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**ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1079**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Appropriations (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 02/20/97.

1       AN ACT Relating to personal responsibility; amending RCW 74.04.515,  
2 74.09.800, 74.12.030, 74.25.010, 74.25.020, 74.12A.020, 74.13.0903,  
3 74.25.040, 74.09.510, 74.12.255, 74.04.0052, 13.34.160, 74.12.250,  
4 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060, 18.39.181,  
5 18.46.050, 18.96.120, 18.104.110, 18.130.150, 18.160.080, 18.165.160,  
6 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580, 19.30.060,  
7 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440, 19.138.130,  
8 19.158.050, 19.166.040, 21.20.110, 67.08.100, 19.02.100, 43.24.110,  
9 43.24.120, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130,  
10 64.44.060, 19.146.220, 75.28.010, 26.09.160, 26.09.165, 26.23.050,  
11 26.18.100, 26.23.060, 74.08.025, 50.13.060, 74.08.340, and 74.04.062;  
12 reenacting and amending RCW 46.52.130 and 74.04.005; adding new  
13 sections to chapter 74.25 RCW; adding new sections to chapter 74.12  
14 RCW; adding a new section to chapter 74.12A RCW; adding a new section  
15 to chapter 41.06 RCW; adding a new section to chapter 74.13 RCW; adding  
16 new sections to chapter 74.20A RCW; adding a new section to chapter  
17 48.22 RCW; adding a new section to chapter 2.48 RCW; adding a new  
18 section to chapter 18.04 RCW; adding a new section to chapter 18.08  
19 RCW; adding a new section to chapter 18.16 RCW; adding a new section to  
20 chapter 18.20 RCW; adding a new section to chapter 18.28 RCW; adding a  
21 new section to chapter 18.39 RCW; adding a new section to chapter 18.43

1 RCW; adding a new section to chapter 18.44 RCW; adding a new section to  
2 chapter 18.51 RCW; adding a new section to chapter 18.76 RCW; adding a  
3 new section to chapter 18.85 RCW; adding a new section to chapter  
4 18.106 RCW; adding a new section to chapter 18.130 RCW; adding a new  
5 section to chapter 18.140 RCW; adding a new section to chapter 18.145  
6 RCW; adding a new section to chapter 18.165 RCW; adding a new section  
7 to chapter 18.170 RCW; adding a new section to chapter 18.175 RCW;  
8 adding a new section to chapter 18.185 RCW; adding a new section to  
9 chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW; adding  
10 a new section to chapter 48.17 RCW; adding a new section to chapter  
11 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a new  
12 section to chapter 71.12 RCW; adding a new section to chapter 66.20  
13 RCW; adding a new section to chapter 88.02 RCW; adding a new section to  
14 chapter 43.24 RCW; adding a new section to chapter 70.95B RCW; adding  
15 a new section to chapter 75.25 RCW; adding a new section to chapter  
16 77.32 RCW; adding a new section to chapter 75.28 RCW; adding a new  
17 section to chapter 75.30 RCW; adding a new section to chapter 26.09  
18 RCW; adding a new section to chapter 44.28 RCW; adding a new section to  
19 chapter 26.23 RCW; adding a new section to chapter 74.04 RCW; adding a  
20 new section to chapter 43.20A RCW; adding a new chapter to Title 74  
21 RCW; creating new sections; repealing RCW 74.08.120, 74.08.125, and  
22 74.12.420; prescribing penalties; providing an expiration date; and  
23 declaring an emergency.

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

25 **MAKING WELFARE WORK**

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

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

16 Therefore, the legislature intends that:

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

20 (2) Work be the focus of the temporary assistance for needy  
21 families program;

22 (3) Caretakers receiving public assistance comply with requirements  
23 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;

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 (8) State agencies promote and support teen pregnancy prevention  
36 programs; and

1 (9) Family planning assistance be available in community service  
2 offices, including family planning counselors and colocated clinics, in  
3 recognition of the high rate of unintended pregnancy in the medicaid  
4 population.

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

7 The department shall assess each caretaker unless the caretaker is  
8 not or would not be required to be assessed. Assessments shall be  
9 based upon age, age of dependents, education, condition of incapacity,  
10 and employment history. The assessment and referral of caretakers who  
11 are applicants for assistance on or after the effective date of this  
12 section shall be made as part of the application approval process. The  
13 assessment and referral of caretakers who have been approved for  
14 assistance before the effective date of this section shall be completed  
15 within one hundred eighty days after the date of federal certification  
16 of the Washington temporary assistance for needy families program. The  
17 department or a contracted entity may complete the assessment. The  
18 assessment shall be based on a uniform, consistent, transferable format  
19 that will be accepted by all agencies and organizations serving the  
20 caretaker. Based on the assessment, an individual responsibility plan  
21 shall be prepared that: (1) Sets forth an employment goal and a plan  
22 for moving the caretaker immediately into private sector employment;  
23 (2) contains the obligation of the caretaker to become and remain  
24 employed in the private sector; (3) moves the caretaker into whatever  
25 private sector employment the caretaker is capable of handling as  
26 quickly as possible; and (4) describes the services available to the  
27 caretaker to enable them to obtain and keep employment in the private  
28 sector.

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

31 TEEN PARENT TARGET GROUP. All applicants under the age of eighteen  
32 years who are approved for assistance and, within one hundred eighty  
33 days after the date of federal certification of the Washington  
34 temporary assistance for needy families program, all recipients who are  
35 under the age of eighteen shall, as a condition of receiving benefits,  
36 actively progress toward the completion of a high school diploma,  
37 approved alternative education program, or a GED.

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

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

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

7        (a) Grant diversion shall:

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

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

17        (iii) Not exceed the maximum amount available for any family  
18 receiving temporary assistance for needy families aid for the period  
19 authorized. If the initial welfare diversion payment does not reach  
20 this maximum, the family can receive a supplemental cash payment during  
21 the three-month period, based upon need up to the maximum;

22        (b) Families may receive grant diversion payments and food  
23 assistance for the same authorization period but shall not be  
24 simultaneously eligible for grant diversion payments and any other  
25 state or federal cash assistance.

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

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

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

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

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

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

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

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

10 (1) An individual development account may be established by or on  
11 behalf of a caretaker eligible for assistance provided under the  
12 temporary assistance for needy families program operated under chapter  
13 74.12 RCW for the purpose of enabling the caretaker to accumulate funds  
14 for a qualified purpose described in subsection (2) of this section.

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

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

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

24 (c) Amounts paid from an individual development account directly to  
25 a business capitalization account which is established in a federally  
26 insured financial institution and is restricted to use solely for  
27 qualified business capitalization expenses.

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

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

34 (5) An individual development account established under this  
35 subsection shall be a trust created or organized in the United States  
36 and funded through periodic contributions by the establishing caretaker  
37 and matched by or through a qualified entity for a qualified purpose as  
38 provided in this section.

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

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

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

13 (9) For the purposes of this section, "eligible educational  
14 institution," "postsecondary educational expenses," "qualified  
15 acquisition costs," "qualified business," "qualified business  
16 capitalization expenses," "qualified expenditures," "qualified  
17 first-time home buyer," "date of acquisition," "qualified plan," and  
18 "qualified principal residence" include the meanings provided for them  
19 in P.L. 104-193.

20 NEW SECTION. **Sec. 6.** IMMIGRANTS--ELIGIBILITY. It is the intent  
21 of the legislature that all legal immigrants who resided in the United  
22 States before August 22, 1996, retain eligibility for assistance  
23 programs the same as or similar to those from which they lost benefits  
24 as a result of P.L. 104-193. The legislature also intends that  
25 sponsors' incomes continue to be deemed for these individuals in the  
26 same manner it was addressed prior to August 22, 1996.

27 The state shall exercise its option under P.L. 104-193 to continue  
28 services to legal immigrants under temporary assistance for needy  
29 families, medicaid, and social services block grant programs. Legal  
30 immigrants who lose benefits under the supplemental security income  
31 program as a result of P.L. 104-193 are immediately eligible for  
32 benefits under the state's general assistance-unemployable program.  
33 The department shall redetermine income and resource eligibility at  
34 least annually, in accordance with existing state policy.

35 NEW SECTION. **Sec. 7.** INCOME AVERAGING--BENEFIT DETERMINATION. In  
36 determining eligibility for temporary assistance for needy families,  
37 the department shall consider retrospectively the applicant's earned

1 income for the twelve months before application for assistance. If the  
2 earned income is from seasonal employment, it shall be prorated on an  
3 annual basis, and the prorated amount used to determine qualification  
4 for assistance in the prospective month. Assistance shall be denied  
5 until the applicant's prorated prior twelve months of income equals a  
6 monthly amount at or below the eligibility level. The intent of the  
7 legislature is to ensure that persons with seasonal earned income that,  
8 if prorated on an annual basis, would have exceeded the level  
9 qualifying them for assistance will be denied assistance until such  
10 time as they qualify on a prorated basis.

11 NEW SECTION. **Sec. 8.** FOOD ASSISTANCE. (1) The department may  
12 establish a food assistance program for persons whose immigrant status  
13 meets the eligibility requirements of the federal food stamp program as  
14 of August 21, 1996, but who are no longer eligible solely due to their  
15 immigrant status under P.L. 104-193.

16 (2) The rules for the state food assistance program shall follow  
17 exactly the rules of the federal food stamp program as they existed on  
18 the effective date of this section except for the provisions pertaining  
19 to immigrant status under P.L. 104-193.

20 (3) The benefit under the state food assistance program shall be  
21 established by the legislature in the biennial operating budget.

22 (4) The department may enter into a contract with the United States  
23 department of agriculture to use the existing federal food stamp  
24 program coupon system for the purposes of administering the state food  
25 assistance program.

26 (5) In the event the department is unable to enter into a contract  
27 with the United States department of agriculture, the department may  
28 issue vouchers to eligible households for the purchase of eligible  
29 foods at participating retailers.

30 **Sec. 9.** RCW 74.04.515 and 1991 c 126 s 4 are each amended to read  
31 as follows:

32 In administering the food stamp program, there shall be no  
33 discrimination against any applicant or recipient by reason of age,  
34 sex, handicap, religious creed, political beliefs, race, color, ((or))  
35 national origin, or legal immigrant status.



1        NEW SECTION.        **Sec. 10.**        NATURALIZATION FACILITATION.        The  
2 department shall make an affirmative effort to identify and proactively  
3 contact legal immigrants receiving public assistance to facilitate  
4 their applications for naturalization. The department shall obtain a  
5 complete list of legal immigrants in Washington who are receiving  
6 correspondence regarding their eligibility from the social security  
7 administration. The department shall inform immigrants regarding how  
8 citizenship may be attained. In order to facilitate the citizenship  
9 process, the department shall coordinate with existing resources in  
10 local government, schools, community colleges, and community  
11 organizations, and shall, within available funds, ensure that those  
12 immigrants who qualify to apply for naturalization are referred to or  
13 otherwise offered classes. The department shall assist eligible  
14 immigrants in obtaining appropriate test exemptions, and other  
15 exemptions in the naturalization process, to the extent permitted under  
16 federal law. The department shall report to the legislature regarding  
17 the progress and barriers of the immigrant naturalization facilitation  
18 effort. It is the intent of the legislature that persons receiving  
19 naturalization assistance be facilitated in obtaining citizenship  
20 within two years of their eligibility to apply.

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

23        SPONSOR DEEMING. (1) Except as provided in subsection (5) of this  
24 section, qualified aliens and aliens permanently residing under color  
25 of law who are recipients of public assistance under this title as of  
26 August 22, 1996, shall have their eligibility for assistance  
27 redetermined.

28        (2) Qualified aliens who enter the United States of America after  
29 August 22, 1996, are ineligible to receive public assistance under this  
30 title for a period of five years, except as provided in subsection (6)  
31 of this section. Following their period of ineligibility, their  
32 eligibility for public assistance shall be determined as provided for  
33 in this section.

34        (3) In determining the eligibility and the amount of benefits of a  
35 qualified alien or an alien permanently residing under color of law for  
36 public assistance under this title, the income and resources of the  
37 alien shall be deemed to include the income and resources of any person  
38 and his or her spouse who executed an affidavit of support pursuant to

1 section 213A of the federal immigration and naturalization act on  
2 behalf of the alien. The deeming provisions of this subsection shall  
3 be waived if the sponsor dies or is permanently incapacitated during  
4 the period the affidavit of support is valid.

5 (4) As used in this section, "qualified alien" has the meaning  
6 provided it in P.L. 104-183.

7 (5)(a) Qualified aliens specified under sections 403, 412, and 552  
8 (e) and (f), subtitle B, Title IV, of P.L. 104-193 and in P.L. 104-208,  
9 are exempt from this section.

10 (b) Qualified aliens who served in the armed forces of an allied  
11 country, or were employed by an agency of the federal government,  
12 during a military conflict between the United States of America and a  
13 military adversary are exempt from the provisions of this section.

14 (c) Qualified aliens who are victims of domestic violence and  
15 petition for legal status under the federal violence against women act  
16 are exempt from the provisions of this section.

17 (6) Subsection (2) of this section does not apply to the following  
18 state benefits:

19 (a) Assistance described in P.L. 104-193 sections 403(c)(H) through  
20 (K), 411(b)(1), 421(b), and P.L. 104-208;

21 (b) Short-term, noncash, in-kind emergency disaster relief;

22 (c) Programs comparable to assistance or benefits under the federal  
23 national school lunch act;

24 (d) Programs comparable to assistance or benefits under the federal  
25 child nutrition act of 1966;

26 (e) Public health assistance for immunizations with respect to  
27 immunizable diseases and for testing and treatment of symptoms of  
28 communicable diseases whether or not the symptoms are caused by a  
29 communicable disease;

30 (f) Payments for foster care and adoption assistance;

31 (g) Programs, services, or assistance where eligibility is not  
32 determined by employees of the department of social and health  
33 services;

34 (h) Programs, services, or assistance such as meals from a soup  
35 kitchen, crisis counseling and intervention, and short-term shelter,  
36 specified by the attorney general, after consultation with appropriate  
37 agencies and departments, that:

38 (i) Deliver in-kind services at the community level, including  
39 through public or private nonprofit agencies;

- 1 (ii) Do not condition the provision of assistance, the amount of  
2 assistance provided, or the cost of assistance provided on the  
3 individual recipient's income or resources; and  
4 (iii) Are necessary for the protection of life or safety.

5 **Sec. 12.** RCW 74.09.800 and 1993 c 407 s 10 are each amended to  
6 read as follows:

7 The department shall, consistent with the state budget act, develop  
8 a maternity care access program designed to ensure healthy birth  
9 outcomes as follows:

10 (1) Provide maternity care services to low-income pregnant women  
11 and health care services to children in poverty to the maximum extent  
12 allowable under the medical assistance program, Title XIX of the  
13 federal social security act;

14 (2) Provide maternity care services to low-income women who are not  
15 eligible to receive such services under the medical assistance program,  
16 Title XIX of the federal social security act;

17 (3) By January 1, 1990, have the following procedures in place to  
18 improve access to maternity care services and eligibility  
19 determinations for pregnant women applying for maternity care services  
20 under the medical assistance program, Title XIX of the federal social  
21 security act:

22 (a) Use of a shortened and simplified application form;

23 (b) Outstationing department staff to make eligibility  
24 determinations;

25 (c) Establishing local plans at the county and regional level,  
26 coordinated by the department; and

27 (d) Conducting an interview for the purpose of determining medical  
28 assistance eligibility within five working days of the date of an  
29 application by a pregnant woman and making an eligibility determination  
30 within fifteen working days of the date of application by a pregnant  
31 woman;

32 (4) Establish a maternity care case management system that shall  
33 assist at-risk eligible persons with obtaining medical assistance  
34 benefits and receiving maternity care services, including  
35 transportation and child care services;

36 (5) Within available resources, establish appropriate reimbursement  
37 levels for maternity care providers;

1 (6) Implement a broad-based public education program that stresses  
2 the importance of obtaining maternity care early during pregnancy;

3 (7) Refer persons eligible for maternity care services under the  
4 program established by this section to persons, agencies, or  
5 organizations with maternity care service practices that primarily  
6 emphasize healthy birth outcomes;

7 (8) Provide family planning services including information about  
8 the synthetic progestin capsule implant form of contraception, for  
9 twelve months immediately following a pregnancy to women who were  
10 eligible for medical assistance under the maternity care access program  
11 during that pregnancy or who were eligible only for emergency labor and  
12 delivery services during that pregnancy; and

13 (9) Within available resources, provide family planning services to  
14 women who meet the financial eligibility requirements for services  
15 under subsections (1) and (2) of this section.

16 The legislature reaffirms its commitment to provide health care  
17 services under this section to eligible immigrants, regardless of their  
18 status.

19 **Sec. 13.** RCW 74.12.030 and 1971 ex.s. c 169 s 6 are each amended  
20 to read as follows:

21 (1) In addition to meeting the eligibility requirements of RCW  
22 74.08.025, as now or hereafter amended, an applicant for aid to  
23 families with dependent children must be a needy child who is a  
24 resident of the state of Washington.

25 (2) Any person qualified for temporary assistance for needy  
26 families under this title who has resided in the state of Washington  
27 for fewer than twelve of the eighteen months immediately preceding  
28 application for assistance is limited to the benefit level of the state  
29 in which the person resided immediately before Washington, that was  
30 obtainable on the date of application in Washington, if the benefit  
31 level of the prior state is lower than the level provided to similarly  
32 situated applicants in Washington. The benefit level under this  
33 subsection shall be in effect for the first twelve months of a person's  
34 residency in Washington.

35 The department shall conduct a periodic survey of the other states  
36 to determine their public assistance levels for programs similar to  
37 those in the state of Washington and shall by rule adopt a scale of  
38 public assistance limits based on state of origin.

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. To  
5 reduce administrative costs and to ensure equal state-wide access to  
6 services, the department may develop contracts for state-wide welfare-  
7 to-work services. These state-wide contracts shall support regional  
8 flexibility and ensure that resources follow local labor market  
9 opportunities and recipients' needs. The department, through its  
10 regional offices, shall collaborate with employers, recipients,  
11 front-line workers, education institutions, labor, private industry  
12 councils, the work force training and education coordinating board,  
13 community rehabilitation employment programs, employment and training  
14 agencies, local governments, the employment security department, and  
15 community action agencies to develop work programs that are effective  
16 and work in their communities. For planning purposes, the department  
17 shall collect and make accessible to regional offices successful work  
18 program models from around the United States, including the employment  
19 partnership program, apprenticeship programs, microcredit,  
20 microenterprise, self-employment, and W-2 Wisconsin works. Work  
21 programs shall incorporate local volunteer citizens in their planning  
22 and implementation phases to ensure community relevance and success.

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

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



1 and the department of social and health services fails to provide such  
2 care; ~~((c) the employment would result in the family of the~~  
3 ~~participant experiencing a net loss of cash income; or (d)~~  
4 ~~circumstances that are beyond the control of the individual's~~  
5 ~~household, either on a short term or on an ongoing basis))~~ or (b) if  
6 the individual is a parent with a child under age one year. A parent  
7 may only receive this exemption for a total of twelve months, which may  
8 be consecutive or nonconsecutive.

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

13 (4)(a) Participants placed in community service or work programs  
14 established pursuant to this chapter may not be assigned to a community  
15 service or work program position if:

16 (i) Any other individual is on layoff from the same or any  
17 substantially equivalent job;

18 (ii) The employer has terminated the employment of any regular  
19 employee or otherwise reduced its work force in order to fill the  
20 vacancy so created with a participant of a community service or work  
21 program established pursuant to this chapter; or

22 (iii) Such assignment displaces or partially displaces current  
23 employees.

24 (b) Participants of a community service or work program established  
25 pursuant to this chapter shall be considered employees solely for the  
26 purposes of chapter 49.17 RCW, the purposes of (c) of this subsection,  
27 and for the purposes of (d) of this subsection.

28 (c) All private and public entities participating in a community  
29 service program or a work program established pursuant to this chapter  
30 shall enter into an agreement with the department which contains the  
31 following requirements:

32 (i) That paid work program positions established under this chapter  
33 meet the requirements of chapter 49.46 RCW;

34 (ii) That the community service and unpaid work program positions  
35 shall not require work in excess of forty hours per week;

36 (iii) That the conditions of work for participants of a work  
37 program or community service program will comply with the requirements  
38 of chapter 49.17 RCW;

1 (iv) That an entity's participation in a community service program  
2 or work program established under this chapter shall not diminish or  
3 result in the infringement of the obligations of any applicable  
4 collective bargaining statute, agreement, or contract for services;

5 (v) That wages shall be paid at the usual and customary rate of  
6 comparable jobs and may include a training wage if permitted by  
7 applicable federal statutes and regulations;

8 (vi) That the participants in a work program or community service  
9 program shall not be denied their rights under collective bargaining  
10 statutes; and

11 (vii) That the department may rescind an agreement with an entity  
12 if it finds that the entity is not complying with the requirements of  
13 this section.

14 Among the factors the department may use to determine whether to  
15 enter into an agreement with a private or public entity, the department  
16 shall evaluate whether the entity is in compliance with the  
17 requirements of this section and is likely to remain in compliance with  
18 the requirements of this section. If the department finds that a  
19 private or public entity that has entered into an agreement with the  
20 department to provide work or community service opportunities is not  
21 complying with the requirements of this section, the department shall  
22 take action to ensure compliance, or, with good cause, rescind the  
23 agreement.

24 (d) Participants in a community service or work program established  
25 pursuant to this chapter are deemed workers for the purposes of  
26 workers' compensation coverage under Title 51 RCW. The department  
27 shall reimburse entities who have entered into agreements with the  
28 department to provide work opportunities under this chapter for the  
29 premiums or assessments that they have paid under Title 51 RCW on  
30 behalf of program participants. Department reimbursement to entities  
31 that pay a wage to the participants of a work program established by  
32 this chapter shall be limited to the first six months of a  
33 participant's employment by the entity.

34 (e) For the purposes of this section, "work program" does not  
35 include job search, vocational training, education, or job readiness  
36 programs.

37 (5) The department of social and health services shall adopt rules  
38 under chapter 34.05 RCW as necessary to effectuate the intent and  
39 purpose of this chapter.

1        NEW SECTION.    **Sec. 104.**    A new section is added to chapter 41.06  
2    RCW to read as follows:

3        Nothing contained in this chapter shall prohibit the department of  
4    social and health services from purchasing services by contract with  
5    individuals or business entities for the purposes of implementing RCW  
6    74.25.020.

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

9        COMMUNITY SERVICE PROGRAM.    A caretaker participating in a  
10   community service program shall locate a community service experience  
11   of at least one hundred hours per month with any willing public or  
12   private organization and provide documentation, signed by the recipient  
13   under penalty of perjury, to the department of his or her participation  
14   on forms established in rule by the department.

15        NEW SECTION.    **Sec. 106.**    A new section is added to chapter 74.12  
16   RCW to read as follows:

17        (1) The department shall establish the community jobs program to  
18   provide employment opportunities for recipients of public assistance.  
19   The program is intended to provide work experience and to promote a  
20   strong work ethic for participating public assistance recipients.  
21   Under this option, public assistance recipients will be encouraged to  
22   work as employees of nonprofit corporations, public agencies, and  
23   private employers, working in positions such as teachers' aides, child  
24   care assistants, and home care workers, among others. Participating  
25   recipients shall be employed approximately half-time, on average. The  
26   intent of the option is to provide paychecks to public assistance  
27   recipients by using their monthly public assistance benefits as a wage  
28   subsidy for participating employers. Costs of unemployment insurance,  
29   industrial insurance, and applicable federal payroll taxes shall be  
30   deducted from paychecks received by recipients, but such employees  
31   shall also be eligible for the federal earned income tax credit.

32        (2) The department shall provide this option through contracts with  
33   local nonprofit corporations that will be responsible for identifying  
34   participating employers, matching employers with recipients, and  
35   providing support for recipients and employers as necessary. Nonprofit  
36   contractors shall act as employers of participating recipients and  
37   shall receive their monthly benefits as well as a payment for each

1 employed recipient to cover operating costs. Nonprofit contractors  
2 shall place participating recipients with employers in the same fashion  
3 as a temporary agency. Priority for employer participation in this  
4 option shall go to local schools, child care providers, and nonprofit  
5 corporations.

6 (3) The department shall enroll up to five thousand recipients of  
7 public assistance in this option during the 1997-99 biennium. In  
8 identifying recipients to place in the option, the department shall  
9 target recipients who:

- 10 (a) Are able to work;
- 11 (b) Are single mothers;
- 12 (c) Have limited prior work experience;
- 13 (d) Have low educational attainment;
- 14 (e) Have children older than two years of age; and
- 15 (f) Are recipients of public assistance for at least six months.

16 NEW SECTION. **Sec. 107.** A new section is added to chapter 74.13  
17 RCW to read as follows:

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

21 (2) Families with gross income at or below thirty-eight percent of  
22 state median income adjusted for family size are eligible for  
23 employment child care subsidies with a minimum copayment. Families  
24 with gross income above thirty-eight percent and at or below fifty-two  
25 percent of the state median income adjusted for family size are  
26 eligible for an employment child care subsidy with a calculated  
27 copayment.

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

31 **Sec. 108.** RCW 74.12A.020 and 1993 c 312 s 8 are each amended to  
32 read as follows:

33 The department (~~may~~) shall provide grants to community action  
34 agencies or other local nonprofit organizations to provide job  
35 opportunities and basic skills training program participants with  
36 transitional support services, one-to-one assistance, case management,  
37 and job retention services.

1       **Sec. 109.** RCW 74.13.0903 and 1993 c 453 s 2 are each amended to  
2 read as follows:

3       The office of child care policy is established to operate under the  
4 authority of the department of social and health services. The duties  
5 and responsibilities of the office include, but are not limited to, the  
6 following, within appropriated funds:

7       (1) Staff and assist the child care coordinating committee in the  
8 implementation of its duties under RCW 74.13.090;

9       (2) Work in conjunction with the state-wide child care resource and  
10 referral network as well as local governments, nonprofit organizations,  
11 businesses, and community child care advocates to create local child  
12 care resource and referral organizations. These organizations may  
13 carry out needs assessments, resource development, provider training,  
14 technical assistance, and parent information and training;

15       (3) Actively seek public and private money for distribution as  
16 grants to the state-wide child care resource and referral network and  
17 to existing or potential local child care resource and referral  
18 organizations;

19       (4) Adopt rules regarding the application for and distribution of  
20 grants to local child care resource and referral organizations. The  
21 rules shall, at a minimum, require an applicant to submit a plan for  
22 achieving the following objectives:

23       (a) Provide parents with information about child care resources,  
24 including location of services and subsidies;

25       (b) Carry out child care provider recruitment and training  
26 programs, including training under RCW 74.25.040;

27       (c) Offer support services, such as parent and provider seminars,  
28 toy-lending libraries, and substitute banks;

29       (d) Provide information for businesses regarding child care supply  
30 and demand;

31       (e) Advocate for increased public and private sector resources  
32 devoted to child care; ~~((and))~~

33       (f) Provide technical assistance to employers regarding employee  
34 child care services; and

35       (g) Serve recipients of temporary assistance for needy families and  
36 working parents with incomes at or below household incomes of one  
37 hundred seventy-five percent of the federal poverty line;

1 (5) Provide staff support and technical assistance to the state-  
2 wide child care resource and referral network and local child care  
3 resource and referral organizations;

4 (6) Maintain a state-wide child care licensing data bank and work  
5 with department of social and health services licensors to provide  
6 information to local child care resource and referral organizations  
7 about licensed child care providers in the state;

8 (7) Through the state-wide child care resource and referral network  
9 and local resource and referral organizations, compile data about local  
10 child care needs and availability for future planning and development;

11 (8) Coordinate with the state-wide child care resource and referral  
12 network and local child care resource and referral organizations for  
13 the provision of training and technical assistance to child care  
14 providers; and

15 (9) Collect and assemble information regarding the availability of  
16 insurance and of federal and other child care funding to assist state  
17 and local agencies, businesses, and other child care providers in  
18 offering child care services.

19 **Sec. 110.** RCW 74.25.040 and 1994 c 299 s 8 are each amended to  
20 read as follows:

21 (1) Recipients of ((aid to families with dependent children))  
22 temporary assistance for needy families who are ((not)) employed or  
23 participating in ((an education or work training program)) a work  
24 activity under section 101 of this act may volunteer ((to)) or work in  
25 a licensed child care facility((, or other willing volunteer work  
26 site)). Licensed child care facilities participating in this effort  
27 shall provide care for the recipient's children and provide for the  
28 development of positive child care skills.

29 (2) The department shall train two hundred fifty recipients of  
30 temporary assistance for needy families to become family child care  
31 providers or child care center teachers. The department shall offer  
32 the training in rural and urban communities. The department shall  
33 adopt rules to implement the child care training program in this  
34 section.

35 (3) Recipients trained under this section shall provide child care  
36 services to clients of the department for two years following the  
37 completion of their child care training.

1 **PART II. PERSONAL RESPONSIBILITY**

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

4 (1) After a caretaker has received sixty monthly benefit payments  
5 under the temporary assistance for needy families program, the  
6 caretaker and the caretaker's family shall not be eligible for any  
7 additional monthly payments. Following the receipt of sixty monthly  
8 benefit payments, a caretaker is forever ineligible to apply for or  
9 receive any further assistance under this chapter.

10 (2) For the purposes of applying the rules of this section, the  
11 department shall count both consecutive and nonconsecutive months in  
12 which a caretaker received a monthly benefit payment or a portion of a  
13 monthly benefit payment.

14 (3) The department shall refer caretakers who require specialized  
15 assistance to appropriate department programs, crime victims' programs  
16 through the department of community, trade, and economic development,  
17 or the crime victims' compensation program of the department of labor  
18 and industries.

19 (4) The department may exempt a caretaker and the caretaker's  
20 family from the application of subsection (1) of this section by reason  
21 of hardship or if the caretaker has been battered or subjected to  
22 extreme cruelty. Reasons for hardship include, but are not limited to,  
23 incapacitation, the documented need to care for an incapacitated  
24 household member, and the age of the caretaker. The number of  
25 caretakers and their families exempted from subsection (1) of this  
26 section for a fiscal year shall not exceed twenty percent of the  
27 average monthly number of caretakers and their families to which  
28 assistance is provided under the temporary assistance for needy  
29 families program.

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

32 To the extent authorized by the legislature in the omnibus  
33 appropriations act, the department shall transfer up to thirty percent  
34 of the temporary assistance for needy families block grant to the  
35 social services block grant and the child care development block grant.  
36 Funds transferred under this authority shall be used to prevent  
37 individuals from becoming recipients of temporary assistance for needy

1 families and to help current recipients become economically  
2 independent. Services funded by such a transfer may include, but are  
3 not limited to, welfare diversion services, work activities, case  
4 management, child care, housing assistance, and related social and  
5 health services.

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

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

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

14 (1) The department of social and health services shall adopt rules  
15 to implement this act. However, it may not adopt such rules unless it  
16 has complied with subsections (2) and (3) of this section.

17 (2) Within sixty days after the effective date of this section, the  
18 department shall submit copies of its proposed rules under this section  
19 to the secretary of the senate and the chief clerk of the house of  
20 representatives for distribution to the appropriate committees of the  
21 legislature. The committees shall review the proposed rules and shall  
22 provide the department with comments, if any, on the proposed rules.

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

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

28 In order to be eligible for temporary assistance for needy  
29 families, applicants shall, at the time of application for assistance,  
30 provide the names of both parents of their child or children, whether  
31 born or unborn.

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



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

4 **Sec. 207.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to  
5 read as follows:

6 Medical assistance may be provided in accordance with eligibility  
7 requirements established by the department of social and health  
8 services, as defined in the social security Title XIX state plan for  
9 mandatory categorically needy persons and: (1) Individuals who would  
10 be eligible for cash assistance except for their institutional status;  
11 (2) individuals who are under twenty-one years of age, who would be  
12 eligible for aid to families with dependent children, but do not  
13 qualify as dependent children and who are in (a) foster care, (b)  
14 subsidized adoption, (c) a nursing facility or an intermediate care  
15 facility for the mentally retarded, or (d) inpatient psychiatric  
16 facilities; (3) the aged, blind, and disabled who: (a) Receive only a  
17 state supplement, or (b) would not be eligible for cash assistance if  
18 they were not institutionalized; (4) categorically eligible individuals  
19 who (~~would be eligible for but choose not to receive cash assistance~~)  
20 meet the income and resource requirements of the cash assistance  
21 programs; (5) individuals who are enrolled in managed health care  
22 systems, who have otherwise lost eligibility for medical assistance,  
23 but who have not completed a current six-month enrollment in a managed  
24 health care system, and who are eligible for federal financial  
25 participation under Title XIX of the social security act; (6) children  
26 and pregnant women allowed by federal statute for whom funding is  
27 appropriated; (~~and~~) (7) other individuals eligible for medical  
28 services under RCW 74.09.035 and 74.09.700 for whom federal financial  
29 participation is available under Title XIX of the social security act;  
30 and (8) persons allowed by section 1931 of the social security act for  
31 whom funding is appropriated.

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

34 In determining eligibility for the temporary assistance for needy  
35 families program of an assistance unit under this title, if a household  
36 member is excluded from an assistance unit based on residency,  
37 alienage, or citizenship of the household member, the department shall

1 allocate the full amount of the head of household's income to the  
2 assistance unit without deducting an amount for the support of the  
3 household member.

4 **PART III. MINOR PARENT PROVISIONS**

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

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

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

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

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

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

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

21 (5) For the purposes of this section, "most appropriate living  
22 situation" shall not include a living situation including an adult male  
23 who fathered the qualifying child and is found to meet the elements of  
24 rape of a child as set forth in RCW 9A.44.079.

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

27 (1) The department shall determine, after consideration of all  
28 relevant factors and in consultation with the applicant, the most  
29 appropriate living situation for applicants under eighteen years of  
30 age, unmarried, and pregnant who are eligible for general assistance as  
31 defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living  
32 situation ~~((s))~~ shall include a place of residence that is maintained by  
33 the applicant's parents, parent, legal guardian, or other adult  
34 relative as their or his or her own home ~~((, or other))~~ and that the  
35 department finds would provide an appropriate supportive living  
36 arrangement ~~((supervised by an adult where feasible and consistent with~~  
37 ~~federal regulations under 45 C.F.R. chapter II, section 233.107))~~. It  
38 also includes a living situation maintained by an agency that is

1 licensed under chapter 74.15 RCW that the department finds would  
2 provide an appropriate supportive living arrangement. Grant assistance  
3 shall not be provided under this chapter if the applicant does not  
4 reside in the most appropriate living situation, as determined by the  
5 department.

6 (2) ~~((An applicant under eighteen years of age who is pregnant and~~  
7 ~~is not living in a situation described in subsection (1) of this~~  
8 ~~section shall be))~~ A pregnant minor residing in the most appropriate  
9 living situation, as provided under subsection (1) of this section, is  
10 presumed to be unable to manage adequately the funds paid to the minor  
11 or on behalf of the dependent child or children and, unless the  
12 ~~((teenage custodial parent demonstrates otherwise))~~ minor provides  
13 sufficient evidence to rebut the presumption, shall be subject to the  
14 protective payee requirements provided for under RCW 74.12.250 and  
15 74.08.280.

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

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

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

1        NEW SECTION.    **Sec. 303.**    A new section is added to chapter 74.12  
2    RCW to read as follows:

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

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

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

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

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

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

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

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

30 NEW SECTION. **Sec. 306.** The department of health shall apply for  
31 federal funds for abstinence education from the United States  
32 department of health and human services under Title V of the social  
33 security act, 42 U.S.C. Sec. 701 et seq., section 912, specifically  
34 under section 505(a).

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

1        NEW SECTION.    **Sec. 401.**    The legislature recognizes that the  
2 current statutory procedures for the collection of child support do not  
3 apply to all persons owing child support.    In order to further insure  
4 that child support obligations are met, this act establishes a program  
5 by which certain licenses may be suspended or not renewed if a person  
6 is one hundred eighty days or more in arrears on child support  
7 payments.    With this program, it is the intent of the legislature to  
8 provide a strong incentive for persons owing support to make timely  
9 payments, and to cooperate with the department of social and health  
10 services to establish an appropriate schedule for the payment of any  
11 arrears.    In addition, the legislature finds that disputes over child  
12 visitation comprises an often-cited reason why child support is unpaid.  
13 It is the intent of the legislature to include custodial parents who  
14 deny visitation as persons subject to license suspension and  
15 nonrenewal.

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

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

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

31        (a) "Licensing entity" includes any department, board, commission,  
32 or other organization of the state authorized to issue, renew, suspend,  
33 or revoke a license authorizing an individual to engage in a business,  
34 occupation, profession, industry, or the operation of a motor vehicle,  
35 and includes the Washington state supreme court, to the extent that a  
36 rule has been adopted by the court to implement suspension of licenses  
37 related to the practice of law.

1 (b) "Noncompliance with a child support order" means a responsible  
2 parent has:

3 (i) Accumulated arrears totaling more than six months of child  
4 support payments;

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

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

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

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

22 (2) The department may serve upon a responsible parent a notice  
23 informing the responsible parent of the department's intent to submit  
24 the parent's name to the department of licensing and any appropriate  
25 licensing entity as a licensee who is not in compliance with a child  
26 support order. The department shall attach a copy of the responsible  
27 parent's child support order to the notice. Service of the notice must  
28 be by certified mail, return receipt requested. If service by  
29 certified mail is not successful, service shall be by personal service.

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

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



1 (a) The parent may request an adjudicative proceeding to contest  
2 the issue of compliance. The only issues that may be considered at the  
3 adjudicative proceeding are whether the parent is required to pay child  
4 support under a child support order and whether the parent is in  
5 compliance with that order;

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

9 (c) If the parent requests an adjudicative proceeding within twenty  
10 days of service, the department will stay action to certify the parent  
11 to the department of licensing and any licensing entity for  
12 noncompliance with a child support order pending entry of a written  
13 decision after the adjudicative proceeding;

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

19 (e) The department will stay action to certify the parent to the  
20 department of licensing and any licensing entity for noncompliance if  
21 the parent agrees to make timely payments of current support and agrees  
22 to a reasonable payment schedule for payment of the arrears. It is the  
23 parent's responsibility to contact in person or by mail the  
24 department's division of child support office indicated on the notice  
25 within twenty days of service of the notice to arrange for a payment  
26 schedule. The department may stay certification for up to thirty days  
27 after contact from a parent to arrange for a payment schedule;

28 (f) If the department certifies the responsible parent to the  
29 department of licensing and a licensing entity for noncompliance with  
30 a child support order, the licensing entity will suspend, not renew, or  
31 not issue the parent's license and the department of licensing will  
32 suspend or not renew any driver's license that the parent holds until  
33 the parent provides the department of licensing and the licensing  
34 entity with a written release from the department stating that the  
35 responsible parent is in compliance with the child support order;

36 (g) If the department certifies the responsible parent as a person  
37 who is in noncompliance with a child support order, the department of  
38 fish and wildlife will suspend the fishing license, hunting license,  
39 commercial fishing license, or any other license issued under chapters

1 77.32, 77.28, and 75.25 RCW that the responsible parent may possess.  
2 Notice from the department of licensing that a responsible parent's  
3 driver's license has been suspended shall serve as notice of the  
4 suspension of a license issued under chapters 77.32 and 75.25 RCW;

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

8 (i) If after receiving the notice of noncompliance with a child  
9 support order, the responsible parent files a motion to modify support  
10 with the court or requests the department to amend a support obligation  
11 established by an administrative decision, the department or the court  
12 shall stay action to certify the parent to the department of licensing  
13 and any licensing entity for noncompliance with a child support order  
14 until a final decision or order is entered. If a motion for  
15 modification of a court or administrative order for child support is  
16 pending prior to service of the notice, any action to certify the  
17 parent to a licensing entity for noncompliance with a child support  
18 order shall be automatically stayed until entry of a final order or  
19 decision in the modification proceedings. The responsible parent has  
20 the obligation to notify the department that a modification proceeding  
21 is pending and provide a copy of the motion or request for  
22 modification; and

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

28 (5) A responsible parent may request an adjudicative proceeding  
29 upon service of the notice described in subsection (2) of this section.  
30 The request for an adjudicative proceeding must be received by the  
31 department within twenty days of service. The request must be in  
32 writing and indicate the current mailing address and daytime phone  
33 number, if available, of the responsible parent. The proceedings under  
34 this subsection shall be conducted in accordance with the requirements  
35 of chapter 34.05 RCW. The issues that may be considered at the  
36 adjudicative proceeding are limited to whether the responsible parent  
37 is required to pay child support under a child support order and  
38 whether the responsible parent is in compliance with the order.

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

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

21 (8) If a responsible parent timely requests an adjudicative  
22 proceeding to contest the issue of compliance, the department may not  
23 certify the name of the parent to the department of licensing or a  
24 licensing entity for noncompliance with a child support order unless  
25 the adjudicative proceeding results in a finding that the responsible  
26 parent is not in compliance with the order.

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

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

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

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

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

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

5 The department shall send by regular mail a copy of any  
6 certification of noncompliance filed with the department of licensing  
7 or a licensing entity to the responsible parent at the responsible  
8 parent's most recent address of record.

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

15 (11) When a responsible parent who is served notice under  
16 subsection (2) of this section subsequently complies with the child  
17 support order, the department shall promptly provide the parent with a  
18 written release stating that the responsible parent is in compliance  
19 with the order. The department shall also transmit a copy of that  
20 release to the appropriate licensing entities.

21 (12) Nothing in this section prohibits a responsible parent from  
22 filing a motion to modify support with the court or from requesting the  
23 department to amend a support obligation established by an  
24 administrative decision. If there is a reasonable likelihood that the  
25 motion or request will significantly change the amount of the child  
26 support obligation, the department or the court may stay action to  
27 certify the responsible parent to the department of licensing and any  
28 licensing entity for noncompliance with a child support order until a  
29 final decision or order is entered. If a motion for modification of a  
30 court or administrative order for child support is pending prior to  
31 service of the notice, any action to certify the parent to a licensing  
32 entity for noncompliance with a child support order shall be  
33 automatically stayed for six months, or longer if the department finds  
34 good cause, or until entry of a final order or decision in the  
35 modification proceedings. The responsible parent has the obligation to  
36 notify the department that a modification proceeding is pending and  
37 provide a copy of the motion or request for modification.

38 (13) The procedures provided in this act shall constitute the  
39 exclusive administrative remedy for contesting the establishment of

1 noncompliance with a child support order and suspension of a license  
2 pursuant to this section, and shall satisfy the requirements of RCW  
3 34.05.422.

4 (14) The department of licensing and a licensing entity may issue,  
5 renew, reinstate, or otherwise extend a license in accordance with the  
6 licensing entity's or the department of licensing's rules after the  
7 licensing entity or the department of licensing receives a copy of the  
8 release specified in subsection (11) of this section. The department  
9 of licensing and a licensing entity may waive any applicable  
10 requirement for renewal or other extension if it determines that the  
11 imposition of that requirement places an undue burden on the person and  
12 that waiver of the requirement is consistent with the public interest.

13 (15) Consistent with the intent of chapter . . . , Laws of 1997  
14 (this act), the department shall develop rules and procedures for  
15 implementing the requirements of this section and applying the  
16 standards provided in this section. The department shall deliver a  
17 copy of these rules and procedures to the legislature no later than  
18 June 30, 1998.

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

21 (1) The department of social and health services and all of the  
22 various licensing entities subject to section 402 of this act shall  
23 enter into such agreements as are necessary to carry out the  
24 requirements of the license suspension program established in section  
25 402 of this act.

26 (2) On or before January 1, 1998, and semiannually thereafter, the  
27 department of social and health services and all licensing entities  
28 subject to section 402 of this act shall compare data to identify  
29 responsible parents who are not in compliance with a child support  
30 order, as defined in section 402 of this act, with all licensees  
31 subject to chapter . . . , Laws of 1997 (this act). The comparison may  
32 be conducted electronically, or by any other means that is jointly  
33 agreeable between the department and the particular licensing entity.  
34 The data shared shall be limited to those items necessary to  
35 implementation of chapter . . . , Laws of 1997 (this act). The purpose  
36 of the comparison shall be to identify current licensees who are not in  
37 compliance with a child support order, and to provide to the department

1 of social and health services the following information regarding those  
2 licensees:

3 (a) Name;

4 (b) Date of birth;

5 (c) Address of record;

6 (d) Federal employer identification number or social security  
7 number;

8 (e) Type of license;

9 (f) Effective date of license or renewal;

10 (g) Expiration date of license; and

11 (h) Active or inactive status.

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

14 (1) In furtherance of the public policy of increasing collection of  
15 child support and to assist in evaluation of the program established in  
16 section 402 of this act, the department shall report the following to  
17 the legislature and the governor on December 1, 1998, and annually  
18 thereafter:

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

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

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

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

27 (e) The number of adjudicative proceedings held, and the results of  
28 the adjudicative proceedings;

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

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

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

1 (i) Recommendations for the addition of specific licenses in the  
2 program or exclusion of specific licenses from the program, and reasons  
3 for such recommendations; and

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

6 (2) To assist in evaluation of the program established in section  
7 402 of this act, the office of the administrator for the courts shall  
8 report the following to the legislature and the governor on December 1,  
9 1998, and annually thereafter:

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

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

14 (c) The number of parents whose licenses were suspended under RCW  
15 26.09.160(3).

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

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

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

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

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

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

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

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

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

3 (7) Has been certified by the department of social and health  
4 services as a person who is not in compliance with a child support  
5 order as provided in section 402 of this act, or is certified by a  
6 court as a person who is not in compliance with a residential or  
7 visitation order as provided in section 481 of this act.

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

10 (1) The department shall not suspend a driver's license or  
11 privilege to drive a motor vehicle on the public highways for a fixed  
12 period of more than one year, except as specifically permitted under  
13 RCW 46.20.342 or other provision of law. Except for a suspension under  
14 RCW 46.20.289 ((and)), 46.20.291(5), or section 402 of this act,  
15 whenever the license or driving privilege of any person is suspended by  
16 reason of a conviction, a finding that a traffic infraction has been  
17 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291  
18 or 46.20.308, the suspension shall remain in effect until the person  
19 gives and thereafter maintains proof of financial responsibility for  
20 the future as provided in chapter 46.29 RCW. If the suspension is the  
21 result of a violation of RCW 46.61.502 or 46.61.504, the department  
22 shall determine the person's eligibility for licensing based upon the  
23 reports provided by the alcoholism agency or probation department  
24 designated under RCW 46.61.5056 and shall deny reinstatement until  
25 enrollment and participation in an approved program has been  
26 established and the person is otherwise qualified. Whenever the  
27 license or driving privilege of any person is suspended as a result of  
28 certification of noncompliance with a child support order under chapter  
29 74.20A RCW or a residential or visitation order as provided in section  
30 481 of this act, the suspension shall remain in effect until the person  
31 provides a written release issued by the department of social and  
32 health services or a court stating that the person is in compliance  
33 with the order. The department shall not issue to the person a new,  
34 duplicate, or renewal license until the person pays a reissue fee of  
35 twenty dollars. If the suspension is the result of a violation of RCW  
36 46.61.502 or 46.61.504, or is the result of administrative action under  
37 RCW 46.20.308, the reissue fee shall be fifty dollars.



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

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

1 chemical test of the driver's blood alcohol content, the reissue fee  
2 shall be fifty dollars.

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

5 In the event that the department of licensing suspends a driver's  
6 license solely for the nonpayment of child support as provided in  
7 chapter 74.20A RCW or for noncompliance with a residential or  
8 visitation order as provided in chapter 26.09 RCW, any provision in the  
9 driver's motor vehicle liability insurance policy excluding insurance  
10 coverage for an unlicensed driver shall not apply to the driver for  
11 ninety days from the date of suspension. When a driver's license is  
12 suspended under chapter 74.20A RCW, the driving record for the  
13 suspended driver shall include a notation that explains the reason for  
14 the suspension.

15 **Sec. 408.** RCW 46.52.130 and 1996 c 307 s 4 and 1996 c 183 s 2 are  
16 each reenacted and amended to read as follows:

17 A certified abstract of the driving record shall be furnished only  
18 to the individual named in the abstract, an employer or prospective  
19 employer or an agent acting on behalf of an employer or prospective  
20 employer, the insurance carrier that has insurance in effect covering  
21 the employer or a prospective employer, the insurance carrier that has  
22 insurance in effect covering the named individual, the insurance  
23 carrier to which the named individual has applied, an alcohol/drug  
24 assessment or treatment agency approved by the department of social and  
25 health services, to which the named individual has applied or been  
26 assigned for evaluation or treatment, or city and county prosecuting  
27 attorneys. City attorneys and county prosecuting attorneys may provide  
28 the driving record to alcohol/drug assessment or treatment agencies  
29 approved by the department of social and health services to which the  
30 named individual has applied or been assigned for evaluation or  
31 treatment. The director, upon proper request, shall furnish a  
32 certified abstract covering the period of not more than the last three  
33 years to insurance companies. Upon proper request, the director shall  
34 furnish a certified abstract covering a period of not more than the  
35 last five years to state approved alcohol/drug assessment or treatment  
36 agencies, except that the certified abstract shall also include records  
37 of alcohol-related offenses as defined in RCW 46.01.260(2) covering a

1 period of not more than the last ten years. Upon proper request, a  
2 certified abstract of the full driving record maintained by the  
3 department shall be furnished to a city or county prosecuting attorney,  
4 to the individual named in the abstract or to an employer or  
5 prospective employer or an agent acting on behalf of an employer or  
6 prospective employer of the named individual. The abstract, whenever  
7 possible, shall include an enumeration of motor vehicle accidents in  
8 which the person was driving; the total number of vehicles involved;  
9 whether the vehicles were legally parked or moving; whether the  
10 vehicles were occupied at the time of the accident; any reported  
11 convictions, forfeitures of bail, or findings that an infraction was  
12 committed based upon a violation of any motor vehicle law; and the  
13 status of the person's driving privilege in this state, including a  
14 notation that indicates whether a suspension was pursuant to RCW  
15 46.20.291(7). The enumeration shall include any reports of failure to  
16 appear in response to a traffic citation or failure to respond to a  
17 notice of infraction served upon the named individual by an arresting  
18 officer. Certified abstracts furnished to prosecutors and alcohol/drug  
19 assessment or treatment agencies shall also indicate whether a recorded  
20 violation is an alcohol-related offense as defined in RCW 46.01.260(2)  
21 that was originally charged as one of the alcohol-related offenses  
22 designated in RCW 46.01.260(2)((~~a~~)(~~i~~)) (b)(i).

23 The abstract provided to the insurance company shall exclude any  
24 information, except that related to the commission of misdemeanors or  
25 felonies by the individual, pertaining to law enforcement officers or  
26 fire fighters as defined in RCW 41.26.030, or any officer of the  
27 Washington state patrol, while driving official vehicles in the  
28 performance of occupational duty. The abstract provided to the  
29 insurance company shall include convictions for RCW 46.61.525 (1) and  
30 (2) except that the abstract shall report them only as negligent  
31 driving without reference to whether they are for first or second  
32 degree negligent driving. The abstract provided to the insurance  
33 company shall exclude any deferred prosecution under RCW 10.05.060,  
34 except that if a person is removed from a deferred prosecution under  
35 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
36 as the removal.

37 The director shall collect for each abstract the sum of four  
38 dollars and fifty cents which shall be deposited in the highway safety  
39 fund.

1 Any insurance company or its agent receiving the certified abstract  
2 shall use it exclusively for its own underwriting purposes and shall  
3 not divulge any of the information contained in it to a third party.  
4 No policy of insurance may be canceled, nonrenewed, denied, or have the  
5 rate increased on the basis of such information unless the policyholder  
6 was determined to be at fault. No insurance company or its agent for  
7 underwriting purposes relating to the operation of commercial motor  
8 vehicles may use any information contained in the abstract relative to  
9 any person's operation of motor vehicles while not engaged in such  
10 employment, nor may any insurance company or its agent for underwriting  
11 purposes relating to the operation of noncommercial motor vehicles use  
12 any information contained in the abstract relative to any person's  
13 operation of commercial motor vehicles.

14 Any employer or prospective employer or an agent acting on behalf  
15 of an employer or prospective employer receiving the certified abstract  
16 shall use it exclusively for his or her own purpose to determine  
17 whether the licensee should be permitted to operate a commercial  
18 vehicle or school bus upon the public highways of this state and shall  
19 not divulge any information contained in it to a third party.

20 Any alcohol/drug assessment or treatment agency approved by the  
21 department of social and health services receiving the certified  
22 abstract shall use it exclusively for the purpose of assisting its  
23 employees in making a determination as to what level of treatment, if  
24 any, is appropriate. The agency, or any of its employees, shall not  
25 divulge any information contained in the abstract to a third party.

26 Release of a certified abstract of the driving record of an  
27 employee or prospective employee requires a statement signed by: (1)  
28 The employee or prospective employee that authorizes the release of the  
29 record, and (2) the employer attesting that the information is  
30 necessary to determine whether the licensee should be employed to  
31 operate a commercial vehicle or school bus upon the public highways of  
32 this state. If the employer or prospective employer authorizes an  
33 agent to obtain this information on their behalf, this must be noted in  
34 the statement.

35 Any violation of this section is a gross misdemeanor.

36 NEW SECTION. **Sec. 409.** ATTORNEYS. The legislature intends that  
37 the license suspension program established in chapter 74.20A RCW be  
38 implemented fairly to ensure that child support obligations are met.

1 However, being mindful of the separations of powers and  
2 responsibilities among the branches of government, the legislature  
3 strongly encourages the state supreme court to adopt rules providing  
4 for suspension and denial of licenses related to the practice of law to  
5 those individuals who are in noncompliance with a support order.

6 NEW SECTION. **Sec. 410.** A new section is added to chapter 2.48 RCW  
7 to read as follows:

8 ATTORNEYS. The Washington state supreme court may provide by rule  
9 that any member of the Washington state bar association who has been  
10 certified by the department of social and health services as a person  
11 who is in noncompliance with a support order as provided in section 402  
12 of this act or by a court as in noncompliance with a residential or  
13 visitation order under section 481 of this act shall be immediately  
14 suspended from membership. The court's rules may provide for review of  
15 an application for admission or reinstatement of membership after the  
16 department of social and health services or a court has issued a  
17 written release stating that the person is in compliance with the  
18 order.

19 NEW SECTION. **Sec. 411.** A new section is added to chapter 18.04  
20 RCW to read as follows:

21 The board shall immediately suspend the certificate or license of  
22 a person who either (1) has been certified pursuant to section 402 of  
23 this act by the department of social and health services as a person  
24 who is not in compliance with a support order, or (2) has been  
25 certified pursuant to section 481 of this act by a court as a person  
26 who is not in compliance with a residential or visitation order. If  
27 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 board's receipt of a written  
30 release issued by the department of social and health services or a  
31 court stating that the licensee is in compliance with the order.

32 **Sec. 412.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to  
33 read as follows:

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

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

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

7       (2) In the case of suspension for failure to comply with a support  
8 order under chapter 74.20A RCW, or a residential or visitation order as  
9 provided in section 481 of this act if the person has continued to meet  
10 all other requirements for reinstatement during the suspension,  
11 reissuance of a certificate or license shall be automatic upon the  
12 board's receipt of a written release issued by the department of social  
13 and health services or a court stating that the individual is in  
14 compliance with the order.

15       **NEW SECTION.**   **Sec. 413.** A new section is added to chapter 18.08  
16 RCW to read as follows:

17       The board shall immediately suspend the certificate of registration  
18 or certificate of authorization to practice architecture of a person  
19 who either (1) has been certified pursuant to section 402 of this act  
20 by the department of social and health services as a person who is not  
21 in compliance with a support order, or (2) has been certified pursuant  
22 to section 481 of this act by a court as a person who is not in  
23 compliance with a residential or visitation order. If the person has  
24 continued to meet other requirements for reinstatement during the  
25 suspension, reissuance of the certificate shall be automatic upon the  
26 board's receipt of a written release issued by the department of social  
27 and health services or a court stating that the individual is in  
28 compliance with the order.

29       **Sec. 414.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to  
30 read as follows:

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

1 or in which as a stockholder the person has or exercises a controlling  
2 interest either directly or indirectly.

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

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

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

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

12 (d) Misleading or false advertising;

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

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

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

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

21 (i) Any other violations of this chapter.

22 (3) The department shall immediately suspend the license of a  
23 person who either (a) 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 (b) has been  
26 certified pursuant to section 481 of this act by a court as a person  
27 who is not in compliance with a residential or visitation order. If  
28 the person has continued to meet all other requirements for  
29 reinstatement during the suspension, reissuance of the license shall be  
30 automatic upon the department'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 NEW SECTION. Sec. 415. A new section is added to chapter 18.16  
34 RCW to read as follows:

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

1 to section 481 of this act by a court as a person who is not in  
2 compliance with a residential or visitation order. If the person has  
3 continued to meet all other requirements for reinstatement during the  
4 suspension, reissuance of the license shall be automatic upon the  
5 department's receipt of a written release issued by the department of  
6 social and health services or a court stating that the licensee is in  
7 compliance with the order.

8 NEW SECTION. **Sec. 416.** A new section is added to chapter 18.20  
9 RCW to read as follows:

10 The department shall immediately suspend the license of a person  
11 who either (1) has been certified pursuant to section 402 of this act  
12 by the department of social and health services as a person who is not  
13 in compliance with a support order, or (2) has been certified pursuant  
14 to section 481 of this act by a court as a person who is not in  
15 compliance with a residential or visitation order. If the person has  
16 continued to meet all other requirements for reinstatement during the  
17 suspension, reissuance of the license shall be automatic upon the  
18 department's receipt of a written release issued by the department of  
19 social and health services or a court stating that the licensee is in  
20 compliance with the order.

21 **Sec. 417.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each  
22 amended to read as follows:

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

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

30 (a) One year;

31 (b) Until the bond expires; or

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

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

36 (4) If a contractor's surety bond or other security has an  
37 unsatisfied judgment against it or is canceled, or if the contractor's



1 insurance policy is canceled, the contractor's registration shall be  
2 automatically suspended on the effective date of the impairment or  
3 cancellation. The department shall give notice of the suspension to  
4 the contractor.

5 (5) The department shall immediately suspend the certificate of  
6 registration of a contractor who has been certified by the department  
7 of social and health services as a person who either (a) is not in  
8 compliance with a support order as provided in section 402 of this act,  
9 or (b) has been certified pursuant to section 481 of this act by a  
10 court as a person who is not in compliance with a residential or  
11 visitation order. The certificate of registration shall not be  
12 reissued or renewed unless the person provides to the department a  
13 written release from the department of social and health services or a  
14 court stating that he or she is in compliance with the order and the  
15 person has continued to meet all other requirements for certification  
16 during the suspension.

17 NEW SECTION. Sec. 418. A new section is added to chapter 18.28  
18 RCW to read as follows:

19 The department shall immediately suspend the license of a person  
20 who either (1) has been certified pursuant to section 402 of this act  
21 by the department of social and health services as a person who is not  
22 in compliance with a support order, or (2) has been certified pursuant  
23 to section 481 of this act by a court as a person who is not in  
24 compliance with a residential or visitation order. If the person has  
25 continued to meet all other requirements for reinstatement during the  
26 suspension, reissuance of the license shall be automatic upon the  
27 department's receipt of a written release issued by the department of  
28 social and health services or a court stating that the licensee is in  
29 compliance with the order.

30 **Sec. 419.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to  
31 read as follows:

32 The director shall have the following powers and duties:

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

34 (2) To renew licenses under this chapter;

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

36 ((and))

1       (4) To immediately suspend the license of a person who (a) has been  
2 certified pursuant to section 402 of this act by the department of  
3 social and health services as a person who is not in compliance with a  
4 support order, or (b) has been certified pursuant to section 481 of  
5 this act by a court as a person who is not in compliance with a  
6 residential or visitation order; and

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

10       NEW SECTION. Sec. 420. A new section is added to chapter 18.39  
11 RCW to read as follows:

12       In the case of suspension for failure to comply with a support  
13 order under chapter 74.20A RCW or a residential or visitation order  
14 under chapter 26.09 RCW, if the person has continued to meet all other  
15 requirements for reinstatement during the suspension, reissuance of a  
16 license 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 individual is in compliance with the order.

19       NEW SECTION. Sec. 421. A new section is added to chapter 18.43  
20 RCW to read as follows:

21       The board shall immediately suspend the registration 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 481 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 membership during the  
28 suspension, reissuance of the certificate of registration shall be  
29 automatic upon the board's receipt of a written release issued by the  
30 department of social and health services or a court stating that the  
31 person is in compliance with the order.

32       NEW SECTION. Sec. 422. A new section is added to chapter 18.44  
33 RCW to read as follows:

34       The department shall immediately suspend the certificate of  
35 registration of a person who either (1) has been certified pursuant to  
36 section 402 of this act by the department of social and health services

1 as a person who is not in compliance with a support order, or (2) has  
2 been certified pursuant to section 481 of this act by a court as a  
3 person who is not in compliance with a residential or visitation order.  
4 If the person has continued to meet all other requirements for  
5 certification during the suspension, reissuance of the certificate  
6 shall be automatic upon the department's receipt of a written release  
7 issued by the department of social and health services or a court  
8 stating that the person is in compliance with the order.

9 **Sec. 423.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to  
10 read as follows:

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

15 (2) The department shall immediately suspend the license of a  
16 person who either (a) has been certified pursuant to section 402 of  
17 this act by the department of social and health services as a person  
18 who is not in compliance with a support order, or (b) has been  
19 certified pursuant to section 481 of this act by a court as a person  
20 who is not in compliance with a residential or visitation order. If  
21 the person has continued to meet all other requirements for  
22 reinstatement during the suspension, reissuance of the license shall be  
23 automatic upon the department's receipt of a written release issued by  
24 the department of social and health services or a court stating that  
25 the person is in compliance with the order.

26 RCW 43.70.115 governs notice of a license denial, revocation,  
27 suspension, or modification and provides the right to an adjudicative  
28 proceeding.

29 NEW SECTION. **Sec. 424.** A new section is added to chapter 18.51  
30 RCW to read as follows:

31 The department shall immediately suspend the license of a person  
32 who either (1) has been certified pursuant to section 402 of this act  
33 by the department of social and health services, division of support,  
34 as a person who is not in compliance with a child support order, or (2)  
35 has been certified pursuant to section 481 of this act by a court as a  
36 person who is not in compliance with a residential or visitation order.  
37 If the person has continued to meet all other requirements for

1 reinstatement during the suspension, reissuance of the license shall be  
2 automatic upon the department's receipt of a written release issued by  
3 the division of child support or a court stating that the person is in  
4 compliance with the order.

5 NEW SECTION. **Sec. 425.** A new section is added to chapter 18.76  
6 RCW to read as follows:

7 The department shall immediately suspend the certification of a  
8 poison center medical director or a poison information specialist who  
9 either (1) has been certified pursuant to section 402 of this act by  
10 the department of social and health services as a person who is not in  
11 compliance with a support order, or (2) has been certified pursuant to  
12 section 481 of this act by a court as a person who is not in compliance  
13 with a residential or visitation order. If the person has continued to  
14 meet all other requirements for certification during the suspension,  
15 reissuance of the certification shall be automatic upon the  
16 department's receipt of a written release issued by the department of  
17 social and health services or a court stating that the person is in  
18 compliance with the order.

19 NEW SECTION. **Sec. 426.** A new section is added to chapter 18.85  
20 RCW to read as follows:

21 The director shall immediately suspend the license of a broker or  
22 salesperson who either (1) has been certified pursuant to section 402  
23 of this act by the department of social and health services as a person  
24 who is not in compliance with a support order, or (2) has been  
25 certified pursuant to section 481 of this act by a court as a person  
26 who is not in compliance with a residential or visitation order. If  
27 the person has continued to meet all other requirements for  
28 reinstatement during the suspension, reissuance of the license shall be  
29 automatic upon the director's receipt of a written release issued by  
30 the department of social and health services or a court stating that  
31 the person is in compliance with the order.

32 **Sec. 427.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended  
33 to read as follows:

34 (1) The director may refuse to renew, or may suspend or revoke, a  
35 certificate of registration to use the titles landscape architect,

1 landscape architecture, or landscape architectural in this state upon  
2 the following grounds:

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

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

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

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

14 (2) The director shall immediately suspend the certificate of  
15 registration of a landscape architect who either (a) has been certified  
16 pursuant to section 402 of this act by the department of social and  
17 health services as a person who is not in compliance with a support  
18 order, or (b) has been certified pursuant to section 481 of this act by  
19 a court as a person who is not in compliance with a residential or  
20 visitation order. If the person has continued to meet all other  
21 requirements for certification during the suspension, reissuance of the  
22 certificate of registration shall be automatic upon the director's  
23 receipt of a written release issued by the department of social and  
24 health services or a court stating that the person is in compliance  
25 with the order.

26 **Sec. 428.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to  
27 read as follows:

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

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

32 ~~((2))~~ (b) For fraud or deception in reporting under RCW  
33 18.104.050;

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

37 (2) The director shall immediately suspend any license issued under  
38 this chapter if the holder of the license either (a) has been certified

1 pursuant to section 402 of this act by the department of social and  
2 health services as a person who is not in compliance with a support  
3 order, or (b) has been certified pursuant to section 481 of this act by  
4 a court as a person who is not in compliance with a residential or  
5 visitation order. If the person has continued to meet all other  
6 requirements for reinstatement during the suspension, reissuance of the  
7 license shall be automatic upon the director's receipt of a written  
8 release issued by the department of social and health services or a  
9 court stating that the person is in compliance with the order.

10 (3) No license shall be suspended for more than six months, except  
11 that a suspension under section 402 or 481 of this act shall continue  
12 until the department receives a written release issued by the  
13 department of social and health services or a court stating that the  
14 person is in compliance with the order.

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

18 NEW SECTION. Sec. 429. A new section is added to chapter 18.106  
19 RCW to read as follows:

20 The department shall immediately suspend any certificate of  
21 competency issued under this chapter if the holder of the certificate  
22 either (1) has been certified pursuant to section 402 of this act by  
23 the department of social and health services as a person who is not in  
24 compliance with a support order, or (2) has been certified pursuant to  
25 section 481 of this act by a court as a person who is not in compliance  
26 with a residential or visitation order. If the person has continued to  
27 meet all other requirements for certification during the suspension,  
28 reissuance of the certificate of competency 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 person is in  
31 compliance with the order.

32 NEW SECTION. Sec. 430. A new section is added to chapter 18.130  
33 RCW to read as follows:

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

1 or (2) has been certified pursuant to section 481 of this act by a  
2 court as a person who is not in compliance with a residential or  
3 visitation order.

4 **Sec. 431.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to  
5 read as follows:

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

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

24 **NEW SECTION. Sec. 432.** A new section is added to chapter 18.140  
25 RCW to read as follows:

26 The director shall immediately suspend any license or certificate  
27 issued under this chapter if the holder either (1) has been certified  
28 pursuant to section 402 of this act by the department of social and  
29 health services as a person who is not in compliance with a support  
30 order, or (2) has been certified pursuant to section 481 of this act by  
31 a court as a person who is not in compliance with a residential or  
32 visitation order. If the person has continued to meet all other  
33 requirements for reinstatement during the suspension, reissuance of the  
34 license or certificate shall be automatic upon the director's receipt  
35 of a written release issued by the department of social and health  
36 services or a court stating that the person is in compliance with the  
37 order.

1        NEW SECTION.    **Sec. 433.**    A new section is added to chapter 18.145  
2    RCW to read as follows:

3        The director shall immediately suspend any certificate issued under  
4    this chapter if the holder either (1) has been certified pursuant to  
5    section 402 of this act by the department of social and health services  
6    as a person who is not in compliance with a support order, or (2) has  
7    been certified pursuant to section 481 of this act by a court as a  
8    person who is not in compliance with a residential or visitation order.  
9    If the person has continued to meet all other requirements for  
10   certification during the suspension, reissuance of the certificate  
11   shall be automatic upon the director's receipt of a written release  
12   issued by the department of social and health services or a court  
13   stating that the person is in compliance with the order.

14        **Sec. 434.**    RCW 18.160.080 and 1990 c 177 s 10 are each amended to  
15   read as follows:

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

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

25        (b) Conviction of a felony;

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

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

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

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

36        (2) The state director of fire protection shall revoke the license  
37   of a licensed fire protection sprinkler system contractor or the  
38   certificate of a certificate of competency holder who engages in the



1 fire protection sprinkler system business while the license or  
2 certificate of competency is suspended.

3 (3) The state director of fire protection shall immediately suspend  
4 any license or certificate issued under this chapter if the holder  
5 either (a) has been certified pursuant to section 402 of this act by  
6 the department of social and health services as a person who is not in  
7 compliance with a support order, or (b) has been certified pursuant to  
8 section 481 of this act by a court as a person who is not in compliance  
9 with a residential or visitation order. If the person has continued to  
10 meet all other requirements for issuance or reinstatement during the  
11 suspension, issuance or reissuance of the license or certificate shall  
12 be automatic upon the director's receipt of a written release issued by  
13 the department of social and health services or a court stating that  
14 the person is in compliance with the order.

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

19 **Sec. 435.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to  
20 read as follows:

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

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

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

30 (3) Not meeting the qualifications set forth in RCW 18.165.030,  
31 18.165.040, or 18.165.050;

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

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

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

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

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

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

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

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

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

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

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

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

37 (b) Not furnishing in writing a full and complete explanation  
38 covering the matter contained in a complaint filed with the department;  
39 or

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

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

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

7 (17) Misrepresentation or fraud in any aspect of the conduct of the  
8 business or profession;

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

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

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

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

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

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

25 (24) Being certified as not in compliance with a support order as  
26 provided in section 402 of this act or not in compliance with a  
27 residential or visitation order under section 481 of this act.

28 NEW SECTION. Sec. 436. A new section is added to chapter 18.165  
29 RCW to read as follows:

30 The director shall immediately suspend a license issued under this  
31 chapter if the holder either (1) has been certified pursuant to section  
32 402 of this act by the department of social and health services as a  
33 person who is not in compliance with a support order, or (2) has been  
34 certified pursuant to section 481 of this act by a court as a person  
35 who is not in compliance with a residential or visitation order. If  
36 the person has continued to meet all other requirements for  
37 reinstatement during the suspension, reissuance of the license shall be  
38 automatic upon the director's receipt of a written release issued by

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

3 **Sec. 437.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to  
4 read as follows:

5 In addition to the provisions of section 438 of this act, the  
6 following acts are prohibited and constitute grounds for disciplinary  
7 action, assessing administrative penalties, or denial, suspension, or  
8 revocation of any license under this chapter, as deemed appropriate by  
9 the director:

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

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

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

16 (4) Not meeting the qualifications set forth in RCW 18.170.030,  
17 18.170.040, or 18.170.060;

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

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

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

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

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

32 (10) Conviction of a gross misdemeanor or felony or the commission  
33 of any act involving moral turpitude, dishonesty, or corruption whether  
34 the act constitutes a crime or not. If the act constitutes a crime,  
35 conviction in a criminal proceeding is not a condition precedent to  
36 disciplinary action. Upon such a conviction, however, the judgment and  
37 sentence is conclusive evidence at the ensuing disciplinary hearing of  
38 the guilt of the license holder or applicant of the crime described in

1 the indictment or information, and of the person's violation of the  
2 statute on which it is based. For the purposes of this section,  
3 conviction includes all instances in which a plea of guilty or nolo  
4 contendere is the basis for the conviction and all proceedings in which  
5 the sentence has been deferred or suspended;

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

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

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

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

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

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

21 (b) Not furnishing in writing a full and complete explanation  
22 covering the matter contained in a complaint filed with the department;  
23 or

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

26 (16) Failure to comply with an order issued by the director or an  
27 assurance of discontinuance entered into with the disciplining  
28 authority;

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

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

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

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

- 1 (21) Assigning or transferring any license issued pursuant to the  
2 provisions of this chapter, except as provided in RCW 18.170.060;  
3 (22) Failure to maintain insurance; and  
4 (23) Failure to have a qualifying principal in place.

5 NEW SECTION. **Sec. 438.** A new section is added to chapter 18.170  
6 RCW to read as follows:

7 The director shall immediately suspend any license issued under  
8 this chapter if the holder either (1) has been certified pursuant to  
9 section 402 of this act by the department of social and health services  
10 as a person who is not in compliance with a support order, or (2) has  
11 been certified pursuant to section 481 of this act by a court as a  
12 person who is not in compliance with a residential or visitation order.  
13 If the person has continued to meet all other requirements for  
14 reinstatement during the suspension, reissuance of the license shall be  
15 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 NEW SECTION. **Sec. 439.** A new section is added to chapter 18.175  
19 RCW to read as follows:

20 The director shall immediately suspend a certificate of  
21 registration issued under this chapter if the holder either (1) has  
22 been 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 (2) has been certified pursuant to section 481 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 certification during the suspension,  
28 reissuance of the certificate shall be automatic upon the director's  
29 receipt of a written release issued by the department of social and  
30 health services or a court stating that the person is in compliance  
31 with the order.

32 NEW SECTION. **Sec. 440.** A new section is added to chapter 18.185  
33 RCW to read as follows:

34 The director shall immediately suspend any license issued under  
35 this chapter if the holder either (1) has been certified pursuant to  
36 section 402 of this act by the department of social and health services

1 as a person who is not in compliance with a support order, or (2) has  
2 been certified pursuant to section 481 of this act by a court as a  
3 person who is not in compliance with a residential or visitation order.  
4 If the person has continued to meet all other requirements for  
5 reinstatement during the suspension, reissuance of the license shall be  
6 automatic upon the director's receipt of a written release issued by  
7 the department of social and health services or a court stating that  
8 the person is in compliance with the order.

9 **Sec. 441.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to  
10 read as follows:

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

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

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

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

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

35 (c) When the department has received certification pursuant to  
36 either (i) chapter 74.20A RCW from the division of child support that  
37 the licensee is a person who is not in compliance with a support order  
38 or (ii) chapter 26.09 RCW by a court that the licensee is not in

1 compliance with a residential or visitation order, the department shall  
2 provide that the suspension is effective immediately upon receipt of  
3 the suspension notice by the licensee.

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

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

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

32 NEW SECTION. Sec. 442. A new section is added to chapter 28A.410  
33 RCW to read as follows:

34 Any certificate or permit authorized under this chapter or chapter  
35 28A.405 RCW shall be suspended by the authority authorized to grant the  
36 certificate or permit if (1) either the department of social and health  
37 services certifies that the person is not in compliance with a support  
38 order as provided in section 402 of this act or (2) a court certifies



1 that the person is not in compliance with a residential or visitation  
2 order under chapter 26.09 RCW. If the person continues to meet other  
3 requirements for reinstatement during the suspension, reissuance of the  
4 certificate or permit shall be automatic after the person provides the  
5 authority a written release issued by the department of social and  
6 health services or a court stating that the person is in compliance  
7 with the order.

8 **Sec. 443.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to  
9 read as follows:

10 This section governs the denial of an application for a license or  
11 the suspension, revocation, or modification of a license by the  
12 department. This section does not govern actions taken under chapter  
13 18.130 RCW.

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

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

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

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

35 (c) When the department has received certification pursuant to  
36 either (i) chapter 74.20A RCW from the department of social and health  
37 services that the licensee is a person who is not in compliance with a  
38 child support order or (ii) chapter 26.09 RCW from a court that the

1 licensee is a person who is not in compliance with a residential or  
2 visitation order, the department shall provide that the suspension is  
3 effective immediately upon receipt of the suspension notice by the  
4 licensee.

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

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

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

33 **Sec. 444.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to  
34 read as follows:

35 (1) The department has the power, in case of serious noncompliance  
36 with the provisions of this chapter, to revoke or suspend for such a  
37 period as it determines, any electrical contractor license or  
38 electrical contractor administrator certificate issued under this

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

20 (2) The department shall immediately suspend the license or  
21 certificate of a person who either (a) has been certified pursuant to  
22 section 402 of this act by the department of social and health services  
23 as a person who is not in compliance with a support order, or (b) has  
24 been certified pursuant to section 481 of this act by a court as a  
25 person who is not in compliance with a residential or visitation order.  
26 If the person has continued to meet all other requirements for  
27 reinstatement during the suspension, reissuance of the license or  
28 certificate shall be automatic upon the department's receipt of a  
29 written release issued by the department of social and health services  
30 or a court stating that the licensee is in compliance with the order.

31 **Sec. 445.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to  
32 read as follows:

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

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

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

1 (c) The holder thereof has violated any of the provisions of RCW  
2 19.28.510 through 19.28.620 or any rule adopted under this chapter.

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

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 481 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. 446.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to  
27 read as follows:

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

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

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

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

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

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

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

15 The director shall immediately suspend the license or certificate  
16 of a person who either has been certified pursuant to section 402 of  
17 this act by the department of social and health services as a person  
18 who is not in compliance with a support order, or has been certified  
19 pursuant to section 481 of this act by a court as a person who is not  
20 in compliance with a residential or visitation order. If the person  
21 has continued to meet all other requirements for reinstatement during  
22 the suspension, reissuance of the license or certificate shall be  
23 automatic upon the director's receipt of a written release issued by  
24 the department of social and health services or a court stating that  
25 the licensee is in compliance with the order.

26 **Sec. 447.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to  
27 read as follows:

28 In addition to other provisions of this chapter, any license issued  
29 pursuant to this chapter or any application therefor may be denied, not  
30 renewed, revoked, or suspended, or in lieu of or in addition to  
31 suspension a licensee may be assessed a civil, monetary penalty in an  
32 amount not to exceed one thousand dollars:

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

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

37 (3) If the application or renewal forms required by this chapter  
38 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if

1 applicable, have not been paid, and the surety bond or cash deposit or  
2 other negotiable security acceptable to the director required by RCW  
3 19.16.190, if applicable, has not been filed or renewed or is canceled.

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

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

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

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

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

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

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

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

35 (f) Has had any judgment entered against him or it under the  
36 provisions of RCW 19.86.080 or 19.86.090 involving a violation or  
37 violations of RCW 19.86.020 and two years have not elapsed since the  
38 entry of the final judgment: PROVIDED, That in no event shall a  
39 license be issued unless the terms of such judgment, if any, have been

1 fully complied with: PROVIDED FURTHER, That said judgment shall not be  
2 grounds for denial, suspension, nonrenewal, or revocation of a license  
3 unless the judgment arises out of and is based on acts of the  
4 applicant, owner, officer, director, managing employee, or licensee  
5 while acting for or as a collection agency or an out-of-state  
6 collection agency;

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

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

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

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

19 (k) Has been found by a court of competent jurisdiction to have  
20 violated the federal fair debt collection practices act, 15 U.S.C. Sec.  
21 1692 et seq., or the Washington state consumer protection act, chapter  
22 19.86 RCW, and two years have not elapsed since that finding.

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

29 The director shall immediately suspend the license or certificate  
30 of a person who either has been certified pursuant to section 402 of  
31 this act by the department of social and health services as a person  
32 who is not in compliance with a support order, or has been certified  
33 pursuant to section 481 of this act by a court as a person who is not  
34 in compliance with a residential or visitation order. If the person  
35 has continued to meet all other requirements for reinstatement during  
36 the suspension, reissuance of the license or certificate shall be  
37 automatic upon the director's receipt of a written release issued by  
38 the department of social and health services or a court stating that  
39 the licensee is in compliance with the order.

1       **Sec. 448.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended  
2 to read as follows:

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

7       (~~(1)~~) (a) Was previously the holder of a license issued under  
8 this chapter, which was revoked for cause and never reissued by the  
9 director, or which license was suspended for cause and the terms of the  
10 suspension have not been fulfilled;

11       (~~(2)~~) (b) Has been found guilty of any felony within the past  
12 five years involving moral turpitude, or for any misdemeanor concerning  
13 fraud or conversion, or suffering any judgment in any civil action  
14 involving wilful fraud, misrepresentation or conversion;

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

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

20       (2) The director shall immediately suspend the license or  
21 certificate of a person who either (a) has been certified pursuant to  
22 section 402 of this act by the department of social and health services  
23 as a person who is not in compliance with a support order, or (b) has  
24 been certified pursuant to section 481 of this act by a court as a  
25 person who is not in compliance with a residential or visitation order.  
26 If the person has continued to meet all other requirements for  
27 reinstatement during the suspension, reissuance of the license or  
28 certificate shall be automatic upon the director's receipt of a written  
29 release issued by the department of social and health services or a  
30 court stating that the licensee is in compliance with the order.

31       **Sec. 449.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to  
32 read as follows:

33       (1) The director of agriculture may cancel or suspend any such  
34 license if he finds after proper investigation that (a) the licensee  
35 has violated any provision of this chapter or of any other law of this  
36 state relating to the operation of refrigerated lockers or of the sale  
37 of any human food in connection therewith, or any regulation effective  
38 under any act the administration of which is in the charge of the



1 department of agriculture, or (b) the licensed refrigerated locker  
2 premises or any equipment used therein or in connection therewith is in  
3 an unsanitary condition and the licensee has failed or refused to  
4 remedy the same within ten days after receipt from the director of  
5 agriculture of written notice to do so.

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

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

15 (4) The director 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 481 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 director's receipt of a written  
24 release issued by the department of social and health services or a  
25 court stating that the licensee is in compliance with the order.

26 **Sec. 450.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to  
27 read as follows:

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

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

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

36 (c) The applicant, registrant, or affiliate has failed to comply  
37 with any provision of this chapter, the rules adopted or the conditions  
38 of a permit granted under this chapter, or a stipulation or final order

1 previously entered into by the operator or issued by the department  
2 under this chapter;

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

6 (e) The camping resort operator or any officer, director, or  
7 affiliate of the camping resort operator has been within the last five  
8 years convicted of or pleaded nolo contendere to any misdemeanor or  
9 felony involving conversion, embezzlement, theft, fraud, or dishonesty,  
10 has been enjoined from or had any civil penalty assessed for a finding  
11 of dishonest dealing or fraud in a civil suit, or been found to have  
12 engaged in any violation of any act designed to protect consumers, or  
13 has been engaged in dishonest practices in any industry involving sales  
14 to consumers;

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

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

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

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

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

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

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

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

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

10 (ii) Employ any device, scheme, or artifice to defraud purchasers  
11 or members;

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

15 (n) The applicant or registrant has failed to provide a bond,  
16 letter of credit, or other arrangement to assure delivery of promised  
17 gifts, prizes, awards, or other items of consideration, as required  
18 under this chapter, breached such a security arrangement, or failed to  
19 maintain such a security arrangement in effect because of a resignation  
20 or loss of a trustee, impound, or escrow agent;

21 (o) The applicant or registrant has engaged in a practice of  
22 selling contracts using material amendments or codicils that have not  
23 been filed or are the consequences of breaches or alterations in  
24 previously filed contracts;

25 (p) The applicant or registrant has engaged in a practice of  
26 selling or proposing to sell contracts in a ratio of contracts to sites  
27 available in excess of that filed in the affidavit required by this  
28 chapter;

29 (q) The camping resort operator has withdrawn, has the right to  
30 withdraw, or is proposing to withdraw from use all or any portion of  
31 any camping resort property devoted to the camping resort program,  
32 unless:

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

37 (ii) The property is withdrawn because, despite good faith efforts  
38 by the camping resort operator, a nonaffiliate of the camping resort  
39 has exercised a right of withdrawal from use by the camping resort

1 (such as withdrawal following expiration of a lease of the property to  
2 the camping resort) and the terms of the withdrawal right have been  
3 disclosed in writing to all purchasers at or prior to the time of any  
4 sales of camping resort contracts after the camping resort has  
5 represented to purchasers that the property is or will be available for  
6 camping or recreation purposes;

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

12 (iv) The rights of members and owners of the camping resort  
13 contracts under the express terms of the camping resort contract have  
14 expired, or have been specifically limited, upon the lapse of a stated  
15 or determinable period of time, and the director by order has found  
16 that the withdrawal is not otherwise inconsistent with the protection  
17 of purchasers or the desire of the majority of the owners of camping  
18 resort contracts, as expressed in their previously obtained vote of  
19 approval;

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

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

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

29 (u) The applicant or registrant has filed voluntarily or been  
30 placed involuntarily into a federal bankruptcy or is proposing to do  
31 so; or

32 (v) A camping resort operator's rights or interest in a campground  
33 has been terminated by foreclosure or the operations in a camping  
34 resort have been terminated in a manner contrary to contract  
35 provisions.

36 (2) Any applicant or registrant who has violated subsection (1)(a),  
37 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be  
38 fined by the director in an amount not to exceed one thousand dollars  
39 for each such violation. Proceedings seeking such fines shall be held

1 in accordance with chapter 34.05 RCW and may be filed either separately  
2 or in conjunction with other administrative proceedings to deny,  
3 suspend, or revoke registrations authorized under this chapter. Fines  
4 collected from such proceedings shall be deposited in the state general  
5 fund.

6 (3) An operator, registrant, or applicant against whom  
7 administrative or legal proceedings have been filed shall be  
8 responsible for and shall reimburse the state, by payment into the  
9 general fund, for all administrative and legal costs actually incurred  
10 by the department in issuing, processing, and conducting any such  
11 administrative or legal proceeding authorized under this chapter that  
12 results in a final legal or administrative determination of any type or  
13 degree in favor of the department.

14 (4) No order may be entered under this section without appropriate  
15 prior notice to the applicant or registrant of opportunity for a  
16 hearing and written findings of fact and conclusions of law, except  
17 that the director may by order summarily deny an application for  
18 registration or renewal under any of the above subsections and may  
19 summarily suspend or revoke a registration under subsection (1)(d),  
20 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine  
21 may be imposed by summary order.

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

25 (6) The director may enter into assurances of discontinuance in  
26 lieu of issuing a statement of charges or a cease and desist order or  
27 conducting a hearing under this chapter. The assurances shall consist  
28 of a statement of the law in question and an agreement not to violate  
29 the stated provision. The applicant or registrant shall not be  
30 required to admit to any violation of the law, nor shall the assurance  
31 be construed as such an admission. Violating or breaching an assurance  
32 under this subsection is grounds for suspension or revocation of  
33 registration or imposition of a fine.

34 (7) The director shall immediately suspend the license or  
35 certificate of a person who either (a) has been certified pursuant to  
36 section 402 of this act by the department of social and health services  
37 as a person who is not in compliance with a support order, or (b) has  
38 been certified pursuant to section 481 of this act by a court as a  
39 person who is not in compliance with a residential or visitation order.

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

6 **Sec. 451.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to  
7 read as follows:

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

11 (a) A statement whether or not the applicant within the past five  
12 years has been convicted of, pleaded nolo contendere to, or been ordered  
13 to serve probation for a period of a year or more for any misdemeanor  
14 or felony involving conversion, embezzlement, theft, fraud, or  
15 dishonesty or the applicant has been enjoined from, had any civil  
16 penalty assessed for, or been found to have engaged in any violation of  
17 any act designed to protect consumers;

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

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

24 (d) Required filing fees.

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

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

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

36 (c) Being convicted in a court of competent jurisdiction of this or  
37 any other state, or federal court, of forgery, embezzlement, obtaining  
38 money under false pretenses, bribery, larceny, extortion, conspiracy to

1 defraud, or any similar offense or offenses. For the purposes of this  
2 section, "being convicted" includes all instances in which a plea of  
3 guilty or nolo contendere is the basis for the conviction, and all  
4 proceedings in which the sentence has been deferred or suspended;

5 (d) Making, printing, publishing, distributing, or causing,  
6 authorizing, or knowingly permitting the making, printing, publication,  
7 or distribution of false statements, descriptions, or promises of such  
8 character as to reasonably induce any person to act thereon, if the  
9 statements, descriptions, or promises purport to be made or to be  
10 performed by either the applicant or registrant and the applicant or  
11 registrant then knew or, by the exercise of reasonable care and  
12 inquiry, could have known, of the falsity of the statements,  
13 descriptions, or promises;

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

18 (f) Failing, upon demand, to disclose to the director or the  
19 director's authorized representatives acting by authority of law any  
20 information within his or her knowledge or to produce for inspection  
21 any document, book or record in his or her possession, which is  
22 material to the salesperson's registration or application for  
23 registration;

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

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

31 (i) Misrepresentation of membership in any state or national  
32 association; or

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

36 (3) No order may be entered under this section without appropriate  
37 prior notice to the applicant or registrant of opportunity for a  
38 hearing and written findings of fact and conclusions of law, except

1 that the director may by order summarily deny an application for  
2 registration under this section.

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

6 (5) The director, subsequent to any complaint filed against a  
7 salesperson or pursuant to an investigation to determine violations,  
8 may enter into stipulated assurances of discontinuances in lieu of  
9 issuing a statement of charges or a cease and desist order or  
10 conducting a hearing. The assurance shall consist of a statement of  
11 the law in question and an agreement not to violate the stated  
12 provision. The salesperson shall not be required to admit to any  
13 violation of the law, nor shall the assurance be construed as such an  
14 admission. Violation of an assurance under this subsection is grounds  
15 for a disciplinary action, a suspension of registration, or a fine not  
16 to exceed one thousand dollars.

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

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

28 (8) It is unlawful for a registrant of camping resort contracts to  
29 employ or a person to act as a camping resort salesperson covered under  
30 this section unless the salesperson has in effect with the department  
31 and displays a valid registration in a conspicuous location at each of  
32 the sales offices at which the salesperson is employed. It is the  
33 responsibility of both the operator and the salesperson to notify the  
34 department when and where a salesperson is employed, his or her  
35 responsibilities and duties, and when the salesperson's employment or  
36 reported duties are changed or terminated.

37 (9) The director shall immediately suspend the license or  
38 certificate of a person who either (a) has been certified pursuant to  
39 section 402 of this act by the department of social and health services



1 as a person who is not in compliance with a support order, or (b) has  
2 been certified pursuant to section 481 of this act by a court as a  
3 person who is not in compliance with a residential or visitation order.  
4 If 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 director's receipt of a written  
7 release issued by the department of social and health services or a  
8 court stating that the licensee is in compliance with the order.

9       **Sec. 452.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to  
10 read as follows:

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

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

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

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

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

25       (e) Has failed to display the registration as provided in this  
26 chapter;

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

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

32       (2) If the seller of travel is found in violation of this chapter  
33 or in violation of the consumer protection act, chapter 19.86 RCW, by  
34 the entry of a judgment or by settlement of a claim, the director may  
35 revoke the registration of the seller of travel, and the director may  
36 reinstate the registration at the director's discretion.

37       (3) The director shall immediately suspend the license or  
38 certificate of a person who either (a) has been certified pursuant to

1 section 402 of this act by the department of social and health services  
2 as a person who is not in compliance with a support order, or (b) has  
3 been certified pursuant to section 481 of this act by a court as a  
4 person who is not in compliance with a residential or visitation order.  
5 If the person has continued to meet all other requirements for  
6 reinstatement during the suspension, reissuance of the license or  
7 certificate shall be automatic upon the director's receipt of a written  
8 release issued by the department of social and health services or a  
9 court stating that the licensee is in compliance with the order.

10 **Sec. 453.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to  
11 read as follows:

12 (1) In order to maintain or defend a lawsuit or do any business in  
13 this state, a commercial telephone solicitor must be registered with  
14 the department of licensing. Prior to doing business in this state, a  
15 commercial telephone solicitor shall register with the department of  
16 licensing. Doing business in this state includes both commercial  
17 telephone solicitation from a location in Washington and solicitation  
18 of purchasers located in Washington.

19 (2) The department of licensing, in registering commercial  
20 telephone solicitors, shall have the authority to require the  
21 submission of information necessary to assist in identifying and  
22 locating a commercial telephone solicitor, including past business  
23 history, prior judgments, and such other information as may be useful  
24 to purchasers.

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

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

29 (a) Fail to maintain a valid registration;

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

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

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

37 (5) An annual registration fee shall be assessed by the department  
38 of licensing, the amount of which shall be determined at the discretion

1 of the director of the department of licensing, and which shall be  
2 reasonably related to the cost of administering the provisions of this  
3 chapter.

4 (6) The department shall immediately suspend the license or  
5 certificate of a person who either (a) has been certified pursuant to  
6 section 402 of this act by the department of social and health services  
7 as a person who is not in compliance with a support order, or (b) has  
8 been certified pursuant to section 481 of this act by a court as a  
9 person who is not in compliance with a residential or visitation order.  
10 If the person has continued to meet all other requirements for  
11 reinstatement during the suspension, reissuance of the license or  
12 certificate shall be automatic upon the department's receipt of a  
13 written release issued by the department of social and health services  
14 or a court stating that the licensee is in compliance with the order.

15 **Sec. 454.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to  
16 read as follows:

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

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

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

25 (c) The organization's unified business identification number, if  
26 any;

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

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

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

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

36 (2) The application shall be signed by the chief executive officer  
37 of the organization and the person within the organization who has  
38 primary responsibility for supervising placements within Washington.

1 If the secretary of state determines that the application is complete,  
2 the secretary of state shall file the application and the applicant is  
3 registered.

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

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

10 (5) The office of the secretary of state shall immediately suspend  
11 the license or certificate of a person who either (a) has been  
12 certified pursuant to section 402 of this act by the department of  
13 social and health services as a person who is not in compliance with a  
14 support order, or (b) has been certified pursuant to section 481 of  
15 this act by a court as a person who is not in compliance with a  
16 residential or visitation order. If the person has continued to meet  
17 all other requirements for reinstatement during the suspension,  
18 reissuance of the license or certificate shall be automatic upon the  
19 office of the secretary of state's receipt of a written release issued  
20 by the department of social and health services or a court stating that  
21 the licensee is in compliance with the order.

22 NEW SECTION. Sec. 455. A new section is added to chapter 20.01  
23 RCW to read as follows:

24 The director shall immediately suspend the license or certificate  
25 of a person 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 481 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 director'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. 456.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to  
36 read as follows:

1 The director may by order deny, suspend, or revoke registration of  
2 any broker-dealer, salesperson, investment adviser representative, or  
3 investment adviser; censure or fine the registrant or an officer,  
4 director, partner, or person occupying similar functions for a  
5 registrant; or restrict or limit a registrant's function or activity of  
6 business for which registration is required in this state; if the  
7 director finds that the order is in the public interest and that the  
8 applicant or registrant or, in the case of a broker-dealer or  
9 investment adviser, any partner, officer, or director:

10 (1) Has filed an application for registration under this section  
11 which, as of its effective date, or as of any date after filing in the  
12 case of an order denying effectiveness, was incomplete in any material  
13 respect or contained any statement which was, in the light of the  
14 circumstances under which it was made, false, or misleading with  
15 respect to any material fact;

16 (2) Has willfully violated or willfully failed to comply with any  
17 provision of this chapter or a predecessor act or any rule or order  
18 under this chapter or a predecessor act, or any provision of chapter  
19 21.30 RCW or any rule or order thereunder;

20 (3) Has been convicted, within the past five years, of any  
21 misdemeanor involving a security, or a commodity contract or commodity  
22 option as defined in RCW 21.30.010, or any aspect of the securities or  
23 investment commodities business, or any felony involving moral  
24 turpitude;

25 (4) Is permanently or temporarily enjoined by any court of  
26 competent jurisdiction from engaging in or continuing any conduct or  
27 practice involving any aspect of the securities or investment  
28 commodities business;

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

32 (6) Is the subject of an order entered within the past five years  
33 by the securities administrator of any other state or by the federal  
34 securities and exchange commission denying or revoking registration as  
35 a broker-dealer or salesperson, or a commodity broker-dealer or sales  
36 representative, or the substantial equivalent of those terms as defined  
37 in this chapter or by the commodity futures trading commission denying  
38 or revoking registration as a commodity merchant as defined in RCW  
39 21.30.010, or is the subject of an order of suspension or expulsion

1 from membership in or association with a self-regulatory organization  
2 registered under the securities exchange act of 1934 or the federal  
3 commodity exchange act, or is the subject of a United States post  
4 office fraud order; but (a) the director may not institute a revocation  
5 or suspension proceeding under this clause more than one year from the  
6 date of the order relied on, and (b) the director may not enter any  
7 order under this clause on the basis of an order unless that order was  
8 based on facts which would currently constitute a ground for an order  
9 under this section;

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

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

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

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

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

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

32 (b) The director may issue a summary order pending final  
33 determination of a proceeding under this section upon a finding that it  
34 is in the public interest and necessary or appropriate for the  
35 protection of investors. The director may not impose a fine under this  
36 section except after notice and opportunity for hearing. The fine  
37 imposed under this section may not exceed five thousand dollars for  
38 each act or omission that constitutes the basis for issuing the order.

1        The director shall immediately suspend the license or certificate  
2 of a person who either has been certified pursuant to section 402 of  
3 this act by the department of social and health services as a person  
4 who is not in compliance with a support order, or has been certified  
5 pursuant to section 481 of this act by a court as a person who is not  
6 in compliance with a residential or visitation order. If the person  
7 has continued to meet all other requirements for reinstatement during  
8 the suspension, reissuance of the license or certificate 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 licensee is in compliance with the order.

12        NEW SECTION. Sec. 457. A new section is added to chapter 48.17  
13 RCW to read as follows:

14        The commissioner shall immediately suspend the license or  
15 certificate of a person who either (1) 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 (2) has  
18 been certified pursuant to section 481 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 commissioner'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. 458. A new section is added to chapter 74.15  
26 RCW to read as follows:

27        The secretary 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 481 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 secretary's receipt of a  
36 written release issued by the department of social and health services  
37 or a court stating that the licensee is in compliance with the order.

1        NEW SECTION.    **Sec. 459.**    A new section is added to chapter 47.68  
2 RCW to read as follows:

3        The department shall immediately suspend the license or certificate  
4 of a person who either (1) has been certified pursuant to section 402  
5 of this act by the department of social and health services as a person  
6 who is not in compliance with a support order, or (2) has been  
7 certified pursuant to section 481 of this act by a court as a person  
8 who is not in compliance with a residential or visitation order. If  
9 the person has continued to meet all other requirements for  
10 reinstatement during the suspension, reissuance of the license or  
11 certificate shall be automatic upon the department's receipt of a  
12 written release issued by the department of social and health services  
13 or a court stating that the licensee is in compliance with the order.

14        NEW SECTION.    **Sec. 460.**    A new section is added to chapter 71.12  
15 RCW to read as follows:

16        The department of health shall immediately suspend the license or  
17 certificate of a person who either (1) 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 (2) has  
20 been certified pursuant to section 481 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 of health's receipt  
25 of a written release issued by the department of social and health  
26 services or a court stating that the licensee is in compliance with the  
27 order.

28        NEW SECTION.    **Sec. 461.**    A new section is added to chapter 66.20  
29 RCW to read as follows:

30        The board shall immediately suspend the license of a person who  
31 either (1) has been certified pursuant to section 402 of this act by  
32 the department of social and health services as a person who is not in  
33 compliance with a support order, or (2) has been certified pursuant to  
34 section 481 of this act by a court as a person who is not in compliance  
35 with a residential or visitation order. If the person has continued to  
36 meet all other requirements for reinstatement during the suspension,  
37 reissuance of the license shall be automatic upon the board's receipt



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

4 NEW SECTION. **Sec. 462.** A new section is added to chapter 88.02  
5 RCW to read as follows:

6 The department shall immediately suspend the vessel registration or  
7 vessel dealer's registration of a person who either (1) has been  
8 certified pursuant to section 402 of this act by the department of  
9 social and health services as a person who is not in compliance with a  
10 support order, or (2) has been certified pursuant to section 481 of  
11 this act by a court as a person who is not in compliance with a  
12 residential or visitation order. If the person has continued to meet  
13 all other requirements for reinstatement during the suspension,  
14 reissuance of the registration shall be automatic upon the department's  
15 receipt of a written release issued by the department of social and  
16 health services or a court stating that the licensee is in compliance  
17 with the order.

18 **Sec. 463.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to  
19 read as follows:

20 (1) The department may grant annual licenses upon application in  
21 compliance with the rules and regulations prescribed by the director,  
22 and the payment of the fees, the amount of which is to be set by the  
23 director in accordance with RCW 43.24.086, prescribed to promoters,  
24 managers, referees, boxers, wrestlers, and seconds: PROVIDED, That the  
25 provisions of this section shall not apply to contestants or  
26 participants in strictly amateur contests and/or fraternal  
27 organizations and/or veterans' organizations chartered by congress or  
28 the defense department or any bona fide athletic club which is a member  
29 of the Pacific northwest association of the amateur athletic union of  
30 the United States, holding and promoting athletic contests and where  
31 all funds are used primarily for the benefit of their members.

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

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

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

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

3 (6) The department shall immediately suspend the license or  
4 certificate of a person who either (a) has been certified pursuant to  
5 section 402 of this act by the department of social and health services  
6 as a person who is not in compliance with a support order, or (b) has  
7 been certified pursuant to section 481 of this act by a court as a  
8 person who is not in compliance with a residential or visitation order.  
9 If the person has continued to meet all other requirements for  
10 reinstatement during the suspension, reissuance of the license or  
11 certificate shall be automatic upon the department's receipt of a  
12 written release issued by the department of social and health services  
13 or a court stating that the licensee is in compliance with the order.

14 **Sec. 464.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read  
15 as follows:

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

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

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

24 (c) The person has not submitted the sum of all fees and deposits  
25 required for the requested individual license endorsements, any  
26 outstanding master license delinquency fee, or other fees and penalties  
27 to be collected through the system.

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

31 (3) The department shall immediately suspend the license or  
32 certificate of a person who either (a) has been certified pursuant to  
33 section 402 of this act by the department of social and health services  
34 as a person who is not in compliance with a support order, or (b) has  
35 been certified pursuant to section 481 of this act by a court as a  
36 person who is not in compliance with a residential or visitation order.  
37 If the person has continued to meet all other requirements for  
38 reinstatement during the suspension, reissuance of the license or

1 certificate shall be automatic upon the department's receipt of a  
2 written release issued by the department of social and health services  
3 or a court stating that the licensee is in compliance with the order.

4 **Sec. 465.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to  
5 read as follows:

6 Except as provided in section 467 of this act, whenever there is  
7 filed in a matter under the jurisdiction of the director of licensing  
8 any complaint charging that the holder of a license has been guilty of  
9 any act or omission which by the provisions of the law under which the  
10 license was issued would warrant the revocation thereof, verified in  
11 the manner provided by law, the director of licensing shall request the  
12 governor to appoint, and the governor shall appoint within thirty days  
13 of the request, two qualified practitioners of the profession or  
14 calling of the person charged, who, with the director or his duly  
15 appointed representative, shall constitute a committee to hear and  
16 determine the charges and, in case the charges are sustained, impose  
17 the penalty provided by law. In addition, the governor shall appoint  
18 a consumer member of the committee.

19 The decision of any three members of such committee shall be the  
20 decision of the committee.

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

24 **Sec. 466.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to  
25 read as follows:

26 Except as provided in section 467 of this act, any person feeling  
27 aggrieved by the refusal of the director to issue a license, or to  
28 renew one, or by the revocation or suspension of a license shall have  
29 a right of appeal to superior court from the decision of the director  
30 of licensing, which shall be taken, prosecuted, heard, and determined  
31 in the manner provided in chapter 34.05 RCW.

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

34 NEW SECTION. **Sec. 467.** A new section is added to chapter 43.24  
35 RCW to read as follows:

1       The department shall immediately suspend any license issued by the  
2 department of licensing of a person who either (1) 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 (2) has been certified pursuant to section 481 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 department's receipt of a written  
10 release issued by the department of social and health services or a  
11 court stating that the licensee is in compliance with the order.

12       **Sec. 468.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to  
13 read as follows:

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

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

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

23       (c) A crime involving bomb threats;

24       (d) A crime involving a schedule I or II controlled substance, or  
25 any other drug or alcohol related offense, unless such other drug or  
26 alcohol related offense does not reflect a drug or alcohol dependency.  
27 However, the department of labor and industries may condition renewal  
28 of the license to any convicted person suffering a drug or alcohol  
29 dependency who is participating in an alcoholism or drug recovery  
30 program acceptable to the department of labor and industries and has  
31 established control of their alcohol or drug dependency. The  
32 department of labor and industries shall require the licensee to  
33 provide proof of such participation and control;

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

37       (2) The department of labor and industries shall revoke the license  
38 of any person adjudged to be mentally ill or insane, or to be

1 incompetent due to any mental disability or disease. The director  
2 shall not renew the license until the person has been restored to  
3 competency.

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

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

12 (5) The department of labor and industries shall immediately  
13 suspend the license or certificate of a person who either (a) has been  
14 certified pursuant to section 402 of this act by the department of  
15 social and health services as a person who is not in compliance with a  
16 support order, or (b) has been certified pursuant to section 481 of  
17 this act by a court as a person who is not in compliance with a  
18 residential or visitation order. If the person has continued to meet  
19 all other requirements for reinstatement during the suspension,  
20 reissuance of the license or certificate shall be automatic upon the  
21 department of labor and industries' receipt of a written release issued  
22 by the department of social and health services or a court stating that  
23 the licensee is in compliance with the order.

24 (6) Upon receipt of notification by the department of labor and  
25 industries of revocation or suspension, a licensee must surrender  
26 immediately to the department any or all such licenses revoked or  
27 suspended.

28 **Sec. 469.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to  
29 read as follows:

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

32 (2) For the purpose of considering any application for a license,  
33 the board may cause an inspection of the premises to be made, and may  
34 inquire into all matters in connection with the construction and  
35 operation of the premises. For the purpose of reviewing any  
36 application for a license and for considering the denial, suspension or  
37 revocation of any license, the liquor control board may consider any  
38 prior criminal conduct of the applicant and the provisions of RCW

1 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The  
2 board may, in its discretion, grant or refuse the license applied for.  
3 Authority to approve an uncontested or unopposed license may be granted  
4 by the board to any staff member the board designates in writing.  
5 Conditions for granting such authority shall be adopted by rule. No  
6 retail license of any kind may be issued to:

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

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

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

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

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

22 (b) The board shall immediately suspend the license or certificate  
23 of a person who either (i) has been certified pursuant to section 402  
24 of this act by the department of social and health services as a person  
25 who is not in compliance with a support order, or (ii) has been  
26 certified pursuant to section 481 of this act by a court as a person  
27 who is not in compliance with a residential or visitation order. If  
28 the person has continued to meet all other requirements for  
29 reinstatement during the suspension, reissuance of the license or  
30 certificate shall be automatic upon the board's receipt of a written  
31 release issued by the department of social and health services or a  
32 court stating that the licensee is in compliance with the order.

33 (c) The board may request the appointment of administrative law  
34 judges under chapter 34.12 RCW who shall have power to administer  
35 oaths, issue subpoenas for the attendance of witnesses and the  
36 production of papers, books, accounts, documents, and testimony,  
37 examine witnesses, and to receive testimony in any inquiry,  
38 investigation, hearing, or proceeding in any part of the state, under  
39 such rules and regulations as the board may adopt.

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

6        (e) In case of disobedience of any person to comply with the order  
7 of the board or a subpoena issued by the board, or any of its members,  
8 or administrative law judges, or on the refusal of a witness to testify  
9 to any matter regarding which he or she may be lawfully interrogated,  
10 the judge of the superior court of the county in which the person  
11 resides, on application of any member of the board or administrative  
12 law judge, shall compel obedience by contempt proceedings, as in the  
13 case of disobedience of the requirements of a subpoena issued from said  
14 court or a refusal to testify therein.

15        (4) Upon receipt of notice of the suspension or cancellation of a  
16 license, the licensee shall forthwith deliver up the license to the  
17 board. Where the license has been suspended only, the board shall  
18 return the license to the licensee at the expiration or termination of  
19 the period of suspension. The board shall notify all vendors in the  
20 city or place where the licensee has its premises of the suspension or  
21 cancellation of the license; and no employee may allow or cause any  
22 liquor to be delivered to or for any person at the premises of that  
23 licensee.

24        (5)(a) At the time of the original issuance of a class H license,  
25 the board shall prorate the license fee charged to the new licensee  
26 according to the number of calendar quarters, or portion thereof,  
27 remaining until the first renewal of that license is required.

28        (b) Unless sooner canceled, every license issued by the board shall  
29 expire at midnight of the thirtieth day of June of the fiscal year for  
30 which it was issued. However, if the board deems it feasible and  
31 desirable to do so, it may establish, by rule pursuant to chapter 34.05  
32 RCW, a system for staggering the annual renewal dates for any and all  
33 licenses authorized by this chapter. If such a system of staggered  
34 annual renewal dates is established by the board, the license fees  
35 provided by this chapter shall be appropriately prorated during the  
36 first year that the system is in effect.

37        (6) Every license issued under this section shall be subject to all  
38 conditions and restrictions imposed by this title or by the regulations  
39 in force from time to time. All conditions and restrictions imposed by

1 the board in the issuance of an individual license shall be listed on  
2 the face of the individual license along with the trade name, address,  
3 and expiration date.

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

6 (8) Before the board shall issue a license to an applicant it shall  
7 give notice of such application to the chief executive officer of the  
8 incorporated city or town, if the application be for a license within  
9 an incorporated city or town, or to the county legislative authority,  
10 if the application be for a license outside the boundaries of  
11 incorporated cities or towns; and such incorporated city or town,  
12 through the official or employee selected by it, or the county  
13 legislative authority or the official or employee selected by it, shall  
14 have the right to file with the board within twenty days after date of  
15 transmittal of such notice, written objections against the applicant or  
16 against the premises for which the license is asked, and shall include  
17 with such objections a statement of all facts upon which such  
18 objections are based, and in case written objections are filed, may  
19 request and the liquor control board may in its discretion hold a  
20 formal hearing subject to the applicable provisions of Title 34 RCW.  
21 Upon the granting of a license under this title the board shall send a  
22 duplicate of the license or written notification to the chief executive  
23 officer of the incorporated city or town in which the license is  
24 granted, or to the county legislative authority if the license is  
25 granted outside the boundaries of incorporated cities or towns.

26 (9) Before the board issues any license to any applicant, it shall  
27 give (a) due consideration to the location of the business to be  
28 conducted under such license with respect to the proximity of churches,  
29 schools, and public institutions and (b) written notice by certified  
30 mail of the application to churches, schools, and public institutions  
31 within five hundred feet of the premises to be licensed. The board  
32 shall issue no beer retailer license class A, B, D, or E or wine  
33 retailer license class C or F or class H license covering any premises  
34 not now licensed, if such premises are within five hundred feet of the  
35 premises of any tax-supported public elementary or secondary school  
36 measured along the most direct route over or across established public  
37 walks, streets, or other public passageway from the outer property line  
38 of the school grounds to the nearest public entrance of the premises  
39 proposed for license, and if, after receipt by the school or public



1 institution of the notice as provided in this subsection, the board  
2 receives written notice, within twenty days after posting such notice,  
3 from an official representative or representatives of the school within  
4 five hundred feet of said proposed licensed premises, indicating to the  
5 board that there is an objection to the issuance of such license  
6 because of proximity to a school. For the purpose of this section,  
7 church shall mean a building erected for and used exclusively for  
8 religious worship and schooling or other activity in connection  
9 therewith. No liquor license may be issued or reissued by the board to  
10 any motor sports facility or licensee operating within the motor sports  
11 facility unless the motor sports facility enforces a program reasonably  
12 calculated to prevent alcohol or alcoholic beverages not purchased  
13 within the facility from entering the facility and such program is  
14 approved by local law enforcement agencies. It is the intent under  
15 this subsection that a retail license shall not be issued by the board  
16 where doing so would, in the judgment of the board, adversely affect a  
17 private school meeting the requirements for private schools under Title  
18 28A RCW, which school is within five hundred feet of the proposed  
19 licensee. The board shall fully consider and give substantial weight  
20 to objections filed by private schools. If a license is issued despite  
21 the proximity of a private school, the board shall state in a letter  
22 addressed to the private school the board's reasons for issuing the  
23 license.

24 (10) The restrictions set forth in subsection (9) of this section  
25 shall not prohibit the board from authorizing the assumption of  
26 existing licenses now located within the restricted area by other  
27 persons or licenses or relocations of existing licensed premises within  
28 the restricted area. In no case may the licensed premises be moved  
29 closer to a church or school than it was before the assumption or  
30 relocation.

31 (11) Nothing in this section prohibits the board, in its  
32 discretion, from issuing a temporary retail or wholesaler license to an  
33 applicant assuming an existing retail or wholesaler license to continue  
34 the operation of the retail or wholesaler premises during the period  
35 the application for the license is pending and when the following  
36 conditions exist:

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

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

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

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

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

13 Refusal by the board to issue or extend a temporary license shall  
14 not entitle the applicant to request a hearing. A temporary license  
15 may be canceled or suspended summarily at any time if the board  
16 determines that good cause for cancellation or suspension exists. RCW  
17 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

22 **Sec. 470.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to  
23 read as follows:

24 (1) The department shall issue a certificate of manufactured home  
25 installation to an applicant who has taken the training course, passed  
26 the examination, paid the fees, and in all other respects (~~meet[s]~~)  
27 meets the qualifications. The certificate shall bear the date of  
28 issuance, a certification identification number, and is renewable every  
29 three years upon application and completion of a continuing education  
30 program as determined by the department. A renewal fee shall be  
31 assessed for each certificate. If a person fails to renew a  
32 certificate by the renewal date, the person must retake the examination  
33 and pay the examination fee.

34 (2) The certificate of manufactured home installation provided for  
35 in this chapter grants the holder the right to engage in manufactured  
36 home installation throughout the state, without any other installer  
37 certification.

1       (3) The department shall immediately suspend the license or  
2 certificate of a person who either (a) 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 (b) has  
5 been certified pursuant to section 481 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 or  
9 certificate shall be automatic upon the department'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       **Sec. 471.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to  
13 read as follows:

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

18       (2) Operators shall be certified if they:

19       (a) Attend the required training sessions;

20       (b) Successfully complete required examinations; and

21       (c) Pay the prescribed fee.

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

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

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

29       (c) Renew the certificate of competency at reasonable intervals  
30 established by the department.

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

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

36       (6) The department shall establish a process to automatically  
37 certify operators who have received comparable certification from

1 another state, the federal government, a local government, or a  
2 professional association.

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

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

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

12 (c) Have successfully completed any required examinations.

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

16 (9) The department shall immediately suspend the license or  
17 certificate of a person who 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 481 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 NEW SECTION. Sec. 472. A new section is added to chapter 70.95B  
28 RCW to read as follows:

29 The director shall immediately suspend the license or certificate  
30 of a person who either (1) has been certified pursuant to section 402  
31 of this act by the department of social and health services as a person  
32 who is not in compliance with a support order, or (2) has been  
33 certified pursuant to section 481 of this act by a court as a person  
34 who is not in compliance with a residential or visitation order. If  
35 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. 473.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to  
4 read as follows:

5 Any license, permit, or certification provided for in this chapter  
6 may be revoked or suspended, and any license, permit, or certification  
7 application may be denied by the director for cause. If the director  
8 suspends a license under this chapter with respect to activity of a  
9 continuing nature under chapter 34.05 RCW, the director may elect to  
10 suspend the license for a subsequent license year during a period that  
11 coincides with the period commencing thirty days before and ending  
12 thirty days after the date of the incident or incidents giving rise to  
13 the violation.

14 The director 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 481 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 director's receipt of a written  
23 release issued by the department of social and health services or a  
24 court stating that the licensee is in compliance with the order.

25 **Sec. 474.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to  
26 read as follows:

27 (1) After January 1, 1991, a contractor may not perform  
28 decontamination, demolition, or disposal work unless issued a  
29 certificate by the state department of health. The department shall  
30 establish performance standards for contractors by rule in accordance  
31 with chapter 34.05 RCW, the administrative procedure act. The  
32 department shall train and test, or may approve courses to train and  
33 test, contractors and their employees on the essential elements in  
34 assessing property used as an illegal drug manufacturing or storage  
35 site to determine hazard reduction measures needed, techniques for  
36 adequately reducing contaminants, use of personal protective equipment,  
37 methods for proper demolition, removal, and disposal of contaminated

1 property, and relevant federal and state regulations. Upon successful  
2 completion of the training, the contractor or employee shall be  
3 certified.

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

7 (3) The department shall provide for reciprocal certification of  
8 any individual trained to engage in decontamination, demolition, or  
9 disposal work in another state when the prior training is shown to be  
10 substantially similar to the training required by the department. The  
11 department may require such individuals to take an examination or  
12 refresher course before certification.

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

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

19 (b) Failing to file a work plan;

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

21 (d) Failing to perform work that meets the requirements of the  
22 department; ((or))

23 (e) The certificate was obtained by error, misrepresentation, or  
24 fraud; or

25 (f) If the person has either (i) been certified pursuant to section  
26 402 of this act by the department of social and health services as a  
27 person who is not in compliance with a support order, or (ii) has been  
28 certified pursuant to section 481 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 department's receipt of a  
33 written release issued by the department of social and health services  
34 or a court stating that the person is in compliance with the order.

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

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

1 (7) The decontamination account is hereby established in the state  
2 treasury. All fees collected under this chapter shall be deposited in  
3 this account. Moneys in the account may only be spent after  
4 appropriation for costs incurred by the department in the  
5 administration and enforcement of this chapter.

6 **Sec. 475.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to  
7 read as follows:

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

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

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

15 (b) Suspend or revoke licenses for:

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

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

21 (iii) Failure to comply with any directive or order of the  
22 director; or

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

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

27 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),  
28 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or  
29 19.146.265; or

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

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

33 (i) Cease and desist from conducting business in a manner that is  
34 injurious to the public or violates any provision of this chapter; or

35 (ii) Pay restitution to an injured borrower; or

36 (e) Issue orders removing from office or prohibiting from  
37 participation in the conduct of the affairs of a licensed mortgage  
38 broker, or both, any officer, principal, employee, or loan originator

1 of any licensed mortgage broker or any person subject to licensing  
2 under this chapter for:

3 (i) Any violation of 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) False statements or omission of material information on the  
7 application that, if known, would have allowed the director to deny the  
8 application for the original license;

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

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

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

15 (4) The director shall establish by rule standards for licensure of  
16 applicants licensed in other jurisdictions. Every licensed mortgage  
17 broker that does not maintain a physical office within the state must  
18 maintain a registered agent within the state to receive service of any  
19 lawful process in any judicial or administrative noncriminal suit,  
20 action, or proceeding, against the licensed mortgage broker which  
21 arises under this chapter or any rule or order under this chapter, with  
22 the same force and validity as if served personally on the licensed  
23 mortgage broker. Service upon the registered agent shall be effective  
24 if the plaintiff, who may be the director in a suit, action, or  
25 proceeding instituted by him or her, sends notice of the service and a  
26 copy of the process by registered mail to the defendant or respondent  
27 at the last address of the respondent or defendant on file with the  
28 director. In any judicial action, suit, or proceeding arising under  
29 this chapter or any rule or order adopted under this chapter between  
30 the department or director and a licensed mortgage broker who does not  
31 maintain a physical office in this state, venue shall be exclusively in  
32 the superior court of Thurston county.

33 (5) The director shall immediately suspend the license or  
34 certificate of a person who either (a) has been certified pursuant to  
35 section 402 of this act by the department of social and health services  
36 as a person who is not in compliance with a support order, or (b) has  
37 been certified pursuant to section 481 of this act by a court as a  
38 person who is not in compliance with a residential or visitation order.  
39 If the person has continued to meet all other requirements for



1 reinstatement during the suspension, reissuance of the license or  
2 certificate shall be automatic upon the director's receipt of a written  
3 release issued by the department of social and health services or a  
4 court stating that the licensee is in compliance with the order.

5 NEW SECTION. **Sec. 476.** A new section is added to chapter 75.25  
6 RCW to read as follows:

7 (1) Licenses issued pursuant to this chapter shall be invalid for  
8 any period in which a person is certified by the department of social  
9 and health services or a court of competent jurisdiction as a person in  
10 noncompliance with a support order or residential or visitation order.  
11 Fisheries patrol officers, ex officio fisheries patrol officers, and  
12 authorized fisheries employees shall enforce this section through  
13 checks of the department of licensing's computer data base. A listing  
14 on the department of licensing's data base that an individual's license  
15 is currently suspended pursuant to RCW 46.20.291(7) shall be prima  
16 facie evidence that the individual is in noncompliance with a support  
17 order or residential or visitation order. Presentation of a written  
18 release issued by the department of social and health services or a  
19 court stating that the person is in compliance with an order shall  
20 serve as prima facie proof of compliance with a support order,  
21 residential order, or visitation order.

22 (2) It is unlawful to purchase, obtain, or possess a license  
23 required by this chapter during any period in which a license is  
24 suspended.

25 NEW SECTION. **Sec. 477.** A new section is added to chapter 77.32  
26 RCW to read as follows:

27 (1) Licenses, tags, and stamps issued pursuant to this chapter  
28 shall be invalid for any period in which a person is certified by the  
29 department of social and health services or a court of competent  
30 jurisdiction as a person in noncompliance with a support order or  
31 residential or visitation order. Wildlife agents and ex officio  
32 wildlife agents shall enforce this section through checks of the  
33 department of licensing's computer data base. A listing on the  
34 department of licensing's data base that an individual's license is  
35 currently suspended pursuant to RCW 46.20.291(7) shall be prima facie  
36 evidence that the individual is in noncompliance with a support order  
37 or residential or visitation order. Presentation of a written release

1 issued by the department of social and health services stating that the  
2 person is in compliance with an order shall serve as prima facie proof  
3 of compliance with a support order, residential order, or visitation  
4 order.

5 (2) It is unlawful to purchase, obtain, or possess a license  
6 required by this chapter during any period in which a license is  
7 suspended.

8 NEW SECTION. **Sec. 478.** A new section is added to chapter 75.28  
9 RCW to read as follows:

10 (1) The department shall immediately suspend the license of a  
11 person who either (a) has been certified pursuant to section 402 of  
12 this act by the department of social and health services as a person  
13 who is not in compliance with a support order, or (b) has been  
14 certified pursuant to section 481 of this act by a court as a person  
15 who is not in compliance with a residential or visitation order.

16 (2) A listing on the department of licensing's data base that an  
17 individual's license is currently suspended pursuant to RCW  
18 46.20.291(7) shall be prima facie evidence that the individual is in  
19 noncompliance with a support order or residential or visitation order.  
20 Presentation of a written release issued by the department of social  
21 and health services or a court stating that the person is in compliance  
22 with an order shall serve as proof of compliance.

23 **Sec. 479.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to  
24 read as follows:

25 (1) Except as otherwise provided by this title, it is unlawful to  
26 engage in any of the following activities without a license or permit  
27 issued by the director:

- 28 (a) Commercially fish for or take food fish or shellfish;
- 29 (b) Deliver food fish or shellfish taken in offshore waters;
- 30 (c) Operate a charter boat or commercial fishing vessel engaged in  
31 a fishery;
- 32 (d) Engage in processing or wholesaling food fish or shellfish; or
- 33 (e) Act as a guide for salmon for personal use in freshwater rivers  
34 and streams, other than that part of the Columbia river below the  
35 bridge at Longview.

36 (2) No person may engage in the activities described in subsection  
37 (1) of this section unless the licenses or permits required by this

1 title are in the person's possession, and the person is the named  
2 license holder or an alternate operator designated on the license and  
3 the person's license is not suspended.

4 (3) A valid Oregon license that is equivalent to a license under  
5 this title is valid in the concurrent waters of the Columbia river if  
6 the state of Oregon recognizes as valid the equivalent Washington  
7 license. The director may identify by rule what Oregon licenses are  
8 equivalent.

9 (4) No license or permit is required for the production or  
10 harvesting of private sector cultured aquatic products as defined in  
11 RCW 15.85.020 or for the delivery, processing, or wholesaling of such  
12 aquatic products. However, if a means of identifying such products is  
13 required by rules adopted under RCW 15.85.060, the exemption from  
14 licensing or permit requirements established by this subsection applies  
15 only if the aquatic products are identified in conformance with those  
16 rules.

17 NEW SECTION. Sec. 480. A new section is added to chapter 75.30  
18 RCW to read as follows:

19 (1) A license renewed under the provisions of this chapter that has  
20 been suspended under section 478 of this act shall be subject to the  
21 following provisions:

22 (a) A license renewal fee shall be paid as a condition of  
23 maintaining a current license; and

24 (b) The department shall waive any other license requirements,  
25 unless the department determines that the license holder has had  
26 sufficient opportunity to meet these requirements.

27 (2) The provisions of subsection (1) of this section shall apply  
28 only to a license that has been suspended under section 478 of this act  
29 for a period of twelve months or less. A license holder shall forfeit  
30 a license subject to this chapter and may not recover any license  
31 renewal fees previously paid if the license holder does not meet the  
32 requirements of section 402(11) of this act within twelve months of  
33 license suspension.

34 NEW SECTION. Sec. 481. A new section is added to chapter 26.09  
35 RCW to read as follows:

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

1 (a) "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, or industry. "License" does not mean  
5 the tax registration or certification issued under Title 82 RCW by the  
6 department of revenue.

7 (b) "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, or industry.

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

16 (d) "Noncompliance with a residential or visitation order" means  
17 that a court has found the parent in contempt of court, under RCW  
18 26.09.160 for failure to comply with a residential provision of a  
19 court-ordered parenting plan on two occasions within three years.

20 (e) "Residential or visitation order" means the residential  
21 schedule or visitation schedule contained in a court-ordered parenting  
22 plan.

23 (2) If a court determines under RCW 26.09.160 that a parent is not  
24 in compliance with a provision of a residential or visitation order  
25 under RCW 26.09.160, the court shall enter an order directed to the  
26 appropriate licensing entity certifying that the parent is not in  
27 compliance with a residential or visitation order. The order shall  
28 contain the noncomplying parent's name, address, and social security  
29 number, and shall indicate whether the obligor is believed to be a  
30 licensee who has a license or may seek renewal of a license issued  
31 directly by the licensing entity or through a board affiliated with the  
32 licensing entity. The court clerk shall forward the order to the  
33 licensing entity.

34 (3) Once the parent whose license is suspended has complied with  
35 the requirements of the court's order under RCW 26.09.160, or at an  
36 earlier date if the court deems it appropriate, the parent whose  
37 license is suspended may petition the court to set a review hearing to  
38 determine whether the noncomplying parent is in compliance with the  
39 residential or visitation order.

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

6 **Sec. 482.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to  
7 read as follows:

8 (1) The performance of parental functions and the duty to provide  
9 child support are distinct responsibilities in the care of a child. If  
10 a party fails to comply with a provision of a decree or temporary order  
11 of injunction, the obligation of the other party to make payments for  
12 support or maintenance or to permit contact with children is not  
13 suspended. An attempt by a parent, in either the negotiation or the  
14 performance of a parenting plan, to condition one aspect of the  
15 parenting plan upon another, to condition payment of child support upon  
16 an aspect of the parenting plan, to refuse to pay ordered child  
17 support, to refuse to perform the duties provided in the parenting  
18 plan, or to hinder the performance by the other parent of duties  
19 provided in the parenting plan, shall be deemed bad faith and shall be  
20 punished by the court by holding the party in contempt of court and by  
21 awarding to the aggrieved party reasonable attorneys' fees and costs  
22 incidental in bringing a motion for contempt of court.

23 (2)(a) A motion may be filed to initiate a contempt action to  
24 coerce a parent to comply with an order establishing residential  
25 provisions for a child. If the court finds there is reasonable cause  
26 to believe the parent has not complied with the order, the court may  
27 issue an order to show cause why the relief requested should not be  
28 granted.

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

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

37 (ii) The parent to pay, to the moving party, all court costs and  
38 reasonable attorneys' fees incurred as a result of the noncompliance,

1 and any reasonable expenses incurred in locating or returning a child;  
2 and

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

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

10 (3) On a second failure within three years to comply with a  
11 residential provision of a court-ordered parenting plan, a motion may  
12 be filed to initiate contempt of court proceedings according to the  
13 procedure set forth in subsection (2) (a) and (b) of this section. On  
14 a finding of contempt under this subsection, the court shall ~~((order))~~  
15 enter any combination of the following orders:

16 (a) Order the noncomplying parent to provide the other parent or  
17 party additional time with the child. The additional time shall be  
18 twice the amount of the time missed with the child, due to the parent's  
19 noncompliance;

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

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

26 (d) Enter an order under section 481 of this act directed to the  
27 appropriate licensing entity certifying that the parent is not in  
28 compliance with the residential schedule or visitation schedule of a  
29 permanent parenting plan.

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

35 (4) For purposes of subsections (1), (2), and (3) of this section,  
36 the parent shall be deemed to have the present ability to comply with  
37 the order establishing residential provisions unless he or she  
38 establishes otherwise by a preponderance of the evidence. The parent  
39 shall establish a reasonable excuse for failure to comply with the

1 residential provision of a court-ordered parenting plan by a  
2 preponderance of the evidence.

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

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

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

15 **Sec. 483.** RCW 26.09.165 and 1994 c 162 s 2 are each amended to  
16 read as follows:

17 All court orders containing parenting plan provisions or orders of  
18 contempt, entered pursuant to RCW 26.09.160, shall include the  
19 following language:

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

26 **Sec. 484.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to  
27 read as follows:

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

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

35 (b) A statement that a notice of payroll deduction may be issued,  
36 or other income withholding action under chapter 26.18 or 74.20A RCW

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

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

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

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

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

15 As used in this subsection and subsection (3) of this section,  
16 "good cause not to require immediate income withholding" means a  
17 written determination of why implementing immediate wage withholding  
18 would not be in the child's best interests and, in modification cases,  
19 proof of timely payment of previously ordered support.

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

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

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

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

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

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



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

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

5 (i) Immediate income withholding may be ordered if the responsible  
6 parent has earnings. If immediate income withholding is ordered under  
7 this subsection, all support payments shall be paid to the Washington  
8 state support registry. The superior court shall issue a mandatory  
9 wage assignment order as set forth in chapter 26.18 RCW when the  
10 support order is signed by the court. The parent entitled to receive  
11 the transfer payment is responsible for serving the employer with the  
12 order and for its enforcement as set forth in chapter 26.18 RCW.

13 (ii) If immediate income withholding is not ordered, the court  
14 shall require that income withholding be delayed until a payment is  
15 past due. The support order shall contain a statement that a notice of  
16 payroll deduction may be issued, or other income-withholding action  
17 under chapter 26.18 or 74.20A RCW may be taken, without further notice  
18 to the responsible parent, after a payment is past due.

19 (c) If a mandatory wage withholding order under chapter 26.18 RCW  
20 is issued under this subsection and the office of support enforcement  
21 provides support enforcement services under RCW 26.23.045, the existing  
22 wage withholding assignment is prospectively superseded upon the office  
23 of support enforcement's subsequent service of an income withholding  
24 notice.

25 (3) The office of administrative hearings and the department of  
26 social and health services shall require that all support obligations  
27 established as administrative orders include a provision which orders  
28 and directs that the responsible parent shall make all support payments  
29 to the Washington state support registry. All administrative orders  
30 shall also state that the responsible parent's privileges to obtain and  
31 maintain a license, as defined in section 402 of this act, may be not  
32 renewed or suspended if the parent is not in compliance with a support  
33 order as defined in section 402 of this act. All administrative orders  
34 shall also state that a notice of payroll deduction may be issued, or  
35 other income withholding action taken without further notice to the  
36 responsible parent at any time after entry of the order, unless:

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

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

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

12 (5) Every support order shall state:

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

14 (b) That a notice of payroll deduction may be issued or other  
15 income withholding action under chapter 26.18 or 74.20A RCW may be  
16 taken, without further notice to the responsible parent at any time  
17 after entry of an order by the court, unless:

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

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

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

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

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

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

28 (g) The social security number and residence address of the  
29 physical custodian except as provided in subsection (6) of this  
30 section;

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

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

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

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

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

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

17 (6) The physical custodian's address:

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

22 (b) A responsible parent may request the physical custodian's  
23 residence address by submission of a request for disclosure under RCW  
24 26.23.120 to the office of support enforcement.

25 (7) The superior court clerk, the office of administrative  
26 hearings, and the department of social and health services shall,  
27 within five days of entry, forward to the Washington state support  
28 registry, a true and correct copy of all superior court orders or  
29 administrative orders establishing or modifying a support obligation  
30 which provide that support payments shall be made to the support  
31 registry. If a superior court order entered prior to January 1, 1988,  
32 directs the responsible parent to make support payments to the clerk,  
33 the clerk shall send a true and correct copy of the support order and  
34 the payment record to the registry for enforcement action when the  
35 clerk identifies that a payment is more than fifteen days past due.  
36 The office of support enforcement shall reimburse the clerk for the  
37 reasonable costs of copying and sending copies of court orders to the  
38 registry at the reimbursement rate provided in Title IV-D of the social  
39 security act.

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

6 (9) After the responsible parent has been ordered or notified to  
7 make payments to the Washington state support registry under this  
8 section, the responsible parent shall be fully responsible for making  
9 all payments to the Washington state support registry and shall be  
10 subject to payroll deduction or other income withholding action. The  
11 responsible parent shall not be entitled to credit against a support  
12 obligation for any payments made to a person or agency other than to  
13 the Washington state support registry except as provided under RCW  
14 74.20.101. A civil action may be brought by the payor to recover  
15 payments made to persons or agencies who have received and retained  
16 support moneys paid contrary to the provisions of this section.

17 **Sec. 485.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to  
18 read as follows:

19 The wage assignment order shall be substantially in the following  
20 form:

21 IN THE SUPERIOR COURT OF THE  
22 STATE OF WASHINGTON IN AND FOR THE  
23 COUNTY OF . . . . .  
24 . . . . . ,  
25 Obligee No. . . . .  
26 vs.  
27 . . . . . , WAGE ASSIGNMENT  
28 Obligor ORDER  
29 . . . . . ,  
30 Employer  
31 THE STATE OF WASHINGTON TO: . . . . .  
32 Employer  
33 AND TO: . . . . .  
34 Obligor

35 The above-named obligee claims that the above-named obligor is  
36 subject to a support order requiring immediate income withholding or is

1 more than fifteen days past due in either child support or spousal  
2 maintenance payments, or both, in an amount equal to or greater than  
3 the child support or spousal maintenance payable for one month. The  
4 amount of the accrued child support or spousal maintenance debt as of  
5 this date is . . . . . dollars, the amount of arrearage payments  
6 specified in the support or spousal maintenance order (if applicable)  
7 is . . . . . dollars per . . . . . , and the amount of the current  
8 and continuing support or spousal maintenance obligation under the  
9 order is . . . . . dollars per . . . . .

10 You are hereby commanded to answer this order by filling in the  
11 attached form according to the instructions, and you must mail or  
12 deliver the original of the answer to the court, one copy to the  
13 Washington state support registry, one copy to the obligee or obligee's  
14 attorney, and one copy to the obligor within twenty days after service  
15 of this wage assignment order upon you.

16 If you possess any earnings or other remuneration for employment  
17 due and owing to the obligor, then you shall do as follows:

18 (1) Withhold from the obligor's earnings or remuneration each  
19 month, or from each regular earnings disbursement, the lesser of:

20 (a) The sum of the accrued support or spousal maintenance debt and  
21 the current support or spousal maintenance obligation;

22 (b) The sum of the specified arrearage payment amount and the  
23 current support or spousal maintenance obligation; or

24 (c) Fifty percent of the disposable earnings or remuneration of the  
25 obligor.

26 (2) The total amount withheld above is subject to the wage  
27 assignment order, and all other sums may be disbursed to the obligor.

28 (3) Upon receipt of this wage assignment order you shall make  
29 immediate deductions from the obligor's earnings or remuneration and  
30 remit to the Washington state support registry or other address  
31 specified below the proper amounts at each regular pay interval.

32 You shall continue to withhold the ordered amounts from nonexempt  
33 earnings or remuneration of the obligor until notified by:

34 (a) The court that the wage assignment has been modified or  
35 terminated; or

36 (b) The addressee specified in the wage assignment order under this  
37 section that the accrued child support or spousal maintenance debt has  
38 been paid.

1        You shall promptly notify the court and the addressee specified in  
2 the wage assignment order under this section if and when the employee  
3 is no longer employed by you, or if the obligor no longer receives  
4 earnings or remuneration from you. If you no longer employ the  
5 employee, the wage assignment order shall remain in effect for one year  
6 after the employee has left your employment or you are no longer in  
7 possession of any earnings or remuneration owed to the employee,  
8 whichever is later. You shall continue to hold the wage assignment  
9 order during that period. If the employee returns to your employment  
10 during the one-year period you shall immediately begin to withhold the  
11 employee's earnings according to the terms of the wage assignment  
12 order. If the employee has not returned to your employment within one  
13 year, the wage assignment will cease to have effect at the expiration  
14 of the one-year period, unless you still owe the employee earnings or  
15 other remuneration.

16        You shall deliver the withheld earnings or remuneration to the  
17 Washington state support registry or other address stated below at each  
18 regular pay interval.

19        You shall deliver a copy of this order to the obligor as soon as is  
20 reasonably possible. This wage assignment order has priority over any  
21 other wage assignment or garnishment, except for another wage  
22 assignment or garnishment for child support or spousal maintenance, or  
23 order to withhold or deliver under chapter 74.20A RCW.

24        WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO  
25 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED  
26 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT  
27 TO CONTEMPT OF COURT.

28        NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
29 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
30 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.  
31 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO  
32 THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT RENEWED A PROFESSIONAL,  
33 DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES  
34 TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE  
35 PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT EXCEEDS SIX  
36 MONTHS OF PAYMENTS.

37        DATED THIS . . . . day of . . . ., 19. . . .

1 . . . . .  
2 Obligee, Judge/Court Commissioner  
3 or obligee's attorney  
4 Send withheld payments to: . . . . .  
5 . . . . .  
6 . . . . .  
7 . . . . .

8 **Sec. 486.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to  
9 read as follows:

10 (1) The office of support enforcement may issue a notice of payroll  
11 deduction:

12 (a) As authorized by a support order that contains the income  
13 withholding notice provisions in RCW 26.23.050 or a substantially  
14 similar notice; or

15 (b) After service of a notice containing an income withholding  
16 provision under this chapter or chapter 74.20A RCW.

17 (2) The office of support enforcement shall serve a notice of  
18 payroll deduction upon a responsible parent's employer or upon the  
19 employment security department for the state in possession of or owing  
20 any benefits from the unemployment compensation fund to the responsible  
21 parent pursuant to Title 50 RCW by personal service or by any form of  
22 mail requiring a return receipt.

23 (3) Service of a notice of payroll deduction upon an employer or  
24 employment security department requires the employer or employment  
25 security department to immediately make a mandatory payroll deduction  
26 from the responsible parent's unpaid disposable earnings or  
27 unemployment compensation benefits. The employer or employment  
28 security department shall thereafter deduct each pay period the amount  
29 stated in the notice divided by the number of pay periods per month.  
30 The payroll deduction each pay period shall not exceed fifty percent of  
31 the responsible parent's disposable earnings.

32 (4) A notice of payroll deduction for support shall have priority  
33 over any wage assignment, garnishment, attachment, or other legal  
34 process.

35 (5) The notice of payroll deduction shall be in writing and  
36 include:

37 (a) The name and social security number of the responsible parent;

1 (b) The amount to be deducted from the responsible parent's  
2 disposable earnings each month, or alternate amounts and frequencies as  
3 may be necessary to facilitate processing of the payroll deduction;

4 (c) A statement that the total amount withheld shall not exceed  
5 fifty percent of the responsible parent's disposable earnings; ((and))

6 (d) The address to which the payments are to be mailed or  
7 delivered; and

8 (e) A notice to the responsible parent warning the responsible  
9 parent that, despite the payroll deduction, the responsible parent's  
10 privileges to maintain a license, as defined in section 402 of this  
11 act, may be not renewed or suspended if the parent is not in compliance  
12 with a support order as defined in section 402 of this act.

13 (6) An informational copy of the notice of payroll deduction shall  
14 be mailed to the last known address of the responsible parent by  
15 regular mail.

16 (7) An employer or employment security department that receives a  
17 notice of payroll deduction shall make immediate deductions from the  
18 responsible parent's unpaid disposable earnings and remit proper  
19 amounts to the Washington state support registry on each date the  
20 responsible parent is due to be paid.

21 (8) An employer, or the employment security department, upon whom  
22 a notice of payroll deduction is served, shall make an answer to the  
23 office of support enforcement within twenty days after the date of  
24 service. The answer shall confirm compliance and institution of the  
25 payroll deduction or explain the circumstances if no payroll deduction  
26 is in effect. The answer shall also state whether the responsible  
27 parent is employed by or receives earnings from the employer or  
28 receives unemployment compensation benefits from the employment  
29 security department, whether the employer or employment security  
30 department anticipates paying earnings or unemployment compensation  
31 benefits and the amount of earnings. If the responsible parent is no  
32 longer employed, or receiving earnings from the employer, the answer  
33 shall state the present employer's name and address, if known. If the  
34 responsible parent is no longer receiving unemployment compensation  
35 benefits from the employment security department, the answer shall  
36 state the present employer's name and address, if known.

37 (9) The employer or employment security department may deduct a  
38 processing fee from the remainder of the responsible parent's earnings  
39 after withholding under the notice of payroll deduction, even if the



1 remainder is exempt under RCW 26.18.090. The processing fee may not  
2 exceed: (a) Ten dollars for the first disbursement made to the  
3 Washington state support registry; and (b) one dollar for each  
4 subsequent disbursement to the registry.

5 (10) The notice of payroll deduction shall remain in effect until  
6 released by the office of support enforcement, the court enters an  
7 order terminating the notice and approving an alternate arrangement  
8 under RCW 26.23.050(2), or one year has expired since the employer has  
9 employed the responsible parent or has been in possession of or owing  
10 any earnings to the responsible parent or the employment security  
11 department has been in possession of or owing any unemployment  
12 compensation benefits to the responsible parent.

13 **PART V. WELFARE-TO-WORK EFFECTIVENESS STUDIES**

14 NEW SECTION. **Sec. 501.** A new section is added to chapter 44.28  
15 RCW to read as follows:

16 WELFARE-TO-WORK PROGRAMS STUDY. (1) The joint legislative audit  
17 and review committee shall conduct an evaluation of the effectiveness  
18 of the welfare-to-work programs described in chapter . . . , Laws of  
19 1997 (this act), including the job opportunities and basic skills  
20 training program and any approved private, county, or local government  
21 welfare-to-work programs. The evaluation shall assess the success of  
22 the programs in assisting clients to become employed and to reduce  
23 their use of temporary assistance for needy families. The study shall  
24 include but not be limited to the following:

25 (a) An assessment of employment outcomes, including hourly wages,  
26 hours worked, and total earnings, for clients;

27 (b) A comparison of temporary assistance for needy families  
28 outcomes, including grant amounts and program exits, for clients; and

29 (c) An audit of the performance-based contract for each private  
30 nonprofit contractor for job opportunities and basic skills training  
31 program services. The joint legislative audit and review committee may  
32 contract with the Washington institute for public policy for  
33 appropriate portions of the evaluation required by this section.

34 **PART VI. MISCELLANEOUS**

1       **Sec. 601.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are  
2 each reenacted and amended to read as follows:

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

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

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

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

12       (4) "Director" or "secretary" means the secretary of social and  
13 health services.

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

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

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

26       (ii) Meet one of the following conditions:

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

34       (B) Subject to chapter 165, Laws of 1992, incapacitated from  
35 gainful employment by reason of bodily or mental infirmity that will  
36 likely continue for a minimum of ninety days as determined by the  
37 department.

38       (C) Persons who are unemployable due to alcohol or drug addiction  
39 are not eligible for general assistance. Persons receiving general

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

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

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

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

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

30 (ii) To the extent authorized by the legislature in the biennial  
31 appropriations act, to recipients of ~~((aid to families with dependent  
32 children))~~ temporary assistance for needy families whose needs are not  
33 being met because of a temporary reduction in monthly income below the  
34 entitled benefit payment level caused by loss or reduction of wages or  
35 unemployment compensation benefits or some other unforeseen  
36 circumstances. The amount of general assistance authorized shall not  
37 exceed the difference between the entitled benefit payment level and  
38 the amount of income actually received.

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

10 (i) First failure: One week;

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

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

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

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

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

30 (g) Recipients of general assistance based upon a finding of  
31 incapacity from gainful employment who remain otherwise eligible shall  
32 not have their benefits terminated absent a clear showing of material  
33 improvement in their medical or mental condition or specific error in  
34 the prior determination that found the recipient eligible by reason of  
35 incapacitation. Recipients of general assistance based upon pregnancy  
36 who relinquish their child for adoption, remain otherwise eligible, and  
37 are not eligible to receive benefits under the federal (~~aid to~~  
38 ~~families with dependent children~~) temporary assistance for needy  
39 families program shall not have their benefits terminated until the end

1 of the month in which the period of six weeks following the birth of  
2 the recipient's child falls. Recipients of the federal (~~aid to~~  
3 ~~families with dependent children~~) temporary assistance for needy  
4 families program who lose their eligibility solely because of the birth  
5 and relinquishment of the qualifying child may receive general  
6 assistance through the end of the month in which the period of six  
7 weeks following the birth of the child falls.

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

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

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

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

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

38 (b) Household furnishings and personal effects and other personal  
39 property having great sentimental value to the applicant or recipient,

1 as limited by the department consistent with limitations on resources  
2 and exemptions for federal aid assistance.

3 (c) A motor vehicle, other than a motor home, used and useful  
4 having an equity value not to exceed (~~one~~) five thousand (~~five~~  
5 ~~hundred~~) dollars.

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

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

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

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

32 (B) If the owner of the excess property ceases to make good faith  
33 efforts to sell the property, the entire amount of assistance may  
34 become an overpayment and a debt due the state and may be recovered  
35 pursuant to RCW 43.20B.630;

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

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

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

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

34 (12) "Need"«The difference between the applicant's or recipient's  
35 standards of assistance for himself and the dependent members of his  
36 family, as measured by the standards of the department, and value of  
37 all nonexempt resources and nonexempt income received by or available  
38 to the applicant or recipient and the dependent members of his family.

1       (13) "Caretaker" means the parent of or adult relative caring for  
2 the dependent child or children who is head of the household. However,  
3 in situations where there are two parents in the household, "caretaker"  
4 means that parent who, as a parent, has received assistance under the  
5 program for the longest period.

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

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

17       NEW SECTION. Sec. 602. The legislature finds that independence,  
18 personal responsibility, and accountability for individual actions  
19 should be emphasized in citizens wherever they live on the  
20 socioeconomic spectrum of society. The legislature further finds that  
21 low-income, single parents are more likely to remain off public  
22 assistance rolls if the benefits of child support payments go directly  
23 to custodial parents rather than cumbersome state and federal  
24 bureaucracies as reimbursements.

25       Therefore, it is the public policy of the state of Washington to  
26 encourage parental employment and prompt and regular payment of child  
27 support, and by so doing, to shorten or avoid periods of receipt of  
28 cash assistance, increase family income, and provide incentives for the  
29 establishment of paternity and regular payment of support.

30       NEW SECTION. Sec. 603. (1) The family security and responsibility  
31 program is created in the department. This program shall be state  
32 funded.

33       (2) Eligibility for the family security and responsibility program  
34 shall be redetermined each year. If, at the redetermination, it is  
35 established that the absent parent is not paying child support  
36 regularly, the participant shall be transferred to the temporary  
37 assistance for needy families programs with no interruption to



1 benefits. Participants may transfer to temporary assistance for needy  
2 families, at their option and without cause, upon one month's notice to  
3 the department.

4 NEW SECTION. **Sec. 604.** Except as otherwise provided in this  
5 chapter, applicants and participants in the family security and  
6 responsibility program are subject to the same rules and shall be  
7 entitled to the same benefits, including transitional benefits, as  
8 those applicants and recipients of the temporary assistance for needy  
9 families program.

10 NEW SECTION. **Sec. 605.** Any person otherwise eligible to  
11 participate in the temporary assistance for needy families program is  
12 also eligible to participate in the family security and responsibility  
13 program if the absent parent of the qualifying child or children has  
14 paid current child support in at least four months in the immediately  
15 preceding six-month period and the person is employed for more than  
16 twenty hours per week.

17 NEW SECTION. **Sec. 606.** (1) A parent participating in the family  
18 security and responsibility program is not required to assign any  
19 rights to child support.

20 (2) The division of child support shall distribute child support as  
21 a nonassistance recipient of child support services.

22 NEW SECTION. **Sec. 607.** (1) A participant in the family support  
23 and responsibility program shall have one hundred twenty dollars plus  
24 one-third of family earnings plus unearned income disregarded in  
25 determining the appropriate grant level. As used in this section,  
26 "family earnings" means the amount of earned income, less taxes and  
27 mandatory deductions, received by the parent with whom the child  
28 resides.

29 (2) A participant in the family support and responsibility program  
30 shall also have twenty-five percent of total current monthly child  
31 support distributed for a child living in the family disregarded in  
32 determining the appropriate grant level.

33 (3) The benefits payable to a participant of the family security  
34 and responsibility program shall be the amount derived by subtracting  
35 from the grant standard countable income as provided in subsection (1)

1 of this section and countable child support as provided in subsection  
2 (2) of this section.

3 NEW SECTION. **Sec. 608.** No payment may be made by the family  
4 security and responsibility program if the total of family income and  
5 child support exceed one hundred ten percent of the standard of need as  
6 set forth in RCW 74.04.770.

7 NEW SECTION. **Sec. 609.** (1) An individual receiving assistance  
8 under temporary assistance for needy families may transfer to the  
9 family support and responsibility program on the first day of the month  
10 following the month of application for the family support and  
11 responsibility program if the individual meets the child support  
12 criteria in section 605 of this act.

13 (2) An individual who meets the eligibility criteria under section  
14 605 of this act who applies for assistance under the temporary  
15 assistance for needy families program shall be given the option of  
16 applying for the family support and responsibility program instead.

17 NEW SECTION. **Sec. 610.** The department may adopt rules for the  
18 administration of this program in accordance with the administrative  
19 procedure act, chapter 34.05 RCW.

20 NEW SECTION. **Sec. 611.** Sections 602 through 610 of this act  
21 constitute a new chapter in Title 74 RCW.

22 NEW SECTION. **Sec. 612.** A new section is added to chapter 26.23  
23 RCW to read as follows:

24 (1) The office of support enforcement shall enter into contracts  
25 with collection agencies for collection of accounts that the office of  
26 support enforcement is unsuccessful in collecting after twelve months.  
27 The listing collection agency shall not assess the department of social  
28 and health services any fee. All fees collected shall be in addition  
29 to the amount of the debt owed by the delinquent party and shall be  
30 assessed to the delinquent party not to exceed twenty percent of the  
31 amount owed. All child support collected by the collection agency  
32 shall be paid to the state.

33 (2) The department of social and health services shall monitor each  
34 case that it refers to a collection agency.

1 (3) The department of social and health services shall evaluate the  
2 effectiveness of entering into contracts for services under this  
3 section.

4 (4) The department of social and health services shall provide  
5 annual reports to the legislature on the results of its analysis under  
6 subsections (2) and (3) of this section for the first three years after  
7 the effective date of this section.

8 NEW SECTION. **Sec. 613.** A new section is added to chapter 74.12  
9 RCW to read as follows:

10 The department of social and health services shall:

11 (1) Provide eligible Indian tribes ongoing, meaningful  
12 opportunities to participate in the development, oversight, and  
13 operation of the state temporary assistance for needy families program;

14 (2) Certify annually that it is providing equitable access to the  
15 state temporary assistance for needy families program to Indian people  
16 whose tribe is not administering a tribal temporary assistance for  
17 needy families program;

18 (3) Coordinate and cooperate with eligible Indian tribes that elect  
19 to operate a tribal temporary assistance for needy families program as  
20 provided for in P.L. 104-193;

21 (4) Upon approval by the secretary of the department of health and  
22 human services of a tribal temporary assistance for needy families  
23 program, transfer a fair and equitable amount of the state maintenance  
24 of effort funds to the eligible Indian tribe. The legislature shall  
25 specify the amount of state maintenance of effort funds to be  
26 transferred in the biennial appropriations act; and

27 (5) The department shall establish rules related to the operation  
28 of this section and section 614 of this act, covering, at a minimum,  
29 appropriate uses of state maintenance of effort funds and annual  
30 reports on program operations.

31 NEW SECTION. **Sec. 614.** A new section is added to chapter 74.12  
32 RCW to read as follows:

33 An eligible Indian tribe exercising its authority under P.L.  
34 104-193 to operate a tribal temporary assistance for needy families  
35 program shall operate the program on a state fiscal year basis. If a  
36 tribe decides to cancel a tribal temporary assistance for needy  
37 families program, it shall notify the department of social and health

1 services no later than ninety days prior to the start of the state  
2 fiscal year.

3 NEW SECTION. **Sec. 615.** If any part of this act is found to be in  
4 conflict with federal requirements that are a prescribed condition to  
5 the allocation of federal funds to the state, the conflicting part of  
6 this act is inoperative solely to the extent of the conflict and with  
7 respect to the agencies directly affected, and this finding does not  
8 affect the operation of the remainder of this act in its application to  
9 the agencies concerned. The rules under this act shall meet federal  
10 requirements that are a necessary condition to the receipt of federal  
11 funds by the state. As used in this section, "allocation of federal  
12 funds to the state" means the allocation of federal funds that are  
13 appropriated by the legislature to the department of social and health  
14 services and on which the department depends for carrying out any  
15 provision of the operating budget applicable to it.

16 **Sec. 616.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each  
17 amended to read as follows:

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

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

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

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

1        NEW SECTION.    **Sec. 617.**    A new section is added to chapter 74.04  
2    RCW to read as follows:

3        For the purpose of evaluating the effect of the defense of  
4    equitable estoppel on the recovery of overpayments and the  
5    administration of justice in public assistance cases, the department  
6    shall report the following to the appropriate committees of the  
7    legislature by December 1, 1997:

8        (1) The number of applicants and recipients of public assistance  
9    who have raised the defense of equitable estoppel in an administrative  
10   proceeding related to the collection of overpayments or the  
11   determination of eligibility;

12       (2) The number of recipients or applicants of public assistance who  
13   prevailed in an administrative proceeding related to the collection of  
14   overpayments or the determination of eligibility due to the defense of  
15   equitable estoppel;

16       (3) The amount, average amount, and percent of payments and  
17   overpayments not collected due to the successful assertion of the  
18   defense of equitable estoppel at an administrative proceeding related  
19   to the collection of overpayments or the determination of eligibility;

20       (4) Any other information regarding the assertion of the defense of  
21   equitable estoppel in administrative proceedings that the department  
22   feels will assist in evaluation of the defense.

23        **Sec. 618.**    RCW 50.13.060 and 1996 c 79 s 1 are each amended to read  
24   as follows:

25       (1) Governmental agencies, including law enforcement agencies,  
26   prosecuting agencies, and the executive branch, whether state, local,  
27   or federal shall have access to information or records deemed private  
28   and confidential under this chapter if the information or records are  
29   needed by the agency for official purposes and:

30       (a) The agency submits an application in writing to the employment  
31   security department for the records or information containing a  
32   statement of the official purposes for which the information or records  
33   are needed and specific identification of the records or information  
34   sought from the department; and

35       (b) The director, commissioner, chief executive, or other official  
36   of the agency has verified the need for the specific information in  
37   writing either on the application or on a separate document; and

1 (c) The agency requesting access has served a copy of the  
2 application for records or information on the individual or employing  
3 unit whose records or information are sought and has provided the  
4 department with proof of service. Service shall be made in a manner  
5 which conforms to the civil rules for superior court. The requesting  
6 agency shall include with the copy of the application a statement to  
7 the effect that the individual or employing unit may contact the public  
8 records officer of the employment security department to state any  
9 objections to the release of the records or information. The  
10 employment security department shall not act upon the application of  
11 the requesting agency until at least five days after service on the  
12 concerned individual or employing unit. The employment security  
13 department shall consider any objections raised by the concerned  
14 individual or employing unit in deciding whether the requesting agency  
15 needs the information or records for official purposes.

16 (2) The requirements of subsections (1) and (~~(+8+)~~) (9) of this  
17 section shall not apply to the state legislative branch. The state  
18 legislature shall have access to information or records deemed private  
19 and confidential under this chapter, if the legislature or a  
20 legislative committee finds that the information or records are  
21 necessary and for official purposes. If the employment security  
22 department does not make information or records available as provided  
23 in this subsection, the legislature may exercise its authority granted  
24 by chapter 44.16 RCW.

25 (3) In cases of emergency the governmental agency requesting access  
26 shall not be required to formally comply with the provisions of  
27 subsection (1) of this section at the time of the request if the  
28 procedures required by subsection (1) of this section are complied with  
29 by the requesting agency following the receipt of any records or  
30 information deemed private and confidential under this chapter. An  
31 emergency is defined as a situation in which irreparable harm or damage  
32 could occur if records or information are not released immediately.

33 (4) The requirements of subsection (1)(c) of this section shall not  
34 apply to governmental agencies where the procedures would frustrate the  
35 investigation of possible violations of criminal laws.

36 (5) Governmental agencies shall have access to certain records or  
37 information, limited to such items as names, addresses, social security  
38 numbers, and general information about benefit entitlement or employer  
39 information possessed by the department, for comparison purposes with

1 records or information possessed by the requesting agency to detect  
2 improper or fraudulent claims, or to determine potential tax liability  
3 or employer compliance with registration and licensing requirements.  
4 In those cases the governmental agency shall not be required to comply  
5 with subsection (1)(c) of this section, but the requirements of the  
6 remainder of subsection (1) must be satisfied.

7 (6) Governmental agencies may have access to certain records and  
8 information, limited to employer information possessed by the  
9 department for purposes authorized in chapter 50.38 RCW. Access to  
10 these records and information is limited to only those individuals  
11 conducting authorized statistical analysis, research, and evaluation  
12 studies. Only in cases consistent with the purposes of chapter 50.38  
13 RCW are government agencies not required to comply with subsection  
14 (1)(c) of this section, but the requirements of the remainder of  
15 subsection (1) of this section must be satisfied. Information provided  
16 by the department and held to be private and confidential under state  
17 or federal laws shall not be misused or released to unauthorized  
18 parties subject to the sanctions in RCW 50.13.080.

19 (7) Disclosure to governmental agencies of information or records  
20 obtained by the employment security department from the federal  
21 government shall be governed by any applicable federal law or any  
22 agreement between the federal government and the employment security  
23 department where so required by federal law. When federal law does not  
24 apply to the records or information state law shall control.

25 (8) For purposes of statistical analysis and evaluation of the job  
26 opportunities and basic skills training program or any successor state  
27 welfare program, the department of social and health services shall  
28 have access to employer wage information on clients in the program  
29 whose names and social security numbers are provided to the department.  
30 The information provided by the department may be used only to measure  
31 work force participation of the identified clients. The department of  
32 social and health services is not required to comply with subsection  
33 (1)(c) of this section, but the requirements of the remainder of  
34 subsection (1) of this section must be satisfied.

35 (9) The disclosure of any records or information by a governmental  
36 agency which has obtained the records or information under this section  
37 is prohibited unless the disclosure is directly connected to the  
38 official purpose for which the records or information were obtained.

1       (~~(9)~~) (10) In conducting periodic salary or fringe benefit  
2 studies pursuant to law, the department of personnel shall have access  
3 to records of the employment security department as may be required for  
4 such studies. For such purposes, the requirements of subsection (1)(c)  
5 of this section need not apply.

6       NEW SECTION.   **Sec. 619.** A new section is added to chapter 43.20A  
7 RCW to read as follows:

8       (1) The department shall provide the employment security department  
9 quarterly with the names and social security numbers of all clients in  
10 the job opportunities and basic skills training program and any  
11 successor state welfare program.

12       (2) The information provided by the employment security department  
13 under RCW 50.13.060 for statistical analysis and welfare program  
14 evaluation purposes may be used only to measure the work force  
15 participation of clients in the job opportunities and basic skills  
16 training program and any successor state welfare program. Through  
17 individual matches with accessed employment security department  
18 confidential employer wage files, the department of social and health  
19 services shall report only aggregate, statistical, group level data.

20       (3) The department shall protect the privacy of confidential  
21 personal data supplied under RCW 50.13.060 consistent with federal law,  
22 chapter 50.13 RCW, and the terms and conditions of a formal data-  
23 sharing agreement between the two departments. The misuse or  
24 unauthorized use of confidential data supplied by the employment  
25 security department is subject to the penalties in RCW 50.13.080.

26       **Sec. 620.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended  
27 to read as follows:

28       All assistance granted under this title shall be deemed to be  
29 granted and to be held subject to the provisions of any amending or  
30 repealing act that may hereafter be enacted, and no recipient shall  
31 have any claim for compensation, or otherwise, by reason of his  
32 assistance being affected in any way by such amending or repealing act.  
33 There is no entitlement to public assistance. It may be discontinued  
34 at any time.

35       NEW SECTION.   **Sec. 621.** A new section is added to chapter 74.25  
36 RCW to read as follows:



1 (1) The department shall allow religious organizations to provide  
2 services to families receiving temporary assistance for needy families  
3 on the same basis as any other nongovernmental provider without  
4 impairing the religious character of such organizations, and without  
5 diminishing the religious freedom of beneficiaries of assistance funded  
6 under chapter 74.12 RCW.

7 (2) The department shall adopt rules implementing this section and  
8 the applicable portions of P.L. 104-193 related to services provided by  
9 charitable, religious, or private organizations.

10 **Sec. 622.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to  
11 read as follows:

12 Upon written request of a person who has been properly identified  
13 as an officer of the law (~~((with a felony arrest warrant))~~) or a properly  
14 identified United States immigration official (~~((with a warrant for an  
15 illegal alien))~~) the department shall disclose to such officer the  
16 current address and location of (~~((the person properly described in the  
17 warrant))~~) a recipient of public welfare if the officer furnishes the  
18 department with such person's name and social security account number  
19 and satisfactorily demonstrates that such recipient is a fugitive, that  
20 the location or apprehension of such fugitive is within the officer's  
21 official duties, and that the request is made in the proper exercise of  
22 those duties.

23 When the department becomes aware that a public assistance  
24 recipient is the subject of an outstanding warrant, the department may  
25 contact the appropriate law enforcement agency and, if the warrant is  
26 valid, provide the law enforcement agency with the location of the  
27 recipient.

28 NEW SECTION. **Sec. 623.** If specific funding for the purpose of  
29 sections 109 and 110 of this act, referencing this act by bill or  
30 chapter number, is not provided by June 30, 1997, in the omnibus  
31 appropriations act, sections 109 and 110 of this act are null and void.

32 NEW SECTION. **Sec. 624.** The following acts or parts of acts are  
33 each repealed:

34 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st  
35 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,  
36 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;

1 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3; and  
2 (3) RCW 74.12.420 and 1994 c 299 s 9.

3 NEW SECTION. **Sec. 625.** The table of contents, part headings,  
4 subheadings, and captions used in this act do not constitute any part  
5 of the law.

6 NEW SECTION. **Sec. 626.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately.

10 NEW SECTION. **Sec. 627.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

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