

2 **SHB 1387** - S AMD 321

3 By Senators Kohl, Long, Moyer, Hargrove and Quigley

4 ADOPTED 4/13/95

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

7 "**Sec. 1.** RCW 18.108.040 and 1991 c 3 s 255 are each amended to
8 read as follows:

9 It shall be unlawful to advertise the practice of massage using the
10 term massage or any other term that implies a massage technique or
11 method in any public or private publication or communication by a
12 person not licensed by the secretary as a massage practitioner or
13 without printing in display advertisement the license number of the
14 massage practitioner. Any person who holds a license to practice as a
15 massage practitioner in this state may use the title "licensed massage
16 practitioner" and the abbreviation "L.M.P.". No other persons may
17 assume such title or use such abbreviation or any other word, letters,
18 signs, or figures to indicate that the person using the title is a
19 licensed massage practitioner.

20 **Sec. 2.** RCW 18.108.085 and 1991 c 3 s 259 are each amended to read
21 as follows:

22 (1) In addition to any other authority provided by law, the
23 secretary may:

24 (a) Adopt rules, in accordance with chapter 34.05 RCW necessary to
25 implement this chapter;

26 (b) Set all license, examination, and renewal fees in accordance
27 with RCW 43.70.250;

28 (c) Establish forms and procedures necessary to administer this
29 chapter;

30 (d) Issue a license to any applicant who has met the education,
31 training, and examination requirements for licensure; and

32 (e) Hire clerical, administrative, and investigative staff as
33 necessary to implement this chapter, and hire individuals licensed
34 under this chapter to serve as examiners for any practical
35 examinations.

1 (2) The uniform disciplinary act, chapter 18.130 RCW, governs the
2 issuance and denial of licenses and the disciplining of persons under
3 this chapter. The secretary shall be the disciplining authority under
4 this chapter.

5 (3) Any license issued under this chapter to a person who is or has
6 been convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or
7 9A.88.090 or equivalent local ordinances shall automatically be revoked
8 by the secretary upon receipt of a certified copy of the court
9 documents reflecting such conviction. No further hearing or procedure
10 is required, and the secretary has no discretion with regard to the
11 revocation of the license. The revocation shall be effective even
12 though such conviction may be under appeal, or the time period for such
13 appeal has not elapsed. However, upon presentation of a final
14 appellate decision overturning such conviction or upon completion of a
15 prostitution prevention and intervention program under sections 7
16 through 15 of this act, the license shall be reinstated, unless grounds
17 for disciplinary action have been found pursuant to chapter 18.130 RCW.
18 Unless an applicant demonstrates that he or she has completed a
19 prostitution prevention and intervention program under sections 7
20 through 15 of this act, no license may be granted under this chapter to
21 any person who has been convicted of violating RCW 9A.88.030,
22 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances
23 within the eight years immediately preceding the date of application.
24 For purposes of this subsection, "convicted" does not include a
25 conviction that has been the subject of a pardon, annulment, or other
26 equivalent procedure based on a finding of innocence, but does include
27 convictions for offenses for which the defendant received a deferred or
28 suspended sentence, unless the record has been expunged according to
29 law.

30 (4) The secretary shall keep an official record of all proceedings
31 under this chapter, a part of which record shall consist of a register
32 of all applicants for licensure under this chapter, with the result of
33 each application.

34 NEW SECTION. Sec. 3. A new section is added to chapter 18.130 RCW
35 to read as follows:

36 RCW 18.108.085 shall govern the issuance and revocation of licenses
37 issued or applied for under chapter 18.108 RCW to or by persons

1 convicted of violating RCW 9A.88.030, 9A.88.070, 9A.88.080, or
2 9A.88.090 or equivalent local ordinances.

3 **Sec. 4.** RCW 35.21.692 and 1991 c 182 s 1 are each amended to read
4 as follows:

5 (1) A state licensed massage practitioner seeking a city or town
6 license to operate a massage business must provide verification of his
7 or her state massage license as provided for in RCW 18.108.030.

8 (2) The city or town may charge a licensing or operating fee, but
9 the fee charged a state licensed massage practitioner shall not exceed
10 the licensing or operating fee imposed on ~~((similar health care~~
11 ~~providers, such as physical therapists or occupational therapists,))~~
12 other licensees operating within the same city or town and such fees
13 shall be reasonable and shall not exceed the costs of the processing
14 and administration of the licensing procedure.

15 (3) A state licensed massage practitioner ~~((is not))~~ may be subject
16 to additional licensing requirements ~~((not currently imposed on similar~~
17 ~~health care providers, such as physical therapists or occupational~~
18 ~~therapists))~~ under RCW 18.108.100.

19 **Sec. 5.** RCW 35A.82.025 and 1991 c 182 s 2 are each amended to read
20 as follows:

21 (1) A state licensed massage practitioner seeking a city license to
22 operate a massage business must provide verification of his or her
23 state massage license as provided for in RCW 18.108.030.

24 (2) The city may charge a licensing or operating fee, but the fee
25 charged a state licensed massage practitioner shall not exceed the
26 licensing or operating fee imposed on ~~((similar health care providers,~~
27 ~~such as physical therapists or occupational therapists,))~~ other
28 licensees operating within the same city and such fees shall be
29 reasonable and shall not exceed the costs of the processing and
30 administration of the licensing procedure.

31 (3) A state licensed massage practitioner ~~((is not))~~ may be subject
32 to additional licensing requirements ~~((not currently imposed on similar~~
33 ~~health care providers, such as physical therapists or occupational~~
34 ~~therapists))~~ under RCW 18.108.100.

35 **Sec. 6.** RCW 36.32.122 and 1991 c 182 s 3 are each amended to read
36 as follows:

1 (1) A state licensed massage practitioner seeking a county license
2 to operate a massage business must provide verification of his or her
3 state massage license as provided for in RCW 18.108.030.

4 (2) The county may charge a licensing or operating fee, but the fee
5 charged a state licensed massage practitioner shall not exceed the
6 licensing or operating fee imposed on (~~similar health care providers,~~
7 ~~such as physical therapists or occupational therapists,~~) other
8 licensees operating within the same county and such fees shall be
9 reasonable and shall not exceed the costs of the processing and
10 administration of the licensing procedure.

11 (3) A state licensed massage practitioner (~~is not~~) may be subject
12 to additional licensing requirements (~~not currently imposed on similar~~
13 ~~health care providers, such as physical therapists or occupational~~
14 ~~therapists~~) under RCW 18.108.100.

15 NEW SECTION. Sec. 7. A new section is added to chapter 43.63A RCW
16 to read as follows:

17 There is established in the department of community, trade, and
18 economic development a grant program to enhance funding for
19 prostitution prevention and intervention services. Activities that can
20 be funded through this grant program shall provide effective
21 prostitution prevention and intervention services, such as counseling,
22 parenting, housing relief, education, and vocational training, that:

23 (1) Comprehensively address the problems of persons who are
24 prostitutes; and

25 (2) Enhance the ability of persons to leave or avoid prostitution.

26 NEW SECTION. Sec. 8. A new section is added to chapter 43.63A RCW
27 to read as follows:

28 (1) Applications for funding under this chapter must:

29 (a) Meet the criteria in section 7 of this act; and

30 (b) Contain evidence of active participation of the community and
31 its commitment to providing effective prevention and intervention
32 services for prostitutes through the participation of local
33 governments, tribal governments, networks under chapter 70.190 RCW,
34 human service and health organizations, and treatment entities and
35 through meaningful involvement of others, including citizen groups.

36 (2) Local governments, networks under chapter 70.190 RCW, nonprofit
37 community groups, and nonprofit treatment providers including

1 organizations that provide services, such as emergency housing,
2 counseling, and crisis intervention shall, among others, be eligible
3 for grants established under section 7 of this act.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 43.63A RCW
5 to read as follows:

6 At a minimum, grant applications must include the following:

7 (1) The proposed geographic service area;

8 (2) A description of the extent and effect of the needs for
9 prostitution prevention and intervention within the relevant geographic
10 area;

11 (3) An explanation of how the funds will be used, their
12 relationship to existing services available within the community, and
13 the need that they will fulfill;

14 (4) An explanation of what organizations were involved in the
15 development of the proposal; and

16 (5) The methods that will be employed to measure the success of the
17 program.

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 43.63A
19 RCW to read as follows:

20 (1) Subject to funds appropriated by the legislature, including
21 funds in the prostitution prevention and intervention account, the
22 department of community, trade, and economic development shall make
23 awards under the grant program established by section 7 of this act.

24 (2) Awards shall be made competitively based on the purposes of and
25 criteria in sections 7 through 9 of this act.

26 (3) Activities funded under this section may be considered for
27 funding in future years, but shall be considered under the same terms
28 and criteria as new activities. Funding of a program or activity under
29 this chapter shall not constitute an obligation by the state of
30 Washington to provide ongoing funding.

31 (4) The department of community, trade, and economic development
32 may receive such gifts, grants, and endowments from public or private
33 sources as may be made from time to time, in trust or otherwise, for
34 the use and benefit of the purposes of the grant program established
35 under section 7 of this act and expend the same or any income from
36 these sources according to the terms of the gifts, grants, or
37 endowments.

1 (5) The department of community, trade, and economic development
2 may expend up to five percent of the funds appropriated for the grant
3 program for administrative costs and grant supervision.

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 43.63A
5 RCW to read as follows:

6 The prostitution prevention and intervention account is created in
7 the state treasury. All designated receipts from fees under sections
8 12 and 13 of this act shall be deposited into the account.
9 Expenditures from the account may be used only for funding the grant
10 program to enhance prostitution prevention and intervention services
11 under section 7 of this act.

12 NEW SECTION. **Sec. 12.** A new section is added to chapter 9.68A RCW
13 to read as follows:

14 (1)(a) In addition to penalties set forth in RCW 9.68A.100, a
15 person who is either convicted or given a deferred sentence or a
16 deferred prosecution as a result of an arrest for violating RCW
17 9.68A.100 or a comparable county or municipal ordinance shall be
18 assessed a two hundred fifty dollar fee.

19 (b) The court may not suspend payment of all or part of the fee
20 unless it finds that the person does not have the ability to pay.

21 (c) When a minor has been adjudicated a juvenile offender for an
22 offense which, if committed by an adult, would constitute a violation
23 of RCW 9.68A.100 or a comparable county or municipal ordinance, the
24 court shall assess the fee under (a) of this subsection. The court may
25 not suspend payment of all or part of the fee unless it finds that the
26 minor does not have the ability to pay the fee.

27 (2) The fee assessed under subsection (1) of this section shall be
28 collected by the clerk of the court and distributed each month to the
29 state treasurer for deposit in the prostitution prevention and
30 intervention account under section 11 of this act for the purpose of
31 funding prostitution prevention and intervention activities.

32 NEW SECTION. **Sec. 13.** A new section is added to chapter 9A.88 RCW
33 to read as follows:

34 (1)(a) In addition to penalties set forth in RCW 9A.88.010,
35 9A.88.030, and 9A.88.090, a person who is either convicted or given a
36 deferred sentence or a deferred prosecution as a result of an arrest

1 for violating RCW 9A.88.010, 9A.88.030, 9A.88.090, or comparable county
2 or municipal ordinances shall be assessed a fifty dollar fee.

3 (b) In addition to penalties set forth in RCW 9A.88.110, a person
4 who is either convicted or given a deferred sentence or a deferred
5 prosecution as a result of an arrest for violating RCW 9A.88.110 or a
6 comparable county or municipal ordinance shall be assessed a one
7 hundred fifty dollar fee.

8 (c) In addition to penalties set forth in RCW 9A.88.070 and
9 9A.88.080, a person who is either convicted or given a deferred
10 sentence or a deferred prosecution as a result of an arrest for
11 violating RCW 9A.88.070, 9A.88.080, or comparable county or municipal
12 ordinances shall be assessed a three hundred dollar fee.

13 (2) The court may not suspend payment of all or part of the fee
14 unless it finds that the person does not have the ability to pay.

15 (3) When a minor has been adjudicated a juvenile offender for an
16 offense which, if committed by an adult, would constitute a violation
17 under this chapter or comparable county or municipal ordinances, the
18 court shall assess the fee as specified under subsection (1) of this
19 section. The court may not suspend payment of all or part of the fee
20 unless it finds that the minor does not have the ability to pay the
21 fee.

22 (4) Any fee assessed under this section shall be collected by the
23 clerk of the court and distributed each month to the state treasurer
24 for deposit in the prostitution prevention and intervention account
25 under section 11 of this act for the purpose of funding prostitution
26 prevention and intervention activities.

27 NEW SECTION. **Sec. 14.** The amendments to RCW 35.21.692,
28 35A.82.025, and 36.32.122 contained in sections 4 through 6 of this act
29 shall expire July 1, 1997."

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31 By Senators Kohl, Long, Moyer, Hargrove and Quigley

32 ADOPTED 1/13/95

33 On page 1, line 2 of the title, after "36.32.122;" strike "and"

34 On page 1, line 3 of the title, after "18.130 RCW;" strike the
35 remainder of the title and insert "adding new sections to chapter

1 43.63A RCW; adding a new section to chapter 9.68A RCW; adding a new
2 section to chapter 9A.88 RCW; prescribing penalties; and providing an
3 expiration date."

--- **END** ---