
SUBSTITUTE HOUSE BILL 1079

State of Washington**55th Legislature****1997 Regular Session**

By House Committee on Children & Family Services (originally sponsored by Representatives Cooke, Bush, Dunn, McDonald, L. Thomas, Reams, Carrell, Buck, Radcliff, Mulliken, Sump, B. Thomas, Hickel, D. Schmidt, McMorris, Sheahan, Mitchell, Johnson, Lisk, Chandler, Talcott, Thompson, Clements, Backlund, Mastin, Koster, DeBolt, Carlson, D. Sommers, Boldt, Alexander, Schoesler, Sterk, Honeyford, Parlette, Sherstad, Smith, Mielke, Cairnes and Robertson)

Read first time 02/04/97.

1 AN ACT Relating to personal responsibility; amending RCW 74.25.010,
2 74.25.020, 41.06.380, 74.09.510, 74.12.255, 74.04.0052, 13.34.160,
3 74.12.250, 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060,
4 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.130.150, 18.160.080,
5 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580,
6 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440,
7 19.138.130, 19.158.050, 19.166.040, 21.20.110, 67.08.100, 19.02.100,
8 43.24.110, 43.24.120, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040,
9 17.21.130, 64.44.060, 19.146.220, 26.09.160, 26.09.165, 26.23.050,
10 26.18.100, 26.23.060, 74.08.025, and 74.08.340; reenacting and amending
11 RCW 74.04.005; adding new sections to chapter 74.25 RCW; adding new
12 sections to chapter 74.12 RCW; adding a new section to chapter 74.12A
13 RCW; adding a new section to chapter 74.13 RCW; adding new sections to
14 chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding
15 a new section to chapter 2.48 RCW; adding a new section to chapter
16 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new
17 section to chapter 18.16 RCW; adding a new section to chapter 18.20
18 RCW; adding a new section to chapter 18.28 RCW; adding a new section to
19 chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a
20 new section to chapter 18.44 RCW; adding a new section to chapter 18.51
21 RCW; adding a new section to chapter 18.76 RCW; adding a new section to

1 chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding
2 a new section to chapter 18.130 RCW; adding a new section to chapter
3 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new
4 section to chapter 18.165 RCW; adding a new section to chapter 18.170
5 RCW; adding a new section to chapter 18.175 RCW; adding a new section
6 to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW;
7 adding a new section to chapter 20.01 RCW; adding a new section to
8 chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a
9 new section to chapter 47.68 RCW; adding a new section to chapter 71.12
10 RCW; adding a new section to chapter 66.20 RCW; adding a new section to
11 chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a
12 new section to chapter 70.95B RCW; adding a new section to chapter
13 75.25 RCW; adding a new section to chapter 77.32 RCW; adding a new
14 section to chapter 75.28 RCW; adding a new section to chapter 26.09
15 RCW; adding new sections to chapter 44.28 RCW; adding new sections to
16 chapter 74.04 RCW; adding a new section to chapter 26.23 RCW; creating
17 new sections; repealing RCW 74.08.120, 74.08.125, and 74.12.420;
18 prescribing penalties; providing an expiration date; and declaring an
19 emergency.

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

21 **MAKING WELFARE WORK**

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1 NEW SECTION. **Sec. 1.** INTENT. The legislature finds that it is
2 important for the well-being of society, and for the families receiving
3 temporary assistance for needy families, that the provision of welfare
4 from the public treasury reflects the values of mainstream American
5 culture, specifically the importance of work, personal responsibility,
6 and accountability for individual actions, and the value of the
7 marriage commitment to each member of the family, including the
8 children.

9 Therefore, it is the public policy of the state of Washington,
10 through its temporary assistance for needy families program, to require
11 every nondisabled citizen on temporary assistance for needy families to
12 engage in paid employment or engage in short-term training directed
13 towards employment, to require accountability of all parents, and to
14 discourage pregnancy by unwed parents.

15 Therefore, the legislature intends that:

16 (1) Income and employment assistance programs emphasize the
17 temporary nature of welfare and set goals of responsibility, work, and
18 independence;

19 (2) Employment assistance resources focus on employable recipients
20 who are most at risk of a long-term stay on welfare;

21 (3) Caretakers receiving public assistance sign a contract
22 delineating their obligation and responsibility to comply with
23 requirements for work, training, and personal responsibility;

24 (4) Specific time limits for the receipt of public assistance be
25 set for recipients of temporary assistance for needy families;

26 (5) Unmarried parents who are minors generally will be ineligible
27 for direct assistance under the temporary assistance for needy families
28 program;

29 (6) Custodial and noncustodial parents comply with all legal
30 requirements designed to benefit their children; and

31 (7) Community-based organizations such as churches, synagogues,
32 nonprofit service providers, and business and labor organizations, have
33 a greater role and responsibility in helping to meet the needs of
34 children and families.

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

37 TARGET GROUP CONTRACTS. The department shall assess each caretaker
38 unless the caretaker is not or would not be required to sign a contract

1 under section 201(3) of this act. Assessments shall be based upon age,
2 age of dependents, education, condition of incapacity, and employment
3 history. The assessment and referral of caretakers who are applicants
4 for assistance on or after the effective date of this section shall be
5 made as part of the application approval process. The assessment and
6 referral of caretakers who have been approved for assistance before the
7 effective date of this section shall be completed within one hundred
8 eighty days after the date of federal certification of the Washington
9 temporary assistance for needy families program.

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

12 **TEEN PARENT TARGET GROUP.** All applicants under the age of eighteen
13 years who are approved for assistance and, within one hundred eighty
14 days after the date of federal certification of the Washington
15 temporary assistance for needy families program, all recipients who are
16 under the age of eighteen shall, as a condition of receiving benefits,
17 actively progress toward the completion of a high school diploma,
18 approved alternative education program, or a GED.

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

21 The department may provide state-funded cash aid to meet short-term
22 need, thereby allowing employable low-income families to remain off
23 assistance.

24 (1) To ensure the financial integrity of the program:

25 (a) Grant diversion shall:

26 (i) Be paid as a vendor payment unless the department by rule
27 excludes households from the vendor payment requirement if a direct
28 payment is more cost-effective, practical, or a family has special
29 circumstances necessitating that such payment be made directly to the
30 family;

31 (ii) Be authorized to cover a family's basic or employment-related
32 needs anticipated for the authorization period. Grant diversion may be
33 authorized up to a maximum of three consecutive calendar months in a
34 twelve-month period; and

35 (iii) Not exceed the maximum amount available for any family
36 receiving temporary assistance for needy families aid for the period
37 authorized. If the initial welfare diversion payment does not reach

1 this maximum, the family can receive a supplemental cash payment during
2 the three-month period, based upon need up to the maximum;

3 (b) Families may receive grant diversion payments and food
4 assistance for the same authorization period but shall not be
5 simultaneously eligible for grant diversion payments and any other
6 state or federal cash assistance.

7 (2) To qualify for grant diversion, a family must otherwise be
8 eligible for temporary assistance for needy families, except for motor
9 vehicle limits and child support requirements as allowed in this
10 section.

11 (3) Families ineligible for temporary assistance for needy families
12 or general assistance due to sanction, noncompliance, the lump sum
13 income rule, or any other reason, are not eligible for grant diversion.

14 (4) Notwithstanding RCW 74.04.005(10)(c), families receiving grant
15 diversion payments may have a motor vehicle, other than a motor home,
16 used and useful having an equity not to exceed five thousand dollars.

17 (5) Notwithstanding RCW 74.20.040 and 74.20.330, receipt of grant
18 diversion payments for which the family is eligible does not create a
19 debt for which either parent must reimburse the state.

20 (6) The department shall adopt rules consistent with this section
21 and as are necessary to implement grant diversion.

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

24 NEW SECTION. **Sec. 5.** A new section is added to chapter 74.25 RCW
25 to read as follows:

26 The department shall carry out a program to fund individual
27 development accounts established by caretakers eligible for assistance
28 under the temporary assistance for needy families program.

29 (1) An individual development account may be established by or on
30 behalf of a caretaker eligible for assistance provided under the
31 temporary assistance for needy families program operated under chapter
32 74.12 RCW for the purpose of enabling the caretaker to accumulate funds
33 for a qualified purpose described in subsection (2) of this section.

34 (2) A qualified purpose as described in this subsection is one or
35 more of the following, as provided by the qualified entity providing
36 assistance to the individual:

37 (a) Postsecondary expenses paid from an individual development
38 account directly to an eligible educational institution;

1 (b) Qualified acquisition costs with respect to a qualified
2 principal residence for a qualified first-time home buyer, if paid from
3 an individual development account directly to the persons to whom the
4 amounts are due;

5 (c) Amounts paid from an individual development account directly to
6 a business capitalization account which is established in a federally
7 insured financial institution and is restricted to use solely for
8 qualified business capitalization expenses.

9 (3) A caretaker may only contribute to an individual development
10 account such amounts as are derived from earned income, as defined in
11 section 911(d)(2) of the internal revenue code of 1986.

12 (4) The department shall establish rules to ensure funds held in an
13 individual development account are only withdrawn for a qualified
14 purpose as provided in this section.

15 (5) An individual development account established under this
16 subsection shall be a trust created or organized in the United States
17 and funded through periodic contributions by the establishing caretaker
18 and matched by or through a qualified entity for a qualified purpose as
19 provided in this section.

20 (6) For the purpose of determining eligibility for any assistance
21 provided under this title, all funds in an individual development
22 account under this section shall be disregarded for such purpose with
23 respect to any period during which such individual maintains or makes
24 contributions into such an account.

25 (7) The department of social and health services shall adopt rules
26 authorizing the use of organizations using microcredit and
27 microenterprise approaches to assisting low-income families to become
28 financially self-sufficient.

29 (8) The department of social and health services shall adopt rules
30 implementing the use of individual development accounts by recipients
31 of temporary assistance for needy families.

32 (9) For the purposes of this section, "eligible educational
33 institution," "postsecondary educational expenses," "qualified
34 acquisition costs," "qualified business," "qualified business
35 capitalization expenses," "qualified expenditures," "qualified
36 first-time home buyer," "date of acquisition," "qualified plan," and
37 "qualified principal residence" include the meanings provided for them
38 in P.L. 104-193.

1 **PART I. JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM**

2 NEW SECTION. **Sec. 101.** A new section is added to chapter 74.25
3 RCW to read as follows:

4 (1) The department shall administer the job opportunities and basic
5 skills training program under this chapter in a manner designed to
6 ensure compliance with mandatory work requirements of P.L. 104-193.
7 The department shall meet the minimum work participation rates
8 specified in federal law, and shall require caretakers to engage in
9 work and work activities, as defined in federal law, as an ongoing
10 condition of eligibility.

11 (2) Caretakers who are not engaged in work and work activities, and
12 do not qualify for a good cause exemption under RCW 74.25.020(2), shall
13 engage in self-directed service as provided in section 105 of this act.

14 (3) If a caretaker refuses to engage in work and work activities
15 required by the department, the family's grant shall be reduced by the
16 caretaker's share, and may, if the department determines it
17 appropriate, be terminated.

18 (4) The department may waive the penalties required under
19 subsection (3) of this section, subject to a finding that the caretaker
20 refused to engage in work for good cause provided in RCW 74.25.020(2).

21 (5) In implementing this section, the department shall assign the
22 highest priority to requiring adults in two-parent families and parents
23 in single-parent families that include older preschool or school age
24 children to be engaged in work activities.

25 **Sec. 102.** RCW 74.25.010 and 1994 c 299 s 6 are each amended to
26 read as follows:

27 The legislature establishes as state policy the goal of economic
28 self-sufficiency for employable recipients of ~~((public assistance))~~
29 temporary assistance for needy families, through employment, training,
30 and education. In furtherance of this policy, the legislature intends
31 to comply with the requirements of the federal social security act, as
32 amended, by ~~((creating a job opportunities and basic skills training
33 program for))~~ requiring applicants and recipients of ~~((aid to families
34 with dependent children. The purpose of this program is to provide
35 recipients of aid to families with dependent children the opportunity
36 to obtain appropriate education, training, skills, and supportive
37 services, including child care, consistent with their needs, that will~~

1 ~~help them enter or reenter gainful employment, thereby avoiding long-~~
2 ~~term welfare dependence and achieving economic self-sufficiency))~~
3 temporary assistance for needy families to engage in work and work-
4 related activities. The job opportunities and basic skills training
5 program shall provide employment and training and education support
6 services to assist caretakers under chapter 74.12 RCW to obtain
7 employment. The program shall be operated by the department of social
8 and health services in conformance with federal law ((and consistent
9 with the following legislative findings:)).

10 (1) The legislature finds that the well-being of children depends
11 ~~((not only on meeting their material needs, but also))~~ on the ability
12 of parents to become economically self-sufficient. It is in this way
13 that the material needs of children can best be met. The job
14 opportunities and basic skills training program is specifically
15 directed at increasing the labor force participation and household
16 earnings of ((aid to families with dependent children)) temporary
17 assistance for needy families recipients, through the removal of
18 barriers preventing them from achieving self-sufficiency. ((These
19 barriers include, but are not limited to, the lack of recent work
20 experience, supportive services such as affordable and reliable child
21 care, adequate transportation, appropriate counseling, and necessary
22 job-related tools, equipment, books, clothing, and supplies, the
23 absence of basic literacy skills, the lack of educational attainment
24 sufficient to meet labor market demands for career employees, and the
25 nonavailability of useful labor market assessments.))

26 (2) The legislature ~~((also))~~ recognizes that ~~((aid to families with~~
27 ~~dependent children)) temporary assistance for needy families recipients~~
28 ~~((must be acknowledged as active))~~ are participants in self-sufficiency
29 planning under the program. The legislature finds that the department
30 of social and health services should clearly communicate ~~((concepts of~~
31 ~~the importance))~~ the requirement of work, the time-limited nature of
32 public assistance, and how performance and effort directly affect
33 future career and educational opportunities and economic well-being, as
34 well as personal empowerment, self-motivation, and self-esteem to
35 program participants. The legislature further recognizes that informed
36 choice is consistent with individual responsibility, and that parents
37 should be given a range of options for available child care while
38 participating in the program.

1 (3) The legislature finds that current work experience is one of
2 the most important factors influencing an individual's ability to work
3 toward financial stability and an adequate standard of living in the
4 long term, and that work experience should be the most important
5 component of the program.

6 (4) The legislature finds that education, including, but not
7 limited to, literacy, high school equivalency, vocational, secondary,
8 and postsecondary, is ~~((one of the most))~~ an important tool~~((s))~~ an
9 individual needs to achieve full independence, and that this should be
10 ~~((an important))~~ a component of the program.

11 (5) The legislature further finds that the objectives of this
12 program are to assure that ~~((aid to families with dependent children))~~
13 temporary assistance for needy families recipients gain experience in
14 the labor force and thereby enhance their long-term ability to achieve
15 financial stability and an adequate standard of living at wages that
16 will meet family needs.

17 (6) The legislature finds that a critical component for successful
18 reductions in the temporary assistance for needy families caseloads is
19 employment. Employment opportunities must be increased through public-
20 private partnerships. The department shall work with the private
21 sector to meet market needs, increase employability through on-the-job
22 training opportunities, and develop incentives for employers to hire
23 and train recipients.

24 **Sec. 103.** RCW 74.25.020 and 1993 c 312 s 7 are each amended to
25 read as follows:

26 (1) The department of social and health services ~~((is authorized~~
27 ~~to))~~ shall contract for all functions of the job opportunities and
28 basic skills training program not specifically prohibited by federal
29 law with public and private employment and training agencies and other
30 public service entities to provide services prescribed or allowed under
31 the federal social security act, as amended, to carry out the purposes
32 of the jobs training program. ~~((The department of social and health~~
33 services has sole authority and responsibility to carry out the job
34 opportunities and basic skills training program. No contracting entity
35 shall have the authority to review, change, or disapprove any
36 administrative decision, or otherwise substitute its judgment for that
37 of the department of social and health services as to the application
38 of policies and rules adopted by the department of social and health

1 services)) The department may contract with private or public agencies
2 for services that are ordinarily provided by and capable of being
3 provided by civil servants regardless of any rights, express or
4 implied, created by the state civil service law, chapter 41.06 RCW.
5 The department, through its regional offices, shall collaborate with
6 employers, recipients, front-line workers, education institutions,
7 labor, private industry councils, the work force training and education
8 coordinating board, community rehabilitation employment programs,
9 employment and training agencies, local governments, the employment
10 security department, and community action agencies to develop work
11 programs that are effective and work in their communities. For
12 planning purposes, the department shall collect and make accessible to
13 regional offices successful work program models from around the United
14 States, including the employment partnership program, apprenticeship
15 programs, microcredit, microenterprise, self-employment, and W-2
16 Wisconsin works. Work programs shall incorporate local volunteer
17 citizens in their planning and implementation phases to ensure
18 community relevance and success.

19 ~~(2) ((To the extent feasible under federal law, the department of~~
20 ~~social and health services and all entities contracting with it shall~~
21 ~~give first priority of service to individuals volunteering for program~~
22 ~~participation.~~

23 ~~(3))~~ The department of social and health services shall adopt
24 rules under chapter 34.05 RCW establishing criteria constituting
25 circumstances of good cause for an individual failing or refusing to
26 participate in an assigned ~~((program component))~~ work activity, or
27 failing or refusing to accept or retain employment. These criteria
28 shall include~~((, but not be limited to,))~~ the following circumstances:
29 (a) If the individual is a parent or other relative personally
30 providing care for a child under age six years, and ~~((the employment~~
31 ~~would require the individual to work more than twenty hours per week;~~
32 ~~(b) if))~~ formal or informal child care, or day care for an
33 incapacitated individual living in the same home as a dependent child,
34 is necessary for an individual to participate or continue participation
35 in the program or accept employment, and such care is not available,
36 and the department of social and health services fails to provide such
37 care; ~~((c) the employment would result in the family of the~~
38 ~~participant experiencing a net loss of cash income; or (d)~~
39 ~~circumstances that are beyond the control of the individual's~~

1 ~~household, either on a short term or on an ongoing basis))~~ or (b) if
2 the individual is a parent with a child under age one year. A parent
3 may only receive this exemption for a total of twelve months, which may
4 be consecutive or nonconsecutive.

5 (3) The department of social and health services may provide
6 employment services to qualifying noncustodial parents who are unable
7 to meet their child support obligations. Services authorized under
8 this subsection may be provided to the extent funds are available.

9 (4) The department of social and health services shall adopt rules
10 under chapter 34.05 RCW as necessary to effectuate the intent and
11 purpose of this chapter.

12 **Sec. 104.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended
13 to read as follows:

14 Except for the purposes of implementing RCW 74.25.020, nothing
15 contained in this chapter shall prohibit any department, as defined in
16 RCW 41.06.020, from purchasing services by contract with individuals or
17 business entities if such services were regularly purchased by valid
18 contract by such department prior to April 23, 1979: PROVIDED, That no
19 such contract may be executed or renewed if it would have the effect of
20 terminating classified employees or classified employee positions
21 existing at the time of the execution or renewal of the contract.

22 NEW SECTION. **Sec. 105.** A new section is added to chapter 74.25
23 RCW to read as follows:

24 **COMMUNITY SERVICE PROGRAM.** A caretaker participating in a
25 community service program shall locate a community service experience
26 of at least one hundred hours per month with any willing public or
27 private organization and provide documentation, signed by the recipient
28 under penalty of perjury, to the department of his or her participation
29 on forms established in rule by the department.

30 NEW SECTION. **Sec. 106.** A new section is added to chapter 74.13
31 RCW to read as follows:

32 (1) The department shall operate a single, integrated employment
33 child care program for low-income working parents and recipients of
34 temporary assistance for needy families.

35 (2) Families with gross income at or below thirty-eight percent of
36 state median income adjusted for family size are eligible for

1 employment child care subsidies with a minimum copayment. Families
2 with gross income above thirty-eight percent and at or below fifty-two
3 percent of the state median income adjusted for family size are
4 eligible for an employment child care subsidy with a calculated
5 copayment.

6 (3) The department shall provide employment child care subsidies
7 for families meeting eligibility standards under this section, within
8 funds appropriated by the legislature for this purpose.

9 **PART II. CONTRACTS FOR PERSONAL RESPONSIBILITY**

10 NEW SECTION. **Sec. 201.** A new section is added to chapter 74.12
11 RCW to read as follows:

12 (1) A family receiving or applying for assistance under the
13 temporary assistance for needy families program is ineligible for
14 continued or new assistance if the caretaker and the department have
15 not entered into a contract satisfying the requirements of this
16 section.

17 (2) The contract shall (a) be entered into by the department and
18 caretaker on a form prescribed by the department; (b) contain a list of
19 the available benefits to which the family is eligible, including
20 referral to available community resources; (c) contain a summary of the
21 responsibilities that the caretaker must exercise for receipt of such
22 benefits, including, where appropriate, high school completion or GED
23 programs; (d) contain a statement of the rules in section 202 of this
24 act governing the duration of the contract; and (e) contain a statement
25 of the rules in section 203 of this act governing time limits.

26 (3) Caretakers are not required to enter into a contract under this
27 section if the caretaker is a minor.

28 (4) The department may adopt rules postponing the date by which any
29 provision or provisions of subsections (1) and (2) of this section will
30 apply to caretakers who have been approved for assistance before the
31 effective date of this section. However, such postponement may not be
32 for longer than one hundred eighty days after the date of certification
33 of the Washington temporary assistance for needy families program.

34 (5) The provision of assistance under a contract entered into under
35 this section is not an entitlement, and may be discontinued at any
36 time.

1 NEW SECTION. **Sec. 202.** A new section is added to chapter 74.12
2 RCW to read as follows:

3 A contract entered into under section 201 of this act shall expire
4 twenty-four calendar months after the month in which the caretaker
5 first entered into a contract under section 201 of this act unless it
6 is reviewed and modified, as the department finds appropriate, for an
7 additional period or periods of not to exceed six months each. Under
8 no circumstances may the department continue a contract or provide for
9 monthly benefit payments beyond the sixty-month limit prescribed in
10 section 203 of this act. For a contract to be reviewed and modified,
11 the caretaker must have requested the review and modification, have
12 complied with the current terms of the contract, and have satisfied all
13 eligibility requirements, including those requirements specified in
14 section 203 of this act.

15 NEW SECTION. **Sec. 203.** A new section is added to chapter 74.12
16 RCW to read as follows:

17 (1) After a caretaker has received sixty monthly benefit payments
18 pursuant to a contract entered into under section 201 of this act, the
19 caretaker and the caretaker's family shall not be eligible for any
20 additional monthly payments. Following the receipt of sixty monthly
21 benefit payments, a caretaker is forever ineligible to apply for or
22 receive any further assistance under this chapter.

23 (2) For the purposes of applying the rules of this section, the
24 department shall count both consecutive and nonconsecutive months in
25 which a caretaker received a monthly benefit payment or a portion of a
26 monthly benefit payment.

27 (3) The department shall refer caretakers who require specialized
28 assistance to appropriate department programs, crime victims' programs
29 through the department of community, trade, and economic development,
30 or the crime victims' compensation program of the department of labor
31 and industries.

32 (4) The department may exempt a caretaker and the caretaker's
33 family from the application of subsection (1) of this section by reason
34 of hardship or if the caretaker has been battered or subjected to
35 extreme cruelty. Reasons for hardship include, but are not limited to,
36 incapacitation, the documented need to care for an incapacitated
37 household member, and the age of the caretaker. The number of
38 caretakers and their families exempted from subsection (1) of this

1 section for a fiscal year shall not exceed twenty percent of the
2 average monthly number of caretakers and their families to which
3 assistance is provided under the temporary assistance for needy
4 families program.

5 NEW SECTION. **Sec. 204.** A new section is added to chapter 74.12
6 RCW to read as follows:

7 To the extent authorized by the legislature in the omnibus
8 appropriations act, the department shall transfer up to thirty percent
9 of the temporary assistance for needy families block grant to the
10 social services block grant and the child care development block grant.
11 Funds transferred under this authority shall be used to prevent
12 individuals from becoming recipients of temporary assistance for needy
13 families and to help current recipients become economically
14 independent. Services funded by such a transfer may include, but are
15 not limited to, welfare diversion services, work activities, case
16 management, child care, housing assistance, and related social and
17 health services.

18 NEW SECTION. **Sec. 205.** A new section is added to chapter 74.12
19 RCW to read as follows:

20 In addition to their monthly benefit payment, caretakers may earn
21 and keep one hundred twenty dollars and one-third of the remainder of
22 their earnings during every month they are eligible to receive
23 assistance under this chapter.

24 NEW SECTION. **Sec. 206.** A new section is added to chapter 74.12
25 RCW to read as follows:

26 (1) The department of social and health services shall adopt rules
27 to implement sections 201 and 202 of this act and to enforce contracts
28 adopted under section 201 of this act. However, it may not adopt such
29 rules unless it has complied with subsections (2) and (3) of this
30 section.

31 (2) Within sixty days after the effective date of this section, the
32 department shall submit copies of its proposed rules under this section
33 to the secretary of the senate and the chief clerk of the house of
34 representatives for distribution to the appropriate committees of the
35 legislature. The committees shall review the proposed rules and shall
36 provide the department with comments, if any, on the proposed rules.

1 (3) When the committees comment on proposed rules, the committees
2 shall give the department written notice of their findings and reasons
3 therefor.

4 NEW SECTION. **Sec. 207.** A new section is added to chapter 74.12
5 RCW to read as follows:

6 In order to be eligible for temporary assistance for needy
7 families, applicants shall, at the time of application for assistance,
8 provide the names of both parents of their child or children, whether
9 born or unborn.

10 NEW SECTION. **Sec. 208.** A new section is added to chapter 74.12
11 RCW to read as follows:

12 A grant provided under the temporary assistance for needy families
13 program shall be provided on a pro rata basis to the extent the
14 caretaker complies with mandated work and work activity requirements.

15 **Sec. 209.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to
16 read as follows:

17 Medical assistance may be provided in accordance with eligibility
18 requirements established by the department of social and health
19 services, as defined in the social security Title XIX state plan for
20 mandatory categorically needy persons and: (1) Individuals who would
21 be eligible for cash assistance except for their institutional status;
22 (2) individuals who are under twenty-one years of age, who would be
23 eligible for aid to families with dependent children, but do not
24 qualify as dependent children and who are in (a) foster care, (b)
25 subsidized adoption, (c) a nursing facility or an intermediate care
26 facility for the mentally retarded, or (d) inpatient psychiatric
27 facilities; (3) the aged, blind, and disabled who: (a) Receive only a
28 state supplement, or (b) would not be eligible for cash assistance if
29 they were not institutionalized; (4) individuals who would be eligible
30 for but choose not to receive cash assistance; (5) individuals who are
31 enrolled in managed health care systems, who have otherwise lost
32 eligibility for medical assistance, but who have not completed a
33 current six-month enrollment in a managed health care system, and who
34 are eligible for federal financial participation under Title XIX of the
35 social security act; (6) children and pregnant women allowed by federal
36 statute for whom funding is appropriated; (~~and~~) (7) other individuals

1 eligible for medical services under RCW 74.09.035 and 74.09.700 for
2 whom federal financial participation is available under Title XIX of
3 the social security act; and (8) persons allowed by section 1931 of the
4 social security act for whom funding is appropriated.

5 **PART III. MINOR PARENT PROVISIONS**

6 **Sec. 301.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to
7 read as follows:

8 (1) The department shall determine, after consideration of all
9 relevant factors and in consultation with the applicant, the most
10 appropriate living situation for applicants under eighteen years of
11 age, unmarried, and either pregnant or having a dependent child or
12 children in the applicant's care. An appropriate living situation((s))
13 shall include a place of residence that is maintained by the
14 applicant's parents, parent, legal guardian, or other adult relative as
15 their or his or her own home((, or other)) and that the department
16 finds would provide an appropriate supportive living arrangement
17 ((supervised by an adult where feasible and consistent with federal
18 regulations under 45 C.F.R. chapter II, section 233.107)). It also
19 includes a living situation maintained by an agency that is licensed
20 under chapter 74.15 RCW that the department finds would provide an
21 appropriate supportive living arrangement. Grant assistance shall not
22 be provided under this chapter if the applicant does not reside in the
23 most appropriate living situation, as determined by the department.

24 (2) ~~((An applicant under eighteen years of age who is either~~
25 ~~pregnant or has a dependent child and is not living in a situation~~
26 ~~described in subsection (1) of this section shall be))~~ A minor parent
27 or pregnant minor residing in the most appropriate living situation, as
28 provided under subsection (1) of this section, is presumed to be unable
29 to manage adequately the funds paid to the minor or on behalf of the
30 dependent child or children and, unless the ((teenage custodial parent
31 demonstrates otherwise)) minor provides sufficient evidence to rebut
32 the presumption, shall be subject to the protective payee requirements
33 provided for under RCW 74.12.250 and 74.08.280.

34 (3) The department shall consider any statements or opinions by
35 either parent of the ~~((teen recipient))~~ unmarried minor as to an
36 appropriate living situation for the ~~((teen))~~ minor and his or her
37 children, whether in the parental home or other situation. If the

1 ~~parents or a parent of the ((teen head of household applicant for~~
2 ~~assistance))~~ minor request, they or he or she shall be entitled to a
3 hearing in juvenile court regarding ~~((the fitness and suitability of~~
4 ~~their home as the top priority choice))~~ designation of the parental
5 home or other relative placement as the most appropriate living
6 situation for the pregnant or parenting ~~((teen applicant for~~
7 ~~assistance))~~ minor.

8 The department shall provide the parents ~~((shall have))~~ or parent
9 with the opportunity to make a showing ~~((, based on the preponderance of~~
10 ~~the evidence,))~~ that the parental home, or home of the other relative
11 placement, is the most appropriate living situation. It shall be
12 presumed in any administrative or judicial proceeding conducted under
13 this subsection that the parental home or other relative placement
14 requested by the parents or parent is the most appropriate living
15 situation. This presumption is rebuttable.

16 (4) In cases in which the ~~((head of household is under eighteen~~
17 ~~years of age,))~~ minor is ~~((unmarried((,))~~ and ~~((and requests~~
18 ~~information on adoption,))~~ the department shall, as part of the
19 determination of the appropriate living situation, provide information
20 about adoption including referral to community-based organizations
21 ~~((for))~~ providing counseling.

22 **Sec. 302.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to
23 read as follows:

24 (1) The department shall determine, after consideration of all
25 relevant factors and in consultation with the applicant, the most
26 appropriate living situation for applicants under eighteen years of
27 age, unmarried, and pregnant who are eligible for general assistance as
28 defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living
29 situation ~~((s))~~ shall include a place of residence that is maintained by
30 the applicant's parents, parent, legal guardian, or other adult
31 relative as their or his or her own home ~~((, or other))~~ and that the
32 department finds would provide an appropriate supportive living
33 arrangement ~~((supervised by an adult where feasible and consistent with~~
34 ~~federal regulations under 45 C.F.R. chapter II, section 233.107))~~. It
35 also includes a living situation maintained by an agency that is
36 licensed under chapter 74.15 RCW that the department finds would
37 provide an appropriate supportive living arrangement. Grant assistance
38 shall not be provided under this chapter if the applicant does not

1 reside in the most appropriate living situation, as determined by the
2 department.

3 ~~((An applicant under eighteen years of age who is pregnant and~~
4 ~~is not living in a situation described in subsection (1) of this~~
5 ~~section shall be))~~ A pregnant minor residing in the most appropriate
6 living situation, as provided under subsection (1) of this section, is
7 presumed to be unable to manage adequately the funds paid to the minor
8 or on behalf of the dependent child or children and, unless the
9 ~~((teenage custodial parent demonstrates otherwise))~~ minor provides
10 sufficient evidence to rebut the presumption, shall be subject to the
11 protective payee requirements provided for under RCW 74.12.250 and
12 74.08.280.

13 (3) The department shall consider any statements or opinions by
14 either parent of the ~~((teen recipient))~~ unmarried minor as to an
15 appropriate living situation for the ~~((teen))~~ minor, whether in the
16 parental home or other situation. If the parents or a parent of the
17 ~~((teen head of household applicant for assistance))~~ minor request, they
18 or he or she shall be entitled to a hearing in juvenile court regarding
19 ~~((the fitness and suitability of their home as the top priority~~
20 ~~choice))~~ designation of the parental home or other relative placement
21 as the most appropriate living situation for the pregnant or parenting
22 ~~((teen applicant for assistance))~~ minor.

23 The department shall provide the parents ~~((shall have))~~ or parent
24 with the opportunity to make a showing ~~((, based on the preponderance of~~
25 ~~the evidence,))~~ that the parental home, or home of the other relative
26 placement, is the most appropriate living situation. It shall be
27 presumed in any administrative or judicial proceeding conducted under
28 this subsection that the parental home or other relative placement
29 requested by the parents or parent is the most appropriate living
30 situation. This presumption is rebuttable.

31 (4) In cases in which the ~~((head of household is under eighteen~~
32 ~~years of age,))~~ minor is unmarried ~~((,))~~ and unemployed, ((and requests
33 ~~information on adoption,))~~ the department shall, as part of the
34 determination of the appropriate living situation, provide information
35 about adoption including referral to community-based organizations
36 ~~((for))~~ providing counseling.

37 NEW SECTION. Sec. 303. A new section is added to chapter 74.12
38 RCW to read as follows:

1 The unmarried minor and the minor's child shall be considered to be
2 part of the household of the minor's parents or parent for purposes of
3 determining eligibility for temporary assistance for needy families and
4 general assistance for pregnant women as defined in RCW
5 74.04.005(6)(a)(ii)(A); and as such, the income and resources of the
6 entire household are considered to be available to support the
7 unmarried minor and his or her child.

8 **Sec. 304.** RCW 13.34.160 and 1993 c 358 s 2 are each amended to
9 read as follows:

10 (1) In an action brought under this chapter, the court may inquire
11 into the ability of the parent or parents of the child to pay child
12 support and may enter an order of child support as set forth in chapter
13 26.19 RCW. The court may enforce the same by execution, or in any way
14 in which a court of equity may enforce its decrees. All child support
15 orders entered pursuant to this chapter shall be in compliance with the
16 provisions of RCW 26.23.050.

17 (2) For purposes of this section, if a dependent child's parent is
18 an unmarried minor, then the parent or parents of the minor shall also
19 be deemed a parent or parents of the dependent child. However,
20 liability for child support under this subsection only exists if the
21 parent or parents of the unmarried minor parent are provided the
22 opportunity for a hearing on their ability to provide support. Any
23 child support order requiring such a parent or parents to provide
24 support for the minor parent's child may be effective only until the
25 minor parent reaches eighteen years of age.

26 **Sec. 305.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to
27 read as follows:

28 If the department, after investigation, finds that any applicant
29 for assistance under this chapter or any recipient of funds under ((an
30 aid to families with dependent children grant)) this chapter would not
31 use, or is not utilizing, the grant adequately for the needs of ((the))
32 his or her child or children or would dissipate the grant or is
33 ((otherwise)) dissipating such grant, or would be or is unable to
34 manage adequately the funds paid on behalf of said child and that to
35 provide or continue ((said)) payments to ((him)) the applicant or
36 recipient would be contrary to the welfare of the child, the department
37 may make such payments to another individual who is interested in or

1 concerned with the welfare of such child and relative: PROVIDED, That
2 the department shall provide such counseling and other services as are
3 available and necessary to develop greater ability on the part of the
4 relative to manage funds in such manner as to protect the welfare of
5 the family. Periodic review of each case shall be made by the
6 department to determine if said relative is able to resume management
7 of the assistance grant. If after a reasonable period of time the
8 payments to the relative cannot be resumed, the department may request
9 the attorney general to file a petition in the superior court for the
10 appointment of a guardian for the child or children. Such petition
11 shall set forth the facts warranting such appointment. Notice of the
12 hearing on such petition shall be served upon the recipient and the
13 department not less than ten days before the date set for such hearing.
14 Such petition may be filed with the clerk of superior court and all
15 process issued and served without payment of costs. If upon the
16 hearing of such petition the court is satisfied that it is for the best
17 interest of the child or children, and all parties concerned, that a
18 guardian be appointed, he shall order the appointment, and may require
19 the guardian to render to the court a detailed itemized account of
20 expenditures of such assistance payments at such time as the court may
21 deem advisable.

22 It is the intention of this section that the guardianship herein
23 provided for shall be a special and limited guardianship solely for the
24 purpose of safeguarding the assistance grants made to dependent
25 children. Such guardianship shall terminate upon the termination of
26 such assistance grant, or sooner on order of the court, upon good cause
27 shown.

28 **PART IV. CHILD SUPPORT ENHANCEMENT--LICENSE SUSPENSION**

29 NEW SECTION. **Sec. 401.** The legislature recognizes that the
30 current statutory procedures for the collection of child support do not
31 apply to all persons owing child support. In order to further insure
32 that child support obligations are met, this act establishes a program
33 by which certain licenses may be suspended, not issued, or not renewed
34 if a person is one hundred eighty days or more in arrears on child
35 support payments. With this program, it is the intent of the
36 legislature to provide a strong incentive for persons owing support to
37 make timely payments, and to cooperate with the department of social

1 and health services to establish an appropriate schedule for the
2 payment of any arrears. In addition, the legislature finds that
3 disputes over child visitation comprises an often-cited reason why
4 child support is unpaid. It is the intent of the legislature to
5 include custodial parents who deny visitation as persons subject to
6 license suspension, nonrenewal, and denial.

7 In the implementation and management of this program, it is the
8 legislature's intent that the objective of the department of social and
9 health services be to obtain payment in full of arrears, or where that
10 is not possible, to enter into agreements with delinquent obligors to
11 make timely support payments and make reasonable payments towards the
12 arrears. The legislature intends that if the obligor refuses to
13 cooperate in establishing a fair and reasonable payment schedule for
14 arrears or refuses to make timely support payments, the department
15 shall proceed with certification to a licensing entity or the
16 department of licensing that the person is not in compliance with a
17 child support order.

18 NEW SECTION. **Sec. 402.** A new section is added to chapter 74.20A
19 RCW to read as follows:

20 (1) As used in this section, unless the context indicates
21 otherwise, the following terms have the following meanings.

22 (a) "Licensing entity" includes any department, board, commission,
23 or other organization of the state authorized to issue, renew, suspend,
24 or revoke a license authorizing an individual to engage in a business,
25 occupation, profession, industry, or the operation of a motor vehicle,
26 and includes the Washington state supreme court, to the extent that a
27 rule has been adopted by the court to implement suspension of licenses
28 related to the practice of law.

29 (b) "Noncompliance with a child support order" means a responsible
30 parent has:

31 (i) Accumulated arrears totaling more than six months of child
32 support payments;

33 (ii) Failed to make payments pursuant to a written agreement with
34 the department towards a support arrearage in an amount that exceeds
35 six months of payments; or

36 (iii) Failed to make payments required by a superior court order or
37 administrative order towards a support arrearage in an amount that
38 exceeds six months of payments.

1 (c) "License" means a license, certificate, registration, permit,
2 approval, or other similar document issued by a licensing entity
3 evidencing admission to or granting authority to engage in a
4 profession, occupation, business, industry, or the operation of a motor
5 vehicle. The term does not mean the tax registration or certification
6 issued under Title 82 RCW by the department of revenue.

7 (d) "Licensee" means any individual holding a license, certificate,
8 registration, permit, approval, or other similar document issued by a
9 licensing entity evidencing admission to or granting authority to
10 engage in a profession, occupation, business, industry, or the
11 operation of a motor vehicle.

12 (2) The department may serve upon a responsible parent a notice
13 informing the responsible parent of the department's intent to submit
14 the parent's name to the department of licensing and any appropriate
15 licensing entity as a licensee who is not in compliance with a child
16 support order. The department shall attach a copy of the responsible
17 parent's child support order to the notice. Service of the notice must
18 be by certified mail, return receipt requested. If service by
19 certified mail is not successful, service shall be by personal service.

20 (3) The department shall not issue a notice of noncompliance with
21 a child support order under this section if the department is able to
22 withhold, collect, or otherwise acquire through the use of other common
23 law or statutory procedures for enforcement of support obligations
24 funds or assets in a sufficient amount to ensure payment of a
25 reasonable amount towards accumulated arrears.

26 (4) The notice of noncompliance must include the address and
27 telephone number of the department's division of child support office
28 that issues the notice and must inform the responsible parent that:

29 (a) The parent may request an adjudicative proceeding to contest
30 the issue of compliance. The only issues that may be considered at the
31 adjudicative proceeding are whether the parent is required to pay child
32 support under a child support order and whether the parent is in
33 compliance with that order;

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

37 (c) If the parent requests an adjudicative proceeding within twenty
38 days of service, the department will stay action to certify the parent
39 to the department of licensing and any licensing entity for

1 noncompliance with a child support order pending entry of a written
2 decision after the adjudicative proceeding;

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

8 (e) The department will stay action to certify the parent to the
9 department of licensing and any licensing entity for noncompliance if
10 the parent agrees to make timely payments of current support and agrees
11 to a reasonable payment schedule for payment of the arrears. It is the
12 parent's responsibility to contact in person or by mail the
13 department's division of child support office indicated on the notice
14 within twenty days of service of the notice to arrange for a payment
15 schedule. The department may stay certification for up to thirty days
16 after contact from a parent to arrange for a payment schedule;

17 (f) If the department certifies the responsible parent to the
18 department of licensing and a licensing entity for noncompliance with
19 a child support order, the licensing entity will suspend, not renew, or
20 not issue the parent's license and the department of licensing will
21 suspend or not renew any driver's license that the parent holds until
22 the parent provides the department of licensing and the licensing
23 entity with a written release from the department stating that the
24 responsible parent is in compliance with the child support order;

25 (g) If the department certifies the responsible parent to the
26 department of licensing for noncompliance with a child support order,
27 the department of fish and wildlife will suspend the fishing license,
28 hunting license, or any other license issued under chapters 77.32 and
29 75.25 RCW that the parent may possess. Notice from the department of
30 licensing that a parent's driver's license has been suspended shall
31 serve as notice of the suspension of a license issued under chapters
32 77.32 and 75.25 RCW;

33 (h) Suspension of a license will affect insurability if the
34 responsible parent's insurance policy excludes coverage for acts
35 occurring after the suspension of a license;

36 (i) If after receiving the notice of noncompliance with a child
37 support order, the responsible parent files a motion to modify support
38 with the court or requests the department to amend a support obligation
39 established by an administrative decision, the department or the court

1 shall stay action to certify the parent to the department of licensing
2 and any licensing entity for noncompliance with a child support order
3 until a final decision or order is entered. If a motion for
4 modification of a court or administrative order for child support is
5 pending prior to service of the notice, any action to certify the
6 parent to a licensing entity for noncompliance with a child support
7 order shall be automatically stayed until entry of a final order or
8 decision in the modification proceedings. The responsible parent has
9 the obligation to notify the department that a modification proceeding
10 is pending and provide a copy of the motion or request for
11 modification; and

12 (j) If the responsible parent subsequently becomes in compliance
13 with the child support order, the department will promptly provide the
14 parent with a written release stating that the parent is in compliance
15 with the order, and the parent may request that the licensing entity or
16 the department of licensing reinstate the suspended license.

17 (5) A responsible parent may request an adjudicative proceeding
18 upon service of the notice described in subsection (2) of this section.
19 The request for an adjudicative proceeding must be received by the
20 department within twenty days of service. The request must be in
21 writing and indicate the current mailing address and daytime phone
22 number, if available, of the responsible parent. The proceedings under
23 this subsection shall be conducted in accordance with the requirements
24 of chapter 34.05 RCW. The issues that may be considered at the
25 adjudicative proceeding are limited to whether the responsible parent
26 is required to pay child support under a child support order and
27 whether the responsible parent is in compliance with the order.

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

32 (7) If a responsible parent contacts the department's division of
33 child support office indicated on the notice of noncompliance within
34 twenty days of service of the notice and requests arrangement of a
35 payment schedule, the department shall stay the certification of
36 noncompliance during negotiation of the schedule for payment of
37 arrears. In no event shall the stay continue for more than thirty days
38 from the date of contact by the parent. The department shall establish
39 a schedule for payment of arrears that is fair and reasonable and that

1 considers the financial situation of the responsible parent and the
2 needs of all children who rely on the responsible parent for support.
3 At the end of the thirty days, if no payment schedule has been agreed
4 to in writing, and if the department has acted in good faith, the
5 department shall proceed with certification of noncompliance. If the
6 responsible parent fails to comply with a schedule of payments
7 established under this subsection, the department may proceed with
8 certification.

9 (8) If a responsible parent timely requests an adjudicative
10 proceeding to contest the issue of compliance, the department may not
11 certify the name of the parent to the department of licensing or a
12 licensing entity for noncompliance with a child support order unless
13 the adjudicative proceeding results in a finding that the responsible
14 parent is not in compliance with the order.

15 (9) The department may certify to the department of licensing and
16 any appropriate licensing entity the name of a responsible parent who
17 is not in compliance with a child support order if:

18 (a) The responsible parent does not timely request an adjudicative
19 proceeding upon service of a notice issued under subsection (2) of this
20 section and is not in compliance with a child support order twenty-one
21 days after service of the notice;

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

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

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

29 (e) The responsible parent fails to comply with a payment schedule
30 established under subsection (7) of this section.

31 The department shall send by regular mail a copy of any
32 certification of noncompliance filed with the department of licensing
33 or a licensing entity to the responsible parent at the responsible
34 parent's most recent address of record.

35 (10) The department of licensing and a licensing entity shall
36 notify a responsible parent certified by the department under
37 subsection (9) of this section, without undue delay, that the parent's
38 driver's license or other license has been suspended because the

1 parent's name has been certified by the department as a responsible
2 parent who is not in compliance with a child support order.

3 (11) When a responsible parent who is served notice under
4 subsection (2) of this section subsequently complies with the child
5 support order, the department shall promptly provide the parent with a
6 written release stating that the responsible parent is in compliance
7 with the order. The department shall also transmit a copy of that
8 release to the appropriate licensing entities.

9 (12) Nothing in this section prohibits a responsible parent from
10 filing a motion to modify support with the court or from requesting the
11 department to amend a support obligation established by an
12 administrative decision. If there is a reasonable likelihood that the
13 motion or request will significantly change the amount of the child
14 support obligation, the department or the court may stay action to
15 certify the responsible parent to the department of licensing and any
16 licensing entity for noncompliance with a child support order until a
17 final decision or order is entered. If a motion for modification of a
18 court or administrative order for child support is pending prior to
19 service of the notice, any action to certify the parent to a licensing
20 entity for noncompliance with a child support order shall be
21 automatically stayed for six months, or longer if the department finds
22 good cause, or until entry of a final order or decision in the
23 modification proceedings. The responsible parent has the obligation to
24 notify the department that a modification proceeding is pending and
25 provide a copy of the motion or request for modification.

26 (13) The procedures provided in this act shall constitute the
27 exclusive administrative remedy for contesting the establishment of
28 noncompliance with a child support order and suspension of a license
29 pursuant to this section, and shall satisfy the requirements of RCW
30 34.05.422.

31 (14) The department of licensing and a licensing entity may issue,
32 renew, reinstate, or otherwise extend a license in accordance with the
33 licensing entity's or the department of licensing's rules after the
34 licensing entity or the department of licensing receives a copy of the
35 release specified in subsection (11) of this section. The department
36 of licensing and a licensing entity may waive any applicable
37 requirement for renewal or other extension if it determines that the
38 imposition of that requirement places an undue burden on the person and
39 that waiver of the requirement is consistent with the public interest.

1 (15) Consistent with the intent of chapter . . . , Laws of 1997
2 (this act), the department shall develop rules and procedures for
3 implementing the requirements of this section and applying the
4 standards provided in this section. The department shall deliver a
5 copy of these rules and procedures to the legislature no later than
6 June 30, 1998.

7 NEW SECTION. **Sec. 403.** A new section is added to chapter 74.20A
8 RCW to read as follows:

9 (1) The department of social and health services and all of the
10 various licensing entities subject to section 402 of this act shall
11 enter into such agreements as are necessary to carry out the
12 requirements of the license suspension program established in section
13 402 of this act.

14 (2) On or before January 1, 1998, and semiannually thereafter, the
15 department of social and health services and all licensing entities
16 subject to section 402 of this act shall compare data to identify
17 responsible parents who are not in compliance with a child support
18 order, as defined in section 402 of this act, with all licensees
19 subject to chapter . . . , Laws of 1997 (this act). The comparison may
20 be conducted electronically, or by any other means that is jointly
21 agreeable between the department and the particular licensing entity.
22 The data shared shall be limited to those items necessary to
23 implementation of chapter . . . , Laws of 1997 (this act). The purpose
24 of the comparison shall be to identify current licensees who are not in
25 compliance with a child support order, and to provide to the department
26 of social and health services the following information regarding those
27 licensees:

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

1 NEW SECTION. **Sec. 404.** A new section is added to chapter 74.20A
2 RCW to read as follows:

3 (1) In furtherance of the public policy of increasing collection of
4 child support and to assist in evaluation of the program established in
5 section 402 of this act, the department shall report the following to
6 the legislature and the governor on December 1, 1998, and annually
7 thereafter:

8 (a) The number of responsible parents identified as licensees
9 subject to section 402 of this act;

10 (b) The number of responsible parents identified by the department
11 as not in compliance with a child support order;

12 (c) The number of notices of noncompliance served upon responsible
13 parents by the department;

14 (d) The number of responsible parents served a notice of
15 noncompliance who request an adjudicative proceeding;

16 (e) The number of adjudicative proceedings held, and the results of
17 the adjudicative proceedings;

18 (f) The number of responsible parents certified to the department
19 of licensing or licensing entities for noncompliance with a child
20 support order, and the type of license the parents held;

21 (g) The costs incurred in the implementation and enforcement of
22 section 402 of this act and an estimate of the amount of child support
23 collected due to the department under section 402 of this act;

24 (h) Any other information regarding this program that the
25 department feels will assist in evaluation of the program;

26 (i) Recommendations for the addition of specific licenses in the
27 program or exclusion of specific licenses from the program, and reasons
28 for such recommendations; and

29 (j) Any recommendations for statutory changes necessary for the
30 cost-effective management of the program.

31 (2) To assist in evaluation of the program established in section
32 402 of this act, the office of the administrator for the courts shall
33 report the following to the legislature and the governor on December 1,
34 1998, and annually thereafter:

35 (a) The number of motions for contempt for violation of a
36 visitation or residential order filed under RCW 26.09.160(3);

37 (b) The number of parents found in contempt under RCW 26.09.160(3);
38 and

1 (c) The number of parents whose licenses were suspended under RCW
2 26.09.160(3).

3 (3) This section expires December 2, 2002.

4 **Sec. 405.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to
5 read as follows:

6 The department is authorized to suspend the license of a driver
7 upon a showing by its records or other sufficient evidence that the
8 licensee:

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

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

14 (3) Has been convicted of offenses against traffic regulations
15 governing the movement of vehicles, or found to have committed traffic
16 infractions, with such frequency as to indicate a disrespect for
17 traffic laws or a disregard for the safety of other persons on the
18 highways;

19 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);
20 ((or))

21 (5) Has failed to respond to a notice of traffic infraction, failed
22 to appear at a requested hearing, violated a written promise to appear
23 in court, or has failed to comply with the terms of a notice of traffic
24 infraction or citation, as provided in RCW 46.20.289; ((or))

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

27 (7) Has been certified by the department of social and health
28 services as a person who is not in compliance with a child support
29 order as provided in section 402 of this act, or is certified by a
30 court as a person who is not in compliance with a residential or
31 visitation order as provided in section 478 of this act.

32 **Sec. 406.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to
33 read as follows:

34 (1) The department shall not suspend a driver's license or
35 privilege to drive a motor vehicle on the public highways for a fixed
36 period of more than one year, except as specifically permitted under
37 RCW 46.20.342 or other provision of law. Except for a suspension under

1 RCW 46.20.289 ((and)), 46.20.291(5), or section 402 of this act,
2 whenever the license or driving privilege of any person is suspended by
3 reason of a conviction, a finding that a traffic infraction has been
4 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
5 or 46.20.308, the suspension shall remain in effect until the person
6 gives and thereafter maintains proof of financial responsibility for
7 the future as provided in chapter 46.29 RCW. If the suspension is the
8 result of a violation of RCW 46.61.502 or 46.61.504, the department
9 shall determine the person's eligibility for licensing based upon the
10 reports provided by the alcoholism agency or probation department
11 designated under RCW 46.61.5056 and shall deny reinstatement until
12 enrollment and participation in an approved program has been
13 established and the person is otherwise qualified. Whenever the
14 license or driving privilege of any person is suspended as a result of
15 certification of noncompliance with a child support order under chapter
16 74.20A RCW or a residential or visitation order as provided in section
17 478 of this act, the suspension shall remain in effect until the person
18 provides a written release issued by the department of social and
19 health services or a court stating that the person is in compliance
20 with the order. The department shall not issue to the person a new,
21 duplicate, or renewal license until the person pays a reissue fee of
22 twenty dollars. If the suspension is the result of a violation of RCW
23 46.61.502 or 46.61.504, or is the result of administrative action under
24 RCW 46.20.308, the reissue fee shall be fifty dollars.

25 (2) Any person whose license or privilege to drive a motor vehicle
26 on the public highways has been revoked, unless the revocation was for
27 a cause which has been removed, is not entitled to have the license or
28 privilege renewed or restored until: (a) After the expiration of one
29 year from the date the license or privilege to drive was revoked; (b)
30 after the expiration of the applicable revocation period provided by
31 RCW 46.20.3101 or 46.61.5055; (c) after the expiration of two years for
32 persons convicted of vehicular homicide; or (d) after the expiration of
33 the applicable revocation period provided by RCW 46.20.265. After the
34 expiration of the appropriate period, the person may make application
35 for a new license as provided by law together with a reissue fee in the
36 amount of twenty dollars, but if the revocation is the result of a
37 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
38 shall be fifty dollars. If the revocation is the result of a violation
39 of RCW 46.61.502 or 46.61.504, the department shall determine the

1 person's eligibility for licensing based upon the reports provided by
2 the alcoholism agency or probation department designated under RCW
3 46.61.5056 and shall deny reissuance of a license, permit, or privilege
4 to drive until enrollment and participation in an approved program has
5 been established and the person is otherwise qualified. Except for a
6 revocation under RCW 46.20.265, the department shall not then issue a
7 new license unless it is satisfied after investigation of the driving
8 ability of the person that it will be safe to grant the privilege of
9 driving a motor vehicle on the public highways, and until the person
10 gives and thereafter maintains proof of financial responsibility for
11 the future as provided in chapter 46.29 RCW. For a revocation under
12 RCW 46.20.265, the department shall not issue a new license unless it
13 is satisfied after investigation of the driving ability of the person
14 that it will be safe to grant that person the privilege of driving a
15 motor vehicle on the public highways.

16 (3) Whenever the driver's license of any person is suspended
17 pursuant to Article IV of the nonresident violators compact or RCW
18 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
19 to the person any new or renewal license until the person pays a
20 reissue fee of twenty dollars. If the suspension is the result of a
21 violation of the laws of this or any other state, province, or other
22 jurisdiction involving (a) the operation or physical control of a motor
23 vehicle upon the public highways while under the influence of
24 intoxicating liquor or drugs, or (b) the refusal to submit to a
25 chemical test of the driver's blood alcohol content, the reissue fee
26 shall be fifty dollars.

27 NEW SECTION. **Sec. 407.** A new section is added to chapter 48.22
28 RCW to read as follows:

29 In the event that the department of licensing suspends a driver's
30 license solely for the nonpayment of child support as provided in
31 chapter 74.20A RCW or for noncompliance with a residential or
32 visitation order as provided in chapter 26.09 RCW, any provision in the
33 driver's motor vehicle liability insurance policy excluding insurance
34 coverage for an unlicensed driver shall not apply to the driver for
35 ninety days from the date of suspension. When a driver's license is
36 suspended under chapter 74.20A RCW, the motor vehicle record for the
37 suspended driver shall include a notation that explains the reason for
38 the suspension.

1 NEW SECTION. **Sec. 408.** ATTORNEYS. The legislature intends that
2 the license suspension program established in chapter 74.20A RCW be
3 implemented fairly to ensure that child support obligations are met.
4 However, being mindful of the separations of powers and
5 responsibilities among the branches of government, the legislature
6 strongly encourages the state supreme court to adopt rules providing
7 for suspension and denial of licenses related to the practice of law to
8 those individuals who are in noncompliance with a support order.

9 NEW SECTION. **Sec. 409.** A new section is added to chapter 2.48 RCW
10 to read as follows:

11 ATTORNEYS. The Washington state supreme court may provide by rule
12 that any member of the Washington state bar association who has been
13 certified by the department of social and health services as a person
14 who is in noncompliance with a support order as provided in section 402
15 of this act or by a court as in noncompliance with a residential or
16 visitation order under section 478 of this act shall be immediately
17 suspended from membership. The court's rules may provide for review of
18 an application for admission or reinstatement of membership after the
19 department of social and health services or a court has issued a
20 written release stating that the person is in compliance with the
21 order.

22 NEW SECTION. **Sec. 410.** A new section is added to chapter 18.04
23 RCW to read as follows:

24 The board shall immediately suspend the certificate or license of
25 a person who either (1) has been certified pursuant to section 402 of
26 this act by the department of social and health services as a person
27 who is not in compliance with a support order, or (2) has been
28 certified pursuant to section 478 of this act by a court as a person
29 who is not in compliance with a residential or visitation order. If
30 the person has continued to meet all other requirements for
31 reinstatement during the suspension, reissuance of the license or
32 certificate shall be automatic upon the board's receipt of a written
33 release issued by the department of social and health services or a
34 court stating that the licensee is in compliance with the order.

35 **Sec. 411.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
36 read as follows:

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

3 (~~(1)~~) (a) Modify the suspension of, or reissue a certificate or
4 license to, an individual whose certificate has been revoked or
5 suspended; or

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

9 (2) In the case of suspension for failure to comply with a support
10 order under chapter 74.20A RCW, or a residential or visitation order as
11 provided in section 478 of this act if the person has continued to meet
12 all other requirements for reinstatement during the suspension,
13 reissuance of a certificate or license shall be automatic upon the
14 board's receipt of a written release issued by the department of social
15 and health services or a court stating that the individual is in
16 compliance with the order.

17 **NEW SECTION.** **Sec. 412.** A new section is added to chapter 18.08
18 RCW to read as follows:

19 The board shall immediately suspend the certificate of registration
20 or certificate of authorization to practice architecture of a person
21 who either (1) has been certified pursuant to section 402 of this act
22 by the department of social and health services as a person who is not
23 in compliance with a support order, or (2) has been certified pursuant
24 to section 478 of this act by a court as a person who is not in
25 compliance with a residential or visitation order. If the person has
26 continued to meet other requirements for reinstatement during the
27 suspension, reissuance of the certificate shall be automatic upon the
28 board's receipt of a written release issued by the department of social
29 and health services or a court stating that the individual is in
30 compliance with the order.

31 **Sec. 413.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
32 read as follows:

33 (1) No license shall be issued by the department to any person who
34 has been convicted of forgery, embezzlement, obtaining money under
35 false pretenses, extortion, criminal conspiracy, fraud, theft,
36 receiving stolen goods, unlawful issuance of checks or drafts, or other
37 similar offense, or to any partnership of which the person is a member,

1 or to any association or corporation of which the person is an officer
2 or in which as a stockholder the person has or exercises a controlling
3 interest either directly or indirectly.

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

7 (a) Misrepresentation or concealment of material facts in obtaining
8 a license;

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

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

13 (d) Misleading or false advertising;

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

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

18 (g) Nonpayment of an administrative fine prior to renewal of a
19 license;

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

22 (i) Any other violations of this chapter.

23 (3) The department shall immediately suspend the license of a
24 person who either (a) has been certified pursuant to section 402 of
25 this act by the department of social and health services as a person
26 who is not in compliance with a support order, or (b) has been
27 certified pursuant to section 478 of this act by a court as a person
28 who is not in compliance with a residential or visitation order. If
29 the person has continued to meet all other requirements for
30 reinstatement during the suspension, reissuance of the license shall be
31 automatic upon the department's receipt of a written release issued by
32 the department of social and health services or a court stating that
33 the licensee is in compliance with the order.

34 NEW SECTION. Sec. 414. A new section is added to chapter 18.16
35 RCW to read as follows:

36 The department shall immediately suspend the license of a person
37 who either (1) has been certified pursuant to section 402 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, or (2) has been certified pursuant
2 to section 478 of this act by a court as a person who is not in
3 compliance with a residential or visitation order. If the person has
4 continued to meet all other requirements for reinstatement during the
5 suspension, reissuance of the license shall be automatic upon the
6 department's receipt of a written release issued by the department of
7 social and health services or a court stating that the licensee is in
8 compliance with the order.

9 NEW SECTION. **Sec. 415.** A new section is added to chapter 18.20
10 RCW to read as follows:

11 The department shall immediately suspend the license of a person
12 who either (1) has been certified pursuant to section 402 of this act
13 by the department of social and health services as a person who is not
14 in compliance with a support order, or (2) has been certified pursuant
15 to section 478 of this act by a court as a person who is not in
16 compliance with a residential or visitation order. If the person has
17 continued to meet all other requirements for reinstatement during the
18 suspension, reissuance of the license shall be automatic upon the
19 department's receipt of a written release issued by the department of
20 social and health services or a court stating that the licensee is in
21 compliance with the order.

22 **Sec. 416.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
23 amended to read as follows:

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

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

31 (a) One year;

32 (b) Until the bond expires; or

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

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

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

7 (5) The department shall immediately suspend the certificate of
8 registration of a contractor who has been certified by the department
9 of social and health services as a person who either (a) is not in
10 compliance with a support order as provided in section 402 of this act,
11 or (b) has been certified pursuant to section 478 of this act by a
12 court as a person who is not in compliance with a residential or
13 visitation order. The certificate of registration shall not be
14 reissued or renewed unless the person provides to the department a
15 written release from the department of social and health services or a
16 court stating that he or she is in compliance with the order and the
17 person has continued to meet all other requirements for certification
18 during the suspension.

19 NEW SECTION. Sec. 417. A new section is added to chapter 18.28
20 RCW to read as follows:

21 The department shall immediately suspend the license of a person
22 who either (1) has been certified pursuant to section 402 of this act
23 by the department of social and health services as a person who is not
24 in compliance with a support order, or (2) has been certified pursuant
25 to section 478 of this act by a court as a person who is not in
26 compliance with a residential or visitation order. If the person has
27 continued to meet all other requirements for reinstatement during the
28 suspension, reissuance of the license shall be automatic upon the
29 department's receipt of a written release issued by the department of
30 social and health services or a court stating that the licensee is in
31 compliance with the order.

32 **Sec. 418.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
33 read as follows:

34 The director shall have the following powers and duties:

- 35 (1) To issue all licenses provided for under this chapter;
36 (2) To renew licenses under this chapter;

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

3 (4) To immediately suspend the license of a person who (a) has been
4 certified pursuant to section 402 of this act by the department of
5 social and health services as a person who is not in compliance with a
6 support order, or (b) has been certified pursuant to section 478 of
7 this act by a court as a person who is not in compliance with a
8 residential or visitation order; and

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

12 NEW SECTION. Sec. 419. A new section is added to chapter 18.39
13 RCW to read as follows:

14 In the case of suspension for failure to comply with a support
15 order under chapter 74.20A RCW or a residential or visitation order
16 under chapter 26.09 RCW, if the person has continued to meet all other
17 requirements for reinstatement during the suspension, reissuance of a
18 license shall be automatic upon the director's receipt of a written
19 release issued by the department of social and health services or a
20 court stating that the individual is in compliance with the order.

21 NEW SECTION. Sec. 420. A new section is added to chapter 18.43
22 RCW to read as follows:

23 The board shall immediately suspend the registration of a person
24 who either (1) has been certified pursuant to section 402 of this act
25 by the department of social and health services as a person who is not
26 in compliance with a support order, or (2) has been certified pursuant
27 to section 478 of this act by a court as a person who is not in
28 compliance with a residential or visitation order. If the person has
29 continued to meet all other requirements for membership during the
30 suspension, reissuance of the certificate of registration shall be
31 automatic upon the board's receipt of a written release issued by the
32 department of social and health services or a court stating that the
33 person is in compliance with the order.

34 NEW SECTION. Sec. 421. A new section is added to chapter 18.44
35 RCW to read as follows:

1 The department shall immediately suspend the certificate of
2 registration of a person who either (1) has been certified pursuant to
3 section 402 of this act by the department of social and health services
4 as a person who is not in compliance with a support order, or (2) has
5 been certified pursuant to section 478 of this act by a court as a
6 person who is not in compliance with a residential or visitation order.
7 If the person has continued to meet all other requirements for
8 certification during the suspension, reissuance of the certificate
9 shall be automatic upon the department's receipt of a written release
10 issued by the department of social and health services or a court
11 stating that the person is in compliance with the order.

12 **Sec. 422.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
13 read as follows:

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

18 (2) The department shall immediately suspend the license of a
19 person who either (a) has been certified pursuant to section 402 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, or (b) has been
22 certified pursuant to section 478 of this act by a court as a person
23 who is not in compliance with a residential or visitation order. If
24 the person has continued to meet all other requirements for
25 reinstatement during the suspension, reissuance of the license shall be
26 automatic upon the department's receipt of a written release issued by
27 the department of social and health services or a court stating that
28 the person is in compliance with the order.

29 RCW 43.70.115 governs notice of a license denial, revocation,
30 suspension, or modification and provides the right to an adjudicative
31 proceeding.

32 NEW SECTION. **Sec. 423.** A new section is added to chapter 18.51
33 RCW to read as follows:

34 The department shall immediately suspend the license of a person
35 who either (1) has been certified pursuant to section 402 of this act
36 by the department of social and health services, division of support,
37 as a person who is not in compliance with a child support order, or (2)

1 has been certified pursuant to section 478 of this act by a court as a
2 person who is not in compliance with a residential or visitation order.
3 If the person has continued to meet all other requirements for
4 reinstatement during the suspension, reissuance of the license shall be
5 automatic upon the department's receipt of a written release issued by
6 the division of child support or a court stating that the person is in
7 compliance with the order.

8 NEW SECTION. **Sec. 424.** A new section is added to chapter 18.76
9 RCW to read as follows:

10 The department shall immediately suspend the certification of a
11 poison center medical director or a poison information specialist who
12 either (1) has been certified pursuant to section 402 of this act by
13 the department of social and health services as a person who is not in
14 compliance with a support order, or (2) has been certified pursuant to
15 section 478 of this act by a court as a person who is not in compliance
16 with a residential or visitation order. If the person has continued to
17 meet all other requirements for certification during the suspension,
18 reissuance of the certification shall be automatic upon the
19 department's receipt of a written release issued by the department of
20 social and health services or a court stating that the person is in
21 compliance with the order.

22 NEW SECTION. **Sec. 425.** A new section is added to chapter 18.85
23 RCW to read as follows:

24 The director shall immediately suspend the license of a broker or
25 salesperson who either (1) has been certified pursuant to section 402
26 of this act by the department of social and health services as a person
27 who is not in compliance with a support order, or (2) has been
28 certified pursuant to section 478 of this act by a court as a person
29 who is not in compliance with a residential or visitation order. If
30 the person has continued to meet all other requirements for
31 reinstatement during the suspension, reissuance of the license shall be
32 automatic upon the director's receipt of a written release issued by
33 the department of social and health services or a court stating that
34 the person is in compliance with the order.

35 **Sec. 426.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
36 to read as follows:

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

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

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

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

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

16 (2) The director shall immediately suspend the certificate of
17 registration of a landscape architect who either (a) has been certified
18 pursuant to section 402 of this act by the department of social and
19 health services as a person who is not in compliance with a support
20 order, or (b) has been certified pursuant to section 478 of this act by
21 a court as a person who is not in compliance with a residential or
22 visitation order. If the person has continued to meet all other
23 requirements for certification during the suspension, reissuance of the
24 certificate of registration shall be automatic upon the director's
25 receipt of a written release issued by the department of social and
26 health services or a court stating that the person is in compliance
27 with the order.

28 **Sec. 427.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
29 read as follows:

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

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

34 ~~((2))~~ (b) For fraud or deception in reporting under RCW
35 18.104.050;

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

1 (2) The director shall immediately suspend any license issued under
2 this chapter if the holder of the license either (a) has been certified
3 pursuant to section 402 of this act by the department of social and
4 health services as a person who is not in compliance with a support
5 order, or (b) has been certified pursuant to section 478 of this act by
6 a court as a person who is not in compliance with a residential or
7 visitation order. If the person has continued to meet all other
8 requirements for reinstatement during the suspension, reissuance of the
9 license shall be automatic upon the director's receipt of a written
10 release issued by the department of social and health services or a
11 court stating that the person is in compliance with the order.

12 (3) No license shall be suspended for more than six months, except
13 that a suspension under section 402 or 478 of this act shall continue
14 until the department receives a written release issued by the
15 department of social and health services or a court stating that the
16 person is in compliance with the order.

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

20 NEW SECTION. Sec. 428. A new section is added to chapter 18.106
21 RCW to read as follows:

22 The department shall immediately suspend any certificate of
23 competency issued under this chapter if the holder of the certificate
24 either (1) has been certified pursuant to section 402 of this act by
25 the department of social and health services as a person who is not in
26 compliance with a support order, or (2) has been certified pursuant to
27 section 478 of this act by a court as a person who is not in compliance
28 with a residential or visitation order. If the person has continued to
29 meet all other requirements for certification during the suspension,
30 reissuance of the certificate of competency shall be automatic upon the
31 department's receipt of a written release issued by the department of
32 social and health services or a court stating that the person is in
33 compliance with the order.

34 NEW SECTION. Sec. 429. A new section is added to chapter 18.130
35 RCW to read as follows:

36 The secretary shall immediately suspend the license of any person
37 subject to this chapter who either (1) has been certified by the

1 department of social and health services as a person who is not in
2 compliance with a support order as provided in section 402 of this act,
3 or (2) has been certified pursuant to section 478 of this act by a
4 court as a person who is not in compliance with a residential or
5 visitation order.

6 **Sec. 430.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
7 read as follows:

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

16 A person whose license has been suspended for noncompliance with a
17 support order under section 402 of this act or for noncompliance with
18 a residential or visitation order under chapter 26.09 RCW may petition
19 for reinstatement at any time by providing the secretary a written
20 release issued by the department of social and health services or a
21 court stating that the person is in compliance with the order. If the
22 person has continued to meet all other requirements for reinstatement
23 during the suspension, the secretary shall automatically reissue the
24 person's license upon receipt of the release, and payment of a
25 reinstatement fee, if any.

26 **NEW SECTION. Sec. 431.** A new section is added to chapter 18.140
27 RCW to read as follows:

28 The director shall immediately suspend any license or certificate
29 issued under this chapter if the holder either (1) has been certified
30 pursuant to section 402 of this act by the department of social and
31 health services as a person who is not in compliance with a support
32 order, or (2) has been certified pursuant to section 478 of this act by
33 a court as a person who is not in compliance with a residential or
34 visitation order. If the person has continued to meet all other
35 requirements for reinstatement during the suspension, reissuance of the
36 license or certificate shall be automatic upon the director's receipt
37 of a written release issued by the department of social and health

1 services or a court stating that the person is in compliance with the
2 order.

3 NEW SECTION. **Sec. 432.** A new section is added to chapter 18.145
4 RCW to read as follows:

5 The director shall immediately suspend any certificate issued under
6 this chapter if the holder either (1) has been certified pursuant to
7 section 402 of this act by the department of social and health services
8 as a person who is not in compliance with a support order, or (2) has
9 been certified pursuant to section 478 of this act by a court as a
10 person who is not in compliance with a residential or visitation order.
11 If the person has continued to meet all other requirements for
12 certification during the suspension, reissuance of the certificate
13 shall be automatic upon the director's receipt of a written release
14 issued by the department of social and health services or a court
15 stating that the person is in compliance with the order.

16 **Sec. 433.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
17 read as follows:

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

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

27 (b) Conviction of a felony;

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

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

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

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

1 (2) The state director of fire protection shall revoke the license
2 of a licensed fire protection sprinkler system contractor or the
3 certificate of a certificate of competency holder who engages in the
4 fire protection sprinkler system business while the license or
5 certificate of competency is suspended.

6 (3) The state director of fire protection shall immediately suspend
7 any license or certificate issued under this chapter if the holder
8 either (a) has been certified pursuant to section 402 of this act by
9 the department of social and health services as a person who is not in
10 compliance with a support order, or (b) has been certified pursuant to
11 section 478 of this act by a court as a person who is not in compliance
12 with a residential or visitation order. If the person has continued to
13 meet all other requirements for issuance or reinstatement during the
14 suspension, issuance or reissuance of the license or certificate shall
15 be automatic upon the director's receipt of a written release issued by
16 the department of social and health services or a court stating that
17 the person is in compliance with the order.

18 (4) Any licensee or certificate of competency holder who is
19 aggrieved by an order of the state director of fire protection
20 suspending or revoking a license may, within thirty days after notice
21 of such suspension or revocation, appeal under chapter 34.05 RCW.

22 **Sec. 434.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
23 read as follows:

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

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

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

33 (3) Not meeting the qualifications set forth in RCW 18.165.030,
34 18.165.040, or 18.165.050;

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

37 (5) Carrying a firearm in the performance of his or her duties if
38 not the holder of a valid armed private investigator license, or

1 carrying a firearm not meeting the provisions of this chapter while in
2 the performance of his or her duties;

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

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

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

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

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

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

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

29 (13) Suspension, revocation, or restriction of the individual's
30 license to practice the profession by competent authority in any state,
31 federal, or foreign jurisdiction, a certified copy of the order,
32 stipulation, or agreement being conclusive evidence of the revocation,
33 suspension, or restriction;

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

35 (a) Not furnishing any necessary papers or documents requested by
36 the director for purposes of conducting an investigation for
37 disciplinary action, denial, suspension, or revocation of a license
38 under this chapter;

1 (b) Not furnishing in writing a full and complete explanation
2 covering the matter contained in a complaint filed with the department;
3 or

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

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

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

10 (17) Misrepresentation or fraud in any aspect of the conduct of the
11 business or profession;

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

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

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

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

26 (22) Failure to maintain bond or insurance; ((or))

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

28 (24) Being certified as not in compliance with a support order as
29 provided in section 402 of this act or not in compliance with a
30 residential or visitation order under section 478 of this act.

31 NEW SECTION. Sec. 435. A new section is added to chapter 18.165
32 RCW to read as follows:

33 The director shall immediately suspend a license issued under this
34 chapter if the holder either (1) has been certified pursuant to section
35 402 of this act by the department of social and health services as a
36 person who is not in compliance with a support order, or (2) has been
37 certified pursuant to section 478 of this act by a court as a person
38 who is not in compliance with a residential or visitation order. If

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

6 **Sec. 436.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
7 read as follows:

8 In addition to the provisions of section 437 of this act, the
9 following acts are prohibited and constitute grounds for disciplinary
10 action, assessing administrative penalties, or denial, suspension, or
11 revocation of any license under this chapter, as deemed appropriate by
12 the director:

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

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

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

19 (4) Not meeting the qualifications set forth in RCW 18.170.030,
20 18.170.040, or 18.170.060;

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

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

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

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

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

35 (10) Conviction of a gross misdemeanor or felony or the commission
36 of any act involving moral turpitude, dishonesty, or corruption whether
37 the act constitutes a crime or not. If the act constitutes a crime,
38 conviction in a criminal proceeding is not a condition precedent to

1 disciplinary action. Upon such a conviction, however, the judgment and
2 sentence is conclusive evidence at the ensuing disciplinary hearing of
3 the guilt of the license holder or applicant of the crime described in
4 the indictment or information, and of the person's violation of the
5 statute on which it is based. For the purposes of this section,
6 conviction includes all instances in which a plea of guilty or nolo
7 contendere is the basis for the conviction and all proceedings in which
8 the sentence has been deferred or suspended;

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

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

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

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

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

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

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

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

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

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

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

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

38 (20) Interference with an investigation or disciplinary proceeding
39 by willful misrepresentation of facts before the director or the

1 director's authorized representative, or by the use of threats or
2 harassment against a client or witness to prevent them from providing
3 evidence in a disciplinary proceeding or any other legal action;

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

6 (22) Failure to maintain insurance; and

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

8 NEW SECTION. **Sec. 437.** A new section is added to chapter 18.170
9 RCW to read as follows:

10 The director shall immediately suspend any license issued under
11 this chapter if the holder either (1) has been certified pursuant to
12 section 402 of this act by the department of social and health services
13 as a person who is not in compliance with a support order, or (2) has
14 been certified pursuant to section 478 of this act by a court as a
15 person who is not in compliance with a residential or visitation order.
16 If the person has continued to meet all other requirements for
17 reinstatement during the suspension, reissuance of the license shall be
18 automatic upon the director's receipt of a written release issued by
19 the department of social and health services or a court stating that
20 the person is in compliance with the order.

21 NEW SECTION. **Sec. 438.** 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 either (1) has
25 been certified pursuant to section 402 of this act by the department of
26 social and health services as a person who is not in compliance with a
27 support order, or (2) has been certified pursuant to section 478 of
28 this act by a court as a person who is not in compliance with a
29 residential or visitation order. If the person has continued to meet
30 all other requirements for certification during the suspension,
31 reissuance of the certificate shall be automatic upon the director's
32 receipt of a written release issued by the department of social and
33 health services or a court stating that the person is in compliance
34 with the order.

35 NEW SECTION. **Sec. 439.** A new section is added to chapter 18.185
36 RCW to read as follows:

1 The director shall immediately suspend any license issued under
2 this chapter if the holder either (1) has been certified pursuant to
3 section 402 of this act by the department of social and health services
4 as a person who is not in compliance with a support order, or (2) has
5 been certified pursuant to section 478 of this act by a court as a
6 person who is not in compliance with a residential or visitation order.
7 If the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license shall be
9 automatic upon the director's receipt of a written release issued by
10 the department of social and health services or a court stating that
11 the person is in compliance with the order.

12 **Sec. 440.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
13 read as follows:

14 This section governs the denial of an application for a license or
15 the suspension, revocation, or modification of a license by the
16 department.

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

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

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

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

1 (c) When the department has received certification pursuant to
2 either (i) chapter 74.20A RCW from the division of child support that
3 the licensee is a person who is not in compliance with a support order
4 or (ii) chapter 26.09 RCW by a court that the licensee is not in
5 compliance with a residential or visitation order, the department shall
6 provide that the suspension is effective immediately upon receipt of
7 the suspension notice by the licensee.

8 (3) Except for licensees suspended for noncompliance with a support
9 order under chapter 74.20A RCW or a residential or visitation order
10 under chapter 26.09 RCW, a license applicant or licensee who is
11 aggrieved by a department denial, revocation, suspension, or
12 modification has the right to an adjudicative proceeding. The
13 proceeding is governed by the Administrative Procedure Act, chapter
14 34.05 RCW. The application must be in writing, state the basis for
15 contesting the adverse action, include a copy of the adverse notice, be
16 served on and received by the department within twenty-eight days of
17 the license applicant's or licensee's receiving the adverse notice, and
18 be served in a manner that shows proof of receipt.

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

28 (b) If the department gives a licensee less than twenty-eight days
29 notice of revocation, suspension, or modification and the licensee
30 timely files a sufficient appeal, the department may implement the
31 adverse action on the effective date stated in the notice. The
32 presiding or reviewing officer may order the department to stay
33 implementation of part or all of the adverse action while the
34 proceedings are pending if staying implementation is in the public
35 interest or for other good cause.

36 NEW SECTION. Sec. 441. A new section is added to chapter 28A.410
37 RCW to read as follows:

1 Any certificate or permit authorized under this chapter or chapter
2 28A.405 RCW shall be suspended by the authority authorized to grant the
3 certificate or permit if (1) either the department of social and health
4 services certifies that the person is not in compliance with a support
5 order as provided in section 402 of this act or (2) a court certifies
6 that the person is not in compliance with a residential or visitation
7 order under chapter 26.09 RCW. If the person continues to meet other
8 requirements for reinstatement during the suspension, reissuance of the
9 certificate or permit shall be automatic after the person provides the
10 authority a written release issued by the department of social and
11 health services or a court stating that the person is in compliance
12 with the order.

13 **Sec. 442.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to
14 read as follows:

15 This section governs the denial of an application for a license or
16 the suspension, revocation, or modification of a license by the
17 department. This section does not govern actions taken under chapter
18 18.130 RCW.

19 (1) The department shall give written notice of the denial of an
20 application for a license to the applicant or his or her agent. The
21 department shall give written notice of revocation, suspension, or
22 modification of a license to the licensee or his or her agent. The
23 notice shall state the reasons for the action. The notice shall be
24 personally served in the manner of service of a summons in a civil
25 action or shall be given in ((~~an other~~ {~~another~~}) another manner that
26 shows proof of receipt.

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

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

35 (b) The department may make the date the action is effective sooner
36 than twenty-eight days after receipt when necessary to protect the
37 public health, safety, or welfare. When the department does so, it

1 shall state the effective date and the reasons supporting the effective
2 date in the written notice given to the licensee or agent.

3 (c) When the department has received certification pursuant to
4 either (i) chapter 74.20A RCW from the department of social and health
5 services that the licensee is a person who is not in compliance with a
6 child support order or (ii) chapter 26.09 RCW from a court that the
7 licensee is a person who is not in compliance with a residential or
8 visitation order, the department shall provide that the suspension is
9 effective immediately upon receipt of the suspension notice by the
10 licensee.

11 (3) Except for licensees suspended for noncompliance with a child
12 support order under chapter 74.20A RCW or a residential or visitation
13 order under chapter 26.09 RCW, a license applicant or licensee who is
14 aggrieved by a department denial, revocation, suspension, or
15 modification has the right to an adjudicative proceeding. The
16 proceeding is governed by the Administrative Procedure Act, chapter
17 34.05 RCW. The application must be in writing, state the basis for
18 contesting the adverse action, include a copy of the adverse notice, be
19 served on and received by the department within twenty-eight days of
20 the license applicant's or licensee's receiving the adverse notice, and
21 be served in a manner that shows proof of receipt.

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

31 (b) If the department gives a licensee less than twenty-eight days
32 notice of revocation, suspension, or modification and the licensee
33 timely files a sufficient appeal, the department may implement the
34 adverse action on the effective date stated in the notice. The
35 presiding or reviewing officer may order the department to stay
36 implementation of part or all of the adverse action while the
37 proceedings are pending if staying implementation is in the public
38 interest or for other good cause.

1 **Sec. 443.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
2 read as follows:

3 (1) The department has the power, in case of serious noncompliance
4 with the provisions of this chapter, to revoke or suspend for such a
5 period as it determines, any electrical contractor license or
6 electrical contractor administrator certificate issued under this
7 chapter. The department shall notify the holder of the license or
8 certificate of the revocation or suspension by certified mail. A
9 revocation or suspension is effective twenty days after the holder
10 receives the notice. Any revocation or suspension is subject to review
11 by an appeal to the board. The filing of an appeal stays the effect of
12 a revocation or suspension until the board makes its decision. The
13 appeal shall be filed within twenty days after notice of the revocation
14 or suspension is given by certified mail sent to the address of the
15 holder of the license or certificate as shown on the application for
16 the license or certificate, and shall be effected by filing a written
17 notice of appeal with the department, accompanied by a certified check
18 for two hundred dollars, which shall be returned to the holder of the
19 license or certificate if the decision of the department is not
20 sustained by the board. The hearing shall be conducted in accordance
21 with chapter 34.05 RCW. If the board sustains the decision of the
22 department, the two hundred dollars shall be applied by the department
23 to the payment of the per diem and expenses of the members of the board
24 incurred in the matter, and any balance remaining after payment of per
25 diem and expenses shall be paid into the electrical license fund.

26 (2) The department shall immediately suspend the license or
27 certificate of a person who either (a) has been certified pursuant to
28 section 402 of this act by the department of social and health services
29 as a person who is not in compliance with a support order, or (b) has
30 been certified pursuant to section 478 of this act by a court as a
31 person who is not in compliance with a residential or visitation order.
32 If the person has continued to meet all other requirements for
33 reinstatement during the suspension, reissuance of the license or
34 certificate shall be automatic upon the department's receipt of a
35 written release issued by the department of social and health services
36 or a court stating that the licensee is in compliance with the order.

37 **Sec. 444.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to
38 read as follows:

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

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

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

7 (c) The holder thereof has violated any of the provisions of RCW
8 19.28.510 through 19.28.620 or any rule adopted under this chapter.

9 (2) Before any certificate of competency shall be revoked, the
10 holder shall be given written notice of the department's intention to
11 do so, mailed by registered mail, return receipt requested, to the
12 holder's last known address. The notice shall enumerate the
13 allegations against the holder, and shall give the holder the
14 opportunity to request a hearing before the board. At the hearing, the
15 department and the holder may produce witnesses and give testimony.
16 The hearing shall be conducted in accordance with chapter 34.05 RCW.
17 The board shall render its decision based upon the testimony and
18 evidence presented, and shall notify the parties immediately upon
19 reaching its decision. A majority of the board shall be necessary to
20 render a decision.

21 (3) The department shall immediately suspend the license or
22 certificate of a person who either (a) has been certified pursuant to
23 section 402 of this act by the department of social and health services
24 as a person who is not in compliance with a support order, or (b) has
25 been certified pursuant to section 478 of this act by a court as a
26 person who is not in compliance with a residential or visitation order.
27 If the person has continued to meet all other requirements for
28 reinstatement during the suspension, reissuance of the license or
29 certificate shall be automatic upon the department's receipt of a
30 written release issued by the department of social and health services
31 or a court stating that the licensee is in compliance with the order.

32 **Sec. 445.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
33 read as follows:

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

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

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

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

8 (4) The farm labor contractor, or any agent of the contractor, has
9 violated or wilfully aided or abetted any person in the violation of,
10 or failed to comply with, any law of the state of Washington regulating
11 employment in agriculture, the payment of wages to farm employees, or
12 the conditions, terms, or places of employment affecting the health and
13 safety of farm employees, which is applicable to the business
14 activities, or operations of the contractor in his or her capacity as
15 a farm labor contractor;

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

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

22 The director shall immediately suspend the license or certificate
23 of a person who either has been certified pursuant to section 402 of
24 this act by the department of social and health services as a person
25 who is not in compliance with a support order, or has been certified
26 pursuant to section 478 of this act by a court as a person who is not
27 in compliance with a residential or visitation order. If the person
28 has continued to meet all other requirements for reinstatement during
29 the suspension, reissuance of the license or certificate shall be
30 automatic upon the director's receipt of a written release issued by
31 the department of social and health services or a court stating that
32 the licensee is in compliance with the order.

33 **Sec. 446.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
34 read as follows:

35 In addition to other provisions of this chapter, any license issued
36 pursuant to this chapter or any application therefor may be denied, not
37 renewed, revoked, or suspended, or in lieu of or in addition to

1 suspension a licensee may be assessed a civil, monetary penalty in an
2 amount not to exceed one thousand dollars:

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

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

7 (3) If the application or renewal forms required by this chapter
8 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
9 applicable, have not been paid, and the surety bond or cash deposit or
10 other negotiable security acceptable to the director required by RCW
11 19.16.190, if applicable, has not been filed or renewed or is canceled.

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

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

19 (b) Shall have had a license to engage in the business of a
20 collection agency or out-of-state collection agency denied, not
21 renewed, suspended, or revoked by this state, any other state, or
22 foreign country, for any reason other than the nonpayment of licensing
23 fees or failure to meet bonding requirements: PROVIDED, That the terms
24 of this subsection shall not apply if:

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

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

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

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

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

5 (f) Has had any judgment entered against him or it under the
6 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
7 violations of RCW 19.86.020 and two years have not elapsed since the
8 entry of the final judgment: PROVIDED, That in no event shall a
9 license be issued unless the terms of such judgment, if any, have been
10 fully complied with: PROVIDED FURTHER, That said judgment shall not be
11 grounds for denial, suspension, nonrenewal, or revocation of a license
12 unless the judgment arises out of and is based on acts of the
13 applicant, owner, officer, director, managing employee, or licensee
14 while acting for or as a collection agency or an out-of-state
15 collection agency;

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

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

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

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

28 (k) Has been found by a court of competent jurisdiction to have
29 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
30 1692 et seq., or the Washington state consumer protection act, chapter
31 19.86 RCW, and two years have not elapsed since that finding.

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

38 The director shall immediately suspend the license or certificate
39 of a person who either has been certified pursuant to section 402 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, or has been certified
3 pursuant to section 478 of this act by a court as a person who is not
4 in compliance with a residential or visitation order. If the person
5 has continued to meet all other requirements for reinstatement during
6 the suspension, reissuance of the license or certificate shall be
7 automatic upon the director's receipt of a written release issued by
8 the department of social and health services or a court stating that
9 the licensee is in compliance with the order.

10 **Sec. 447.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
11 to read as follows:

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

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

20 ((+2)) (b) Has been found guilty of any felony within the past
21 five years involving moral turpitude, or for any misdemeanor concerning
22 fraud or conversion, or suffering any judgment in any civil action
23 involving wilful fraud, misrepresentation or conversion;

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

26 ((+4)) (d) Has violated any provisions of this chapter, or failed
27 to comply with any rule or regulation issued by the director pursuant
28 to this chapter.

29 (2) The director shall immediately suspend the license or
30 certificate of a person who either (a) has been certified pursuant to
31 section 402 of this act by the department of social and health services
32 as a person who is not in compliance with a support order, or (b) has
33 been certified pursuant to section 478 of this act by a court as a
34 person who is not in compliance with a residential or visitation order.
35 If the person has continued to meet all other requirements for
36 reinstatement during the suspension, reissuance of the license or
37 certificate shall be automatic upon the director's receipt of a written

1 release issued by the department of social and health services or a
2 court stating that the licensee is in compliance with the order.

3 **Sec. 448.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
4 read as follows:

5 (1) The director of agriculture may cancel or suspend any such
6 license if he finds after proper investigation that (a) the licensee
7 has violated any provision of this chapter or of any other law of this
8 state relating to the operation of refrigerated lockers or of the sale
9 of any human food in connection therewith, or any regulation effective
10 under any act the administration of which is in the charge of the
11 department of agriculture, or (b) the licensed refrigerated locker
12 premises or any equipment used therein or in connection therewith is in
13 an unsanitary condition and the licensee has failed or refused to
14 remedy the same within ten days after receipt from the director of
15 agriculture of written notice to do so.

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

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

25 (4) The director shall immediately suspend the license or
26 certificate of a person who either (a) has been certified pursuant to
27 section 402 of this act by the department of social and health services
28 as a person who is not in compliance with a support order, or (b) has
29 been certified pursuant to section 478 of this act by a court as a
30 person who is not in compliance with a residential or visitation order.
31 If 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 director's receipt of a written
34 release issued by the department of social and health services or a
35 court stating that the licensee is in compliance with the order.

36 **Sec. 449.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
37 read as follows:

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

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

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

9 (c) The applicant, registrant, or affiliate has failed to comply
10 with any provision of this chapter, the rules adopted or the conditions
11 of a permit granted under this chapter, or a stipulation or final order
12 previously entered into by the operator or issued by the department
13 under this chapter;

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

17 (e) The camping resort operator or any officer, director, or
18 affiliate of the camping resort operator has been within the last five
19 years convicted of or pleaded nolo contendere to any misdemeanor or
20 felony involving conversion, embezzlement, theft, fraud, or dishonesty,
21 has been enjoined from or had any civil penalty assessed for a finding
22 of dishonest dealing or fraud in a civil suit, or been found to have
23 engaged in any violation of any act designed to protect consumers, or
24 has been engaged in dishonest practices in any industry involving sales
25 to consumers;

26 (f) The applicant or registrant has represented or is representing
27 to purchasers in connection with the offer or sale of a camping resort
28 contract that a camping resort property, facility, amenity camp site,
29 or other development is planned, promised, or required, and the
30 applicant or registrant has not provided the director with a security
31 or assurance of performance as required by this chapter;

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

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

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

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

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

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

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

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

20 (ii) Employ any device, scheme, or artifice to defraud purchasers
21 or members;

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

25 (n) The applicant or registrant has failed to provide a bond,
26 letter of credit, or other arrangement to assure delivery of promised
27 gifts, prizes, awards, or other items of consideration, as required
28 under this chapter, breached such a security arrangement, or failed to
29 maintain such a security arrangement in effect because of a resignation
30 or loss of a trustee, impound, or escrow agent;

31 (o) The applicant or registrant has engaged in a practice of
32 selling contracts using material amendments or codicils that have not
33 been filed or are the consequences of breaches or alterations in
34 previously filed contracts;

35 (p) The applicant or registrant has engaged in a practice of
36 selling or proposing to sell contracts in a ratio of contracts to sites
37 available in excess of that filed in the affidavit required by this
38 chapter;

1 (q) The camping resort operator has withdrawn, has the right to
2 withdraw, or is proposing to withdraw from use all or any portion of
3 any camping resort property devoted to the camping resort program,
4 unless:

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

9 (ii) The property is withdrawn because, despite good faith efforts
10 by the camping resort operator, a nonaffiliate of the camping resort
11 has exercised a right of withdrawal from use by the camping resort
12 (such as withdrawal following expiration of a lease of the property to
13 the camping resort) and the terms of the withdrawal right have been
14 disclosed in writing to all purchasers at or prior to the time of any
15 sales of camping resort contracts after the camping resort has
16 represented to purchasers that the property is or will be available for
17 camping or recreation purposes;

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

23 (iv) The rights of members and owners of the camping resort
24 contracts under the express terms of the camping resort contract have
25 expired, or have been specifically limited, upon the lapse of a stated
26 or determinable period of time, and the director by order has found
27 that the withdrawal is not otherwise inconsistent with the protection
28 of purchasers or the desire of the majority of the owners of camping
29 resort contracts, as expressed in their previously obtained vote of
30 approval;

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

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

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

1 (u) The applicant or registrant has filed voluntarily or been
2 placed involuntarily into a federal bankruptcy or is proposing to do
3 so; or

4 (v) A camping resort operator's rights or interest in a campground
5 has been terminated by foreclosure or the operations in a camping
6 resort have been terminated in a manner contrary to contract
7 provisions.

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

17 (3) An operator, registrant, or applicant against whom
18 administrative or legal proceedings have been filed shall be
19 responsible for and shall reimburse the state, by payment into the
20 general fund, for all administrative and legal costs actually incurred
21 by the department in issuing, processing, and conducting any such
22 administrative or legal proceeding authorized under this chapter that
23 results in a final legal or administrative determination of any type or
24 degree in favor of the department.

25 (4) No order may be entered under this section without appropriate
26 prior notice to the applicant or registrant of opportunity for a
27 hearing and written findings of fact and conclusions of law, except
28 that the director may by order summarily deny an application for
29 registration or renewal under any of the above subsections and may
30 summarily suspend or revoke a registration under subsection (1)(d),
31 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine
32 may be imposed by summary order.

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

36 (6) The director may enter into assurances of discontinuance in
37 lieu of issuing a statement of charges or a cease and desist order or
38 conducting a hearing under this chapter. The assurances shall consist
39 of a statement of the law in question and an agreement not to violate

1 the stated provision. The applicant or registrant shall not be
2 required to admit to any violation of the law, nor shall the assurance
3 be construed as such an admission. Violating or breaching an assurance
4 under this subsection is grounds for suspension or revocation of
5 registration or imposition of a fine.

6 (7) The director shall immediately suspend the license or
7 certificate of a person who either (a) has been certified pursuant to
8 section 402 of this act by the department of social and health services
9 as a person who is not in compliance with a support order, or (b) has
10 been certified pursuant to section 478 of this act by a court as a
11 person who is not in compliance with a residential or visitation order.
12 If the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license or
14 certificate shall be automatic upon the director's receipt of a written
15 release issued by the department of social and health services or a
16 court stating that the licensee is in compliance with the order.

17 **Sec. 450.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
18 read as follows:

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

22 (a) A statement whether or not the applicant within the past five
23 years has been convicted of, pleaded nolo contendere to, or been ordered
24 to serve probation for a period of a year or more for any misdemeanor
25 or felony involving conversion, embezzlement, theft, fraud, or
26 dishonesty or the applicant has been enjoined from, had any civil
27 penalty assessed for, or been found to have engaged in any violation of
28 any act designed to protect consumers;

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

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

35 (d) Required filing fees.

36 (2) The director may by order deny, suspend, or revoke a camping
37 resort salesperson's registration or application for registration under
38 this chapter or the person's license or application under chapter 18.85

1 RCW, or impose a fine on such persons not exceeding two hundred dollars
2 per violation, if the director finds that the order is necessary for
3 the protection of purchasers or owners of camping resort contracts and
4 the applicant or registrant is guilty of:

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

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

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

16 (d) Making, printing, publishing, distributing, or causing,
17 authorizing, or knowingly permitting the making, printing, publication,
18 or distribution of false statements, descriptions, or promises of such
19 character as to reasonably induce any person to act thereon, if the
20 statements, descriptions, or promises purport to be made or to be
21 performed by either the applicant or registrant and the applicant or
22 registrant then knew or, by the exercise of reasonable care and
23 inquiry, could have known, of the falsity of the statements,
24 descriptions, or promises;

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

29 (f) Failing, upon demand, to disclose to the director or the
30 director's authorized representatives acting by authority of law any
31 information within his or her knowledge or to produce for inspection
32 any document, book or record in his or her possession, which is
33 material to the salesperson's registration or application for
34 registration;

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

38 (h) Committing any act of fraudulent or dishonest dealing or a
39 crime involving moral turpitude, and a certified copy of the final

1 holding of any court of competent jurisdiction in such matter shall be
2 conclusive evidence in any hearing under this chapter;

3 (i) Misrepresentation of membership in any state or national
4 association; or

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

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

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

16 (5) The director, subsequent to any complaint filed against a
17 salesperson or pursuant to an investigation to determine violations,
18 may enter into stipulated assurances of discontinuances in lieu of
19 issuing a statement of charges or a cease and desist order or
20 conducting a hearing. The assurance shall consist of a statement of
21 the law in question and an agreement not to violate the stated
22 provision. The salesperson shall not be required to admit to any
23 violation of the law, nor shall the assurance be construed as such an
24 admission. Violation of an assurance under this subsection is grounds
25 for a disciplinary action, a suspension of registration, or a fine not
26 to exceed one thousand dollars.

27 (6) The director may by rule require such further information or
28 conditions for registration as a camping resort salesperson, including
29 qualifying examinations and fingerprint cards prepared by authorized
30 law enforcement agencies, as the director deems necessary to protect
31 the interests of purchasers.

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

38 (8) It is unlawful for a registrant of camping resort contracts to
39 employ or a person to act as a camping resort salesperson covered under

1 this section unless the salesperson has in effect with the department
2 and displays a valid registration in a conspicuous location at each of
3 the sales offices at which the salesperson is employed. It is the
4 responsibility of both the operator and the salesperson to notify the
5 department when and where a salesperson is employed, his or her
6 responsibilities and duties, and when the salesperson's employment or
7 reported duties are changed or terminated.

8 (9) The director shall immediately suspend the license or
9 certificate of a person who either (a) has been certified pursuant to
10 section 402 of this act by the department of social and health services
11 as a person who is not in compliance with a support order, or (b) has
12 been certified pursuant to section 478 of this act by a court as a
13 person who is not in compliance with a residential or visitation order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the director's receipt of a written
17 release issued by the department of social and health services or a
18 court stating that the licensee is in compliance with the order.

19 **Sec. 451.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
20 read as follows:

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

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

27 (b) Has been found guilty of a felony within the past five years
28 involving moral turpitude, or of a misdemeanor concerning fraud or
29 conversion, or suffers a judgment in a civil action involving willful
30 fraud, misrepresentation, or conversion;

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

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

35 (e) Has failed to display the registration as provided in this
36 chapter;

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

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

4 (2) If the seller of travel is found in violation of this chapter
5 or in violation of the consumer protection act, chapter 19.86 RCW, by
6 the entry of a judgment or by settlement of a claim, the director may
7 revoke the registration of the seller of travel, and the director may
8 reinstate the registration at the director's discretion.

9 (3) The director shall immediately suspend the license or
10 certificate of a person who either (a) has been certified pursuant to
11 section 402 of this act by the department of social and health services
12 as a person who is not in compliance with a support order, or (b) has
13 been certified pursuant to section 478 of this act by a court as a
14 person who is not in compliance with a residential or visitation order.
15 If the person has continued to meet all other requirements for
16 reinstatement during the suspension, reissuance of the license or
17 certificate shall be automatic upon the director's receipt of a written
18 release issued by the department of social and health services or a
19 court stating that the licensee is in compliance with the order.

20 **Sec. 452.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to
21 read as follows:

22 (1) In order to maintain or defend a lawsuit or do any business in
23 this state, a commercial telephone solicitor must be registered with
24 the department of licensing. Prior to doing business in this state, a
25 commercial telephone solicitor shall register with the department of
26 licensing. Doing business in this state includes both commercial
27 telephone solicitation from a location in Washington and solicitation
28 of purchasers located in Washington.

29 (2) The department of licensing, in registering commercial
30 telephone solicitors, shall have the authority to require the
31 submission of information necessary to assist in identifying and
32 locating a commercial telephone solicitor, including past business
33 history, prior judgments, and such other information as may be useful
34 to purchasers.

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

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

- 1 (a) Fail to maintain a valid registration;
2 (b) Advertise that one is registered as a commercial telephone
3 solicitor or to represent that such registration constitutes approval
4 or endorsement by any government or governmental office or agency;
5 (c) Provide inaccurate or incomplete information to the department
6 of licensing when making a registration application; or
7 (d) Represent that a person is registered or that such person has
8 a valid registration number when such person does not.

9 (5) An annual registration fee shall be assessed by the department
10 of licensing, the amount of which shall be determined at the discretion
11 of the director of the department of licensing, and which shall be
12 reasonably related to the cost of administering the provisions of this
13 chapter.

14 (6) The department shall immediately suspend the license or
15 certificate of a person who either (a) has been certified pursuant to
16 section 402 of this act by the department of social and health services
17 as a person who is not in compliance with a support order, or (b) has
18 been certified pursuant to section 478 of this act by a court as a
19 person who is not in compliance with a residential or visitation order.
20 If the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the department's receipt of a
23 written release issued by the department of social and health services
24 or a court stating that the licensee is in compliance with the order.

25 **Sec. 453.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to
26 read as follows:

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

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

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

35 (c) The organization's unified business identification number, if
36 any;

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

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

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

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

8 (2) The application shall be signed by the chief executive officer
9 of the organization and the person within the organization who has
10 primary responsibility for supervising placements within Washington.
11 If the secretary of state determines that the application is complete,
12 the secretary of state shall file the application and the applicant is
13 registered.

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

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

20 (5) The office of the secretary of state shall immediately suspend
21 the license or certificate of a person who either (a) has been
22 certified pursuant to section 402 of this act by the department of
23 social and health services as a person who is not in compliance with a
24 support order, or (b) has been certified pursuant to section 478 of
25 this act by a court as a person who is not in compliance with a
26 residential or visitation order. If the person has continued to meet
27 all other requirements for reinstatement during the suspension,
28 reissuance of the license or certificate shall be automatic upon the
29 office of the secretary of state's receipt of a written release issued
30 by the department of social and health services or a court stating that
31 the licensee is in compliance with the order.

32 NEW SECTION. Sec. 454. A new section is added to chapter 20.01
33 RCW to read as follows:

34 The director shall immediately suspend the license or certificate
35 of a person who either (1) has been certified pursuant to section 402
36 of this act by the department of social and health services as a person
37 who is not in compliance with a support order, or (2) has been
38 certified pursuant to section 478 of this act by a court as a person

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

7 **Sec. 455.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
8 read as follows:

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

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

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

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

33 (4) Is permanently or temporarily enjoined by any court of
34 competent jurisdiction from engaging in or continuing any conduct or
35 practice involving any aspect of the securities or investment
36 commodities business;

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

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

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

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

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

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

35 (i) There are established procedures, and a system for applying
36 those procedures, that would reasonably be expected to prevent and
37 detect, insofar as practicable, any violation by another person of this
38 chapter, or a rule or order under this chapter; and

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

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

12 The director shall immediately suspend the license or certificate
13 of a person who either has been certified pursuant to section 402 of
14 this act by the department of social and health services as a person
15 who is not in compliance with a support order, or has been certified
16 pursuant to section 478 of this act by a court as a person who is not
17 in compliance with a residential or visitation order. If the person
18 has continued to meet all other requirements for reinstatement during
19 the suspension, reissuance of the license or certificate shall be
20 automatic upon the director's receipt of a written release issued by
21 the department of social and health services or a court stating that
22 the licensee is in compliance with the order.

23 NEW SECTION. Sec. 456. 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 either (1) has been certified pursuant to
27 section 402 of this act by the department of social and health services
28 as a person who is not in compliance with a support order, or (2) has
29 been certified pursuant to section 478 of this act by a court as a
30 person who is not in compliance with a residential or visitation order.
31 If 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 commissioner's receipt of a
34 written release issued by the department of social and health services
35 or a court stating that the licensee is in compliance with the order.

36 NEW SECTION. Sec. 457. A new section is added to chapter 74.15
37 RCW to read as follows:

1 The secretary shall immediately suspend the license or certificate
2 of a person who either (1) has been certified pursuant to section 402
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, or (2) has been
5 certified pursuant to section 478 of this act by a court as a person
6 who is not in compliance with a residential or visitation order. If
7 the person has continued to meet all other requirements for
8 reinstatement during the suspension, reissuance of the license or
9 certificate shall be automatic upon the secretary's receipt of a
10 written release issued by the department of social and health services
11 or a court stating that the licensee is in compliance with the order.

12 NEW SECTION. **Sec. 458.** A new section is added to chapter 47.68
13 RCW to read as follows:

14 The department shall immediately suspend the license or certificate
15 of a person who either (1) has been certified pursuant to section 402
16 of this act by the department of social and health services as a person
17 who is not in compliance with a support order, or (2) has been
18 certified pursuant to section 478 of this act by a court as a person
19 who is not in compliance with a residential or visitation order. If
20 the person has continued to meet all other requirements for
21 reinstatement during the suspension, reissuance of the license or
22 certificate shall be automatic upon the department's receipt of a
23 written release issued by the department of social and health services
24 or a court stating that the licensee is in compliance with the order.

25 NEW SECTION. **Sec. 459.** A new section is added to chapter 71.12
26 RCW to read as follows:

27 The department of health shall immediately suspend the license or
28 certificate of a person who either (1) has been certified pursuant to
29 section 402 of this act by the department of social and health services
30 as a person who is not in compliance with a support order, or (2) has
31 been certified pursuant to section 478 of this act by a court as a
32 person who is not in compliance with a residential or visitation order.
33 If the person has continued to meet all other requirements for
34 reinstatement during the suspension, reissuance of the license or
35 certificate shall be automatic upon the department of health's receipt
36 of a written release issued by the department of social and health

1 services or a court stating that the licensee is in compliance with the
2 order.

3 NEW SECTION. **Sec. 460.** A new section is added to chapter 66.20
4 RCW to read as follows:

5 The board shall immediately suspend the license of a person who
6 either (1) has been certified pursuant to section 402 of this act by
7 the department of social and health services as a person who is not in
8 compliance with a support order, or (2) has been certified pursuant to
9 section 478 of this act by a court as a person who is not in compliance
10 with a residential or visitation order. If the person has continued to
11 meet all other requirements for reinstatement during the suspension,
12 reissuance of the license shall be automatic upon the board's receipt
13 of a written release issued by the department of social and health
14 services or a court stating that the licensee is in compliance with the
15 order.

16 NEW SECTION. **Sec. 461.** A new section is added to chapter 88.02
17 RCW to read as follows:

18 The department shall immediately suspend the vessel registration or
19 vessel dealer's registration of a person who either (1) has been
20 certified pursuant to section 402 of this act by the department of
21 social and health services as a person who is not in compliance with a
22 support order, or (2) has been certified pursuant to section 478 of
23 this act by a court as a person who is not in compliance with a
24 residential or visitation order. If the person has continued to meet
25 all other requirements for reinstatement during the suspension,
26 reissuance of the registration shall be automatic upon the department's
27 receipt of a written release issued by the department of social and
28 health services or a court stating that the licensee is in compliance
29 with the order.

30 **Sec. 462.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
31 read as follows:

32 (1) The department may grant annual licenses upon application in
33 compliance with the rules and regulations prescribed by the director,
34 and the payment of the fees, the amount of which is to be set by the
35 director in accordance with RCW 43.24.086, prescribed to promoters,
36 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the

1 provisions of this section shall not apply to contestants or
2 participants in strictly amateur contests and/or fraternal
3 organizations and/or veterans' organizations chartered by congress or
4 the defense department or any bona fide athletic club which is a member
5 of the Pacific northwest association of the amateur athletic union of
6 the United States, holding and promoting athletic contests and where
7 all funds are used primarily for the benefit of their members.

8 (2) Any such license may be revoked by the department for any cause
9 which it shall deem sufficient.

10 (3) No person shall participate or serve in any of the above
11 capacities unless licensed as provided in this chapter.

12 (4) The referee for any boxing contest shall be designated by the
13 department from among such licensed referees.

14 (5) The referee for any wrestling exhibition or show shall be
15 provided by the promoter and licensed by the department.

16 (6) The department shall immediately suspend the license or
17 certificate of a person who either (a) has been certified pursuant to
18 section 402 of this act by the department of social and health services
19 as a person who is not in compliance with a support order, or (b) has
20 been certified pursuant to section 478 of this act by a court as a
21 person who is not in compliance with a residential or visitation order.
22 If the person has continued to meet all other requirements for
23 reinstatement during the suspension, reissuance of the license or
24 certificate shall be automatic upon the department's receipt of a
25 written release issued by the department of social and health services
26 or a court stating that the licensee is in compliance with the order.

27 **Sec. 463.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
28 as follows:

29 (1) The department shall not issue or renew a master license to any
30 person if:

31 (a) The person does not have a valid tax registration, if required;

32 (b) The person is a corporation delinquent in fees or penalties
33 owing to the secretary of state or is not validly registered under
34 Title 23B RCW, chapter 18.100 RCW, Title 24 RCW, and any other statute
35 now or hereafter adopted which gives corporate or business licensing
36 responsibilities to the secretary of state; or

37 (c) The person has not submitted the sum of all fees and deposits
38 required for the requested individual license endorsements, any

1 outstanding master license delinquency fee, or other fees and penalties
2 to be collected through the system.

3 (2) Nothing in this section shall prevent registration by the state
4 of an employer for the purpose of paying an employee of that employer
5 industrial insurance or unemployment insurance benefits.

6 (3) The department shall immediately suspend the license or
7 certificate of a person who either (a) has been certified pursuant to
8 section 402 of this act by the department of social and health services
9 as a person who is not in compliance with a support order, or (b) has
10 been certified pursuant to section 478 of this act by a court as a
11 person who is not in compliance with a residential or visitation order.
12 If the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license or
14 certificate shall be automatic upon the department's receipt of a
15 written release issued by the department of social and health services
16 or a court stating that the licensee is in compliance with the order.

17 **Sec. 464.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
18 read as follows:

19 Except as provided in section 466 of this act, whenever there is
20 filed in a matter under the jurisdiction of the director of licensing
21 any complaint charging that the holder of a license has been guilty of
22 any act or omission which by the provisions of the law under which the
23 license was issued would warrant the revocation thereof, verified in
24 the manner provided by law, the director of licensing shall request the
25 governor to appoint, and the governor shall appoint within thirty days
26 of the request, two qualified practitioners of the profession or
27 calling of the person charged, who, with the director or his duly
28 appointed representative, shall constitute a committee to hear and
29 determine the charges and, in case the charges are sustained, impose
30 the penalty provided by law. In addition, the governor shall appoint
31 a consumer member of the committee.

32 The decision of any three members of such committee shall be the
33 decision of the committee.

34 The appointed members of the committee shall be compensated in
35 accordance with RCW 43.03.240 and shall be reimbursed for their travel
36 expenses, in accordance with RCW 43.03.050 and 43.03.060.

1 **Sec. 465.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
2 read as follows:

3 Except as provided in section 466 of this act, any person feeling
4 aggrieved by the refusal of the director to issue a license, or to
5 renew one, or by the revocation or suspension of a license shall have
6 a right of appeal to superior court from the decision of the director
7 of licensing, which shall be taken, prosecuted, heard, and determined
8 in the manner provided in chapter 34.05 RCW.

9 The decision of the superior court may be reviewed by the supreme
10 court or the court of appeals in the same manner as other civil cases.

11 NEW SECTION. **Sec. 466.** A new section is added to chapter 43.24
12 RCW to read as follows:

13 The department shall immediately suspend any license issued by the
14 department of licensing of a person who either (1) has been certified
15 pursuant to section 402 of this act by the department of social and
16 health services as a person who is not in compliance with a support
17 order, or (2) has been certified pursuant to section 478 of this act by
18 a court as a person who is not in compliance with a residential or
19 visitation order. If the person has continued to meet all other
20 requirements for reinstatement during the suspension, reissuance of the
21 license shall be automatic upon the department's receipt of a written
22 release issued by the department of social and health services or a
23 court stating that the licensee is in compliance with the order.

24 **Sec. 467.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
25 read as follows:

26 (1) The department of labor and industries shall revoke and not
27 renew the license of any person holding a manufacturer, dealer,
28 purchaser, user, or storage license upon conviction of any of the
29 following offenses, which conviction has become final:

30 (a) A violent offense as defined in RCW 9.94A.030;

31 (b) A crime involving perjury or false swearing, including the
32 making of a false affidavit or statement under oath to the department
33 of labor and industries in an application or report made pursuant to
34 this title;

35 (c) A crime involving bomb threats;

36 (d) A crime involving a schedule I or II controlled substance, or
37 any other drug or alcohol related offense, unless such other drug or

1 alcohol related offense does not reflect a drug or alcohol dependency.
2 However, the department of labor and industries may condition renewal
3 of the license to any convicted person suffering a drug or alcohol
4 dependency who is participating in an alcoholism or drug recovery
5 program acceptable to the department of labor and industries and has
6 established control of their alcohol or drug dependency. The
7 department of labor and industries shall require the licensee to
8 provide proof of such participation and control;

9 (e) A crime relating to possession, use, transfer, or sale of
10 explosives under this chapter or any other chapter of the Revised Code
11 of Washington.

12 (2) The department of labor and industries shall revoke the license
13 of any person adjudged to be mentally ill or insane, or to be
14 incompetent due to any mental disability or disease. The director
15 shall not renew the license until the person has been restored to
16 competency.

17 (3) The department of labor and industries is authorized to
18 suspend, for a period of time not to exceed six months, the license of
19 any person who has violated this chapter or the rules promulgated
20 pursuant to this chapter.

21 (4) The department of labor and industries may revoke the license
22 of any person who has repeatedly violated this chapter or the rules
23 promulgated pursuant to this chapter, or who has twice had his or her
24 license suspended under this chapter.

25 (5) The department of labor and industries shall immediately
26 suspend the license or certificate of a person who either (a) has been
27 certified pursuant to section 402 of this act by the department of
28 social and health services as a person who is not in compliance with a
29 support order, or (b) has been certified pursuant to section 478 of
30 this act by a court as a person who is not in compliance with a
31 residential or visitation order. If the person has continued to meet
32 all other requirements for reinstatement during the suspension,
33 reissuance of the license or certificate shall be automatic upon the
34 department of labor and industries' receipt of a written release issued
35 by the department of social and health services or a court stating that
36 the licensee is in compliance with the order.

37 (6) Upon receipt of notification by the department of labor and
38 industries of revocation or suspension, a licensee must surrender

1 immediately to the department any or all such licenses revoked or
2 suspended.

3 **Sec. 468.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
4 read as follows:

5 (1) Every license shall be issued in the name of the applicant, and
6 the holder thereof shall not allow any other person to use the license.

7 (2) For the purpose of considering any application for a license,
8 the board may cause an inspection of the premises to be made, and may
9 inquire into all matters in connection with the construction and
10 operation of the premises. For the purpose of reviewing any
11 application for a license and for considering the denial, suspension or
12 revocation of any license, the liquor control board may consider any
13 prior criminal conduct of the applicant and the provisions of RCW
14 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
15 board may, in its discretion, grant or refuse the license applied for.
16 Authority to approve an uncontested or unopposed license may be granted
17 by the board to any staff member the board designates in writing.
18 Conditions for granting such authority shall be adopted by rule. No
19 retail license of any kind may be issued to:

20 (a) A person who has not resided in the state for at least one
21 month prior to making application, except in cases of licenses issued
22 to dining places on railroads, boats, or aircraft;

23 (b) A copartnership, unless all of the members thereof are
24 qualified to obtain a license, as provided in this section;

25 (c) A person whose place of business is conducted by a manager or
26 agent, unless such manager or agent possesses the same qualifications
27 required of the licensee;

28 (d) A corporation, unless it was created under the laws of the
29 state of Washington or holds a certificate of authority to transact
30 business in the state of Washington.

31 (3)(a) The board may, in its discretion, subject to the provisions
32 of RCW 66.08.150, suspend or cancel any license; and all rights of the
33 licensee to keep or sell liquor thereunder shall be suspended or
34 terminated, as the case may be.

35 (b) The board shall immediately suspend the license or certificate
36 of a person who either (i) has been certified pursuant to section 402
37 of this act by the department of social and health services as a person
38 who is not in compliance with a support order, or (ii) has been

1 certified pursuant to section 478 of this act by a court as a person
2 who is not in compliance with a residential or visitation order. If
3 the person has continued to meet all other requirements for
4 reinstatement during the suspension, reissuance of the license or
5 certificate shall be automatic upon the board's receipt of a written
6 release issued by the department of social and health services or a
7 court stating that the licensee is in compliance with the order.

8 (c) The board may request the appointment of administrative law
9 judges under chapter 34.12 RCW who shall have power to administer
10 oaths, issue subpoenas for the attendance of witnesses and the
11 production of papers, books, accounts, documents, and testimony,
12 examine witnesses, and to receive testimony in any inquiry,
13 investigation, hearing, or proceeding in any part of the state, under
14 such rules and regulations as the board may adopt.

15 (d) Witnesses shall be allowed fees and mileage each way to and
16 from any such inquiry, investigation, hearing, or proceeding at the
17 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
18 need not be paid in advance of appearance of witnesses to testify or to
19 produce books, records, or other legal evidence.

20 (e) In case of disobedience of any person to comply with the order
21 of the board or a subpoena issued by the board, or any of its members,
22 or administrative law judges, or on the refusal of a witness to testify
23 to any matter regarding which he or she may be lawfully interrogated,
24 the judge of the superior court of the county in which the person
25 resides, on application of any member of the board or administrative
26 law judge, shall compel obedience by contempt proceedings, as in the
27 case of disobedience of the requirements of a subpoena issued from said
28 court or a refusal to testify therein.

29 (4) Upon receipt of notice of the suspension or cancellation of a
30 license, the licensee shall forthwith deliver up the license to the
31 board. Where the license has been suspended only, the board shall
32 return the license to the licensee at the expiration or termination of
33 the period of suspension. The board shall notify all vendors in the
34 city or place where the licensee has its premises of the suspension or
35 cancellation of the license; and no employee may allow or cause any
36 liquor to be delivered to or for any person at the premises of that
37 licensee.

38 (5)(a) At the time of the original issuance of a class H license,
39 the board shall prorate the license fee charged to the new licensee

1 according to the number of calendar quarters, or portion thereof,
2 remaining until the first renewal of that license is required.

3 (b) Unless sooner canceled, every license issued by the board shall
4 expire at midnight of the thirtieth day of June of the fiscal year for
5 which it was issued. However, if the board deems it feasible and
6 desirable to do so, it may establish, by rule pursuant to chapter 34.05
7 RCW, a system for staggering the annual renewal dates for any and all
8 licenses authorized by this chapter. If such a system of staggered
9 annual renewal dates is established by the board, the license fees
10 provided by this chapter shall be appropriately prorated during the
11 first year that the system is in effect.

12 (6) Every license issued under this section shall be subject to all
13 conditions and restrictions imposed by this title or by the regulations
14 in force from time to time. All conditions and restrictions imposed by
15 the board in the issuance of an individual license shall be listed on
16 the face of the individual license along with the trade name, address,
17 and expiration date.

18 (7) Every licensee shall post and keep posted its license, or
19 licenses, in a conspicuous place on the premises.

20 (8) Before the board shall issue a license to an applicant it shall
21 give notice of such application to the chief executive officer of the
22 incorporated city or town, if the application be for a license within
23 an incorporated city or town, or to the county legislative authority,
24 if the application be for a license outside the boundaries of
25 incorporated cities or towns; and such incorporated city or town,
26 through the official or employee selected by it, or the county
27 legislative authority or the official or employee selected by it, shall
28 have the right to file with the board within twenty days after date of
29 transmittal of such notice, written objections against the applicant or
30 against the premises for which the license is asked, and shall include
31 with such objections a statement of all facts upon which such
32 objections are based, and in case written objections are filed, may
33 request and the liquor control board may in its discretion hold a
34 formal hearing subject to the applicable provisions of Title 34 RCW.
35 Upon the granting of a license under this title the board shall send a
36 duplicate of the license or written notification to the chief executive
37 officer of the incorporated city or town in which the license is
38 granted, or to the county legislative authority if the license is
39 granted outside the boundaries of incorporated cities or towns.

1 (9) Before the board issues any license to any applicant, it shall
2 give (a) due consideration to the location of the business to be
3 conducted under such license with respect to the proximity of churches,
4 schools, and public institutions and (b) written notice by certified
5 mail of the application to churches, schools, and public institutions
6 within five hundred feet of the premises to be licensed. The board
7 shall issue no beer retailer license class A, B, D, or E or wine
8 retailer license class C or F or class H license covering any premises
9 not now licensed, if such premises are within five hundred feet of the
10 premises of any tax-supported public elementary or secondary school
11 measured along the most direct route over or across established public
12 walks, streets, or other public passageway from the outer property line
13 of the school grounds to the nearest public entrance of the premises
14 proposed for license, and if, after receipt by the school or public
15 institution of the notice as provided in this subsection, the board
16 receives written notice, within twenty days after posting such notice,
17 from an official representative or representatives of the school within
18 five hundred feet of said proposed licensed premises, indicating to the
19 board that there is an objection to the issuance of such license
20 because of proximity to a school. For the purpose of this section,
21 church shall mean a building erected for and used exclusively for
22 religious worship and schooling or other activity in connection
23 therewith. No liquor license may be issued or reissued by the board to
24 any motor sports facility or licensee operating within the motor sports
25 facility unless the motor sports facility enforces a program reasonably
26 calculated to prevent alcohol or alcoholic beverages not purchased
27 within the facility from entering the facility and such program is
28 approved by local law enforcement agencies. It is the intent under
29 this subsection that a retail license shall not be issued by the board
30 where doing so would, in the judgment of the board, adversely affect a
31 private school meeting the requirements for private schools under Title
32 28A RCW, which school is within five hundred feet of the proposed
33 licensee. The board shall fully consider and give substantial weight
34 to objections filed by private schools. If a license is issued despite
35 the proximity of a private school, the board shall state in a letter
36 addressed to the private school the board's reasons for issuing the
37 license.

38 (10) The restrictions set forth in subsection (9) of this section
39 shall not prohibit the board from authorizing the assumption of

1 existing licenses now located within the restricted area by other
2 persons or licenses or relocations of existing licensed premises within
3 the restricted area. In no case may the licensed premises be moved
4 closer to a church or school than it was before the assumption or
5 relocation.

6 (11) Nothing in this section prohibits the board, in its
7 discretion, from issuing a temporary retail or wholesaler license to an
8 applicant assuming an existing retail or wholesaler license to continue
9 the operation of the retail or wholesaler premises during the period
10 the application for the license is pending and when the following
11 conditions exist:

12 (a) The licensed premises has been operated under a retail or
13 wholesaler license within ninety days of the date of filing the
14 application for a temporary license;

15 (b) The retail or wholesaler license for the premises has been
16 surrendered pursuant to issuance of a temporary operating license;

17 (c) The applicant for the temporary license has filed with the
18 board an application to assume the retail or wholesaler license at such
19 premises to himself or herself; and

20 (d) The application for a temporary license is accompanied by a
21 temporary license fee established by the board by rule.

22 A temporary license issued by the board under this section shall be
23 for a period not to exceed sixty days. A temporary license may be
24 extended at the discretion of the board for an additional sixty-day
25 period upon payment of an additional fee and upon compliance with all
26 conditions required in this section.

27 Refusal by the board to issue or extend a temporary license shall
28 not entitle the applicant to request a hearing. A temporary license
29 may be canceled or suspended summarily at any time if the board
30 determines that good cause for cancellation or suspension exists. RCW
31 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

32 Application for a temporary license shall be on such form as the
33 board shall prescribe. If an application for a temporary license is
34 withdrawn before issuance or is refused by the board, the fee which
35 accompanied such application shall be refunded in full.

36 **Sec. 469.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
37 read as follows:

1 (1) The department shall issue a certificate of manufactured home
2 installation to an applicant who has taken the training course, passed
3 the examination, paid the fees, and in all other respects (~~meet[s]~~)
4 meets the qualifications. The certificate shall bear the date of
5 issuance, a certification identification number, and is renewable every
6 three years upon application and completion of a continuing education
7 program as determined by the department. A renewal fee shall be
8 assessed for each certificate. If a person fails to renew a
9 certificate by the renewal date, the person must retake the examination
10 and pay the examination fee.

11 (2) The certificate of manufactured home installation provided for
12 in this chapter grants the holder the right to engage in manufactured
13 home installation throughout the state, without any other installer
14 certification.

15 (3) The department shall immediately suspend the license or
16 certificate of a person who either (a) has been certified pursuant to
17 section 402 of this act by the department of social and health services
18 as a person who is not in compliance with a support order, or (b) has
19 been certified pursuant to section 478 of this act by a court as a
20 person who is not in compliance with a residential or visitation order.
21 If the person has continued to meet all other requirements for
22 reinstatement during the suspension, reissuance of the license or
23 certificate shall be automatic upon the department's receipt of a
24 written release issued by the department of social and health services
25 or a court stating that the licensee is in compliance with the order.

26 **Sec. 470.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
27 read as follows:

28 (1) The department shall establish a process to certify incinerator
29 and landfill operators. To the greatest extent possible, the
30 department shall rely on the certification standards and procedures
31 developed by national organizations and the federal government.

32 (2) Operators shall be certified if they:

33 (a) Attend the required training sessions;

34 (b) Successfully complete required examinations; and

35 (c) Pay the prescribed fee.

36 (3) By January 1, 1991, the department shall adopt rules to require
37 incinerator and appropriate landfill operators to:

1 (a) Attend a training session concerning the operation of the
2 relevant type of landfill or incinerator;

3 (b) Demonstrate sufficient skill and competency for proper
4 operation of the incinerator or landfill by successfully completing an
5 examination prepared by the department; and

6 (c) Renew the certificate of competency at reasonable intervals
7 established by the department.

8 (4) The department shall provide for the collection of fees for the
9 issuance and renewal of certificates. These fees shall be sufficient
10 to recover the costs of the certification program.

11 (5) The department shall establish an appeals process for the
12 denial or revocation of a certificate.

13 (6) The department shall establish a process to automatically
14 certify operators who have received comparable certification from
15 another state, the federal government, a local government, or a
16 professional association.

17 (7) Upon July 23, 1989, and prior to January 1, 1992, the owner or
18 operator of an incinerator or landfill may apply to the department for
19 interim certification. Operators shall receive interim certification
20 if they:

21 (a) Have received training provided by a recognized national
22 organization, educational institution, or the federal government that
23 is acceptable to the department; or

24 (b) Have received individualized training in a manner approved by
25 the department; and

26 (c) Have successfully completed any required examinations.

27 (8) No interim certification shall be valid after January 1, 1992,
28 and interim certification shall not automatically qualify operators for
29 certification pursuant to subsections (2) through (4) of this section.

30 (9) The department shall immediately suspend the license or
31 certificate of a person who either (a) has been certified pursuant to
32 section 402 of this act by the department of social and health services
33 as a person who is not in compliance with a support order, or (b) has
34 been certified pursuant to section 478 of this act by a court as a
35 person who is not in compliance with a residential or visitation order.
36 If the person has continued to meet all other requirements for
37 reinstatement during the suspension, reissuance of the license or
38 certificate shall be automatic upon the department's receipt of a

1 written release issued by the department of social and health services
2 or a court stating that the licensee is in compliance with the order.

3 NEW SECTION. **Sec. 471.** A new section is added to chapter 70.95B
4 RCW to read as follows:

5 The director shall immediately suspend the license or certificate
6 of a person who either (1) has been certified pursuant to section 402
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, or (2) has been
9 certified pursuant to section 478 of this act by a court as a person
10 who is not in compliance with a residential or visitation order. If
11 the person has continued to meet all other requirements for
12 reinstatement during the suspension, reissuance of the license or
13 certificate shall be automatic upon the director's receipt of a written
14 release issued by the department of social and health services or a
15 court stating that the licensee is in compliance with the order.

16 **Sec. 472.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
17 read as follows:

18 Any license, permit, or certification provided for in this chapter
19 may be revoked or suspended, and any license, permit, or certification
20 application may be denied by the director for cause. If the director
21 suspends a license under this chapter with respect to activity of a
22 continuing nature under chapter 34.05 RCW, the director may elect to
23 suspend the license for a subsequent license year during a period that
24 coincides with the period commencing thirty days before and ending
25 thirty days after the date of the incident or incidents giving rise to
26 the violation.

27 The director shall immediately suspend the license or certificate
28 of a person who either (1) has been certified pursuant to section 402
29 of this act by the department of social and health services as a person
30 who is not in compliance with a support order, or (2) has been
31 certified pursuant to section 478 of this act by a court as a person
32 who is not in compliance with a residential or visitation order. If
33 the person has continued to meet all other requirements for
34 reinstatement during the suspension, reissuance of the license or
35 certificate shall be automatic upon the director's receipt of a written
36 release issued by the department of social and health services or a
37 court stating that the licensee is in compliance with the order.

1 **Sec. 473.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
2 read as follows:

3 (1) After January 1, 1991, a contractor may not perform
4 decontamination, demolition, or disposal work unless issued a
5 certificate by the state department of health. The department shall
6 establish performance standards for contractors by rule in accordance
7 with chapter 34.05 RCW, the administrative procedure act. The
8 department shall train and test, or may approve courses to train and
9 test, contractors and their employees on the essential elements in
10 assessing property used as an illegal drug manufacturing or storage
11 site to determine hazard reduction measures needed, techniques for
12 adequately reducing contaminants, use of personal protective equipment,
13 methods for proper demolition, removal, and disposal of contaminated
14 property, and relevant federal and state regulations. Upon successful
15 completion of the training, the contractor or employee shall be
16 certified.

17 (2) The department may require the successful completion of annual
18 refresher courses provided or approved by the department for the
19 continued certification of the contractor or employee.

20 (3) The department shall provide for reciprocal certification of
21 any individual trained to engage in decontamination, demolition, or
22 disposal work in another state when the prior training is shown to be
23 substantially similar to the training required by the department. The
24 department may require such individuals to take an examination or
25 refresher course before certification.

26 (4) The department may deny, suspend, or revoke a certificate for
27 failure to comply with the requirements of this chapter or any rule
28 adopted pursuant to this chapter. A certificate may be denied,
29 suspended, or revoked on any of the following grounds:

30 (a) Failing to perform decontamination, demolition, or disposal
31 work under the supervision of trained personnel;

32 (b) Failing to file a work plan;

33 (c) Failing to perform work pursuant to the work plan;

34 (d) Failing to perform work that meets the requirements of the
35 department; ~~((or))~~

36 (e) The certificate was obtained by error, misrepresentation, or
37 fraud; or

38 (f) If the person has either (i) been certified pursuant to section
39 402 of this act by the department of social and health services as a

1 person who is not in compliance with a support order, or (ii) has been
2 certified pursuant to section 478 of this act by a court as a person
3 who is not in compliance with a residential or visitation order. If
4 the person has continued to meet all other requirements for
5 reinstatement during the suspension, reissuance of the license or
6 certificate shall be automatic upon the department's receipt of a
7 written release issued by the department of social and health services
8 or a court stating that the person is in compliance with the order.

9 (5) A contractor who violates any provision of this chapter may be
10 assessed a fine not to exceed five hundred dollars for each violation.

11 (6) The department of health shall prescribe fees as provided for
12 in RCW 43.70.250 for the issuance and renewal of certificates, the
13 administration of examinations, and for the review of training courses.

14 (7) The decontamination account is hereby established in the state
15 treasury. All fees collected under this chapter shall be deposited in
16 this account. Moneys in the account may only be spent after
17 appropriation for costs incurred by the department in the
18 administration and enforcement of this chapter.

19 **Sec. 474.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
20 read as follows:

21 (1) The director shall enforce all laws and rules relating to the
22 licensing of mortgage brokers, grant or deny licenses to mortgage
23 brokers, and hold hearings.

24 (2) The director may impose the following sanctions:

25 (a) Deny applications for licenses for: (i) Violations of orders,
26 including cease and desist orders issued under this chapter; or (ii)
27 any violation of RCW 19.146.050 or 19.146.0201 (1) through (9);

28 (b) Suspend or revoke licenses for:

29 (i) False statements or omission of material information on the
30 application that, if known, would have allowed the director to deny the
31 application for the original license;

32 (ii) Failure to pay a fee required by the director or maintain the
33 required bond;

34 (iii) Failure to comply with any directive or order of the
35 director; or

36 (iv) Any violation of RCW 19.146.050, 19.146.0201 (1) through (9)
37 or (13), 19.146.205(3), or 19.146.265;

1 (c) Impose fines on the licensee, employee or loan originator of
2 the licensee, or other person subject to this chapter for:

3 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
4 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
5 19.146.265; or

6 (ii) Failure to comply with any directive or order of the director;

7 (d) Issue orders directing a licensee, its employee or loan
8 originator, or other person subject to this chapter to:

9 (i) Cease and desist from conducting business in a manner that is
10 injurious to the public or violates any provision of this chapter; or
11 (ii) Pay restitution to an injured borrower; or

12 (e) Issue orders removing from office or prohibiting from
13 participation in the conduct of the affairs of a licensed mortgage
14 broker, or both, any officer, principal, employee, or loan originator
15 of any licensed mortgage broker or any person subject to licensing
16 under this chapter for:

17 (i) Any violation of 19.146.0201 (1) through (9) or (13),
18 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
19 19.146.265; or

20 (ii) False statements or omission of material information on the
21 application that, if known, would have allowed the director to deny the
22 application for the original license;

23 (iii) Conviction of a gross misdemeanor involving dishonesty or
24 financial misconduct or a felony after obtaining a license; or

25 (iv) Failure to comply with any directive or order of the director.

26 (3) Each day's continuance of a violation or failure to comply with
27 any directive or order of the director is a separate and distinct
28 violation or failure.

29 (4) The director shall establish by rule standards for licensure of
30 applicants licensed in other jurisdictions. Every licensed mortgage
31 broker that does not maintain a physical office within the state must
32 maintain a registered agent within the state to receive service of any
33 lawful process in any judicial or administrative noncriminal suit,
34 action, or proceeding, against the licensed mortgage broker which
35 arises under this chapter or any rule or order under this chapter, with
36 the same force and validity as if served personally on the licensed
37 mortgage broker. Service upon the registered agent shall be effective
38 if the plaintiff, who may be the director in a suit, action, or
39 proceeding instituted by him or her, sends notice of the service and a

1 copy of the process by registered mail to the defendant or respondent
2 at the last address of the respondent or defendant on file with the
3 director. In any judicial action, suit, or proceeding arising under
4 this chapter or any rule or order adopted under this chapter between
5 the department or director and a licensed mortgage broker who does not
6 maintain a physical office in this state, venue shall be exclusively in
7 the superior court of Thurston county.

8 (5) The director shall immediately suspend the license or
9 certificate of a person who either (a) has been certified pursuant to
10 section 402 of this act by the department of social and health services
11 as a person who is not in compliance with a support order, or (b) has
12 been certified pursuant to section 478 of this act by a court as a
13 person who is not in compliance with a residential or visitation order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the director's receipt of a written
17 release issued by the department of social and health services or a
18 court stating that the licensee is in compliance with the order.

19 NEW SECTION. Sec. 475. A new section is added to chapter 75.25
20 RCW to read as follows:

21 Licenses issued pursuant to this chapter shall be invalid for any
22 period in which a person is certified by the department of social and
23 health services as a person in noncompliance with a support order or
24 residential or visitation order. Fisheries patrol officers, ex officio
25 fisheries patrol officers, and authorized fisheries employees shall
26 enforce this section through checks of the department of licensing's
27 computer data base. Presentation of a written release issued by the
28 department of social and health services or a court stating that the
29 person is in compliance with an order shall serve as prima facie proof
30 of compliance with a support order, residential order, or visitation
31 order.

32 NEW SECTION. Sec. 476. A new section is added to chapter 77.32
33 RCW to read as follows:

34 Licenses issued pursuant to this chapter shall be invalid for any
35 period in which a person is certified by the department of social and
36 health services as a person in noncompliance with a support order or
37 residential or visitation order. Wildlife agents and ex officio

1 wildlife agents shall enforce this section through checks of the
2 department of licensing's computer data base. Presentation of a
3 written release issued by the department of social and health services
4 stating that the person is in compliance with an order shall serve as
5 prima facie proof of compliance with a support order, residential
6 order, or visitation order.

7 NEW SECTION. **Sec. 477.** A new section is added to chapter 75.28
8 RCW to read as follows:

9 The department shall immediately suspend the license of a person
10 who either (1) has been certified pursuant to section 402 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, or (2) has been certified pursuant
13 to section 478 of this act by a court as a person who is not in
14 compliance with a residential or visitation order. If the person has
15 continued to meet all other requirements for reinstatement during the
16 suspension, reinsurance of the license shall be automatic upon the
17 department's receipt of a written release issued by the department of
18 social and health services or a court stating that the licensee is in
19 compliance with the order.

20 NEW SECTION. **Sec. 478.** A new section is added to chapter 26.09
21 RCW to read as follows:

22 (1) Unless the context clearly requires otherwise, the definitions
23 in this section apply in this section.

24 (a) "License" means a license, certificate, registration, permit,
25 approval, or other similar document issued by a licensing entity
26 evidencing admission to or granting authority to engage in a
27 profession, occupation, business, or industry.

28 (b) "Licensee" means any individual holding a license, certificate,
29 registration, permit, approval, or other similar document issued by a
30 licensing entity evidencing admission to or granting authority to
31 engage in a profession, occupation, business, or industry.

32 (c) "Licensing entity" includes any department, board, commission,
33 or other organization of the state authorized to issue, renew, suspend,
34 or revoke a license authorizing an individual to engage in a business,
35 occupation, profession, or industry, and the Washington state bar
36 association.

1 (d) "Noncompliance with a residential or visitation order" means
2 that a court has found the parent in contempt of court, under RCW
3 26.09.160 for failure to comply with a residential provision of a
4 court-ordered parenting plan on two occasions within three years.

5 (e) "Residential or visitation order" means the residential
6 schedule or visitation schedule contained in a court-ordered parenting
7 plan.

8 (2) If a court determines under RCW 26.09.160 that a parent is not
9 in compliance with a provision of a residential or visitation order
10 under RCW 26.09.160, the court shall enter an order directed to the
11 appropriate licensing entity certifying that the parent is not in
12 compliance with a residential or visitation order. The order shall
13 contain the noncomplying parent's name, address, and social security
14 number, and shall indicate whether the obligor is believed to be a
15 licensee who has a license or may seek renewal of a license issued
16 directly by the licensing entity or through a board affiliated with the
17 licensing entity. The court clerk shall forward the order to the
18 licensing entity.

19 (3) Once the parent whose license is suspended has complied with
20 the requirements of the court's order under RCW 26.09.160, or at an
21 earlier date if the court deems it appropriate, the parent whose
22 license is suspended may petition the court to set a review hearing to
23 determine whether the noncomplying parent is in compliance with the
24 residential or visitation order.

25 (4) Upon receipt of the court order, the licensing entity shall
26 refuse to renew a license to the licensee or shall suspend the
27 licensee's license until the licensee provides the licensing entity
28 with a release from the court that states the licensee is in compliance
29 with the residential or visitation order.

30 **Sec. 479.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to
31 read as follows:

32 (1) The performance of parental functions and the duty to provide
33 child support are distinct responsibilities in the care of a child. If
34 a party fails to comply with a provision of a decree or temporary order
35 of injunction, the obligation of the other party to make payments for
36 support or maintenance or to permit contact with children is not
37 suspended. An attempt by a parent, in either the negotiation or the
38 performance of a parenting plan, to condition one aspect of the

1 parenting plan upon another, to condition payment of child support upon
2 an aspect of the parenting plan, to refuse to pay ordered child
3 support, to refuse to perform the duties provided in the parenting
4 plan, or to hinder the performance by the other parent of duties
5 provided in the parenting plan, shall be deemed bad faith and shall be
6 punished by the court by holding the party in contempt of court and by
7 awarding to the aggrieved party reasonable attorneys' fees and costs
8 incidental in bringing a motion for contempt of court.

9 (2)(a) A motion may be filed to initiate a contempt action to
10 coerce a parent to comply with an order establishing residential
11 provisions for a child. If the court finds there is reasonable cause
12 to believe the parent has not complied with the order, the court may
13 issue an order to show cause why the relief requested should not be
14 granted.

15 (b) If, based on all the facts and circumstances, the court finds
16 after hearing that the parent, in bad faith, has not complied with the
17 order establishing residential provisions for the child, the court
18 shall find the parent in contempt of court. Upon a finding of
19 contempt, the court shall order:

20 (i) The noncomplying parent to provide the moving party additional
21 time with the child. The additional time shall be equal to the time
22 missed with the child, due to the parent's noncompliance;

23 (ii) The parent to pay, to the moving party, all court costs and
24 reasonable attorneys' fees incurred as a result of the noncompliance,
25 and any reasonable expenses incurred in locating or returning a child;
26 and

27 (iii) The parent to pay, to the moving party, a civil penalty, not
28 less than the sum of one hundred dollars.

29 The court may also order the parent to be imprisoned in the county
30 jail, if the parent is presently able to comply with the provisions of
31 the court-ordered parenting plan and is presently unwilling to comply.
32 The parent may be imprisoned until he or she agrees to comply with the
33 order, but in no event for more than one hundred eighty days.

34 (3) On a second failure within three years to comply with a
35 residential provision of a court-ordered parenting plan, a motion may
36 be filed to initiate contempt of court proceedings according to the
37 procedure set forth in subsection (2) (a) and (b) of this section. On
38 a finding of contempt under this subsection, the court shall (~~order~~):

1 (a) Order the noncomplying parent to provide the other parent or
2 party additional time with the child. The additional time shall be
3 twice the amount of the time missed with the child, due to the parent's
4 noncompliance;

5 (b) Order the noncomplying parent to pay, to the other parent or
6 party, all court costs and reasonable attorneys' fees incurred as a
7 result of the noncompliance, and any reasonable expenses incurred in
8 locating or returning a child; ~~((and))~~

9 (c) Order the noncomplying parent to pay, to the moving party, a
10 civil penalty of not less than two hundred fifty dollars; and

11 (d) Enter an order under section 478 of this act directed to the
12 appropriate licensing entity certifying that the parent is not in
13 compliance with the residential schedule or visitation schedule of a
14 permanent parenting plan.

15 The court may also order the parent to be imprisoned in the county
16 jail, if the parent is presently able to comply with the provisions of
17 the court-ordered parenting plan and is presently unwilling to comply.
18 The parent may be imprisoned until he or she agrees to comply with the
19 order but in no event for more than one hundred eighty days.

20 (4) For purposes of subsections (1), (2), and (3) of this section,
21 the parent shall be deemed to have the present ability to comply with
22 the order establishing residential provisions unless he or she
23 establishes otherwise by a preponderance of the evidence. The parent
24 shall establish a reasonable excuse for failure to comply with the
25 residential provision of a court-ordered parenting plan by a
26 preponderance of the evidence.

27 (5) Any monetary award ordered under subsections (1), (2), and (3)
28 of this section may be enforced, by the party to whom it is awarded, in
29 the same manner as a civil judgment.

30 (6) Subsections (1), (2), and (3) of this section authorize the
31 exercise of the court's power to impose remedial sanctions for contempt
32 of court and in addition to any other contempt power the court may
33 possess.

34 (7) Upon motion for contempt of court under subsections (1) through
35 (3) of this section, if the court finds the motion was brought without
36 reasonable basis, the court shall order the moving party to pay to the
37 nonmoving party, all costs, reasonable attorneys' fees, and a civil
38 penalty of not less than one hundred dollars.

1 **Sec. 480.** RCW 26.09.165 and 1994 c 162 s 2 are each amended to
2 read as follows:

3 All court orders containing parenting plan provisions or orders of
4 contempt, entered pursuant to RCW 26.09.160, shall include the
5 following language:

6 WARNING: VIOLATION OF THE RESIDENTIAL PROVISIONS OF THIS ORDER
7 WITH ACTUAL KNOWLEDGE OF ITS TERMS IS PUNISHABLE BY CONTEMPT OF
8 COURT, MAY CAUSE THE VIOLATOR TO HAVE SUSPENDED OR NOT RENEWED
9 A PROFESSIONAL, DRIVER'S, OR OTHER LICENSE, AND MAY BE A
10 CRIMINAL OFFENSE UNDER RCW 9A.40.060(2) or 9A.40.070(2).
11 VIOLATION OF THIS ORDER MAY SUBJECT A VIOLATOR TO ARREST.

12 **Sec. 481.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
13 read as follows:

14 (1) If the office of support enforcement is providing support
15 enforcement services under RCW 26.23.045, or if a party is applying for
16 support enforcement services by signing the application form on the
17 bottom of the support order, the superior court shall include in all
18 court orders that establish or modify a support obligation:

19 (a) A provision that orders and directs the responsible parent to
20 make all support payments to the Washington state support registry;

21 (b) A statement that a notice of payroll deduction may be issued,
22 or other income withholding action under chapter 26.18 or 74.20A RCW
23 may be taken, without further notice to the responsible parent at any
24 time after entry of the court order, unless:

25 (i) One of the parties demonstrates, and the court finds, that
26 there is good cause not to require immediate income withholding and
27 that withholding should be delayed until a payment is past due; or

28 (ii) The parties reach a written agreement that is approved by the
29 court that provides for an alternate arrangement; (~~and~~)

30 (c) A statement that the receiving parent might be required to
31 submit an accounting of how the support is being spent to benefit the
32 child; and

33 (d) A statement that the responsible parent's privileges to obtain
34 and maintain a license, as defined in section 402 of this act, may be
35 not renewed or suspended if the parent is not in compliance with a
36 support order as defined in section 402 of this act.

37 As used in this subsection and subsection (3) of this section,
38 "good cause not to require immediate income withholding" means a

1 written determination of why implementing immediate wage withholding
2 would not be in the child's best interests and, in modification cases,
3 proof of timely payment of previously ordered support.

4 (2) In all other cases not under subsection (1) of this section,
5 the court may order the responsible parent to make payments directly to
6 the person entitled to receive the payments, to the Washington state
7 support registry, or may order that payments be made in accordance with
8 an alternate arrangement agreed upon by the parties.

9 (a) The superior court shall include in all orders under this
10 subsection that establish or modify a support obligation:

11 (i) A statement that a notice of payroll deduction may be issued or
12 other income withholding action under chapter 26.18 or 74.20A RCW may
13 be taken, without further notice to the responsible parent at any time
14 after entry of the court order, unless:

15 (A) One of the parties demonstrates, and the court finds, that
16 there is good cause not to require immediate income withholding and
17 that withholding should be delayed until a payment is past due; or

18 (B) The parties reach a written agreement that is approved by the
19 court that provides for an alternate arrangement; and

20 (ii) A statement that the receiving parent may be required to
21 submit an accounting of how the support is being spent to benefit the
22 child.

23 As used in this subsection, "good cause not to require immediate
24 income withholding" is any reason that the court finds appropriate.

25 (b) The superior court may order immediate or delayed income
26 withholding as follows:

27 (i) Immediate income withholding may be ordered if the responsible
28 parent has earnings. If immediate income withholding is ordered under
29 this subsection, all support payments shall be paid to the Washington
30 state support registry. The superior court shall issue a mandatory
31 wage assignment order as set forth in chapter 26.18 RCW when the
32 support order is signed by the court. The parent entitled to receive
33 the transfer payment is responsible for serving the employer with the
34 order and for its enforcement as set forth in chapter 26.18 RCW.

35 (ii) If immediate income withholding is not ordered, the court
36 shall require that income withholding be delayed until a payment is
37 past due. The support order shall contain a statement that a notice of
38 payroll deduction may be issued, or other income-withholding action

1 under chapter 26.18 or 74.20A RCW may be taken, without further notice
2 to the responsible parent, after a payment is past due.

3 (c) If a mandatory wage withholding order under chapter 26.18 RCW
4 is issued under this subsection and the office of support enforcement
5 provides support enforcement services under RCW 26.23.045, the existing
6 wage withholding assignment is prospectively superseded upon the office
7 of support enforcement's subsequent service of an income withholding
8 notice.

9 (3) The office of administrative hearings and the department of
10 social and health services shall require that all support obligations
11 established as administrative orders include a provision which orders
12 and directs that the responsible parent shall make all support payments
13 to the Washington state support registry. All administrative orders
14 shall also state that the responsible parent's privileges to obtain and
15 maintain a license, as defined in section 402 of this act, may be not
16 renewed or suspended if the parent is not in compliance with a support
17 order as defined in section 402 of this act. All administrative orders
18 shall also state that a notice of payroll deduction may be issued, or
19 other income withholding action taken without further notice to the
20 responsible parent at any time after entry of the order, unless:

21 (a) One of the parties demonstrates, and the presiding officer
22 finds, that there is good cause not to require immediate income
23 withholding; or

24 (b) The parties reach a written agreement that is approved by the
25 presiding officer that provides for an alternate agreement.

26 (4) If the support order does not include the provision ordering
27 and directing that all payments be made to the Washington state support
28 registry and a statement that a notice of payroll deduction may be
29 issued if a support payment is past due or at any time after the entry
30 of the order, or that a parent's licensing privileges may be not
31 renewed or suspended, the office of support enforcement may serve a
32 notice on the responsible parent stating such requirements and
33 authorizations. Service may be by personal service or any form of mail
34 requiring a return receipt.

35 (5) Every support order shall state:

36 (a) The address where the support payment is to be sent;

37 (b) That a notice of payroll deduction may be issued or other
38 income withholding action under chapter 26.18 or 74.20A RCW may be

1 taken, without further notice to the responsible parent at any time
2 after entry of an order by the court, unless:

3 (i) One of the parties demonstrates, and the court finds, that
4 there is good cause not to require immediate income withholding; or

5 (ii) The parties reach a written agreement that is approved by the
6 court that provides for an alternate arrangement;

7 (c) The income of the parties, if known, or that their income is
8 unknown and the income upon which the support award is based;

9 (d) The support award as a sum certain amount;

10 (e) The specific day or date on which the support payment is due;

11 (f) The social security number, residence address, and name and
12 address of the employer of the responsible parent;

13 (g) The social security number and residence address of the
14 physical custodian except as provided in subsection (6) of this
15 section;

16 (h) The names, dates of birth, and social security numbers, if any,
17 of the dependent children;

18 (i) In cases requiring payment to the Washington state support
19 registry, that the parties are to notify the Washington state support
20 registry of any change in residence address. The responsible parent
21 shall notify the registry of the name and address of his or her current
22 employer, whether he or she has access to health insurance coverage at
23 reasonable cost and, if so, the health insurance policy information;

24 (j) That any parent owing a duty of child support shall be
25 obligated to provide health insurance coverage for his or her child if
26 coverage that can be extended to cover the child is or becomes
27 available to that parent through employment or is union-related as
28 provided under RCW 26.09.105;

29 (k) That if proof of health insurance coverage or proof that the
30 coverage is unavailable is not provided within twenty days, the obligee
31 or the department may seek direct enforcement of the coverage through
32 the obligor's employer or union without further notice to the obligor
33 as provided under chapter 26.18 RCW; ((and))

34 (l) The reasons for not ordering health insurance coverage if the
35 order fails to require such coverage; and

36 (m) That the responsible parent's privileges to maintain a license,
37 as defined in section 402 of this act, may be not renewed or suspended
38 if the parent is not in compliance with a support order as defined in
39 section 402 of this act.

1 (6) The physical custodian's address:

2 (a) Shall be omitted from an order entered under the administrative
3 procedure act. When the physical custodian's address is omitted from
4 an order, the order shall state that the custodian's address is known
5 to the office of support enforcement.

6 (b) A responsible parent may request the physical custodian's
7 residence address by submission of a request for disclosure under RCW
8 26.23.120 to the office of support enforcement.

9 (7) The superior court clerk, the office of administrative
10 hearings, and the department of social and health services shall,
11 within five days of entry, forward to the Washington state support
12 registry, a true and correct copy of all superior court orders or
13 administrative orders establishing or modifying a support obligation
14 which provide that support payments shall be made to the support
15 registry. If a superior court order entered prior to January 1, 1988,
16 directs the responsible parent to make support payments to the clerk,
17 the clerk shall send a true and correct copy of the support order and
18 the payment record to the registry for enforcement action when the
19 clerk identifies that a payment is more than fifteen days past due.
20 The office of support enforcement 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 social
23 security act.

24 (8) Receipt of a support order by the registry or other action
25 under this section on behalf of a person or persons who have not made
26 a written application for support enforcement services to the office of
27 support enforcement and who are not recipients of public assistance is
28 deemed to be a request for payment services only.

29 (9) After the responsible parent has been ordered or notified to
30 make payments to the Washington state support registry under this
31 section, the responsible parent shall be fully responsible for making
32 all payments to the Washington state support registry and shall be
33 subject to payroll deduction or other income withholding action. The
34 responsible parent shall not be entitled to credit against a support
35 obligation for any payments made to a person or agency other than to
36 the Washington state support registry except as provided under RCW
37 74.20.101. A civil action may be brought by the payor to recover
38 payments made to persons or agencies who have received and retained
39 support moneys paid contrary to the provisions of this section.

1 (1) Withhold from the obligor's earnings or remuneration each
2 month, or from each regular earnings disbursement, the lesser of:

3 (a) The sum of the accrued support or spousal maintenance debt and
4 the current support or spousal maintenance obligation;

5 (b) The sum of the specified arrearage payment amount and the
6 current support or spousal maintenance obligation; or

7 (c) Fifty percent of the disposable earnings or remuneration of the
8 obligor.

9 (2) The total amount withheld above is subject to the wage
10 assignment order, and all other sums may be disbursed to the obligor.

11 (3) Upon receipt of this wage assignment order you shall make
12 immediate deductions from the obligor's earnings or remuneration and
13 remit to the Washington state support registry or other address
14 specified below the proper amounts at each regular pay interval.

15 You shall continue to withhold the ordered amounts from nonexempt
16 earnings or remuneration of the obligor until notified by:

17 (a) The court that the wage assignment has been modified or
18 terminated; or

19 (b) The addressee specified in the wage assignment order under this
20 section that the accrued child support or spousal maintenance debt has
21 been paid.

22 You shall promptly notify the court and the addressee specified in
23 the wage assignment order under this section if and when the employee
24 is no longer employed by you, or if the obligor no longer receives
25 earnings or remuneration from you. If you no longer employ the
26 employee, the wage assignment order shall remain in effect for one year
27 after the employee has left your employment or you are no longer in
28 possession of any earnings or remuneration owed to the employee,
29 whichever is later. You shall continue to hold the wage assignment
30 order during that period. If the employee returns to your employment
31 during the one-year period you shall immediately begin to withhold the
32 employee's earnings according to the terms of the wage assignment
33 order. If the employee has not returned to your employment within one
34 year, the wage assignment will cease to have effect at the expiration
35 of the one-year period, unless you still owe the employee earnings or
36 other remuneration.

37 You shall deliver the withheld earnings or remuneration to the
38 Washington state support registry or other address stated below at each
39 regular pay interval.

1 (2) The office of support enforcement shall serve a notice of
2 payroll deduction upon a responsible parent's employer or upon the
3 employment security department for the state in possession of or owing
4 any benefits from the unemployment compensation fund to the responsible
5 parent pursuant to Title 50 RCW by personal service or by any form of
6 mail requiring a return receipt.

7 (3) Service of a notice of payroll deduction upon an employer or
8 employment security department requires the employer or employment
9 security department to immediately make a mandatory payroll deduction
10 from the responsible parent's unpaid disposable earnings or
11 unemployment compensation benefits. The employer or employment
12 security department shall thereafter deduct each pay period the amount
13 stated in the notice divided by the number of pay periods per month.
14 The payroll deduction each pay period shall not exceed fifty percent of
15 the responsible parent's disposable earnings.

16 (4) A notice of payroll deduction for support shall have priority
17 over any wage assignment, garnishment, attachment, or other legal
18 process.

19 (5) The notice of payroll deduction shall be in writing and
20 include:

21 (a) The name and social security number of the responsible parent;

22 (b) The amount to be deducted from the responsible parent's
23 disposable earnings each month, or alternate amounts and frequencies as
24 may be necessary to facilitate processing of the payroll deduction;

25 (c) A statement that the total amount withheld shall not exceed
26 fifty percent of the responsible parent's disposable earnings; ~~((and))~~

27 (d) The address to which the payments are to be mailed or
28 delivered; and

29 (e) A notice to the responsible parent warning the responsible
30 parent that, despite the payroll deduction, the responsible parent's
31 privileges to maintain a license, as defined in section 402 of this
32 act, may be not renewed or suspended if the parent is not in compliance
33 with a support order as defined in section 402 of this act.

34 (6) An informational copy of the notice of payroll deduction shall
35 be mailed to the last known address of the responsible parent by
36 regular mail.

37 (7) An employer or employment security department that receives a
38 notice of payroll deduction shall make immediate deductions from the
39 responsible parent's unpaid disposable earnings and remit proper

1 amounts to the Washington state support registry on each date the
2 responsible parent is due to be paid.

3 (8) An employer, or the employment security department, upon whom
4 a notice of payroll deduction is served, shall make an answer to the
5 office of support enforcement within twenty days after the date of
6 service. The answer shall confirm compliance and institution of the
7 payroll deduction or explain the circumstances if no payroll deduction
8 is in effect. The answer shall also state whether the responsible
9 parent is employed by or receives earnings from the employer or
10 receives unemployment compensation benefits from the employment
11 security department, whether the employer or employment security
12 department anticipates paying earnings or unemployment compensation
13 benefits and the amount of earnings. If the responsible parent is no
14 longer employed, or receiving earnings from the employer, the answer
15 shall state the present employer's name and address, if known. If the
16 responsible parent is no longer receiving unemployment compensation
17 benefits from the employment security department, the answer shall
18 state the present employer's name and address, if known.

19 (9) The employer or employment security department may deduct a
20 processing fee from the remainder of the responsible parent's earnings
21 after withholding under the notice of payroll deduction, even if the
22 remainder is exempt under RCW 26.18.090. The processing fee may not
23 exceed: (a) Ten dollars for the first disbursement made to the
24 Washington state support registry; and (b) one dollar for each
25 subsequent disbursement to the registry.

26 (10) The notice of payroll deduction shall remain in effect until
27 released by the office of support enforcement, the court enters an
28 order terminating the notice and approving an alternate arrangement
29 under RCW 26.23.050(2), or one year has expired since the employer has
30 employed the responsible parent or has been in possession of or owing
31 any earnings to the responsible parent or the employment security
32 department has been in possession of or owing any unemployment
33 compensation benefits to the responsible parent.

34 **PART V. WELFARE-TO-WORK EFFECTIVENESS STUDIES**

35 NEW SECTION. **Sec. 501.** A new section is added to chapter 44.28
36 RCW to read as follows:

1 WELFARE-TO-WORK PROGRAMS STUDY. (1) The joint legislative audit
2 and review committee shall conduct an evaluation of the effectiveness
3 of the welfare-to-work programs described in chapter . . . , Laws of
4 1997 (this act), including the job opportunities and basic skills
5 training program and any approved private, county, or local government
6 welfare-to-work programs. The evaluation shall assess the success of
7 the programs in assisting clients to become employed and to reduce
8 their use of temporary assistance for needy families. The study shall
9 include but not be limited to the following:

10 (a) A random assignment of clients to public agencies and private
11 contractors to assess the effectiveness of program services provided by
12 public and private contractors;

13 (b) An assessment of employment outcomes, including hourly wages,
14 hours worked, and total earnings, for clients;

15 (c) A comparison of temporary assistance for needy families
16 outcomes, including grant amounts and program exits, for clients;

17 (d) A cost-benefit analysis of the use of public and private
18 contractors;

19 (e) An audit of the performance-based contract for each private
20 nonprofit contractor for job opportunities and basic skills training
21 program services; and

22 (f) An assessment of the extent to which recipients who are heads
23 of households may be affected by a learning disability that prevents
24 high school completion or impairs employability. For the purposes of
25 this study, "learning disabilities" are defined as a disorder in one or
26 more of the basic psychological processes involved in understanding or
27 using spoken or written language that prevents the person from
28 achieving commensurate with his or her age and ability levels in one or
29 more of the areas listed in this subsection, when provided with
30 appropriate learning or training experiences. Such disorder may
31 include problems in visual or auditory perception and integration and
32 may manifest itself in an impaired ability to listen, think, speak or
33 communicate clearly, read with comprehension, write legibly and with
34 meaning, spell, and accurately perform mathematical calculations,
35 including those involving reading. The presence of a specific learning
36 disability is indicated by intellectual function above that specified
37 by the Washington administrative code for special education for
38 eligibility as mentally retarded and by a severe discrepancy between

1 the person's intellectual ability and academic or career achievement in
2 one or more of the following areas:

- 3 (i) Oral expression;
- 4 (ii) Listening comprehension;
- 5 (iii) Written expression;
- 6 (iv) Basic reading skills;
- 7 (v) Reading comprehension;
- 8 (vi) Mathematics calculations; and
- 9 (vii) Mathematics reasoning.

10 Such performance deficit cannot be explained by visual, or hearing, or
11 motor disabilities, mental retardation, behavioral disability or
12 environmental, cultural, or economic disadvantage. A specific learning
13 disability includes conditions described as perceptual disabilities,
14 brain injury, minimal brain dysfunction, dyslexia, dysgraphia, and
15 developmental aphasia.

16 (2) Administrative data shall be provided by the department of
17 social and health services, the employment security department, the
18 state board for community and technical colleges, and local government
19 providers, and private contractors. The department of social and
20 health services shall require contractors to provide administrative and
21 outcome data needed for this study.

22 (3) Additional data may be collected directly from clients if not
23 available from administrative records.

24 (4) The joint legislative audit and review committee may convene an
25 evaluation advisory group to assist in the study process. It may
26 contract for services necessary to accomplish the purposes of this
27 section.

28 (5) The joint legislative audit and review committee shall present
29 an evaluation plan to the legislature after consultation with the
30 federal government on the design of the evaluation.

31 (6) The joint legislative audit and review committee shall submit
32 annual reports to the legislature, beginning in December 2000, with a
33 final report due in December 2004, unless an earlier date is
34 recommended by the committee.

35 NEW SECTION. **Sec. 502.** A new section is added to chapter 44.28
36 RCW to read as follows:

37 **TIME LIMIT OUTCOME STUDY.** The joint legislative audit and review
38 committee shall conduct an evaluation of the effects of time limits on

1 recipients of temporary assistance for needy families, both generally
2 and in Washington state. The joint legislative audit and review
3 committee, in consultation with the Washington institute for public
4 policy, shall work in consultation and cooperation with a focus group
5 comprised of the welfare policy committee described in section 503 of
6 this act, as well as representatives from the governor's office, and
7 other interested parties. The focus group shall begin meeting with the
8 joint legislative audit and review committee no later than January
9 1998, and periodically thereafter as needed. The study shall include,
10 but not be limited to, reports to the legislature regarding the
11 following:

12 (1) By December 1998, a summary of data and preliminary evaluations
13 of the effects of time limits in a sampling of at least five other
14 jurisdictions in which two-year time limits were enacted and in effect
15 by 1995. This summary shall include publicly available governmental
16 and scholarly reports and evaluations regarding the effects of time
17 limits, from government agencies, universities, and public policy
18 institutes.

19 (2) By December 1999, a detailed, updated summary of the effects of
20 time limits on the temporary assistance for needy families population
21 in a state identified in subsection (1) of this section as having
22 families for which the time limits have run and for which outcome data
23 is available.

24 (3) By December 2000, and annually through December 2004, an
25 updated summary of the other jurisdictions being tracked in subsections
26 (1) and (2) of this section and an evaluation of the preliminary and
27 subsequent effects of Washington state time limits on Washington state
28 temporary assistance for needy families recipients. The Washington
29 state study shall include: A cost-benefit analysis of the effect of
30 time limits on caseloads for temporary assistance for needy families,
31 cross-comparing caseload reductions, if any, in temporary assistance
32 for needy families with caseload increases, if any, in the foster care
33 and child protective services caseloads. The Washington study shall
34 focus on the outcomes to families whose benefits are decreased or
35 discontinued as a direct result of time limits, including information
36 regarding relative changes in their income status, changes in
37 residence, and the extent to which their family resources may be
38 supplemented by private, nonprofit, religious, or charitable
39 organizations.

1 (6)(a) "General assistance"«Aid to persons in need who:
2 (i) Are not eligible to receive federal-aid assistance, other than
3 food stamps and medical assistance; however, an individual who refuses
4 or fails to cooperate in obtaining federal-aid assistance, without good
5 cause, is not eligible for general assistance;
6 (ii) Meet one of the following conditions:
7 (A) Pregnant: PROVIDED, That need is based on the current income
8 and resource requirements of the federal ((aid to families with
9 dependent children)) temporary assistance for needy families program((÷
10 ~~PROVIDED FURTHER, That during any period in which an aid for dependent~~
11 ~~children employable program is not in operation, only those pregnant~~
12 ~~women who are categorically eligible for medicaid are eligible for~~
13 ~~general assistance~~)); or
14 (B) Subject to chapter 165, Laws of 1992, incapacitated from
15 gainful employment by reason of bodily or mental infirmity that will
16 likely continue for a minimum of ninety days as determined by the
17 department.
18 (C) Persons who are unemployable due to alcohol or drug addiction
19 are not eligible for general assistance. Persons receiving general
20 assistance on July 26, 1987, or becoming eligible for such assistance
21 thereafter, due to an alcohol or drug-related incapacity, shall be
22 referred to appropriate assessment, treatment, shelter, or supplemental
23 security income referral services as authorized under chapter 74.50
24 RCW. Referrals shall be made at the time of application or at the time
25 of eligibility review. Alcoholic and drug addicted clients who are
26 receiving general assistance on July 26, 1987, may remain on general
27 assistance if they otherwise retain their eligibility until they are
28 assessed for services under chapter 74.50 RCW. Subsection
29 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
30 department from granting general assistance benefits to alcoholics and
31 drug addicts who are incapacitated due to other physical or mental
32 conditions that meet the eligibility criteria for the general
33 assistance program;
34 (iii) Are citizens or aliens lawfully admitted for permanent
35 residence or otherwise residing in the United States under color of
36 law; and
37 (iv) Have furnished the department their social security account
38 number. If the social security account number cannot be furnished
39 because it has not been issued or is not known, an application for a

1 number shall be made prior to authorization of assistance, and the
2 social security number shall be provided to the department upon
3 receipt.

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

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

10 (ii) To the extent authorized by the legislature in the biennial
11 appropriations act, to recipients of ~~((aid to families with dependent
12 children))~~ temporary assistance for needy families whose needs are not
13 being met because of a temporary reduction in monthly income below the
14 entitled benefit payment level caused by loss or reduction of wages or
15 unemployment compensation benefits or some other unforeseen
16 circumstances. The amount of general assistance authorized shall not
17 exceed the difference between the entitled benefit payment level and
18 the amount of income actually received.

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

28 (i) First failure: One week;

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

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

31 (d) Persons found eligible for general assistance based on
32 incapacity from gainful employment may, if otherwise eligible, receive
33 general assistance pending application for federal supplemental
34 security income benefits. Any general assistance that is subsequently
35 duplicated by the person's receipt of supplemental security income for
36 the same period shall be considered a debt due the state and shall by
37 operation of law be subject to recovery through all available legal
38 remedies.

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

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

10 (g) Recipients of general assistance based upon a finding of
11 incapacity from gainful employment who remain otherwise eligible shall
12 not have their benefits terminated absent a clear showing of material
13 improvement in their medical or mental condition or specific error in
14 the prior determination that found the recipient eligible by reason of
15 incapacitation. Recipients of general assistance based upon pregnancy
16 who relinquish their child for adoption, remain otherwise eligible, and
17 are not eligible to receive benefits under the federal (~~aid to~~
18 ~~families with dependent children~~) temporary assistance for needy
19 families program shall not have their benefits terminated until the end
20 of the month in which the period of six weeks following the birth of
21 the recipient's child falls. Recipients of the federal (~~aid to~~
22 ~~families with dependent children~~) temporary assistance for needy
23 families program who lose their eligibility solely because of the birth
24 and relinquishment of the qualifying child may receive general
25 assistance through the end of the month in which the period of six
26 weeks following the birth of the child falls.

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

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

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

36 (10) "Resource"«Any asset, tangible or intangible, owned by or
37 available to the applicant at the time of application, which can be
38 applied toward meeting the applicant's need, either directly or by
39 conversion into money or its equivalent: PROVIDED, That an applicant

1 may retain the following described resources and not be ineligible for
2 public assistance because of such resources.

3 (a) A home, which is defined as real property owned and used by an
4 applicant or recipient as a place of residence, together with a
5 reasonable amount of property surrounding and contiguous thereto, which
6 is used by and useful to the applicant. Whenever a recipient shall
7 cease to use such property for residential purposes, either for himself
8 or his dependents, the property shall be considered as a resource which
9 can be made available to meet need, and if the recipient or his
10 dependents absent themselves from the home for a period of ninety
11 consecutive days such absence, unless due to hospitalization or health
12 reasons or a natural disaster, shall raise a rebuttable presumption of
13 abandonment: PROVIDED, That if in the opinion of three physicians the
14 recipient will be unable to return to the home during his lifetime, and
15 the home is not occupied by a spouse or dependent children or disabled
16 sons or daughters, such property shall be considered as a resource
17 which can be made available to meet need.

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

22 (c) A motor vehicle, other than a motor home, used and useful
23 having an equity value not to exceed (~~one~~) five thousand (~~five~~
24 ~~hundred~~) dollars.

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

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

36 (f) If an applicant for or recipient of public assistance possesses
37 property and belongings in excess of the ceiling value, such value
38 shall be used in determining the need of the applicant or recipient,
39 except that: (i) The department may exempt resources or income when

1 the income and resources are determined necessary to the applicant's or
2 recipient's restoration to independence, to decrease the need for
3 public assistance, or to aid in rehabilitating the applicant or
4 recipient or a dependent of the applicant or recipient; and (ii) the
5 department may provide grant assistance for a period not to exceed nine
6 months from the date the agreement is signed pursuant to this section
7 to persons who are otherwise ineligible because of excess real property
8 owned by such persons when they are making a good faith effort to
9 dispose of that property: PROVIDED, That:

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

12 (B) If the owner of the excess property ceases to make good faith
13 efforts to sell the property, the entire amount of assistance may
14 become an overpayment and a debt due the state and may be recovered
15 pursuant to RCW 43.20B.630;

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

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

22 (11) "Income"«(a) All appreciable gains in real or personal
23 property (cash or kind) or other assets, which are received by or
24 become available for use and enjoyment by an applicant or recipient
25 during the month of application or after applying for or receiving
26 public assistance. The department may by rule and regulation exempt
27 income received by an applicant for or recipient of public assistance
28 which can be used by him to decrease his need for public assistance or
29 to aid in rehabilitating him or his dependents, but such exemption
30 shall not, unless otherwise provided in this title, exceed the
31 exemptions of resources granted under this chapter to an applicant for
32 public assistance. In determining the amount of assistance to which an
33 applicant or recipient of ((aid to families with dependent children))
34 temporary assistance for needy families is entitled, the department is
35 hereby authorized to disregard as a resource or income the earned
36 income exemptions consistent with federal requirements. The department
37 may permit the above exemption of earnings of a child to be retained by
38 such child to cover the cost of special future identifiable needs even
39 though the total exceeds the exemptions or resources granted to

1 applicants and recipients of public assistance, but consistent with
2 federal requirements. In formulating rules and regulations pursuant to
3 this chapter, the department shall define income and resources and the
4 availability thereof, consistent with federal requirements. All
5 resources and income not specifically exempted, and any income or other
6 economic benefit derived from the use of, or appreciation in value of,
7 exempt resources, shall be considered in determining the need of an
8 applicant or recipient of public assistance.

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

14 (12) "Need"«The difference between the applicant's or recipient's
15 standards of assistance for himself and the dependent members of his
16 family, as measured by the standards of the department, and value of
17 all nonexempt resources and nonexempt income received by or available
18 to the applicant or recipient and the dependent members of his family.

19 (13) "Caretaker" means the parent of or adult relative caring for
20 the dependent child or children who is head of the household. However,
21 in situations where there are two parents in the household, "caretaker"
22 means that parent who, as a parent, has received assistance under the
23 program for the longest period.

24 (14) For purposes of determining eligibility for public assistance
25 and participation levels in the cost of medical care, the department
26 shall exempt restitution payments made to people of Japanese and Aleut
27 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
28 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
29 including all income and resources derived therefrom.

30 ((+14)) (15) In the construction of words and phrases used in this
31 title, the singular number shall include the plural, the masculine
32 gender shall include both the feminine and neuter genders and the
33 present tense shall include the past and future tenses, unless the
34 context thereof shall clearly indicate to the contrary.

35 NEW SECTION. Sec. 602. A new section is added to chapter 26.23
36 RCW to read as follows:

37 (1) The office of support enforcement shall enter into contracts
38 with collection agencies for collection of accounts that the office of

1 support enforcement is unsuccessful in collecting after twelve months.
2 The listing collection agency shall not assess the department of social
3 and health services any fee. All fees collected shall be in addition
4 to the amount of the debt owed by the delinquent party and shall be
5 assessed to the delinquent party not to exceed twenty percent of the
6 amount owed. All child support collected by the collection agency
7 shall be paid to the state.

8 (2) The department of social and health services shall monitor each
9 case that it refers to a collection agency.

10 (3) The department of social and health services shall evaluate the
11 effectiveness of entering into contracts for services under this
12 section.

13 (4) The department of social and health services shall provide
14 annual reports to the legislature on the results of its analysis under
15 subsections (2) and (3) of this section for the first three years after
16 the effective date of this section.

17 NEW SECTION. **Sec. 603.** If any part of this act is found to be in
18 conflict with federal requirements that are a prescribed condition to
19 the allocation of federal funds to the state, the conflicting part of
20 this act is inoperative solely to the extent of the conflict and with
21 respect to the agencies directly affected, and this finding does not
22 affect the operation of the remainder of this act in its application to
23 the agencies concerned. The rules under this act shall meet federal
24 requirements that are a necessary condition to the receipt of federal
25 funds by the state. As used in this section, "allocation of federal
26 funds to the state" means the allocation of federal funds that are
27 appropriated by the legislature to the department of social and health
28 services and on which the department depends for carrying out any
29 provision of the operating budget applicable to it.

30 **Sec. 604.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each
31 amended to read as follows:

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

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

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

1 (3) Who is not an inmate of a public institution except as a
2 patient in a medical institution or except as an inmate in a public
3 institution who could qualify for federal aid assistance: PROVIDED,
4 That the assistance paid by the department to recipients in nursing
5 homes, or receiving nursing home care, may cover the cost of clothing
6 and incidentals and general maintenance exclusive of medical care and
7 health services. The department may pay a grant to cover the cost of
8 clothing and personal incidentals in public or private medical
9 institutions and institutions for tuberculosis. The department shall
10 allow recipients in nursing homes to retain, in addition to the grant
11 to cover the cost of clothing and incidentals, wages received for work
12 as a part of a training or rehabilitative program designed to prepare
13 the recipient for less restrictive placement to the extent permitted
14 under Title XIX of the federal social security act.

15 NEW SECTION. **Sec. 605.** A new section is added to chapter 74.04
16 RCW to read as follows:

17 For the purpose of evaluating the effect of the defense of
18 equitable estoppel on the recovery of overpayments and the
19 administration of justice in public assistance cases, the department
20 shall report the following to the appropriate committees of the
21 legislature by December 1, 1997:

22 (1) The number of applicants and recipients of public assistance
23 who have raised the defense of equitable estoppel in an administrative
24 proceeding related to the collection of overpayments or the
25 determination of eligibility;

26 (2) The number of recipients or applicants of public assistance who
27 prevailed in an administrative proceeding related to the collection of
28 overpayments or the determination of eligibility due to the defense of
29 equitable estoppel;

30 (3) The amount, average amount, and percent of payments and
31 overpayments not collected due to the successful assertion of the
32 defense of equitable estoppel at an administrative proceeding related
33 to the collection of overpayments or the determination of eligibility;

34 (4) Any other information regarding the assertion of the defense of
35 equitable estoppel in administrative proceedings that the department
36 feels will assist in evaluation of the defense.

1 **Sec. 606.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended
2 to read as follows:

3 All assistance granted under this title shall be deemed to be
4 granted and to be held subject to the provisions of any amending or
5 repealing act that may hereafter be enacted, and no recipient shall
6 have any claim for compensation, or otherwise, by reason of his
7 assistance being affected in any way by such amending or repealing act.
8 There is no entitlement to public assistance. It may be discontinued
9 at any time.

10 NEW SECTION. **Sec. 607.** A new section is added to chapter 74.25
11 RCW to read as follows:

12 (1) The department shall allow religious organizations to provide
13 services to families receiving temporary assistance for needy families
14 on the same basis as any other nongovernmental provider without
15 impairing the religious character of such organizations, and without
16 diminishing the religious freedom of beneficiaries of assistance funded
17 under chapter 74.12 RCW.

18 (2) The department shall adopt rules implementing this section and
19 the applicable portions of P.L. 104-193 related to services provided by
20 charitable, religious, or private organizations.

21 NEW SECTION. **Sec. 608.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st
24 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,
25 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;

26 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3; and

27 (3) RCW 74.12.420 and 1994 c 299 s 9.

28 NEW SECTION. **Sec. 609.** The table of contents, part headings,
29 subheadings, and captions used in this act do not constitute any part
30 of the law.

31 NEW SECTION. **Sec. 610.** This act is necessary for the immediate
32 preservation of the public peace, health, or safety, or support of the
33 state government and its existing public institutions, and takes effect
34 immediately.

1 NEW SECTION. **Sec. 611.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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