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**SUBSTITUTE SENATE BILL 5124**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Commerce & Labor (originally sponsored by Senators Erwin, Gaspard, Amondson, Matson, Owen, Snyder, Nelson, von Reichbauer, Thorsness, Sellar, Johnson, Murray, McMullen, Bailey, Anderson and Talmadge).

Read first time March 5, 1991.

1       AN ACT Relating to licensing private security guards; adding a new  
2 section to chapter 43.101 RCW; adding a new chapter to Title 18 RCW;  
3 prescribing penalties; and making appropriations.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.**   Unless the context clearly requires  
6 otherwise, the definitions in this section apply throughout this  
7 chapter.

8       (1) "Armed private security guard" means a private security guard  
9 who has a current firearms certificate issued by the commission and is  
10 licensed as an armed private security guard under this chapter.

11       (2) "Armored vehicle guard" means a person who transports in an  
12 armored vehicle under armed guard, from one place to another place,  
13 valuables, jewelry, currency, documents, or any other item that  
14 requires secure delivery.

1 (3) "Burglar alarm response runner" means a person employed by a  
2 private security company to respond to burglar alarm system signals.

3 (4) "Burglar alarm system" means a device or an assembly of  
4 equipment and devices used to detect or signal unauthorized intrusion,  
5 movement, or exit at a protected premises, other than in a vehicle, to  
6 which police or private security guards are expected to respond.

7 (5) "Chief law enforcement officer" means the elected or appointed  
8 police administrator of a municipal, county, or state police or  
9 sheriff's department that has full law enforcement powers in its  
10 jurisdiction.

11 (6) "Commission" means the criminal justice training commission  
12 established in chapter 43.101 RCW.

13 (7) "Department" means the department of licensing.

14 (8) "Director" means the director of the department of licensing.

15 (9) "Employer" includes any individual, firm, corporation,  
16 partnership, association, company, society, manager, contractor,  
17 subcontractor, bureau, agency, service, office, or an agent of any of  
18 the foregoing that employs or seeks to enter into an arrangement to  
19 employ any person as a private security guard.

20 (10) "Firearms certificate" means the certificate issued by the  
21 commission.

22 (11) "Licensee" means a person granted a license required by this  
23 chapter.

24 (12) "Person" includes any individual, firm, corporation,  
25 partnership, association, company, society, manager, contractor,  
26 subcontractor, bureau, agency, service, office, or an agent or employee  
27 of any of the foregoing.

28 (13) "Principal corporate officer" means the president, vice-  
29 president, treasurer, secretary, comptroller, or any other person who

1 performs the same functions for the corporation as performed by these  
2 officers.

3 (14) "Private security company" means a person or entity licensed  
4 under this chapter and engaged in the business of providing the  
5 services of private security guards on a contractual basis.

6 (15) "Private security guard" means an individual who is licensed  
7 under this chapter and principally employed as or typically referred to  
8 as one of the following:

9 (a) Security officer or guard;

10 (b) Patrol or merchant patrol service officer or guard;

11 (c) Armed escort or bodyguard;

12 (d) Armored vehicle guard;

13 (e) Burglar alarm response runner; or

14 (f) Crowd control officer or guard.

15 (16) "Qualifying agent" means an officer or manager of a  
16 corporation who meets the requirements set forth in this chapter for  
17 obtaining a license to own or operate a private security company.

18 (17) "Sworn peace officer" means a person who is an employee of the  
19 federal government, the state, a political subdivision, agency, or  
20 department branch of a municipality, or other unit of local government,  
21 and has law enforcement powers.

22 NEW SECTION. **Sec. 2.** The requirements of this chapter do not  
23 apply to:

24 (1) A person who is employed exclusively or regularly by one  
25 employer and performs the functions of a private security guard solely  
26 in connection with the affairs of that employer, if the employer is not  
27 a private security company;

28 (2) A sworn peace officer while engaged in the performance of the  
29 officer's official duties; or

1 (3) A sworn peace officer while employed by any person to engage in  
2 off-duty employment as a private security guard, but only if the  
3 employment is approved by the chief law enforcement officer of the  
4 jurisdiction where the employment takes place and the sworn peace  
5 officer does not employ, contract with, or broker for profit other  
6 persons to assist him or her in performing the duties related to his or  
7 her private employer.

8 NEW SECTION. **Sec. 3.** An applicant must meet the following  
9 minimum requirements to obtain a private security guard license:

- 10 (1) Be at least eighteen years of age;
- 11 (2) Be a citizen of the United States or a resident alien;
- 12 (3) Not have been convicted of a crime in any jurisdiction, if the  
13 director determines that the applicant's particular crime directly  
14 relates to his or her capacity to perform the duties of a private  
15 security guard, and the director determines that the license should be  
16 withheld to protect the citizens of Washington state. The director  
17 shall make her or his determination to withhold a license because of  
18 previous convictions consistent with the restoration of employment  
19 rights act, chapter 9.96A RCW;
- 20 (4) Be employed by or have an employment offer from a licensed  
21 private security company or be licensed as a private security company;
- 22 (5) Satisfy the training requirements established by the director;
- 23 (6) Submit a set of fingerprints; and
- 24 (7) Pay the required fee.

25 NEW SECTION. **Sec. 4.** (1) An applicant must meet the following  
26 minimum requirements to obtain an armed private security guard license:

- 27 (a) Be licensed as a private security guard;
- 28 (b) Be at least twenty-one years of age;

1 (c) Have a current firearms certificate issued by the commission;  
2 and

3 (d) Pay the fee established by the director.

4 (2) An armed private security guard license may take the form of an  
5 endorsement to the security guard license if deemed appropriate by the  
6 director.

7 NEW SECTION. **Sec. 5.** (1) An armed private security guard license  
8 grants authority to the holder, while in the performance of his or her  
9 duties, to carry a firearm with which the holder has met the  
10 proficiency requirements established by the commission.

11 (2) All firearms carried by armed private security guards in the  
12 performance of their duties must be owned or leased by the employer  
13 and, if required by law, must be registered with the proper government  
14 agency.

15 NEW SECTION. **Sec. 6.** (1) In addition to meeting the minimum  
16 requirements to obtain a license as a private security guard, an  
17 applicant, or, in the case of a partnership, each partner, or, in the  
18 case of a corporation, the qualifying agent must meet the following  
19 requirements to obtain a license to own or operate a private security  
20 company:

21 (a) Possess three years' experience as a manager, supervisor, or  
22 administrator in the private security business or a related field  
23 approved by the director, or be at least twenty-one years of age and  
24 pass an examination determined by the director to measure the person's  
25 knowledge and competence in the private security business;

26 (b) Meet the insurance requirements of this chapter; and

27 (c) Pay any additional fees established by the director.

1 (2) If the qualifying agent upon whom the licensee relies to comply  
2 with subsection (1) of this section ceases to perform his or her duties  
3 on a regular basis, the licensee must promptly notify the director by  
4 certified or registered mail. Within sixty days of sending  
5 notification to the director, the licensee must obtain a substitute  
6 qualifying agent who meets the requirements of this section. The  
7 director may extend the period for obtaining a substitute qualifying  
8 agent.

9 (3) A company license issued pursuant to this section may not be  
10 assigned or transferred without prior written approval of the director.

11 NEW SECTION. **Sec. 7.** (1) The director shall issue a private  
12 security guard license card to each licensed private security guard and  
13 an armed private security guard license card to each armed private  
14 security guard.

15 (a) The license card may not be used as security clearance or as  
16 identification.

17 (b) A private security guard shall carry the license card whenever  
18 he or she is performing the duties of a private security guard and  
19 shall exhibit the card upon request.

20 (c) An armed private security guard shall carry the license card  
21 whenever he or she is performing the duties of an armed private  
22 security guard and shall exhibit the card upon request.

23 (2) The director shall issue a license certificate to each licensed  
24 private security company.

25 (a) Within seventy-two hours after receipt of the license  
26 certificate, the licensee shall post and display the certificate in a  
27 conspicuous place in the principal office of the licensee within the  
28 state.

1 (b) It is unlawful for any person holding a license certificate to  
2 knowingly and willfully post the license certificate upon premises  
3 other than those described in the license certificate or to materially  
4 alter a license certificate.

5 (c) Every advertisement by a licensee that solicits or advertises  
6 business shall contain the name of the licensee, the address of record,  
7 and the license number as they appear in the records of the director.

8 (d) The licensee shall notify the director within thirty days of  
9 any change in the licensee's officers or directors or any material  
10 change in the information furnished or required to be furnished to the  
11 director.

12 NEW SECTION. **Sec. 8.** A licensed private security company shall  
13 file and maintain with the director a certificate of insurance as  
14 evidence that it has comprehensive general liability coverage of at  
15 least twenty-five thousand dollars for bodily or personal injury and  
16 twenty-five thousand dollars for property damage.

17 NEW SECTION. **Sec. 9.** (1) A licensed private security company may  
18 issue an employee a temporary registration card of the type and form  
19 prescribed by the director, but only after the employee has completed  
20 preassignment training and submitted an application for a private  
21 security guard license to the department. The temporary registration  
22 card is valid for a maximum period of sixty days and does not authorize  
23 a person to carry firearms during the performance of his or her duties  
24 as a private security guard. The temporary registration card permits  
25 the applicant to perform the duties of a private security guard for the  
26 issuing licensee.

27 (2) Upon expiration of a temporary registration card or upon the  
28 receipt of a permanent registration card or notification from the

1 department that a permanent license is being withheld from an  
2 applicant, the applicant shall surrender his or her temporary  
3 registration card to the licensee who shall immediately forward it to  
4 the director.

5 NEW SECTION. **Sec. 10.** (1) The director shall adopt rules  
6 establishing preassignment training and testing requirements, which  
7 shall include a minimum of four hours of classes. The director may  
8 establish, by rule, continuing education requirements for private  
9 security guards.

10 (2) The director shall consult with the private security industry  
11 and law enforcement before adopting or amending the preassignment  
12 training or continuing education requirements of this section.

13 (3) A private security guard or armed private security guard need  
14 not fulfill the preassignment training requirements of this chapter if  
15 he or she, within sixty days of the effective date of this act,  
16 provides proof to the director that he or she previously has met the  
17 training requirements of this chapter or has been employed as a private  
18 security guard or armed private security guard for at least eighteen  
19 consecutive months immediately prior to the date of application.

20 NEW SECTION. **Sec. 11.** (1) A private security company shall  
21 notify the director within thirty days after the death or termination  
22 of employment of any employee who is a licensed private security guard  
23 or armed private security guard.

24 (2) A private security company shall notify the department within  
25 seventy-two hours and the chief law enforcement officer of the county,  
26 city, or town in which the private security guard or armed private  
27 security guard was last employed immediately upon receipt of

1 information affecting his or her continuing eligibility to hold a  
2 license under the provisions of this chapter.

3 NEW SECTION. **Sec. 12.** (1) Any person from another state that  
4 the director determines has selection, training, and other requirements  
5 at least equal to those required by this chapter, and who holds a valid  
6 license, registration, identification, or similar card issued by the  
7 other state, may apply for a private security guard license card or  
8 armed private security guard license card on a form prescribed by the  
9 director. Upon receipt of a processing fee to be determined by the  
10 director, the director shall issue the individual a private security  
11 guard license card or armed private security guard license card.

12 (2) A valid private security guard license, registration,  
13 identification, or similar card issued by any other state of the United  
14 States is valid in this state for a period of ninety days, but only if  
15 the licensee is on temporary assignment as a private security guard for  
16 the same employer that employs the licensee in the state in which he or  
17 she is a permanent resident.

18 NEW SECTION. **Sec. 13.** (1) Applications for licenses required  
19 under this chapter shall be filed with the director on a form provided  
20 by the director. The director may require any information and  
21 documentation that reasonably relates to the need to determine whether  
22 the applicant meets the criteria.

23 (2) After receipt of an application for a license, the director  
24 shall conduct an investigation to determine whether the facts set forth  
25 in the application are true and shall request that the Washington state  
26 patrol compare the fingerprints submitted with the application to  
27 fingerprint records available to the Washington state patrol.

1 (3) A summary of the information acquired under this section, to  
2 the extent that it is public information, shall be forwarded by the  
3 department to the applicant's employer and to the chief law enforcement  
4 officer of the county and city or town in which the applicant's  
5 employer is located, for the purpose of comment prior to the issuance  
6 of a permanent private security guard license.

7 NEW SECTION. **Sec. 14.** (1) The provisions of this chapter  
8 relating to the licensing for regulatory purposes of private security  
9 guards, armed private security guards, and private security companies  
10 are exclusive. No governmental subdivision of this state may enact any  
11 laws or rules licensing for regulatory purposes such persons, except as  
12 provided in subsections (2) and (3) of this section.

13 (2) This section shall not be construed to prevent a political  
14 subdivision of this state from levying a business license fee, business  
15 and occupation tax, or other tax upon private security companies if  
16 such fees or taxes are levied on other types of businesses within its  
17 boundaries.

18 (3) This section shall not be construed to prevent this state or a  
19 political subdivision of this state from licensing or regulating  
20 private security companies with respect to activities performed or  
21 offered that are not of a security nature.

22 NEW SECTION. **Sec. 15.** Private security guards or armed  
23 private security guards whose duties require them to operate across  
24 state lines may operate in this state if they are properly registered  
25 and certified in another state with training, insurance, and  
26 certification requirements that the director finds are at least equal  
27 to the requirements of this state.



1 (6) It is a gross misdemeanor for a person to possess or use any  
2 vehicle or equipment displaying the word "police" or "law enforcement  
3 officer" or having any sign, shield, marking, accessory, or insignia  
4 that indicates that the equipment or vehicle belongs to a public law  
5 enforcement agency.

6 (7) It is the duty of all officers of the state and political  
7 subdivisions thereof to enforce the provisions of this chapter. The  
8 attorney general shall act as legal adviser of the director, and render  
9 such legal assistance as may be necessary in carrying out the  
10 provisions of this chapter.

11 NEW SECTION. **Sec. 17.** The following acts are prohibited and  
12 constitute grounds for disciplinary action 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 section 3, 4, or 6  
22 of this act;

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;

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

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

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

9 (10) Conviction of a gross misdemeanor or felony or the commission  
10 of any act involving moral turpitude, dishonesty, or corruption whether  
11 the act constitutes a crime or not. If the act constitutes a crime,  
12 conviction in a criminal proceeding is not a condition precedent to  
13 disciplinary action. Upon such a conviction, however, the judgment and  
14 sentence is conclusive evidence at the ensuing disciplinary hearing of  
15 the guilt of the license holder or applicant of the crime described in  
16 the indictment or information, and of the person's violation of the  
17 statute on which it is based. For the purposes of this section,  
18 conviction includes all instances in which a plea of guilty or nolo  
19 contendere is the basis for the conviction and all proceedings in which  
20 the sentence has been deferred or suspended. Nothing in this section  
21 abrogates rights guaranteed under chapter 9.96A RCW;

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

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

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

27 (14) Suspension, revocation, or restriction of the individual's  
28 license to practice the profession by competent authority in any state,  
29 federal, or foreign jurisdiction, a certified copy of the order,

1 stipulation, or agreement being conclusive evidence of the revocation,  
2 suspension, or restriction;

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

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

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

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

13 (16) Failure to comply with an order issued by the director or an  
14 assurance of discontinuance entered into with the disciplining  
15 authority;

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

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

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

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

27 (21) Assigning or transferring any license issued pursuant to the  
28 provisions of this chapter, except as provided in section 6 of this  
29 act.

1        NEW SECTION.    **Sec. 18.**

The director has the following

2 authority in administering this chapter:

3        (1) To adopt, amend, and rescind rules as deemed necessary to  
4 carry out this chapter;

5        (2) To issue subpoenas and administer oaths in connection with an  
6 investigation, hearing, or proceeding held under this chapter;

7        (3) To take or cause depositions to be taken and use other  
8 discovery procedures as needed in an investigation, hearing, or  
9 proceeding held under this chapter;

10       (4) To compel attendance of witnesses at hearings;

11       (5) In the course of investigating a complaint or report of  
12 unprofessional conduct, to conduct practice reviews;

13       (6) To take emergency action ordering summary suspension of a  
14 license, or restriction or limitation of the licensee's practice  
15 pending proceedings by the director;

16       (7) To use the office of administrative hearings as authorized in  
17 chapter 34.12 RCW to conduct hearings. However, the director or the  
18 director's designee shall make the final decision in the hearing;

19       (8) To enter into contracts for professional services determined to  
20 be necessary for adequate enforcement of this chapter;

21       (9) To adopt standards of professional conduct or practice;

22       (10) In the event of a finding of unprofessional conduct by an  
23 applicant or license holder, to impose sanctions against a license  
24 applicant or license holder as provided by this chapter;

25       (11) To enter into an assurance of discontinuance in lieu of  
26 issuing a statement of charges or conducting a hearing. The assurance  
27 shall consist of a statement of the law in question and an agreement to  
28 not violate the stated provision. The applicant or license holder  
29 shall not be required to admit to any violation of the law, and the

1 assurance shall not be construed as such an admission. Violation of an  
2 assurance under this subsection is grounds for disciplinary action;

3 (12) To designate individuals authorized to sign subpoenas and  
4 statements of charges;

5 (13) To employ such investigative, administrative, and clerical  
6 staff as necessary for the enforcement of this chapter; and

7 (14) To compel the attendance of witnesses at hearings.

8 NEW SECTION. **Sec. 19.** A person, including but not limited to  
9 consumers, licensees, corporations, organizations, and state and local  
10 governmental agencies, may submit a written complaint to the department  
11 charging a license holder or applicant with unprofessional conduct and  
12 specifying the grounds for this charge. If the director determines  
13 that the complaint merits investigation, or if the director has reason  
14 to believe, without a formal complaint, that a license holder or  
15 applicant may have engaged in unprofessional conduct, the director  
16 shall investigate to determine if there has been unprofessional  
17 conduct. A person who files a complaint under this section in good  
18 faith is immune from suit in any civil action related to the filing or  
19 contents of the complaint.

20 NEW SECTION. **Sec. 20.** (1) If the director determines, upon  
21 investigation, that there is reason to believe a violation of this  
22 chapter has occurred, a statement of charges shall be prepared and  
23 served upon the license holder or applicant and notice of this action  
24 given to the owner or qualifying agent of the employing private  
25 security company. The statement of charges shall be accompanied by a  
26 notice that the license holder or applicant may request a hearing to  
27 contest the charges. The license holder or applicant must file a  
28 request for hearing with the department within twenty days after being

1 served the statement of charges. The failure to request a hearing  
2 constitutes a default, whereupon the director may enter an order  
3 pursuant to RCW 34.05.440.

4 (2) If a hearing is requested, the time of the hearing shall be  
5 scheduled but the hearing shall not be held earlier than thirty days  
6 after service of the charges upon the license holder or applicant. A  
7 notice of hearing shall be issued at least twenty days prior to the  
8 hearing, specifying the time, date, and place of the hearing.

9 NEW SECTION. **Sec. 21.** The procedures governing adjudicative  
10 proceedings before agencies under chapter 34.05 RCW, the administrative  
11 procedure act, govern all hearings before the director.

12 NEW SECTION. **Sec. 22.** (1) If the director believes a license  
13 holder or applicant may be unable to practice with reasonable skill and  
14 safety to the public by reason of a mental or physical condition, a  
15 statement of charges shall be served on the license holder or applicant  
16 and notice shall also be issued providing an opportunity for a hearing.  
17 The hearing shall be limited to the sole issue of the capacity of the  
18 license holder or applicant to practice with reasonable skill or  
19 safety. If the director determines that the license holder or  
20 applicant is unable to practice with reasonable skill and safety for  
21 one of the reasons stated in this subsection, the director shall impose  
22 such sanctions as are deemed necessary to protect the public.

23 (2) In investigating or adjudicating a complaint or report that a  
24 license holder or applicant may be unable to practice with reasonable  
25 skill or safety by reason of a mental or physical condition, the  
26 department may require a license holder or applicant to submit to a  
27 mental or physical examination by one or more licensed or certified  
28 health professionals designated by the director. The cost of the

1 examinations ordered by the department shall be paid by the department.  
2 In addition to any examinations ordered by the department, the licensee  
3 may submit physical or mental examination reports from licensed or  
4 certified health professionals of the license holder's or applicant's  
5 choosing and expense. Failure of the license holder or applicant to  
6 submit to examination when directed constitutes grounds for immediate  
7 suspension or withholding of the license, consequent upon which a  
8 default and final order may be entered without the taking of testimony  
9 or presentations of evidence, unless the failure was due to  
10 circumstances beyond the person's control. A determination by a court  
11 of competent jurisdiction that a license holder or applicant is  
12 mentally incompetent or mentally ill is presumptive evidence of the  
13 license holder's or applicant's inability to practice with reasonable  
14 skill and safety. An individual affected under this section shall at  
15 reasonable intervals be afforded an opportunity to demonstrate that the  
16 individual can resume competent practice with reasonable skill and  
17 safety to the public.

18 (3) For the purpose of subsection (2) of this section, an applicant  
19 or license holder governed by this chapter, by making application,  
20 practicing, or filing a license renewal, is deemed to have given  
21 consent to submit to a mental, physical, or psychological examination  
22 if directed in writing by the department and further to have waived all  
23 objections to the admissibility or use of the examining health  
24 professional's testimony or examination reports by the director on the  
25 ground that the testimony or reports constitute hearsay or privileged  
26 communications.

27 NEW SECTION. **Sec. 23.** Upon a finding that a license holder or  
28 applicant has committed unprofessional conduct or is unable to practice  
29 with reasonable skill and safety due to a physical or mental condition,

1 the director may issue an order providing for one or any combination of  
2 the following:

3 (1) Revocation of the license;

4 (2) Suspension of the license for a fixed or indefinite term;

5 (3) Restriction or limitation of the practice;

6 (4) Requiring the satisfactory completion of a specific program of  
7 remedial education or treatment;

8 (5) Monitoring of the practice by a supervisor approved by the  
9 director;

10 (6) Censure or reprimand;

11 (7) Compliance with conditions of probation for a designated period  
12 of time;

13 (8) Withholding a license request;

14 (9) Other corrective action; or

15 (10) Refund of fees billed to and collected from the consumer.

16 Any of the actions under this section may be totally or partly  
17 stayed by the director. All costs associated with compliance with  
18 orders issued under this section are the obligation of the license  
19 holder or applicant.

20 NEW SECTION. **Sec. 24.** If an order for payment of a fine is  
21 made as a result of a hearing and timely payment is not made as  
22 directed in the final order, the director may enforce the order for  
23 payment in the superior court in the county in which the hearing was  
24 held. This right of enforcement shall be in addition to any other  
25 rights the director may have as to a licensee ordered to pay a fine but  
26 shall not be construed to limit a licensee's ability to seek judicial  
27 review.

1 In an action for enforcement of an order of payment of a fine, the  
2 director's order is conclusive proof of the validity of the order of  
3 payment of a fine and the terms of payment.

4 NEW SECTION. **Sec. 25.** (1) The director shall investigate  
5 complaints concerning practice by unlicensed persons of a profession or  
6 business for which a license is required by this chapter. In the  
7 investigation of the complaints, the director shall have the same  
8 authority as provided the director under section 19 of this act. The  
9 director shall issue a cease and desist order to a person after notice  
10 and hearing and upon a determination that the person has violated this  
11 subsection. If the director makes a written finding of fact that the  
12 public interest will be irreparably harmed by delay in issuing an  
13 order, the director may issue a temporary cease and desist order. The  
14 cease and desist order shall not relieve the person practicing or  
15 operating a business without a license from criminal prosecution  
16 therefor, but the remedy of a cease and desist order shall be in  
17 addition to any criminal liability. The cease and desist order is  
18 conclusive proof of unlicensed practice and may be enforced under RCW  
19 7.21.060. This method of enforcement of the cease and desist order may  
20 be used in addition to, or as an alternative to, any provisions for  
21 enforcement of agency orders.

22 (2) The attorney general, a county prosecuting attorney, the  
23 director, or any person may, in accordance with the law of this state  
24 governing injunctions, maintain an action in the name of this state to  
25 enjoin any person practicing a profession or business for which a  
26 license is required by this chapter without a license from engaging in  
27 such practice or operating such business until the required license is  
28 secured. However, the injunction shall not relieve the person  
29 practicing or operating a business without a license from criminal

1 prosecution therefor, but the remedy by injunction shall be in addition  
2 to any criminal liability.

3 (3) Unlicensed practice of a profession or operating a business for  
4 which a license is required by this chapter, unless otherwise exempted  
5 by law, constitutes a gross misdemeanor. All fees, fines, forfeitures,  
6 and penalties collected or assessed by a court because of a violation  
7 of this section shall be remitted to the department.

8 NEW SECTION. **Sec. 26.** A person or business that violates an  
9 injunction issued under this chapter shall pay a civil penalty, as  
10 determined by the court, of not more than twenty-five thousand dollars,  
11 which shall be paid to the department. For the purpose of this  
12 section, the superior court issuing any injunction shall retain  
13 jurisdiction and the cause shall be continued, and in such cases the  
14 attorney general acting in the name of the state may petition for the  
15 recovery of civil penalties.

16 NEW SECTION. **Sec. 27.** The director or individuals acting on  
17 the director's behalf are immune from suit in any action, civil or  
18 criminal, based on disciplinary proceedings or other official acts  
19 performed in the course of their duties in the administration and  
20 enforcement of this chapter.

21 NEW SECTION. **Sec. 28.** The director, in implementing and  
22 administering the provisions of this chapter, shall act in accordance  
23 with the administrative procedure act, chapter 34.05 RCW.

24 NEW SECTION. **Sec. 29.** A new section is added to chapter 43.101  
25 RCW to read as follows:

1 The commission shall establish a program for issuing firearms  
2 certificates to security guards for the purposes of obtaining armed  
3 security guard licenses. The commission shall adopt rules establishing  
4 the fees, training requirements, and procedures for obtaining and  
5 annually renewing firearms certificates. The fees charged by the  
6 commission shall recover the costs incurred by the commission in  
7 administering the firearms certificate program.

8 (1) Firearms training must be provided by an organization or  
9 trainer approved by the commission and must consist of at least eight  
10 hours of classes and proficiency training.

11 (2) Applications for firearms certificates shall be filed with the  
12 commission on a form provided by the commission. The commission may  
13 require any information and documentation that reasonably relates to  
14 the need to determine whether the applicant qualifies for a firearms  
15 certificate. Applicants must:

16 (a) Be at least twenty-one years of age;

17 (b) Possess a current private security guard license; and

18 (c) Present a written request from the owner or qualifying agent of  
19 a licensed private security company that the applicant be issued a  
20 firearms certificate.

21 (3) The commission shall consult with the private security industry  
22 and law enforcement before adopting or amending the training  
23 requirements of this section.

24 (4) The commission may adopt rules that are reasonable and  
25 necessary for the effective implementation and administration of this  
26 section consistent with chapter 34.05 RCW.

27 NEW SECTION. **Sec. 30.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

3       NEW SECTION.   **Sec. 31.**       There is appropriated from the general  
4 fund to the department of licensing for the biennium ending June 30,  
5 1993, the sum of five hundred thirty-seven thousand seven hundred  
6 twenty dollars, or as much thereof as may be necessary, to carry out  
7 the purposes of this act. The amount spent shall be repaid to the  
8 general fund from fees imposed as a result of this act prior to June  
9 30, 1993.

10       NEW SECTION.   **Sec. 32.**       The sum of thirty-three thousand two  
11 hundred thirty dollars, or as much thereof as may be necessary, is  
12 appropriated from the general fund to the criminal justice training  
13 commission for the biennium ending June 30, 1993, to carry out the  
14 purposes of this act. The amount spent shall be repaid to the general  
15 fund from fees imposed as a result of this act prior to June 30, 1993.

16       NEW SECTION.   **Sec. 33.**       Sections 1 through 28 of this act shall  
17 constitute a new chapter in Title 18 RCW.