall consider the best welfare and
29 interests of the child, including the child's need for situation
30 stability, in determining the matter of custody, and the parent or
31 person who is more fit shall have the superior right to custody.

32 ~~((+8+))~~ (9) In entering an order under this chapter, the court may
33 issue any necessary continuing restraining orders, including the
34 restraint provisions of domestic violence protection orders under
35 chapter 26.50 RCW or antiharassment protection orders under chapter
36 10.14 RCW.

37 ~~((+9+))~~ (10) Restraining orders issued under this section
38 restraining the person from molesting or disturbing another party or
39 from going onto the grounds of or entering the home, workplace, or

1 school of the other party or the day care or school of any child shall
2 prominently bear on the front page of the order the legend: VIOLATION
3 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
4 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

5 (~~(10)~~) (11) The court shall order that any restraining order
6 bearing a criminal offense legend, any domestic violence protection
7 order, or any antiharassment protection order granted under this
8 section be forwarded by the clerk of the court on or before the next
9 judicial day to the appropriate law enforcement agency specified in the
10 order. Upon receipt of the order, the law enforcement agency shall
11 forthwith enter the order into any computer-based criminal intelligence
12 information system available in this state used by law enforcement
13 agencies to list outstanding warrants. The order is fully enforceable
14 in any county in the state.

15 **Sec. 958.** RCW 70.58.055 and 1991 c 96 s 1 are each amended to read
16 as follows:

17 (1) To promote and maintain nation-wide uniformity in the system of
18 vital statistics, the certificates required by this chapter or by the
19 rules adopted under this chapter shall include, as a minimum, the items
20 recommended by the federal agency responsible for national vital
21 statistics including social security numbers.

22 (2) The state board of health by rule may require additional
23 pertinent information relative to the birth and manner of delivery as
24 it may deem necessary for statistical study. This information shall be
25 placed in a confidential section of the birth certificate form and
26 shall not be subject to the view of the public or for certification
27 purposes except upon order of the court. The state board of health may
28 eliminate from the forms items that it determines are not necessary for
29 statistical study.

30 (3) Each certificate or other document required by this chapter
31 shall be on a form or in a format prescribed by the state registrar.

32 (4) All vital records shall contain the data required for
33 registration. No certificate may be held to be complete and correct
34 that does not supply all items of information called for or that does
35 not satisfactorily account for the omission of required items.

36 (5) Information required in certificates or documents authorized by
37 this chapter may be filed and registered by photographic, electronic,
38 or other means as prescribed by the state registrar.

1 **2SHB 1079** - H AMD

2 By Representative

3

4 On page 1, line 1 of the title, after "responsibility;" strike the
5 remainder of the title and insert "amending RCW 74.08.340, 74.08.025,
6 74.12.035, 74.09.510, 74.04.770, 74.20A.020, 46.20.291, 46.20.311,
7 18.04.335, 18.08.350, 18.08.350, 18.11.160, 18.16.100, 18.27.060,
8 18.28.060, 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.106.070,
9 18.130.150, 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115,
10 19.28.310, 19.28.580, 19.30.060, 19.16.120, 19.31.130, 19.32.060,
11 19.105.380, 19.105.440, 19.138.130, 19.158.050, 19.166.040, 21.20.110,
12 66.20.320, 67.08.040, 67.08.100, 19.02.100, 43.24.080, 43.24.110,
13 43.24.120, 70.74.110, 70.74.130, 70.74.370, 66.24.010, 43.63B.040,
14 70.95D.040, 17.21.130, 64.44.060, 19.146.220, 75.25.150, 75.28.010,
15 26.23.050, 26.18.100, 26.23.060, 74.20.040, 26.23.090, 74.20A.100,
16 26.23.045, 26.23.030, 74.20A.080, 26.23.120, 26.04.160, 26.09.170,
17 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255,
18 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580,
19 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330,
20 70.58.080, 26.26.040, 74.20A.055, 26.23.040, 26.23.040, 26.26.130, and
21 70.58.055; reenacting and amending RCW 74.04.005, 18.145.080,
22 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056, 26.09.020, and
23 26.26.100; adding new sections to chapter 74.12 RCW; adding a new
24 section to chapter 74.12A RCW; adding new sections to chapter 74.08
25 RCW; adding new sections to chapter 74.25 RCW; adding a new section to
26 chapter 74.04 RCW; adding new sections to chapter 43.20A RCW; adding
27 new sections to chapter 50.13 RCW; adding a new section to chapter
28 50.40 RCW; adding new sections to chapter 74.20A RCW; adding a new
29 section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW;
30 adding a new section to chapter 18.04 RCW; adding a new section to
31 chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a
32 new section to chapter 18.20 RCW; adding a new section to chapter 18.28
33 RCW; adding a new section to chapter 18.39 RCW; adding a new section to
34 chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a
35 new section to chapter 18.51 RCW; adding a new section to chapter 18.76
36 RCW; adding a new section to chapter 18.85 RCW; adding a new section to
37 chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding
38 a new section to chapter 18.140 RCW; adding a new section to chapter
39 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new

1 section to chapter 18.170 RCW; adding a new section to chapter 18.175
2 RCW; adding a new section to chapter 18.185 RCW; adding a new section
3 to chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW;
4 adding a new section to chapter 48.17 RCW; adding a new section to
5 chapter 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a
6 new section to chapter 71.12 RCW; adding a new section to chapter 66.20
7 RCW; adding a new section to chapter 66.24 RCW; adding a new section to
8 chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a
9 new section to chapter 70.95B RCW; adding new sections to chapter 75.25
10 RCW; adding new sections to chapter 77.32 RCW; adding a new section to
11 chapter 75.28 RCW; adding new sections to chapter 74.20 RCW; adding new
12 sections to chapter 26.23 RCW; adding new sections to chapter 26.21
13 RCW; adding a new section to chapter 26.26 RCW; adding a new section to
14 chapter 26.18 RCW; creating new sections; repealing RCW 74.12.420,
15 74.12.425, 74.25.010, 74.25.020, 74.25.030, 74.25.040, 74.25A.005,
16 74.25A.010, 74.25A.020, 74.25A.030, 74.25A.040, 74.25A.045, 74.25A.050,
17 74.25A.060, 74.25A.070, 74.25A.080, 74.08.120, and 74.08.125; providing
18 an effective date; and providing expiration dates."

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