
HOUSE BILL 1079

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

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 01/13/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to personal responsibility; amending RCW 74.25.010,
2 74.25.020, 26.16.205, 74.20A.020, 74.12.255, 74.04.0052, 13.34.160,
3 74.12.250, 46.20.291, 46.20.311, 18.04.335, 18.08.350, 18.08.350,
4 18.11.160, 18.16.100, 18.27.030, 18.27.060, 18.28.060, 18.39.181,
5 18.46.050, 18.51.054, 18.96.120, 18.96.150, 18.104.110, 18.106.070,
6 18.130.050, 18.130.120, 18.130.150, 18.160.080, 18.165.160, 18.170.170,
7 43.20A.205, 43.70.115, 19.28.120, 19.28.125, 19.28.310, 19.28.550,
8 19.28.580, 19.30.030, 19.30.060, 19.16.110, 19.16.120, 19.31.100,
9 19.31.130, 19.32.040, 19.32.060, 19.105.330, 19.105.380, 19.105.440,
10 19.138.130, 19.158.050, 19.166.040, 21.20.070, 21.20.110, 66.20.320,
11 67.08.040, 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120,
12 70.74.110, 70.74.130, 70.74.135, 70.74.360, 70.74.370, 66.24.010,
13 43.63B.040, 70.95D.040, 17.21.130, 17.21.132, 64.44.060, 19.146.210,
14 19.146.220, 26.09.160, 26.09.165, 26.23.050, 26.18.100, 26.23.060,
15 74.08.025, 74.08.080, and 74.08.340; reenacting and amending RCW
16 18.145.080 and 74.04.005; adding new sections to chapter 74.25 RCW;
17 adding new sections to chapter 74.12 RCW; adding a new section to
18 chapter 74.13 RCW; adding new sections to chapter 74.20A RCW; adding a
19 new section to chapter 48.22 RCW; adding a new section to chapter 2.48
20 RCW; adding a new section to chapter 18.04 RCW; adding a new section to
21 chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a

1 new section to chapter 18.20 RCW; adding a new section to chapter 18.28
2 RCW; adding a new section to chapter 18.39 RCW; adding a new section to
3 chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a
4 new section to chapter 18.51 RCW; adding a new section to chapter 18.76
5 RCW; adding a new section to chapter 18.85 RCW; adding a new section to
6 chapter 18.96 RCW; adding a new section to chapter 18.104 RCW; adding
7 a new section to chapter 18.106 RCW; adding a new section to chapter
8 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new
9 section to chapter 18.145 RCW; adding a new section to chapter 18.165
10 RCW; adding a new section to chapter 18.170 RCW; adding a new section
11 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW;
12 adding a new section to chapter 28A.410 RCW; adding a new section to
13 chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a
14 new section to chapter 74.15 RCW; adding a new section to chapter 47.68
15 RCW; adding a new section to chapter 71.12 RCW; adding a new section to
16 chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a
17 new section to chapter 88.02 RCW; adding a new section to chapter 43.24
18 RCW; adding a new section to chapter 70.95B RCW; adding a new section
19 to chapter 26.09 RCW; adding new sections to chapter 44.28 RCW; adding
20 a new section to chapter 74.04 RCW; adding a new section to chapter
21 26.23 RCW; creating new sections; repealing RCW 74.08.120, 74.08.125,
22 and 74.12.420; repealing 1993 c 312 s 7; repealing 1992 c 136 s 1;
23 repealing 1992 c 165 s 1; prescribing penalties; providing an
24 expiration date; and declaring an emergency.

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

26 **MAKING WELFARE WORK**

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

11 Therefore, it is the public policy of the state of Washington,
12 through its temporary assistance for needy families program, to require
13 every able-bodied citizen on temporary assistance for needy families to
14 engage in paid employment or engage in short-term training directed
15 towards employment, to require accountability of all parents, and to
16 discourage teen pregnancy by unwed parents as an action that is
17 destructive to society.

18 Therefore, the legislature intends that:

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

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

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

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

29 (5) Unmarried parents who are minors generally will be ineligible
30 for direct assistance under the temporary assistance for needy families
31 program;

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

34 (7) Community-based organizations such as churches, synagogues,
35 nonprofit service providers, and business and labor organizations, have

1 a greater role and responsibility in helping to meet the needs of
2 children and families.

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

5 TARGET GROUP CONTRACTS. The department shall assess each caretaker
6 unless the caretaker is not or would not be required to sign a contract
7 under section 201(3) of this act. Assessments shall be based upon age,
8 age of dependents, education, condition of incapacity, and employment
9 history. The assessment and referral of caretakers who are applicants
10 for assistance on or after the effective date of this section shall be
11 made as part of the application approval process. The assessment and
12 referral of caretakers who have been approved for assistance before the
13 effective date of this section shall be completed within one hundred
14 eighty days after the date of federal certification of the Washington
15 temporary assistance for needy families program.

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

18 TEEN PARENT TARGET GROUP. All applicants under the age of eighteen
19 years who are approved for assistance and, within one hundred eighty
20 days after the date of federal certification of the Washington
21 temporary assistance for needy families program, all recipients who are
22 under the age of eighteen and are unmarried shall, as a condition of
23 receiving benefits, actively progress toward the completion of a high
24 school diploma or a GED.

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

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

28 (1) The department shall administer the job opportunities and basic
29 skills training program under this chapter in a manner designed to
30 ensure compliance with mandatory work requirements of P.L. 104-193.
31 The department shall meet the minimum work participation rates
32 specified in federal law, and shall require caretakers to engage in
33 work and work activities, as defined in federal law, as an ongoing
34 condition of eligibility.

1 (2) After entering into a contract under section 201 of this act,
2 a caretaker shall engage in a maximum of six weeks of job search, and
3 if the caretaker has not found work after that time, the caretaker
4 shall immediately engage in community service as provided in section
5 104 of this act.

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

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

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

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

19 The legislature establishes as state policy the goal of economic
20 self-sufficiency for employable recipients of ~~((public assistance))~~
21 temporary assistance for needy families, through employment, training,
22 and education. In furtherance of this policy, the legislature intends
23 to comply with the requirements of the federal social security act, as
24 amended, by ~~((creating a job opportunities and basic skills training~~
25 ~~program for))~~ requiring applicants and recipients of ~~((aid to families~~
26 ~~with dependent children. The purpose of this program is to provide~~
27 ~~recipients of aid to families with dependent children the opportunity~~
28 ~~to obtain appropriate education, training, skills, and supportive~~
29 ~~services, including child care, consistent with their needs, that will~~
30 ~~help them enter or reenter gainful employment, thereby avoiding long-~~
31 ~~term welfare dependence and achieving economic self-sufficiency))~~
32 temporary assistance for needy families to engage in work and work-
33 related activities. The job opportunities and basic skills training
34 program shall provide employment and training and education support
35 services to assist caretakers under chapter 74.12 RCW to obtain
36 employment. The program shall be operated by the department of social
37 and health services in conformance with federal law ~~((and consistent~~
38 ~~with the following legislative findings:))~~.

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

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

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

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

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

7 (6) The legislature finds that a critical component for successful
8 reductions in the temporary assistance for needy families caseloads is
9 employment. Employment opportunities must be increased through public-
10 private partnerships. The department shall work with the private
11 sector to meet market needs, increase employability through on-the-job
12 training opportunities, and develop incentives for employers to hire
13 and train recipients.

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

16 (1) The department of social and health services (~~is authorized~~
17 ~~to~~) shall contract for all functions of the job opportunities and
18 basic skills training program not specifically prohibited by federal
19 law with public and private employment and training agencies and other
20 public service entities to provide services prescribed or allowed under
21 the federal social security act, as amended, to carry out the purposes
22 of the jobs training program. (~~The department of social and health~~
23 ~~services has sole authority and responsibility to carry out the job~~
24 ~~opportunities and basic skills training program. No contracting entity~~
25 ~~shall have the authority to review, change, or disapprove any~~
26 ~~administrative decision, or otherwise substitute its judgment for that~~
27 ~~of the department of social and health services as to the application~~
28 ~~of policies and rules adopted by the department of social and health~~
29 ~~services)) The department may contract with private agencies for
30 services that are ordinarily provided by and capable of being provided
31 by civil servants regardless of any rights, express or implied, created
32 by the state civil service law, chapter 41.06 RCW. The department,
33 through its regional offices, shall collaborate with employers,
34 recipients, education institutions, labor, private industry councils,
35 the work force training and education coordinating board, community
36 rehabilitation employment programs, local governments, the employment
37 security department, and community action agencies to develop work
38 programs that are effective and work in their communities. For~~

1 planning purposes, the department shall collect and make accessible to
2 regional offices successful work program models from around the United
3 States, including the employment partnership program, apprenticeship
4 programs, and W-2 Wisconsin works. Work programs shall incorporate
5 local volunteer citizens in their planning and implementation phases to
6 ensure community relevance and success.

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

11 ~~(3))~~ The department of social and health services shall adopt
12 rules under chapter 34.05 RCW establishing criteria constituting
13 circumstances of good cause for an individual failing or refusing to
14 participate in an assigned ~~((program component))~~ work activity, or
15 failing or refusing to accept or retain employment. These criteria
16 shall include~~((, but not be limited to,))~~ the following circumstances:

17 (a) If the individual is a parent or other relative personally
18 providing care for a child under age six years, and ~~((the employment~~
19 ~~would require the individual to work more than twenty hours per week;~~

20 ~~(b) if))~~ formal or informal child care, or day care for an
21 incapacitated individual living in the same home as a dependent child,
22 is necessary for an individual to participate or continue participation
23 in the program or accept employment, and such care is not available,
24 and the department of social and health services fails to provide such
25 care; ~~((c) the employment would result in the family of the~~
26 ~~participant experiencing a net loss of cash income; or (d)~~
27 ~~circumstances that are beyond the control of the individual's~~
28 ~~household, either on a short term or on an ongoing basis))~~ or (b) if

29 the individual is a parent with a child under age one year. A parent
30 may only receive this exemption for a total of twelve months, which may
31 be consecutive or nonconsecutive.

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

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

1 responsibilities that the caretaker must exercise for receipt of such
2 benefits, including, where appropriate, high school completion or GED
3 programs; (d) contain a statement of the rules in section 202 of this
4 act governing the duration of the contract; and (e) contain a statement
5 of the rules in section 203 of this act governing time limits.

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

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

14 (5) The provision of assistance under a contract entered into under
15 this section is not an entitlement, but is a charitable gesture or gift
16 on the part of the state, which at any time may be discontinued.

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

19 A contract entered into under section 201 of this act shall expire
20 twenty-four calendar months after the month in which the caretaker
21 first entered into a contract under section 201 of this act unless it
22 is reviewed and modified, as the department finds appropriate, for an
23 additional period or periods of not to exceed six months each. Under
24 no circumstances may the department continue a contract or provide for
25 monthly benefit payments beyond the sixty-month limit prescribed in
26 section 203 of this act. For a contract to be reviewed and modified,
27 the caretaker must have requested the review and modification, have
28 complied with the current terms of the contract, and have satisfied all
29 eligibility requirements, including those requirements specified in
30 section 203 of this act.

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

33 (1) After a caretaker has received sixty monthly benefit payments
34 pursuant to a contract entered into under section 201 of this act, the
35 caretaker and the caretaker's family shall not be eligible for any
36 additional monthly payments. Following the receipt of sixty monthly

1 benefit payments, a caretaker is forever ineligible to apply for or
2 receive any further assistance under this chapter.

3 (2) For the purposes of applying the rules of this section, the
4 department shall count both consecutive and nonconsecutive months in
5 which a caretaker received a monthly benefit payment or a portion of a
6 monthly benefit payment.

7 (3) The department shall refer caretakers who require specialized
8 assistance to appropriate department programs, crime victims' programs
9 through the department of community, trade, and economic development,
10 or the crime victims' compensation program of the department of labor
11 and industries.

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

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

25 To the extent authorized by the legislature in the omnibus
26 appropriations act, the department shall transfer up to thirty percent
27 of the temporary assistance for needy families block grant to the
28 social services block grant and the child care development block grant.
29 Funds transferred under this authority shall be used to prevent
30 individuals from becoming recipients of temporary assistance for needy
31 families and to help current recipients become economically
32 independent. Services funded by such a transfer may include, but are
33 not limited to, welfare diversion services, work activities, case
34 management, child care, housing assistance, and related social and
35 health services.

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

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

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

7 (1) The department of social and health services shall adopt rules
8 to implement sections 201 and 202 of this act and to enforce contracts
9 adopted under section 201 of this act. However, it may not adopt such
10 rules unless it has complied with subsections (2) and (3) of this
11 section.

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

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

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

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

28 **PART III. MINOR PARENT PROVISIONS**

29 **Sec. 301.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each
30 amended to read as follows:

31 The expenses of the family and the education of the children,
32 including stepchildren and any child of whom their minor child is a
33 biological parent, are chargeable upon the property of both husband and
34 wife, or either of them, and they may be sued jointly or separately.
35 When a petition for dissolution of marriage or a petition for legal

1 separation is filed, the court may, upon motion of the stepparent,
2 terminate the obligation to support the stepchildren or children of the
3 stepchildren. The obligation to support stepchildren and children of
4 stepchildren shall cease upon the entry of a decree of dissolution,
5 decree of legal separation, or death. The obligation of a husband and
6 wife to support a child of their minor child terminates when their
7 minor child reaches eighteen years of age, however, a stepparent's
8 support obligation may be terminated earlier as provided for in this
9 section.

10 **Sec. 302.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
11 amended to read as follows:

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

15 (1) "Department" means the state department of social and health
16 services.

17 (2) "Secretary" means the secretary of the department of social and
18 health services, his designee or authorized representative.

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

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

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

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

28 (5) "Superior court order" means any judgment, decree, or order of
29 the superior court of the state of Washington, or a court of comparable
30 jurisdiction of another state, establishing the existence of a support
31 obligation and ordering payment of a set or determinable amount of
32 support moneys to satisfy the support obligation. For purposes of RCW
33 74.20A.055, orders for support which were entered under the uniform
34 reciprocal enforcement of support act by a state where the responsible
35 parent no longer resides shall not preclude the department from
36 establishing an amount to be paid as current and future support.

37 (6) "Administrative order" means any determination, finding,
38 decree, or order for support pursuant to RCW 74.20A.055, or by an

1 agency of another state pursuant to a substantially similar
2 administrative process, establishing the existence of a support
3 obligation and ordering the payment of a set or determinable amount of
4 support moneys to satisfy the support obligation.

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

10 (8) "Stepparent" means the present spouse of the person who is
11 either the mother, father, or adoptive parent of a dependent child, and
12 such status shall exist until terminated as provided for in RCW
13 26.16.205.

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

19 (10) "Support debt" means any delinquent amount of support moneys
20 which is due, owing, and unpaid under a superior court order or an
21 administrative order, a debt for the payment of expenses for the
22 reasonable or necessary care, support, and maintenance, including
23 medical expenses, of a dependent child or other person for whom a
24 support obligation is owed; or a debt under RCW 74.20A.100 or
25 74.20A.270. Support debt also includes any accrued interest, fees, or
26 penalties charged on a support debt, and attorneys fees and other costs
27 of litigation awarded in an action to establish and enforce a support
28 obligation or debt.

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

32 **Sec. 303.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to
33 read as follows:

34 (1) The department shall determine, after consideration of all
35 relevant factors and in consultation with the applicant, the most
36 appropriate living situation for applicants under eighteen years of
37 age, unmarried, and either pregnant or having a dependent child or
38 children in the applicant's care. An appropriate living situation((s))

1 shall include a place of residence that is maintained by the
2 applicant's parents, parent, legal guardian, or other adult relative as
3 their or his or her own home((, or other)) and that the department
4 finds would provide an appropriate supportive living arrangement
5 ((supervised by an adult where feasible and consistent with federal
6 regulations under 45 C.F.R. chapter II, section 233.107)). It also
7 includes a living situation maintained by an agency that is licensed
8 under chapter 74.15 RCW that the department finds would provide an
9 appropriate supportive living arrangement. Grant assistance shall not
10 be provided under this chapter if the applicant does not reside in the
11 most appropriate living situation, as determined by the department.

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

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

33 The department shall provide the parents ((shall have)) or parent
34 with the opportunity to make a showing((, based on the preponderance of
35 ~~the evidence,))~~ that the parental home, or home of the other relative
36 placement, is the most appropriate living situation. It shall be
37 presumed in any administrative or judicial proceeding conducted under
38 this subsection that the parental home or other relative placement

1 requested by the parents or parent is the most appropriate living
2 situation. This presumption is rebuttable.

3 (4) In cases in which the (~~head of household is under eighteen~~
4 ~~years of age,~~) minor is unmarried(~~(7)~~) and unemployed, (~~and requests~~
5 ~~information on adoption,~~) the department shall, as part of the
6 determination of the appropriate living situation, provide information
7 about adoption including referral to community-based organizations
8 (~~for~~) providing counseling.

9 **Sec. 304.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to
10 read as follows:

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

28 (2) (~~An applicant under eighteen years of age who is pregnant and~~
29 ~~is not living in a situation described in subsection (1) of this~~
30 ~~section shall be)) A pregnant minor residing in the most appropriate
31 living situation, as provided under subsection (1) of this section, is
32 presumed to be unable to manage adequately the funds paid to the minor
33 or on behalf of the dependent child or children and, unless the
34 (~~teenage custodial parent demonstrates otherwise)) minor provides
35 sufficient evidence to rebut the presumption, shall be subject to the
36 protective payee requirements provided for under RCW 74.12.250 and
37 74.08.280.~~~~

1 (3) The department shall consider any statements or opinions by
2 either parent of the (~~teen recipient~~) unmarried minor as to an
3 appropriate living situation for the (~~teen~~) minor, whether in the
4 parental home or other situation. If the parents or a parent of the
5 (~~teen head of household applicant for assistance~~) minor request, they
6 or he or she shall be entitled to a hearing in juvenile court regarding
7 (~~the fitness and suitability of their home as the top priority~~
8 ~~choice~~) designation of the parental home or other relative placement
9 as the most appropriate living situation for the pregnant or parenting
10 (~~teen applicant for assistance~~) minor.

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

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

25 NEW SECTION. Sec. 305. A new section is added to chapter 74.12
26 RCW to read as follows:

27 The parents of an unmarried minor who has a child are responsible
28 for the support of the minor and child. The unmarried minor and the
29 minor's child shall be considered to be part of the household of the
30 minor's parents or parent for purposes of determining eligibility for
31 temporary assistance for needy families and general assistance for
32 pregnant women as defined in RCW 74.04.005(6)(a)(ii)(A); and as such,
33 the income and resources of the entire household are considered to be
34 available to support the unmarried minor and his or her child.

35 Sec. 306. RCW 13.34.160 and 1993 c 358 s 2 are each amended to
36 read as follows:

1 (1) In an action brought under this chapter, the court may inquire
2 into the ability of the parent or parents of the child to pay child
3 support and may enter an order of child support as set forth in chapter
4 26.19 RCW. The court may enforce the same by execution, or in any way
5 in which a court of equity may enforce its decrees. All child support
6 orders entered pursuant to this chapter shall be in compliance with the
7 provisions of RCW 26.23.050.

8 (2) For purposes of this section, if a dependent child's parent is
9 an unmarried minor, then the parent or parents of the minor shall also
10 be deemed a parent or parents of the dependent child. However,
11 liability for child support under this subsection only exists if the
12 parent or parents of the unmarried minor parent are provided the
13 opportunity for a hearing on their ability to provide support. Any
14 child support order requiring such a parent or parents to provide
15 support for the minor parent's child may be effective only until the
16 minor parent reaches eighteen years of age.

17 **Sec. 307.** RCW 74.12.250 and 1963 c 228 s 21 are each amended to
18 read as follows:

19 If the department, after investigation, finds that any applicant
20 for assistance under this chapter or any recipient of funds under ((an
21 aid to families with dependent children grant)) this chapter would not
22 use, or is not utilizing, the grant adequately for the needs of ((the))
23 his or her child or children or would dissipate the grant or is
24 ((otherwise)) dissipating such grant, or would be or is unable to
25 manage adequately the funds paid on behalf of said child and that to
26 provide or continue ((said)) payments to ((him)) the applicant or
27 recipient would be contrary to the welfare of the child, the department
28 may make such payments to another individual who is interested in or
29 concerned with the welfare of such child and relative: PROVIDED, That
30 the department shall provide such counseling and other services as are
31 available and necessary to develop greater ability on the part of the
32 relative to manage funds in such manner as to protect the welfare of
33 the family. Periodic review of each case shall be made by the
34 department to determine if said relative is able to resume management
35 of the assistance grant. If after a reasonable period of time the
36 payments to the relative cannot be resumed, the department may request
37 the attorney general to file a petition in the superior court for the
38 appointment of a guardian for the child or children. Such petition

1 shall set forth the facts warranting such appointment. Notice of the
2 hearing on such petition shall be served upon the recipient and the
3 department not less than ten days before the date set for such hearing.
4 Such petition may be filed with the clerk of superior court and all
5 process issued and served without payment of costs. If upon the
6 hearing of such petition the court is satisfied that it is for the best
7 interest of the child or children, and all parties concerned, that a
8 guardian be appointed, he shall order the appointment, and may require
9 the guardian to render to the court a detailed itemized account of
10 expenditures of such assistance payments at such time as the court may
11 deem advisable.

12 It is the intention of this section that the guardianship herein
13 provided for shall be a special and limited guardianship solely for the
14 purpose of safeguarding the assistance grants made to dependent
15 children. Such guardianship shall terminate upon the termination of
16 such assistance grant, or sooner on order of the court, upon good cause
17 shown.

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

19 NEW SECTION. **Sec. 401.** The legislature recognizes that the
20 current statutory procedures for the collection of child support do not
21 apply to all persons owing child support. In order to further insure
22 that child support obligations are met, this act establishes a program
23 by which certain licenses may be suspended, not issued, or not renewed
24 if a person is one hundred eighty days or more in arrears on child
25 support payments. With this program, it is the intent of the
26 legislature to provide a strong incentive for persons owing support to
27 make timely payments, and to cooperate with the department of social
28 and health services to establish an appropriate schedule for the
29 payment of any arrears. In addition, the legislature finds that
30 disputes over child visitation comprises an often-cited reason why
31 child support is unpaid. It is the intent of the legislature to
32 include custodial parents who deny visitation as persons subject to
33 license suspension, nonrenewal, and denial.

34 In the implementation and management of this program, it is the
35 legislature's intent that the objective of the department of social and
36 health services be to obtain payment in full of arrears, or where that
37 is not possible, to enter into agreements with delinquent obligors to

1 make timely support payments and make reasonable payments towards the
2 arrears. The legislature intends that if the obligor refuses to
3 cooperate in establishing a fair and reasonable payment schedule for
4 arrears or refuses to make timely support payments, the department
5 shall proceed with certification to a licensing entity or the
6 department of licensing that the person is not in compliance with a
7 child support order.

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

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

12 (a) "Licensing entity" includes any department, board, commission,
13 or other organization of the state authorized to issue, renew, suspend,
14 or revoke a license authorizing an individual to engage in a business,
15 occupation, profession, industry, or the operation of a motor vehicle,
16 and includes the Washington state supreme court, to the extent that a
17 rule has been adopted by the court to implement suspension of licenses
18 related to the practice of law.

19 (b) "Noncompliance with a child support order" means a responsible
20 parent has:

21 (i) Accumulated arrears totaling more than six months of child
22 support payments;

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

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

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

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

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

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

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

18 (a) The parent may request an adjudicative proceeding to contest
19 the issue of compliance. The only issues that may be considered at the
20 adjudicative proceeding are whether the parent is required to pay child
21 support under a child support order and whether the parent is in
22 compliance with that order;

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

26 (c) If the parent requests an adjudicative proceeding within twenty
27 days of service, the department will stay action to certify the parent
28 to the department of licensing and any licensing entity for
29 noncompliance with a child support order pending entry of a written
30 decision after the adjudicative proceeding;

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

36 (e) The department will stay action to certify the parent to the
37 department of licensing and any licensing entity for noncompliance if
38 the parent agrees to make timely payments of current support and agrees
39 to a reasonable payment schedule for payment of the arrears. It is the

1 parent's responsibility to contact in person or by mail the
2 department's division of child support office indicated on the notice
3 within twenty days of service of the notice to arrange for a payment
4 schedule. The department may stay certification for up to thirty days
5 after contact from a parent to arrange for a payment schedule;

6 (f) If the department certifies the responsible parent to the
7 department of licensing and a licensing entity for noncompliance with
8 a child support order, the licensing entity will suspend, not renew, or
9 not issue the parent's license and the department of licensing will
10 suspend, not renew, or not issue any driver's license that the parent
11 holds until the parent provides the department of licensing and the
12 licensing entity with a written release from the department stating
13 that the responsible parent is in compliance with the child support
14 order;

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

18 (h) If after receiving the notice of noncompliance with a child
19 support order, the responsible parent files a motion to modify support
20 with the court or requests the department to amend a support obligation
21 established by an administrative decision, the department or the court
22 shall stay action to certify the parent to the department of licensing
23 and any licensing entity for noncompliance with a child support order
24 until a final decision or order is entered. If a motion for
25 modification of a court or administrative order for child support is
26 pending prior to service of the notice, any action to certify the
27 parent to a licensing entity for noncompliance with a child support
28 order shall be automatically stayed until entry of a final order or
29 decision in the modification proceedings. The responsible parent has
30 the obligation to notify the department that a modification proceeding
31 is pending and provide a copy of the motion or request for
32 modification; and

33 (i) If the responsible parent subsequently becomes in compliance
34 with the child support order, the department will promptly provide the
35 parent with a written release stating that the parent is in compliance
36 with the order, and the parent may request that the licensing entity or
37 the department of licensing reinstate the suspended license.

38 (5) A responsible parent may request an adjudicative proceeding
39 upon service of the notice described in subsection (2) of this section.

1 The request for an adjudicative proceeding must be received by the
2 department within twenty days of service. The request must be in
3 writing and indicate the current mailing address and daytime phone
4 number, if available, of the responsible parent. The proceedings under
5 this subsection shall be conducted in accordance with the requirements
6 of chapter 34.05 RCW. The issues that may be considered at the
7 adjudicative proceeding are limited to whether the responsible parent
8 is required to pay child support under a child support order and
9 whether the responsible parent is in compliance with the order.

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

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

29 (8) If a responsible parent timely requests an adjudicative
30 proceeding to contest the issue of compliance, the department may not
31 certify the name of the parent to the department of licensing or a
32 licensing entity for noncompliance with a child support order unless
33 the adjudicative proceeding results in a finding that the responsible
34 parent is not in compliance with the order.

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

38 (a) The responsible parent does not timely request an adjudicative
39 proceeding upon service of a notice issued under subsection (2) of this

1 section and is not in compliance with a child support order twenty-one
2 days after service of the notice;

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

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

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

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

12 The department shall send by regular mail a copy of any
13 certification of noncompliance filed with the department of licensing
14 or a licensing entity to the responsible parent at the responsible
15 parent's most recent address of record.

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

22 (11) When a responsible parent who is served notice under
23 subsection (2) of this section subsequently complies with the child
24 support order, the department shall promptly provide the parent with a
25 written release stating that the responsible parent is in compliance
26 with the order. The department shall also transmit a copy of that
27 release to the appropriate licensing entities.

28 (12) Nothing in this section prohibits a responsible parent from
29 filing a motion to modify support with the court or from requesting the
30 department to amend a support obligation established by an
31 administrative decision. If there is a reasonable likelihood that the
32 motion or request will significantly change the amount of the child
33 support obligation, the department or the court may stay action to
34 certify the responsible parent to the department of licensing and any
35 licensing entity for noncompliance with a child support order until a
36 final decision or order is entered. If a motion for modification of a
37 court or administrative order for child support is pending prior to
38 service of the notice, any action to certify the parent to a licensing
39 entity for noncompliance with a child support order shall be

1 automatically stayed until entry of a final order or decision in the
2 modification proceedings. The responsible parent has the obligation to
3 notify the department that a modification proceeding is pending and
4 provide a copy of the motion or request for modification.

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

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

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

23 (1) The department of social and health services and all of the
24 various licensing entities subject to section 402 of this act shall
25 enter into such agreements as are necessary to carry out the
26 requirements of the license suspension program established in section
27 402 of this act.

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

1 compliance with a child support order, and to provide to the department
2 of social and health services the following information regarding those
3 licensees:

- 4 (a) Name;
- 5 (b) Date of birth;
- 6 (c) Address of record;
- 7 (d) Federal employer identification number or social security
8 number;
- 9 (e) Type of license;
- 10 (f) Effective date of license or renewal;
- 11 (g) Expiration date of license; and
- 12 (h) Active or inactive status.

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

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

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

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

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

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

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

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

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

36 (h) Any other information regarding this program that the
37 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) This section expires December 2, 2002.

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

9 The department is authorized to suspend the license of a driver
10 upon a showing by its records or other sufficient evidence that the
11 licensee:

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

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

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

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

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

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

30 (7) Has been certified by the department of social and health
31 services as a person who is not in compliance with a child support
32 order as provided in section 402 of this act, or is certified by a
33 court as a person who is not in compliance with a residential or
34 visitation order as provided in section 507 of this act.

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

1 (1) The department shall not suspend a driver's license or
2 privilege to drive a motor vehicle on the public highways for a fixed
3 period of more than one year, except as specifically permitted under
4 RCW 46.20.342 or other provision of law. Except for a suspension under
5 RCW 46.20.289 (~~and~~), 46.20.291(5), or section 402 of this act,
6 whenever the license or driving privilege of any person is suspended by
7 reason of a conviction, a finding that a traffic infraction has been
8 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
9 or 46.20.308, the suspension shall remain in effect until the person
10 gives and thereafter maintains proof of financial responsibility for
11 the future as provided in chapter 46.29 RCW. If the suspension is the
12 result of a violation of RCW 46.61.502 or 46.61.504, the department
13 shall determine the person's eligibility for licensing based upon the
14 reports provided by the alcoholism agency or probation department
15 designated under RCW 46.61.5056 and shall deny reinstatement until
16 enrollment and participation in an approved program has been
17 established and the person is otherwise qualified. Whenever the
18 license or driving privilege of any person is suspended as a result of
19 certification of noncompliance with a child support order under chapter
20 74.20A RCW or a residential or visitation order as provided in section
21 507 of this act, the suspension shall remain in effect until the person
22 provides a written release issued by the department of social and
23 health services or a court stating that the person is in compliance
24 with the order. The department shall not issue to the person a new,
25 duplicate, or renewal license until the person pays a reissue fee of
26 twenty dollars. If the suspension is the result of a violation of RCW
27 46.61.502 or 46.61.504, or is the result of administrative action under
28 RCW 46.20.308, the reissue fee shall be fifty dollars.

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

1 amount of twenty dollars, but if the revocation is the result of a
2 violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee
3 shall be fifty dollars. If the revocation is the result of a violation
4 of RCW 46.61.502 or 46.61.504, the department shall determine the
5 person's eligibility for licensing based upon the reports provided by
6 the alcoholism agency or probation department designated under RCW
7 46.61.5056 and shall deny reissuance of a license, permit, or privilege
8 to drive until enrollment and participation in an approved program has
9 been established and the person is otherwise qualified. Except for a
10 revocation under RCW 46.20.265, the department shall not then issue a
11 new license unless it is satisfied after investigation of the driving
12 ability of the person that it will be safe to grant the privilege of
13 driving a motor vehicle on the public highways, and until the person
14 gives and thereafter maintains proof of financial responsibility for
15 the future as provided in chapter 46.29 RCW. For a revocation under
16 RCW 46.20.265, the department shall not issue a new license unless it
17 is satisfied after investigation of the driving ability of the person
18 that it will be safe to grant that person the privilege of driving a
19 motor vehicle on the public highways.

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

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

33 In the event that the department of licensing suspends a driver's
34 license solely for the nonpayment of child support as provided in
35 chapter 74.20A RCW or for noncompliance with a residential or
36 visitation order as provided in chapter 26.09 RCW, any provision in the
37 driver's motor vehicle liability insurance policy excluding insurance

1 coverage for an unlicensed driver shall not apply to the driver for
2 ninety days from the date of suspension.

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

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

13 ATTORNEYS. The Washington state supreme court may provide by rule
14 that no person who has been certified by the department of social and
15 health services as a person who is in noncompliance with a support
16 order as provided in section 402 of this act, or is certified by a
17 court as a person who is not in compliance with a residential or
18 visitation order as provided in section 507 of this act may be admitted
19 to the practice of law in this state, and that any member of the
20 Washington state bar association who has been certified by the
21 department of social and health services as a person who is in
22 noncompliance with a support order as provided in section 402 of this
23 act or by a court as in noncompliance with a residential or visitation
24 order under section 507 of this act shall be immediately suspended from
25 membership. The court's rules may provide for review of an application
26 for admission or reinstatement of membership after the department of
27 social and health services or a court has issued a written release
28 stating that the person is in compliance with the order.

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

31 (1) No person who has been certified by the department of social
32 and health services as a person who is not in compliance with a support
33 order as provided in section 402 of this act, or is certified by a
34 court as a person who is not in compliance with a residential or
35 visitation order as provided in section 507 of this act may be issued
36 a certificate of "certified public accountant." The application of a

1 person so certified by the department of social and health services or
2 by a court may be reviewed for issuance of a certificate under this
3 chapter after the person provides the board a written release issued by
4 the department of social and health services or a court stating that
5 the person is in compliance with the order.

6 (2) The board shall immediately suspend the certificate or license
7 of a person who either (a) has been certified pursuant to section 402
8 of this act by the department of social and health services as a person
9 who is not in compliance with a support order, or (b) has been
10 certified pursuant to section 507 of this act by a court as a person
11 who is not in compliance with a residential or visitation order. If
12 the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license or
14 certificate shall be automatic upon the board's receipt of a written
15 release issued by the department of social and health services or a
16 court stating that the licensee is in compliance with the order.

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

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

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

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

27 (2) In the case of suspension for failure to comply with a support
28 order under chapter 74.20A RCW, or a residential or visitation order as
29 provided in section 507 of this act if the person has continued to meet
30 all other requirements for reinstatement during the suspension,
31 reissuance of a certificate or license shall be automatic upon the
32 board's receipt of a written release issued by the department of social
33 and health services or a court stating that the individual is in
34 compliance with the order.

35 **Sec. 412.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to
36 read as follows:

1 (1) Except as provided in section 414 of this act, a certificate of
2 registration shall be granted by the director to all qualified
3 applicants who are certified by the board as having passed the required
4 examination and as having given satisfactory proof of completion of the
5 required experience.

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

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

12 (a) Have an accredited architectural degree and three years'
13 practical architectural work experience approved by the board, which
14 may include designing buildings as a principal activity. At least two
15 years' work experience must be supervised by an architect with detailed
16 professional knowledge of the work of the applicant;

17 (b) Have eight years' practical architectural work experience
18 approved by the board. Each year spent in an accredited architectural
19 program approved by the board shall be considered one year of practical
20 experience. At least four years' practical work experience shall be
21 under the direct supervision of an architect; or

22 (c) Be a person who has been designing buildings as a principal
23 activity for eight years, or has an equivalent combination of education
24 and experience, but who was not registered under chapter 323, Laws of
25 1959, as amended, as it existed before July 28, 1992, provided that
26 application is made within four years after July 28, 1992. Nothing in
27 this chapter prevents such a person from designing buildings for four
28 years after July 28, 1992, or the five-year period allowed for
29 completion of the examination process, after that person has applied
30 for registration. A person who has been designing buildings and is
31 qualified under this subsection shall, upon application to the board of
32 registration for architects, be allowed to take the examination for
33 architect registration on an equal basis with other applicants.

34 **Sec. 413.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to
35 read as follows:

36 (1) Except as provided in section 414 of this act, a certificate of
37 registration shall be granted by the director to all qualified
38 applicants who are certified by the board as having passed the required

1 examination and as having given satisfactory proof of completion of the
2 required experience.

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

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

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

14 (b) Have eight years' practical architectural work experience
15 approved by the board. Each year spent in an accredited architectural
16 program approved by the board shall be considered one year of practical
17 experience. At least four years' practical work experience shall be
18 under the direct supervision of an architect.

19 NEW SECTION. **Sec. 414.** A new section is added to chapter 18.08
20 RCW to read as follows:

21 (1) No person who has been certified by the department of social
22 and health services as a person who is not in compliance with a support
23 order as provided in section 402 of this act, or is certified by a
24 court as a person who is not in compliance with a residential or
25 visitation order as provided in section 507 of this act may be issued
26 a certificate of registration under this chapter. The application of
27 a person so certified by the department of social and health services
28 or by a court may be reviewed for issuance of a certificate of
29 registration under this chapter after the person provides the board a
30 written release issued by the department of social and health services
31 or a court stating that the person is in compliance with the order.

32 (2) The board shall immediately suspend the certificate of
33 registration or certificate of authorization to practice architecture
34 of a person who either (a) has been certified pursuant to section 402
35 of this act by the department of social and health services as a person
36 who is not in compliance with a support order, or (b) has been
37 certified pursuant to section 507 of this act by a court as a person
38 who is not in compliance with a residential or visitation order. If

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

6 **Sec. 415.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
7 read as follows:

8 (1) No license shall be issued by the department to any person who
9 has been convicted of forgery, embezzlement, obtaining money under
10 false pretenses, extortion, criminal conspiracy, fraud, theft,
11 receiving stolen goods, unlawful issuance of checks or drafts, or other
12 similar offense, or to any partnership of which the person is a member,
13 or to any association or corporation of which the person is an officer
14 or in which as a stockholder the person has or exercises a controlling
15 interest either directly or indirectly.

16 (2) No license may be issued by the department to any person who
17 has been certified by the department of social and health services as
18 a person who is not in compliance with a support order as provided in
19 section 402 of this act, or is certified by a court as a person who is
20 not in compliance with a residential or visitation order as provided in
21 section 507 of this act. The application of a person so certified by
22 the department of social and health services or by a court may be
23 reviewed for issuance of a license under this chapter after the person
24 provides the board a written release issued by the department of social
25 and health services or a court stating that the person is in compliance
26 with the order.

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

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

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

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

36 (d) Misleading or false advertising;

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

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

3 (g) Nonpayment of an administrative fine prior to renewal of a
4 license;

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

7 (i) Any other violations of this chapter.

8 (4) The department shall immediately suspend the license of a
9 person who either (a) has been certified pursuant to section 402 of
10 this act by the department of social and health services as a person
11 who is not in compliance with a support order, or (b) has been
12 certified pursuant to section 507 of this act by a court as a person
13 who is not in compliance with a residential or visitation order. If
14 the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license shall be
16 automatic upon the department's receipt of a written release issued by
17 the department of social and health services or a court stating that
18 the licensee is in compliance with the order.

19 **Sec. 416.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to
20 read as follows:

21 (1) Upon payment of the proper fee, except as provided in section
22 417 of this act the director shall issue the appropriate license to any
23 person who:

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

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

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

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

36 (3) Upon payment of the proper fee, the director shall issue a
37 salon/shop license to the operator of a salon/shop if the salon/shop

1 meets the other requirements of this chapter as demonstrated by
2 information submitted by the operator.

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

6 NEW SECTION. **Sec. 417.** A new section is added to chapter 18.16
7 RCW to read as follows:

8 (1) No person who has been certified by the department of social
9 and health services as a person who is not in compliance with a support
10 order as provided in section 402 of this act, or is certified by a
11 court as a person who is not in compliance with a residential or
12 visitation order as provided in section 507 of this act may be issued
13 a license under this chapter. The application of a person so certified
14 by the department of social and health services or by a court may be
15 reviewed for issuance of a license under this chapter after the person
16 provides the department 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 (2) The department shall immediately suspend the license of a
20 person who either (a) has been certified pursuant to section 402 of
21 this act by the department of social and health services as a person
22 who is not in compliance with a support order, or (b) has been
23 certified pursuant to section 507 of this act by a court as a person
24 who is not in compliance with a residential or visitation order. If
25 the person has continued to meet all other requirements for
26 reinstatement during the suspension, reissuance of the license shall be
27 automatic upon the department's receipt of a written release issued by
28 the department of social and health services or a court stating that
29 the licensee is in compliance with the order.

30 NEW SECTION. **Sec. 418.** A new section is added to chapter 18.20
31 RCW to read as follows:

32 (1) No person who has been certified by the department of social
33 and health services as a person who is not in compliance with a support
34 order as provided in section 402 of this act, or is certified by a
35 court as a person who is not in compliance with a residential or
36 visitation order as provided in section 507 of this act may be issued
37 a license under this chapter. The application of a person so certified

1 by the department of social and health services or by a court may be
2 reviewed for issuance of a license under this chapter after the person
3 provides the department a written release issued by the department of
4 social and health services or a court stating that the person is in
5 compliance with the order.

6 (2) The department shall immediately suspend the license of a
7 person who either (a) has been certified pursuant to section 402 of
8 this act by the department of social and health services as a person
9 who is not in compliance with a support order, or (b) has been
10 certified pursuant to section 507 of this act by a court as a person
11 who is not in compliance with a residential or visitation order. If
12 the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license shall be
14 automatic upon the department's receipt of a written release issued by
15 the department of social and health services or a court stating that
16 the licensee is in compliance with the order.

17 **Sec. 419.** RCW 18.27.030 and 1996 c 147 s 1 are each amended to
18 read as follows:

19 (1) An applicant for registration as a contractor shall submit an
20 application under oath upon a form to be prescribed by the director and
21 which shall include the following information pertaining to the
22 applicant:

23 (a) Employer social security number.

24 (b) As applicable: (i) The industrial insurance account number
25 covering employees domiciled in Washington; and (ii) evidence of
26 workers' compensation coverage in the applicant's state of domicile for
27 the applicant's employees working in Washington who are not domiciled
28 in Washington.

29 (c) Employment security department number.

30 (d) State excise tax registration number.

31 (e) Unified business identifier (UBI) account number may be
32 substituted for the information required by (b), (c), and (d) of this
33 subsection.

34 (f) Type of contracting activity, whether a general or a specialty
35 contractor and if the latter, the type of specialty.

36 (g) The name and address of each partner if the applicant be a firm
37 or partnership, or the name and address of the owner if the applicant
38 be an individual proprietorship, or the name and address of the

1 corporate officers and statutory agent, if any, if the applicant be a
2 corporation. The information contained in such application shall be a
3 matter of public record and open to public inspection.

4 (2) The department may verify the workers' compensation coverage
5 information provided by the applicant under subsection (1)(b) of this
6 section, including but not limited to information regarding the
7 coverage of an individual employee of the applicant. If coverage is
8 provided under the laws of another state, the department may notify the
9 other state that the applicant is employing employees in Washington.

10 (3) Registration shall be denied if the applicant has been
11 previously registered as a sole proprietor, partnership, or
12 corporation, and was a principal or officer of the corporation, and if
13 the applicant has an unsatisfied final judgment based on this chapter
14 that was incurred during a previous registration under this chapter.

15 (4) Registration shall be denied if the applicant has been
16 certified by the department of social and health services as a person
17 who is not in compliance with a support order as provided in section
18 402 of this act, or is certified by a court as a person who is not in
19 compliance with a residential or visitation order as provided in
20 section 507 of this act. The application of a person so certified by
21 the department of social and health services or by a court may be
22 reviewed and the person may be registered under this chapter if the
23 person provides the department a written release issued by the
24 department of social and health services or a court stating that the
25 person is in compliance with the order.

26 **Sec. 420.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each
27 amended to read as follows:

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

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

35 (a) One year;

36 (b) Until the bond expires; or

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

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

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

9 (5) The department shall immediately suspend the certificate of
10 registration of a contractor who has been certified by the department
11 of social and health services as a person who either (a) is not in
12 compliance with a support order as provided in section 402 of this act,
13 or (b) has been certified pursuant to section 507 of this act by a
14 court as a person who is not in compliance with a residential or
15 visitation order. The certificate of registration shall not be
16 reissued or renewed unless the person provides to the department a
17 written release from the department of social and health services or a
18 court stating that he or she is in compliance with the order and the
19 person has continued to meet all other requirements for certification
20 during the suspension.

21 **Sec. 421.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to
22 read as follows:

23 Except as provided in section 422 of this act, the director shall
24 issue a license to an applicant if the following requirements are met:

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

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

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

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

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

14 NEW SECTION. **Sec. 422.** A new section is added to chapter 18.28
15 RCW to read as follows:

16 (1) No person who has been certified by the department of social
17 and health services as a person who is not in compliance with a support
18 order as provided in section 402 of this act, or is certified by a
19 court as a person who is not in compliance with a residential or
20 visitation order as provided in section 507 of this act may be issued
21 a license under this chapter. The application of a person so certified
22 by the department of social and health services or by a court may be
23 reviewed for issuance of a license under this chapter after the person
24 provides the director a written release issued by the department of
25 social and health services or a court stating that the person is in
26 compliance with the order.

27 (2) The department shall immediately suspend the license of a
28 person who either (a) has been certified pursuant to section 402 of
29 this act by the department of social and health services as a person
30 who is not in compliance with a support order, or (b) has been
31 certified pursuant to section 507 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 shall be
35 automatic upon the department's receipt of a written release issued by
36 the department of social and health services or a court stating that
37 the licensee is in compliance with the order.

1 **Sec. 423.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to
2 read as follows:

3 The director shall have the following powers and duties:

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

5 (2) To renew licenses under this chapter;

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

7 (~~and~~)

8 (4) To deny issuing or immediately suspend the license of a person
9 who (a) has been certified pursuant to section 402 of this act by the
10 department of social and health services as a person who is not in
11 compliance with a support order, or (b) has been certified pursuant to
12 section 507 of this act by a court as a person who is not in compliance
13 with a residential or visitation order; and

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

17 NEW SECTION. **Sec. 424.** A new section is added to chapter 18.39
18 RCW to read as follows:

19 (1) In the case of a person who has been denied the issuance of a
20 license under this chapter because the person was certified either (a)
21 by the department of social and health services as a person who is not
22 in compliance with section 402 of this act or (b) by a court as a
23 person who is not in compliance with a residential or visitation order
24 as provided in section 507 of this act, the application of that person
25 may be reviewed by the director for issuance of a license after the
26 person provides the director a written release issued by the department
27 of social and health services or a court stating that the person is in
28 compliance with the order.

29 (2) In the case of suspension for failure to comply with a support
30 order under chapter 74.20A RCW or a residential or visitation order
31 under chapter 26.09 RCW, if the person has continued to meet all other
32 requirements for reinstatement during the suspension, reissuance of a
33 license shall be automatic upon the director's receipt of a written
34 release issued by the department of social and health services or a
35 court stating that the individual is in compliance with the order.

36 NEW SECTION. **Sec. 425.** A new section is added to chapter 18.43
37 RCW to read as follows:

1 (1) No person who has been certified by the department of social
2 and health services as a person who is not in compliance with a support
3 order as provided in section 402 of this act, or is certified by a
4 court as a person who is not in compliance with a residential or
5 visitation order as provided in section 507 of this act may be issued
6 a certificate of registration under this chapter. The application of
7 a person so certified by the department of social and health services
8 or by a court may be reviewed for issuance of a certificate of
9 registration under this chapter after the person provides the board a
10 written release issued by the department of social and health services
11 or a court stating that the person is in compliance with the order.

12 (2) The board shall immediately suspend the registration of a
13 person who either (a) has been certified pursuant to section 402 of
14 this act by the department of social and health services as a person
15 who is not in compliance with a support order, or (b) has been
16 certified pursuant to section 507 of this act by a court as a person
17 who is not in compliance with a residential or visitation order. If
18 the person has continued to meet all other requirements for membership
19 during the suspension, reissuance of the certificate of registration
20 shall be automatic upon the board's receipt of a written release issued
21 by the department of social and health services or a court stating that
22 the person is in compliance with the order.

23 NEW SECTION. **Sec. 426.** A new section is added to chapter 18.44
24 RCW to read as follows:

25 (1) No person who has been certified by the department of social
26 and health services as a person who is not in compliance with a support
27 order as provided in section 402 of this act, or is certified by a
28 court as a person who is not in compliance with a residential or
29 visitation order as provided in section 507 of this act may be issued
30 a certificate of registration under this chapter. The application of
31 a person so certified by the department of social and health services
32 or by a court may be reviewed for issuance of a certificate of
33 registration under this chapter after the person provides the
34 department a written release issued by the department of social and
35 health services or a court stating that the person is in compliance
36 with the order.

37 (2) The department shall immediately suspend the certificate of
38 registration 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 507 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 certification during the suspension, reissuance of the certificate
7 shall be automatic upon the department's receipt of a written release
8 issued by the department of social and health services or a court
9 stating that the person is in compliance with the order.

10 **Sec. 427.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to
11 read as follows:

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

16 (2) The department shall deny a license in any case where the
17 applicant has been certified under section 402 of this act by the
18 department of social and health services as a person who is not in
19 compliance with a support order, or is certified by a court as a person
20 who is not in compliance with a residential or visitation order as
21 provided in section 507 of this act. The application of a person so
22 certified by the department of social and health services or by a court
23 may be reviewed for issuance of a license under this chapter after the
24 person provides the department a written release issued by the
25 department of social and health services or a court stating that the
26 person is in compliance with the order.

27 (3) The department shall immediately suspend the license of a
28 person who either (a) has been certified pursuant to section 402 of
29 this act by the department of social and health services as a person
30 who is not in compliance with a support order, or (b) has been
31 certified pursuant to section 507 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 shall be
35 automatic upon the department's receipt of a written release issued by
36 the department of social and health services or a court stating that
37 the person is in compliance with the order.

1 RCW 43.70.115 governs notice of a license denial, revocation,
2 suspension, or modification and provides the right to an adjudicative
3 proceeding.

4 **Sec. 428.** RCW 18.51.054 and 1989 c 372 s 7 are each amended to
5 read as follows:

6 The department may deny a license to any applicant if the
7 department finds that the applicant or any partner, officer, director,
8 managerial employee, or owner of five percent or more of the applicant:

9 (1) Operated a nursing home without a license or under a revoked or
10 suspended license; or

11 (2) Knowingly or with reason to know made a false statement of a
12 material fact (a) in an application for license or any data attached
13 thereto, or (b) in any matter under investigation by the department; or

14 (3) Refused to allow representatives or agents of the department to
15 inspect (a) all books, records, and files required to be maintained or
16 (b) any portion of the premises of the nursing home; or

17 (4) Willfully prevented, interfered with, or attempted to impede in
18 any way (a) the work of any authorized representative of the department
19 or (b) the lawful enforcement of any provision of this chapter or
20 chapter 74.42 RCW; or

21 (5) Has a history of significant noncompliance with federal or
22 state regulations in providing nursing home care. In deciding whether
23 to deny a license under this section, the factors the department
24 considers shall include the gravity and frequency of the noncompliance;
25 or

26 (6) Has been certified pursuant to section 402 of this act by the
27 department of social and health services, division of child support, as
28 a person who is not in compliance with a support order, or is certified
29 by a court as a person who is not in compliance with a residential or
30 visitation order as provided in section 507 of this act. The
31 application of a person so certified by the department of social and
32 health services or by a court may be reviewed for issuance of a license
33 under this chapter after the person provides the department a written
34 release issued by the department of social and health services,
35 division of child support, or a court stating that the person is in
36 compliance with the order.

1 NEW SECTION. **Sec. 429.** A new section is added to chapter 18.51
2 RCW to read as follows:

3 The department shall immediately suspend the license of a person
4 who either (a) has been certified pursuant to section 402 of this act
5 by the department of social and health services, division of support,
6 as a person who is not in compliance with a child support order, or (b)
7 has been certified pursuant to section 507 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 shall be
11 automatic upon the department's receipt of a written release issued by
12 the division of child support or a court stating that the person is in
13 compliance with the order.

14 NEW SECTION. **Sec. 430.** A new section is added to chapter 18.76
15 RCW to read as follows:

16 (1) No person who has been certified by the department of social
17 and health services as a person who is not in compliance with a support
18 order as provided in section 402 of this act, or is certified by a
19 court as a person who is not in compliance with a residential or
20 visitation order as provided in section 507 of this act may be issued
21 a certificate under this chapter. The application of a person so
22 certified by the department of social and health services or by a court
23 may be reviewed for issuance of a certificate under this chapter after
24 the person provides the department a written release issued by the
25 department of social and health services or a court stating that the
26 person is in compliance with the order.

27 (2) The department shall immediately suspend the certification of
28 a poison center medical director or a poison information specialist who
29 either (a) has been certified pursuant to section 402 of this act by
30 the department of social and health services as a person who is not in
31 compliance with a support order, or (b) has been certified pursuant to
32 section 507 of this act by a court as a person who is not in compliance
33 with a residential or visitation order. If the person has continued to
34 meet all other requirements for certification during the suspension,
35 reissuance of the certification shall be automatic upon the
36 department's receipt of a written release issued by the department of
37 social and health services or a court stating that the person is in
38 compliance with the order.

1 NEW SECTION. **Sec. 431.** A new section is added to chapter 18.85
2 RCW to read as follows:

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a 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 507 of this act may be issued
8 a broker's or salesperson's license under this chapter. The
9 application of a person so certified by the department of social and
10 health services or by a court may be reviewed for issuance of a license
11 under this chapter after the person provides the director a written
12 release issued by the department of social and health services or a
13 court stating that the person is in compliance with the order.

14 (2) The director shall immediately suspend the license of a broker
15 or salesperson who either (a) has been certified pursuant to section
16 402 of this act by the department of social and health services as a
17 person who is not in compliance with a support order, or (b) has been
18 certified pursuant to section 507 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 shall be
22 automatic upon the director's receipt of a written release issued by
23 the department of social and health services or a court stating that
24 the person is in compliance with the order.

25 NEW SECTION. **Sec. 432.** A new section is added to chapter 18.96
26 RCW to read as follows:

27 No person who has been certified by the department of social and
28 health services as a person who is not in compliance with a support
29 order as provided in section 402 of this act, or is certified by a
30 court as a person who is not in compliance with a residential or
31 visitation order as provided in section 507 of this act may be issued
32 a certificate of registration under this chapter. The application of
33 a person so certified by the department of social and health services
34 or by a court may be reviewed for issuance of a certificate under this
35 chapter after the person provides the director a written release issued
36 by the department of social and health services or a court stating that
37 the person is in compliance with the order.

1 **Sec. 433.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
2 to read as follows:

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

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

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

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

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

18 (2) The director shall immediately suspend the certificate of
19 registration of a landscape architect who either (a) has been certified
20 pursuant to section 402 of this act by the department of social and
21 health services as a person who is not in compliance with a support
22 order, or (b) has been certified pursuant to section 507 of this act by
23 a court as a person who is not in compliance with a residential or
24 visitation order. If the person has continued to meet all other
25 requirements for certification during the suspension, reissuance of the
26 certificate of registration shall be automatic upon the director's
27 receipt of a written release issued by the department of social and
28 health services or a court stating that the person is in compliance
29 with the order.

30 **Sec. 434.** RCW 18.96.150 and 1993 c 35 s 6 are each amended to read
31 as follows:

32 Except as provided in section 432 of this act, the director shall
33 issue a certificate of registration upon payment of the registration
34 fee as provided in this chapter to any applicant who has satisfactorily
35 met all requirements for registration. All certificates of
36 registration shall show the full name of the registrant, shall have a
37 serial number and shall be signed by the chairman and the executive
38 secretary of the board, and by the director.

1 Each registrant shall obtain a seal of a design authorized by the
2 board, bearing the registrant's name and the legend, "registered
3 landscape architect". All sheets of drawings and title pages of
4 specifications prepared by the registrant shall be stamped with said
5 seal.

6 NEW SECTION. **Sec. 435.** A new section is added to chapter 18.104
7 RCW to read as follows:

8 No person who has been certified by the department of social and
9 health services as a person who is not in compliance with a support
10 order as provided in section 402 of this act, or is certified by a
11 court as a person who is not in compliance with a residential or
12 visitation order as provided in section 507 of this act may be issued
13 a license under this chapter. The application of a person so certified
14 by the department of social and health services or by a court may be
15 reviewed for issuance of a license under this chapter after the person
16 provides the department 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 **Sec. 436.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
20 read as follows:

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

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

25 ~~((2))~~ (b) For fraud or deception in reporting under RCW
26 18.104.050;

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

30 (2) The director shall immediately suspend any license issued under
31 this chapter if the holder of the license either (a) has been certified
32 pursuant to section 402 of this act by the department of social and
33 health services as a person who is not in compliance with a support
34 order, or (b) has been certified pursuant to section 507 of this act by
35 a court as a person who is not in compliance with a residential or
36 visitation order. If the person has continued to meet all other
37 requirements for reinstatement during the suspension, reissuance of the

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

4 (3) No license shall be suspended for more than six months, except
5 that a suspension under section 402 or 507 of this act shall continue
6 until the department receives a written release issued by the
7 department of social and health services or a court stating that the
8 person is in compliance with the order.

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

12 **Sec. 437.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to
13 read as follows:

14 (1) Except as provided in section 438 of this act, the department
15 shall issue a certificate of competency to all applicants who have
16 passed the examination and have paid the fee for the certificate. The
17 certificate shall bear the date of issuance, and shall expire on the
18 birthdate of the holder immediately following the date of issuance.
19 The certificate shall be renewable every other year, upon application,
20 on or before the birthdate of the holder. A renewal fee shall be
21 assessed for each certificate. If a person fails to renew the
22 certificate by the renewal date, he or she must pay a doubled fee. If
23 the person does not renew the certificate within ninety days of the
24 renewal date, he or she must retake the examination and pay the
25 examination fee.

26 The certificate of competency and the temporary permit provided for
27 in this chapter grant the holder the right to engage in the work of
28 plumbing as a journeyman plumber or specialty plumber in accordance
29 with their provisions throughout the state and within any of its
30 political subdivisions on any job or any employment without additional
31 proof of competency or any other license or permit or fee to engage in
32 the work. This section does not preclude employees from adhering to a
33 union security clause in any employment where such a requirement
34 exists.

35 (2) A person who is indentured in an apprenticeship program
36 approved under chapter 49.04 RCW for the plumbing construction trade or
37 who is learning the plumbing construction trade may work in the
38 plumbing construction trade if supervised by a certified journeyman

1 plumber or a certified specialty plumber in that plumber's specialty.
2 All apprentices and individuals learning the plumbing construction
3 trade shall obtain a plumbing training certificate from the department.
4 The certificate shall authorize the holder to learn the plumbing
5 construction trade while under the direct supervision of a journeyman
6 plumber or a specialty plumber working in his or her specialty. The
7 holder of the plumbing training certificate shall renew the certificate
8 annually. At the time of renewal, the holder shall provide the
9 department with an accurate list of the holder's employers in the
10 plumbing construction industry for the previous year and the number of
11 hours worked for each employer. An annual fee shall be charged for the
12 issuance or renewal of the certificate. The department shall set the
13 fee by rule. The fee shall cover but not exceed the cost of
14 administering and enforcing the trainee certification and supervision
15 requirements of this chapter. Apprentices and individuals learning the
16 plumbing construction trade shall have their plumbing training
17 certificates in their possession at all times that they are performing
18 plumbing work. They shall show their certificates to an authorized
19 representative of the department at the representative's request.

20 (3) Any person who has been issued a plumbing training certificate
21 under this chapter may work if that person is under supervision.
22 Supervision shall consist of a person being on the same job site and
23 under the control of either a journeyman plumber or an appropriate
24 specialty plumber who has an applicable certificate of competency
25 issued under this chapter. Either a journeyman plumber or an
26 appropriate specialty plumber shall be on the same job site as the
27 noncertified individual for a minimum of seventy-five percent of each
28 working day unless otherwise provided in this chapter. The ratio of
29 noncertified individuals to certified journeymen or specialty plumbers
30 working on a job site shall be: (a) From July 28, 1985, through June
31 30, 1988, not more than three noncertified plumbers working on any one
32 job site for every certified journeyman or specialty plumber; (b)
33 effective July 1, 1988, not more than two noncertified plumbers working
34 on any one job site for every certified specialty plumber or journeyman
35 plumber working as a specialty plumber; and (c) effective July 1, 1988,
36 not more than one noncertified plumber working on any one job site for
37 every certified journeyman plumber working as a journeyman plumber.

38 An individual who has a current training certificate and who has
39 successfully completed or is currently enrolled in an approved

1 apprenticeship program or in a technical school program in the plumbing
2 construction trade in a school approved by the (~~commission for~~
3 ~~vocational education~~) work force training and education coordinating
4 board, may work without direct on-site supervision during the last six
5 months of meeting the practical experience requirements of this
6 chapter.

7 NEW SECTION. **Sec. 438.** A new section is added to chapter 18.106
8 RCW to read as follows:

9 (1) No person who has been certified by the department of social
10 and health services as a person who is not in compliance with a support
11 order as provided in section 402 of this act, or is certified by a
12 court as a person who is not in compliance with a residential or
13 visitation order as provided in section 507 of this act may be issued
14 a certificate of competency under this chapter. The application of a
15 person so certified by the department of social and health services or
16 by a court may be reviewed for issuance of a certificate of competency
17 under this chapter after the person provides the department 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.

20 (2) The department shall immediately suspend any certificate of
21 competency issued under this chapter if the holder of the certificate
22 either (a) 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 (b) has been certified pursuant to
25 section 507 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. 439.** A new section is added to chapter 18.130
33 RCW to read as follows:

34 The disciplining authority shall immediately suspend the license of
35 any person subject to this chapter who either (1) has been certified by
36 the 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 507 of this act by a
2 court as a person who is not in compliance with a residential or
3 visitation order.

4 **Sec. 440.** RCW 18.130.050 and 1995 c 336 s 4 are each amended to
5 read as follows:

6 The disciplining authority has the following authority:

7 (1) To adopt, amend, and rescind such rules as are deemed necessary
8 to carry out this chapter;

9 (2) To investigate all complaints or reports of unprofessional
10 conduct as defined in this chapter and to hold hearings as provided in
11 this chapter;

12 (3) To issue subpoenas and administer oaths in connection with any
13 investigation, hearing, or proceeding held under this chapter;

14 (4) To take or cause depositions to be taken and use other
15 discovery procedures as needed in any investigation, hearing, or
16 proceeding held under this chapter;

17 (5) To compel attendance of witnesses at hearings;

18 (6) In the course of investigating a complaint or report of
19 unprofessional conduct, to conduct practice reviews;

20 (7) To take emergency action ordering summary suspension of a
21 license, or restriction or limitation of the licensee's practice
22 pending proceedings by the disciplining authority;

23 (8) To use a presiding officer as authorized in RCW 18.130.095(3)
24 or the office of administrative hearings as authorized in chapter 34.12
25 RCW to conduct hearings. The disciplining authority shall make the
26 final decision regarding disposition of the license unless the
27 disciplining authority elects to delegate in writing the final decision
28 to the presiding officer;

29 (9) To use individual members of the boards to direct
30 investigations. However, the member of the board shall not
31 subsequently participate in the hearing of the case;

32 (10) To enter into contracts for professional services determined
33 to be necessary for adequate enforcement of this chapter;

34 (11) To contract with licensees or other persons or organizations
35 to provide services necessary for the monitoring and supervision of
36 licensees who are placed on probation, whose professional activities
37 are restricted, or who are for any authorized purpose subject to
38 monitoring by the disciplining authority;

1 (12) To adopt standards of professional conduct or practice;

2 (13) To grant or deny license applications, and in the event of a
3 finding of unprofessional conduct by an applicant or license holder, to
4 impose any sanction against a license applicant or license holder
5 provided by this chapter;

6 (14) To designate individuals authorized to sign subpoenas and
7 statements of charges;

8 (15) To establish panels consisting of three or more members of the
9 board to perform any duty or authority within the board's jurisdiction
10 under this chapter;

11 (16) To review and audit the records of licensed health facilities'
12 or services' quality assurance committee decisions in which a
13 licensee's practice privilege or employment is terminated or
14 restricted. Each health facility or service shall produce and make
15 accessible to the disciplining authority the appropriate records and
16 otherwise facilitate the review and audit. Information so gained shall
17 not be subject to discovery or introduction into evidence in any civil
18 action pursuant to RCW 70.41.200(3);

19 (17) To immediately suspend the license of a person who either (a)
20 has been certified by the department of social and health services as
21 not in compliance with a support order as provided in section 402 of
22 this act, or (b) has been certified pursuant to section 507 of this act
23 by a court as a person who is not in compliance with a residential or
24 visitation order.

25 **Sec. 441.** RCW 18.130.120 and 1984 c 279 s 12 are each amended to
26 read as follows:

27 The department shall not issue any license to any person whose
28 license has been denied, revoked, or suspended by the disciplining
29 authority except in conformity with the terms and conditions of the
30 certificate or order of denial, revocation, or suspension, or in
31 conformity with any order of reinstatement issued by the disciplining
32 authority, or in accordance with the final judgment in any proceeding
33 for review instituted under this chapter.

34 The department shall not issue a license to a person who has been
35 certified by the department of social and health services as a person
36 who is not in compliance with a support order as provided in section
37 402 of this act, or is certified by a court as a person who is not in
38 compliance with a residential or visitation order as provided in

1 section 507 of this act. The license may be issued after the person
2 provides the department a written release from the department of social
3 and health services or a court stating that the person is in compliance
4 with the order.

5 **Sec. 442.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
6 read as follows:

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

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

25 **NEW SECTION. Sec. 443.** A new section is added to chapter 18.140
26 RCW to read as follows:

27 (1) No person who has been certified by the department of social
28 and health services as a person who is not in compliance with a support
29 order as provided in section 402 of this act, or is certified by a
30 court as a person who is not in compliance with a residential or
31 visitation order as provided in section 507 of this act may be issued
32 a license or certificate under this chapter. The application of a
33 person so certified by the department of social and health services or
34 by a court may be reviewed for issuance of a license or certificate
35 after the person provides the director a written release issued by the
36 department of social and health services or a court stating that the
37 person is in compliance with the order.

1 (2) The director shall immediately suspend any license or
2 certificate issued under this chapter if the holder either (a) has been
3 certified pursuant to section 402 of this act by the department of
4 social and health services as a person who is not in compliance with a
5 support order, or (b) has been certified pursuant to section 507 of
6 this act by a court as a person who is not in compliance with a
7 residential or visitation order. If the person has continued to meet
8 all other requirements for reinstatement during the suspension,
9 reissuance of the license or certificate shall be automatic upon the
10 director's receipt of a written release issued by the department of
11 social and health services or a court stating that the person is in
12 compliance with the order.

13 **Sec. 444.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8
14 are each reenacted and amended to read as follows:

15 Except as provided in section 445 of this act, the department
16 shall issue a certificate to any applicant who meets the standards
17 established under this chapter and who:

18 (1) Is holding one of the following:

19 (a) Certificate of proficiency, registered professional reporter,
20 registered merit reporter, or registered diplomate reporter from
21 (~~the~~) the national court reporters association;

22 (b) Certificate of proficiency or certificate of merit from
23 (~~the~~) the national stenomask verbatim reporters association; or

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

25 (2) Has passed an examination approved by the director or an
26 examination that meets or exceeds the standards established by the
27 director.

28 NEW SECTION. **Sec. 445.** A new section is added to chapter 18.145
29 RCW to read as follows:

30 (1) No person who has been certified by the department of social
31 and health services as a person who is not in compliance with a support
32 order as provided in section 402 of this act, or is certified by a
33 court as a person who is not in compliance with a residential or
34 visitation order as provided in section 507 of this act may be issued
35 a certificate under this chapter. The application of a person so
36 certified by the department of social and health services or by a court
37 may be reviewed for issuance of a certificate after the person provides

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

4 (2) The director shall immediately suspend any certificate issued
5 under this chapter if the holder either (a) has been certified pursuant
6 to section 402 of this act by the department of social and health
7 services as a person who is not in compliance with a support order, or
8 (b) has been certified pursuant to section 507 of this act by a court
9 as a person who is not in compliance with a residential or visitation
10 order. If the person has continued to meet all other requirements for
11 certification during the suspension, reissuance of the certificate
12 shall be automatic upon the director's receipt of a written release
13 issued by the department of social and health services or a court
14 stating that the person is in compliance with the order.

15 **Sec. 446.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
16 read as follows:

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

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

26 (b) Conviction of a felony;

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

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

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

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

37 (2) The state director of fire protection shall revoke the license
38 of a licensed fire protection sprinkler system contractor or the

1 certificate of a certificate of competency holder who engages in the
2 fire protection sprinkler system business while the license or
3 certificate of competency is suspended.

4 (3) The state director of fire protection shall refuse to issue or
5 immediately suspend any license or certificate issued under this
6 chapter if the holder either (a) has been certified pursuant to section
7 402 of this act by the department of social and health services as a
8 person who is not in compliance with a support order, or (b) has been
9 certified pursuant to section 507 of this act by a court as a person
10 who is not in compliance with a residential or visitation order. If
11 the person has continued to meet all other requirements for issuance or
12 reinstatement during the suspension, issuance or reissuance of the
13 license or certificate shall be automatic upon the director's receipt
14 of a written release issued by the department of social and health
15 services or a court stating that the person is in compliance with the
16 order.

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

21 **Sec. 447.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
22 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (24) Being certified as not in compliance with a support order as
29 provided in section 402 of this act or not in compliance with a
30 residential or visitation order under section 507 of this act.

31 NEW SECTION. Sec. 448. A new section is added to chapter 18.165
32 RCW to read as follows:

33 (1) No person who has been certified by the department of social
34 and health services as a person who is not in compliance with a support
35 order as provided in section 402 of this act, or is certified by a
36 court as a person who is not in compliance with a residential or
37 visitation order as provided in section 507 of this act may be issued
38 a license under this chapter. The application of a person so certified

1 by the department of social and health services or by a court may be
2 reviewed for issuance of a license after the person provides the
3 director a written release issued by the department of social and
4 health services or a court stating that the person is in compliance
5 with the order.

6 (2) The director shall immediately suspend a license issued under
7 this chapter if the holder either (a) has been certified pursuant to
8 section 402 of this act by the department of social and health services
9 as a person who is not in compliance with a support order, or (b) has
10 been certified pursuant to section 507 of this act by a court as a
11 person who is not in compliance with a residential or visitation order.
12 If the person has continued to meet all other requirements for
13 reinstatement during the suspension, reissuance of the license shall be
14 automatic upon the director's receipt of a written release issued by
15 the department of social and health services or a court stating that
16 the person is in compliance with the order.

17 **Sec. 449.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
18 read as follows:

19 In addition to the provisions of section 450 of this act, the
20 following acts are prohibited and constitute grounds for disciplinary
21 action, assessing administrative penalties, or denial, suspension, or
22 revocation of any license under this chapter, as deemed appropriate by
23 the director:

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

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

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

30 (4) Not meeting the qualifications set forth in RCW 18.170.030,
31 18.170.040, or 18.170.060;

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

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

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

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

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

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

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

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

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

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

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

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

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

38 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 (16) Failure to comply with an order issued by the director or an
4 assurance of discontinuance entered into with the disciplining
5 authority;

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

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

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

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

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

19 (22) Failure to maintain insurance; and

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

21 NEW SECTION. **Sec. 450.** A new section is added to chapter 18.170
22 RCW to read as follows:

23 (1) No person who has been certified by the department of social
24 and health services as a person who is not in compliance with a support
25 order as provided in section 402 of this act, or is certified by a
26 court as a person who is not in compliance with a residential or
27 visitation order as provided in section 507 of this act may be issued
28 a license under this chapter. The application of a person so certified
29 by the department of social and health services or by a court may be
30 reviewed for issuance of a license after the person provides the
31 director 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.

34 (2) The director shall immediately suspend any license issued under
35 this chapter if the holder 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 507 of this act by a court as a

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

7 NEW SECTION. **Sec. 451.** A new section is added to chapter 18.175
8 RCW to read as follows:

9 (1) No person who has been certified by the department of social
10 and health services as a person who is not in compliance with a support
11 order as provided in section 402 of this act, or is certified by a
12 court as a person who is not in compliance with a residential or
13 visitation order as provided in section 507 of this act may be issued
14 a certificate of registration under this chapter. The application of
15 a person so certified by the department of social and health services
16 or by a court may be reviewed for issuance of a certificate of
17 registration after the person provides the director a written release
18 issued by the department of social and health services or a court
19 stating that the person is in compliance with the order.

20 (2) The director shall immediately suspend a certificate of
21 registration issued under this chapter if the holder either (a) 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 (b) has been certified pursuant to section 507 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. 452.** A new section is added to chapter 18.185
33 RCW to read as follows:

34 (1) No person who has been certified by the department of social
35 and health services as a person who is not in compliance with a support
36 order as provided in section 402 of this act, or is certified by a
37 court as a person who is not in compliance with a residential or

1 visitation order as provided in section 507 of this act may be issued
2 a license under this chapter. The application of a person so certified
3 by the department of social and health services or by a court may be
4 reviewed for issuance of a license after the person provides the
5 director 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 (2) The director shall immediately suspend any license issued under
9 this chapter if the holder either (a) has been certified pursuant to
10 section 402 of this act by the department of social and health services
11 as a person who is not in compliance with a support order, or (b) has
12 been certified pursuant to section 507 of this act by a court as a
13 person who is not in compliance with a residential or visitation order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license shall be
16 automatic upon the director's receipt of a written release issued by
17 the department of social and health services or a court stating that
18 the person is in compliance with the order.

19 **Sec. 453.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
20 read as follows:

21 This section governs the denial of an application for a license or
22 the suspension, revocation, or modification of a license by the
23 department.

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

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

36 (a) The department may make the date the action is effective later
37 than twenty-eight days after receipt. If the department does so, it

1 shall state the effective date in the written notice given the licensee
2 or agent.

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

8 (c) When the department has received certification pursuant to
9 either (i) chapter 74.20A RCW from the division of child support that
10 the licensee is a person who is not in compliance with a support order
11 or (ii) chapter 26.09 RCW by a court that the licensee is not in
12 compliance with a residential or visitation order, the department shall
13 provide that the suspension is effective immediately upon receipt of
14 the suspension notice by the licensee.

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

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

35 (b) If the department gives a licensee less than twenty-eight days
36 notice of revocation, suspension, or modification and the licensee
37 timely files a sufficient appeal, the department may implement the
38 adverse action on the effective date stated in the notice. The
39 presiding or reviewing officer may order the department to stay

1 implementation of part or all of the adverse action while the
2 proceedings are pending if staying implementation is in the public
3 interest or for other good cause.

4 NEW SECTION. **Sec. 454.** A new section is added to chapter 28A.410
5 RCW to read as follows:

6 (1) No person who has been certified by the department of social
7 and health services as a person who is not in compliance with a support
8 order as provided in section 402 of this act, or is certified by a
9 court as a person who is not in compliance with a residential or
10 visitation order as provided in section 507 of this act may be issued
11 a certificate or permit under this chapter. The application of a
12 person so certified by the department of social and health services or
13 by a court may be reviewed for issuance of a certificate or permit
14 after the person provides the authority authorized to grant the
15 certificate or permit a written release issued by the department of
16 social and health services or a court stating that the person is in
17 compliance with the order.

18 (2) Any certificate or permit authorized under this chapter or
19 chapter 28A.405 RCW shall be suspended by the authority authorized to
20 grant the certificate or permit if (a) either the department of social
21 and health services certifies that the person is not in compliance with
22 a support order as provided in section 402 of this act or (b) a court
23 certifies that the person is not in compliance with a residential or
24 visitation order under chapter 26.09 RCW. If the person continues to
25 meet other requirements for reinstatement during the suspension,
26 reissuance of the certificate or permit shall be automatic after the
27 person provides the authority a written release issued by the
28 department of social and health services or a court stating that the
29 person is in compliance with the order.

30 **Sec. 455.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to
31 read as follows:

32 This section governs the denial of an application for a license or
33 the suspension, revocation, or modification of a license by the
34 department. This section does not govern actions taken under chapter
35 18.130 RCW.

36 (1) The department shall give written notice of the denial of an
37 application for a license to the applicant or his or her agent. The

1 department shall give written notice of revocation, suspension, or
2 modification of a license to the licensee or his or her agent. The
3 notice shall state the reasons for the action. The notice shall be
4 personally served in the manner of service of a summons in a civil
5 action or shall be given in (~~(an other [another])~~) another manner that
6 shows proof of receipt.

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

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

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

20 (c) When the department has received certification pursuant to
21 either (i) chapter 74.20A RCW from the department of social and health
22 services that the licensee is a person who is not in compliance with a
23 child support order or (ii) chapter 26.09 RCW from a court that the
24 licensee is a person who is not in compliance with a residential or
25 visitation order, the department shall provide that the suspension is
26 effective immediately upon receipt of the suspension notice by the
27 licensee.

28 (3) Except for licensees suspended for noncompliance with a child
29 support order under chapter 74.20A RCW or a residential or visitation
30 order under chapter 26.09 RCW, a license applicant or licensee who is
31 aggrieved by a department denial, revocation, suspension, or
32 modification has the right to an adjudicative proceeding. The
33 proceeding is governed by the Administrative Procedure Act, chapter
34 34.05 RCW. The application must be in writing, state the basis for
35 contesting the adverse action, include a copy of the adverse notice, be
36 served on and received by the department within twenty-eight days of
37 the license applicant's or licensee's receiving the adverse notice, and
38 be served in a manner that shows proof of receipt.

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

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

18 **Sec. 456.** RCW 19.28.120 and 1992 c 217 s 2 are each amended to
19 read as follows:

20 (1) It is unlawful for any person, firm, partnership, corporation,
21 or other entity to engage in, conduct, or carry on the business of
22 installing or maintaining wires or equipment to convey electric
23 current, or installing or maintaining equipment to be operated by
24 electric current as it pertains to the electrical industry, without
25 having an unrevoked, unsuspended, and unexpired electrical contractor
26 license, issued by the department in accordance with this chapter. All
27 electrical contractor licenses expire twenty-four calendar months
28 following the day of their issue. The department may issue an
29 electrical contractors license for a period of less than twenty-four
30 months only for the purpose of equalizing the number of electrical
31 contractor licenses which expire each month. Application for an
32 electrical contractor license shall be made in writing to the
33 department, accompanied by the required fee. The application shall
34 state:

35 (a) The name and address of the applicant; in case of firms or
36 partnerships, the names of the individuals composing the firm or
37 partnership; in case of corporations, the names of the managing
38 officials thereof;

1 (b) The location of the place of business of the applicant and the
2 name under which the business is conducted;

3 (c) Employer social security number;

4 (d) As applicable: (i) The industrial insurance account number
5 covering employees domiciled in Washington; and (ii) evidence of
6 workers' compensation coverage in the applicant's state of domicile for
7 the applicant's employees working in Washington who are not domiciled
8 in Washington;

9 (e) Employment security department number;

10 (f) State excise tax registration number;

11 (g) Unified business identifier (UBI) account number may be
12 substituted for the information required by (d), (e), and (f) of this
13 subsection; and

14 (h) Whether a general or specialty electrical contractor license is
15 sought and, if the latter, the type of specialty. Electrical
16 contractor specialties include, but are not limited to: Residential,
17 domestic appliances, pump and irrigation, limited energy system, signs,
18 nonresidential maintenance, and a combination specialty. A general
19 electrical contractor license shall grant to the holder the right to
20 engage in, conduct, or carry on the business of installing or
21 maintaining wires or equipment to carry electric current, and
22 installing or maintaining equipment, or installing or maintaining
23 material to fasten or insulate such wires or equipment to be operated
24 by electric current, in the state of Washington. A specialty
25 electrical contractor license shall grant to the holder a limited right
26 to engage in, conduct, or carry on the business of installing or
27 maintaining wires or equipment to carry electrical current, and
28 installing or maintaining equipment; or installing or maintaining
29 material to fasten or insulate such wires or equipment to be operated
30 by electric current in the state of Washington as expressly allowed by
31 the license.

32 (2) The department may verify the workers' compensation coverage
33 information provided by the applicant under subsection (1)(d) of this
34 section, including but not limited to information regarding the
35 coverage of an individual employee of the applicant. If coverage is
36 provided under the laws of another state, the department may notify the
37 other state that the applicant is employing employees in Washington.

38 (3) The application for a contractor license shall be accompanied
39 by a bond in the sum of four thousand dollars with the state of

1 Washington named as obligee in the bond, with good and sufficient
2 surety, to be approved by the department. The bond shall at all times
3 be kept in full force and effect, and any cancellation or revocation
4 thereof, or withdrawal of the surety therefrom, suspends the license
5 issued to the principal until a new bond has been filed and approved as
6 provided in this section. Upon approval of a bond, the department
7 shall on the next business day deposit the fee accompanying the
8 application in the electrical license fund and shall file the bond in
9 the office. The department shall upon request furnish to any person,
10 firm, partnership, corporation, or other entity a certified copy of the
11 bond upon the payment of a fee that the department shall set by rule.
12 The fee shall cover but not exceed the cost of furnishing the certified
13 copy. The bond shall be conditioned that in any installation or
14 maintenance of wires or equipment to convey electrical current, and
15 equipment to be operated by electrical current, the principal will
16 comply with the provisions of this chapter and with any electrical
17 ordinance, building code, or regulation of a city or town adopted
18 pursuant to RCW 19.28.010(~~((+2+))~~) (3) that is in effect at the time of
19 entering into a contract. The bond shall be conditioned further that
20 the principal will pay for all labor, including employee benefits, and
21 material furnished or used upon the work, taxes and contributions to
22 the state of Washington, and all damages that may be sustained by any
23 person, firm, partnership, corporation, or other entity due to a
24 failure of the principal to make the installation or maintenance in
25 accordance with this chapter or any applicable ordinance, building
26 code, or regulation of a city or town adopted pursuant to RCW
27 19.28.010(~~((+2+))~~) (3). In lieu of the surety bond required by this
28 section the license applicant may file with the department a cash
29 deposit or other negotiable security acceptable to the department. If
30 the license applicant has filed a cash deposit, the department shall
31 deposit the funds in a special trust savings account in a commercial
32 bank, mutual savings bank, or savings and loan association and shall
33 pay annually to the depositor the interest derived from the account.

34 (4) Except as provided in subsection (6) of this section, the
35 department shall issue general or specialty electrical contractor
36 licenses to applicants meeting all of the requirements of this chapter.
37 The provisions of this chapter relating to the licensing of any person,
38 firm, partnership, corporation, or other entity including the
39 requirement of a bond with the state of Washington named as obligee

1 therein and the collection of a fee therefor, are exclusive, and no
2 political subdivision of the state of Washington may require or issue
3 any licenses or bonds or charge any fee for the same or a similar
4 purpose. No person, firm, partnership, corporation, or other entity
5 holding more than one specialty contractor license under this chapter
6 may be required to pay an annual fee for more than one such license or
7 to post more than one four thousand dollar bond, equivalent cash
8 deposit, or other negotiable security.

9 (5) To obtain a general or specialty electrical contractor license
10 the applicant must designate an individual who currently possesses an
11 administrator's certificate as a general electrical contractor
12 administrator or as a specialty electrical contractor administrator in
13 the specialty for which application has been made. Administrator
14 certificate specialties include but are not limited to: Residential,
15 domestic, appliance, pump and irrigation, limited energy system, signs,
16 nonresidential maintenance, and combination specialty. To obtain an
17 administrator's certificate an individual must pass an examination as
18 set forth in RCW 19.28.123 unless the applicant was a licensed
19 electrical contractor at any time during 1974. Applicants who were
20 electrical contractors licensed by the state of Washington at any time
21 during 1974 are entitled to receive a general electrical contractor
22 administrator's certificate without examination if the applicants apply
23 prior to January 1, 1984. The board of electrical examiners shall
24 certify to the department the names of all persons who are entitled to
25 either a general or specialty electrical contractor administrator's
26 certificate.

27 (6) No person who has been certified by the department of social
28 and health services as a person who is not in compliance with a support
29 order as provided in section 402 of this act, or is certified by a
30 court as a person who is not in compliance with a residential or
31 visitation order as provided in section 507 of this act may be issued
32 a license or certificate under this chapter. The application of a
33 person so certified by the department of social and health services or
34 by a court may be reviewed for issuance of a license or certificate
35 under this chapter after the person provides the department with a
36 written release issued by the department of social and health services
37 or a court stating that the person is in compliance with the order.

1 **Sec. 457.** RCW 19.28.125 and 1996 c 241 s 3 are each amended to
2 read as follows:

3 (1) Each applicant for an electrical contractor's license, other
4 than an individual, shall designate a supervisory employee or member of
5 the firm to take the required administrator's examination. Effective
6 July 1, 1987, a supervisory employee designated as the administrator
7 shall be a full-time supervisory employee. This person shall be
8 designated as administrator under the license. No person may qualify
9 as administrator for more than one contractor. If the relationship of
10 the administrator with the electrical contractor is terminated, the
11 contractor's license is void within ninety days unless another
12 administrator is qualified by the board. However, if the administrator
13 dies, the contractor's license is void within one hundred eighty days
14 unless another administrator is qualified by the board. A certificate
15 issued under this section is valid for two years from the nearest
16 birthdate of the administrator, unless revoked or suspended, and
17 further is nontransferable. The department may deny an application for
18 an administrator's certificate for up to two years if the applicant's
19 previous administrator's certificate has been revoked for a serious
20 violation and all appeals concerning the revocation have been
21 exhausted. For the purposes of this section only, a serious violation
22 is a violation that presents imminent danger to the public. The
23 certificate may be renewed for a two-year period without examination by
24 appropriate application unless the certificate has been revoked,
25 suspended, or not renewed within ninety days after the expiration date.
26 If the certificate is not renewed before the expiration date, the
27 individual shall pay twice the usual fee. An individual holding more
28 than one administrator's certificate under this chapter shall not be
29 required to pay annual fees for more than one certificate. A person
30 may take the administrator's test as many times as necessary without
31 limit.

32 (2) The administrator shall:

33 (a) Be a member of the firm or a supervisory employee and shall be
34 available during working hours to carry out the duties of an
35 administrator under this section;

36 (b) Ensure that all electrical work complies with the electrical
37 installation laws and rules of the state;

38 (c) Ensure that the proper electrical safety procedures are used;

1 (d) Ensure that all electrical labels, permits, and licenses
2 required to perform electrical work are used;

3 (e) See that corrective notices issued by an inspecting authority
4 are complied with; and

5 (f) Notify the department in writing within ten days if the
6 administrator terminates the relationship with the electrical
7 contractor.

8 (3) The department shall not by rule change the administrator's
9 duties under subsection (2) of this section.

10 (4) No person who has been certified by the department of social
11 and health services as a person who is not in compliance with a support
12 order as provided in section 402 of this act, or is certified by a
13 court as a person who is not in compliance with a residential or
14 visitation order as provided in section 507 of this act may be issued
15 a license or certificate under this chapter. The application of a
16 person so certified by the department of social and health services or
17 by a court may be reviewed for issuance of a license or certificate
18 under this chapter after the person provides the department with a
19 written release issued by the department of social and health services
20 or a court stating that the person is in compliance with the order.

21 **Sec. 458.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to
22 read as follows:

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

1 license or certificate if the decision of the department is not
2 sustained by the board. The hearing shall be conducted in accordance
3 with chapter 34.05 RCW. If the board sustains the decision of the
4 department, the two hundred dollars shall be applied by the department
5 to the payment of the per diem and expenses of the members of the board
6 incurred in the matter, and any balance remaining after payment of per
7 diem and expenses shall be paid into the electrical license fund.

8 (2) The department shall immediately suspend the license or
9 certificate of a person who either (a) has been certified pursuant to
10 section 402 of this act by the department of social and health services
11 as a person who is not in compliance with a support order, or (b) has
12 been certified pursuant to section 507 of this act by a court as a
13 person who is not in compliance with a residential or visitation order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the department's receipt of a
17 written release issued by the department of social and health services
18 or a court stating that the licensee is in compliance with the order.

19 **Sec. 459.** RCW 19.28.550 and 1996 c 241 s 7 are each amended to
20 read as follows:

21 (1) Except as provided in subsection (5) of this section, the
22 department shall issue a certificate of competency to all applicants
23 who have passed the examination provided in RCW 19.28.540, and who have
24 complied with RCW 19.28.510 through 19.28.620 and the rules adopted
25 under this chapter. The certificate shall bear the date of issuance,
26 and shall expire on the holder's birthday. The certificate shall be
27 renewed every three years, upon application, on or before the holder's
28 birthdate. A fee shall be assessed for each certificate and for each
29 annual renewal.

30 (2) If the certificate holder demonstrates to the department that
31 he or she has satisfactorily completed an annual eight-hour continuing
32 education course, the certificate may be renewed without examination by
33 appropriate application unless the certificate has been revoked,
34 suspended, or not renewed within ninety days after the expiration date.

35 (a) The contents and requirements for satisfactory completion of
36 the continuing education course shall be determined by the director and
37 approved by the board.

1 (b) The department shall accept proof of a certificate holder's
2 satisfactory completion of a continuing education course offered in
3 another state as meeting the requirements for maintaining a current
4 Washington state certificate of competency if the department is
5 satisfied the course is comparable in nature to that required in
6 Washington state for maintaining a current certificate of competency.

7 (3) If the certificate is not renewed before the expiration date,
8 the individual shall pay twice the usual fee. The department shall set
9 the fees by rule for issuance and renewal of a certificate of
10 competency. The fees shall cover but not exceed the costs of issuing
11 the certificates and of administering and enforcing the electrician
12 certification requirements of this chapter.

13 (4) The certificates of competency and temporary permits provided
14 for in this chapter grant the holder the right to work in the
15 electrical construction trade as a journeyman electrician or specialty
16 electrician in accordance with their provisions throughout the state
17 and within any of its political subdivisions without additional proof
18 of competency or any other license, permit, or fee to engage in such
19 work.

20 (5) No person who has been certified by the department of social
21 and health services as a person who is not in compliance with a support
22 order as provided in section 402 of this act, or is certified by a
23 court as a person who is not in compliance with a residential or
24 visitation order as provided in section 507 of this act may be issued
25 a license or certificate under this chapter. The application of a
26 person so certified by the department of social and health services or
27 by a court may be reviewed for issuance of a license or certificate
28 under this chapter after the person provides the department with a
29 written release issued by the department of social and health services
30 or a court stating that the person is in compliance with the order.

31 **Sec. 460.** 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 507 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. 461.** RCW 19.30.030 and 1985 c 280 s 3 are each amended to
27 read as follows:

28 The director shall not issue to any person a license to act as a
29 farm labor contractor until:

30 (1) Such person has executed a written application on a form
31 prescribed by the director, subscribed and sworn to by the applicant,
32 and containing (a) a statement by the applicant of all facts required
33 by the director concerning the applicant's character, competency,
34 responsibility, and the manner and method by which he or she proposes
35 to conduct operations as a farm labor contractor if such license is
36 issued, and (b) the names and addresses of all persons financially
37 interested, either as partners, stockholders, associates, profit
38 sharers, or providers of board or lodging to agricultural employees in

1 the proposed operation as a labor contractor, together with the amount
2 of their respective interests;

3 (2) The director, after investigation, is satisfied as to the
4 character, competency, and responsibility of the applicant;

5 (3) The applicant has paid to the director a license fee of: (1)
6 Thirty-five dollars in the case of a farm labor contractor not engaged
7 in forestation or reforestation, or (2) one hundred dollars in the case
8 of a farm labor contractor engaged in forestation or reforestation or
9 such other sum as the director finds necessary, and adopts by rule, for
10 the administrative costs of evaluating applications;

11 (4) The applicant has filed proof satisfactory to the director of
12 the existence of a policy of insurance with any insurance carrier
13 authorized to do business in the state of Washington in an amount
14 satisfactory to the director, which insures the contractor against
15 liability for damage to persons or property arising out of the
16 contractor's operation of, or ownership of, any vehicle or vehicles for
17 the transportation of individuals in connection with the contractor's
18 business, activities, or operations as a farm labor contractor;

19 (5) The applicant has filed a surety bond or other security which
20 meets the requirements set forth in RCW 19.30.040;

21 (6) The applicant executes a written statement which shall be
22 subscribed and sworn to and shall contain the following declaration:

23 "With regards to any action filed against me concerning my
24 activities as a farm labor contractor, I appoint the director of the
25 Washington department of labor and industries as my lawful agent to
26 accept service of summons when I am not present in the jurisdiction in
27 which the action is commenced or have in any other way become
28 unavailable to accept service"; and

29 (7) The applicant has stated on his or her application whether or
30 not his or her contractor's license or the license of any of his or her
31 agents, partners, associates, stockholders, or profit sharers has ever
32 been suspended, revoked, or denied by any state or federal agency, and
33 whether or not there are any outstanding judgments against him or her
34 or any of his or her agents, partners, associates, stockholders, or
35 profit sharers in any state or federal court arising out of activities
36 as a farm labor contractor.

37 (8) No person who has been certified by the department of social
38 and health services as a person who is not in compliance with a support
39 order as provided in section 402 of this act, or is certified by a

1 court as a person who is not in compliance with a residential or
2 visitation order as provided in section 507 of this act may be issued
3 a license or certificate under this chapter. The application of a
4 person so certified by the department of social and health services or
5 by a court may be reviewed for issuance of a license or certificate
6 under this chapter after the person provides the department with a
7 written release issued by the department of social and health services
8 or a court stating that the person is in compliance with the order.

9 **Sec. 462.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to
10 read as follows:

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

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

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

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

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

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

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

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

1 pursuant to section 507 of this act by a court as a person who is not
2 in compliance with a residential or visitation order. If the person
3 has continued to meet all other requirements for reinstatement during
4 the suspension, reissuance of the license or certificate shall be
5 automatic upon the director's receipt of a written release issued by
6 the department of social and health services or a court stating that
7 the licensee is in compliance with the order.

8 **Sec. 463.** RCW 19.16.110 and 1994 c 195 s 2 are each amended to
9 read as follows:

10 No person shall act, assume to act, or advertise as a collection
11 agency or out-of-state collection agency as defined in this chapter,
12 except as authorized by this chapter, without first having applied for
13 and obtained a license from the director.

14 Nothing contained in this section shall be construed to require a
15 regular employee of a collection agency or out-of-state collection
16 agency duly licensed under this chapter to procure a collection agency
17 license.

18 No person who has been certified by the department of social and
19 health services as a person who is not in compliance with a support
20 order as provided in section 402 of this act, or is certified by a
21 court as a person who is not in compliance with a residential or
22 visitation order as provided in section 507 of this act may be issued
23 a license or certificate under this chapter. The application of a
24 person so certified by the department of social and health services or
25 by a court may be reviewed for issuance of a license or certificate
26 under this chapter after the person provides the department with a
27 written release issued by the department of social and health services
28 or a court stating that the person is in compliance with the order.

29 **Sec. 464.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to
30 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (k) Has been found by a court of competent jurisdiction to have
25 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
26 1692 et seq., or the Washington state consumer protection act, chapter
27 19.86 RCW, and two years have not elapsed since that finding.

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

34 The director shall immediately suspend the license or certificate
35 of a person who either has been certified pursuant to section 402 of
36 this act by the department of social and health services as a person
37 who is not in compliance with a support order, or has been certified
38 pursuant to section 507 of this act by a court as a person who is not
39 in compliance with a residential or visitation order. If the person

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

6 **Sec. 465.** RCW 19.31.100 and 1993 c 499 s 4 are each amended to
7 read as follows:

8 (1) Every applicant for an employment agency's license or a renewal
9 thereof shall file with the director a written application stating the
10 name and address of the applicant; the street and number of the
11 building in which the business of the employment agency is to be
12 conducted; the name of the person who is to have the general management
13 of the office; the name under which the business of the office is to be
14 carried on; whether or not the applicant is pecuniarily interested in
15 the business to be carried on under the license; shall be signed by the
16 applicant and sworn to before a notary public; and shall identify
17 anyone holding over twenty percent interest in the agency. If the
18 applicant is a corporation, the application shall state the names and
19 addresses of the officers and directors of the corporation, and shall
20 be signed and sworn to by the president and secretary thereof. If the
21 applicant is a partnership, the application shall also state the names
22 and addresses of all partners therein, and shall be signed and sworn to
23 by all of them. The application shall also state whether or not the
24 applicant is, at the time of making the application, or has at any
25 previous time been engaged in or interested in or employed by anyone
26 engaged in the business of an employment agency.

27 (2) The application shall require a certification that no officer
28 or holder of more than twenty percent interest in the business has been
29 convicted of a felony within ten years of the application which
30 directly relates to the business for which the license is sought, or
31 had any judgment entered against such person in any civil action
32 involving fraud, misrepresentation, or conversion.

33 (3) All applications for employment agency licenses shall be
34 accompanied by a copy of the form of contract and fee schedule to be
35 used between the employment agency and the applicant.

36 (4) No license to operate an employment agency in this state shall
37 be issued, transferred, renewed, or remain in effect, unless the person
38 who has or is to have the general management of the office has

1 qualified pursuant to this section. The director may, for good cause
2 shown, waive the requirement imposed by this section for a period not
3 to exceed one hundred and twenty days. Persons who have been
4 previously licensed or who have operated to the satisfaction of the
5 director for at least one year prior to September 21, 1977 as a general
6 manager shall be entitled to operate for up to one year from such date
7 before being required to qualify under this section. In order to
8 qualify, such person shall, through testing procedures developed by the
9 director, show that such person has a knowledge of this law, pertinent
10 labor laws, and laws against discrimination in employment in this state
11 and of the United States. Said examination shall be given at least
12 once each quarter and a fee for such examination shall be established
13 by the director. Nothing in this chapter shall be construed to
14 preclude any one natural person from being designated as the person who
15 is to have the general management of up to three offices operated by
16 any one licensee.

17 While employment directories may at the director's discretion be
18 required to show that the person has a knowledge of this chapter,
19 employment directories are exempt from testing on pertinent labor laws,
20 and laws against discrimination in employment in this state and of the
21 United States.

22 (5) Employment directories shall register with the department and
23 meet all applicable requirements of this chapter but shall not be
24 required to be licensed by the department or pay a licensing fee.

25 (6) No person who has been certified by the department of social
26 and health services as a person who is not in compliance with a support
27 order as provided in section 402 of this act, or is certified by a
28 court as a person who is not in compliance with a residential or
29 visitation order as provided in section 507 of this act may be issued
30 a license or certificate under this chapter. The application of a
31 person so certified by the department of social and health services or
32 by a court may be reviewed for issuance of a license or certificate
33 under this chapter after the person provides the department with a
34 written release issued by the department of social and health services
35 or a court stating that the person is in compliance with the order.

36 **Sec. 466.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
37 to read as follows:

38 (1) In accordance with the provisions of chapter 34.05 RCW as now

1 or as hereafter amended, the director may by order deny, suspend or
2 revoke the license of any employment agency if he finds that the
3 applicant or licensee:

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

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

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

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

17 (2) The director shall immediately suspend the license or
18 certificate of a person who either (a) has been certified pursuant to
19 section 402 of this act by the department of social and health services
20 as a person who is not in compliance with a support order, or (b) has
21 been certified pursuant to section 507 of this act by a court as a
22 person who is not in compliance with a residential or visitation order.
23 If the person has continued to meet all other requirements for
24 reinstatement during the suspension, reissuance of the license or
25 certificate shall be automatic upon the director's receipt of a written
26 release issued by the department of social and health services or a
27 court stating that the licensee is in compliance with the order.

28 **Sec. 467.** RCW 19.32.040 and 1982 c 182 s 32 are each amended to
29 read as follows:

30 (1) No person hereafter shall engage within this state in the
31 business of owning, operating or offering the services of any
32 refrigerated locker or lockers without having obtained a license for
33 each such place of business. Application for such license shall be
34 made through the master license system. Except as provided in
35 subsection (2) of this section, such licenses shall be granted as a
36 matter of right unless conditions exist which are grounds for a
37 cancellation or revocation of a license as hereinafter set forth.

1 (2) No person who has been certified by the department of social
2 and health services as a person who is not in compliance with a support
3 order as provided in section 402 of this act, or is certified by a
4 court as a person who is not in compliance with a residential or
5 visitation order as provided in section 507 of this act may be issued
6 a license or certificate under this chapter. The application of a
7 person so certified by the department of social and health services or
8 by a court may be reviewed for issuance of a license or certificate
9 under this chapter after the person provides the department with a
10 written release issued by the department of social and health services
11 or a court stating that the person is in compliance with the order.

12 **Sec. 468.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to
13 read as follows:

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

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

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

34 (4) 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 507 of this act by a court as a

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

7 **Sec. 469.** RCW 19.105.330 and 1988 c 159 s 5 are each amended to
8 read as follows:

9 (~~{(1)}~~) (1) Unless an order denying effectiveness under RCW
10 19.105.380 is in effect, or unless declared effective by order of the
11 director prior thereto, the application for registration shall
12 automatically become effective upon the expiration of the twentieth
13 full business day following a filing with the director in complete and
14 proper form, but an applicant may consent to the delay of effectiveness
15 until such time as the director may by order declare registration
16 effective or issue a permit to market.

17 (2) An application for registration, renewal of registration, or
18 amendment is not in completed form and shall not be deemed a statutory
19 filing until such time as all required fees, completed application
20 forms, and the information and documents required pursuant to RCW
21 19.105.320(1) and departmental rules have been filed.

22 It is the operator's responsibility to see that required filing
23 materials and fees arrive at the appropriate mailing address of the
24 department. Within seven business days, excluding the date of receipt,
25 of receiving an application or initial request for registration and the
26 filing fees, the department shall notify the applicant of receipt of
27 the application and whether or not the application is complete and in
28 proper form. If the application is incomplete, the department shall at
29 the same time inform the applicant what additional documents or
30 information is required.

31 If the application is not in a completed form, the department shall
32 give immediate notice to the applicant. On the date the application is
33 complete and properly filed, the statutory period for an in-depth
34 examination of the filing, prescribed in subsection (1) of this
35 section, shall begin to run, unless the applicant and the department
36 have agreed to a stay of effectiveness or the department has issued a
37 denial of the application or a permit to market.

1 (3) No person who has been certified by the department of social
2 and health services as a person who is not in compliance with a support
3 order as provided in section 402 of this act, or is certified by a
4 court as a person who is not in compliance with a residential or
5 visitation order as provided in section 507 of this act may be issued
6 a license or certificate under this chapter. The application of a
7 person so certified by the department of social and health services or
8 by a court may be reviewed for issuance of a license or certificate
9 under this chapter after the person provides the department with a
10 written release issued by the department of social and health services
11 or a court stating that the person is in compliance with the order.

12 **Sec. 470.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
13 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (ii) Employ any device, scheme, or artifice to defraud purchasers
34 or members;

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

38 (n) The applicant or registrant has failed to provide a bond,
39 letter of credit, or other arrangement to assure delivery of promised

1 gifts, prizes, awards, or other items of consideration, as required
2 under this chapter, breached such a security arrangement, or failed to
3 maintain such a security arrangement in effect because of a resignation
4 or loss of a trustee, impound, or escrow agent;

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

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

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

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

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

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

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

1 of purchasers or the desire of the majority of the owners of camping
2 resort contracts, as expressed in their previously obtained vote of
3 approval;

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

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

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

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

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

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

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

37 (4) No order may be entered under this section without appropriate
38 prior notice to the applicant or registrant of opportunity for a
39 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 or renewal under any of the above subsections and may
3 summarily suspend or revoke a registration under subsection (1)(d),
4 (f), (g), (h), (i), (k), (l), (m), and (n) of this section. No fine
5 may be imposed by summary order.

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

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

18 (7) The director shall immediately suspend the license or
19 certificate of a person who either (a) has been certified pursuant to
20 section 402 of this act by the department of social and health services
21 as a person who is not in compliance with a support order, or (b) has
22 been certified pursuant to section 507 of this act by a court as a
23 person who is not in compliance with a residential or visitation order.
24 If the person has continued to meet all other requirements for
25 reinstatement during the suspension, reissuance of the license or
26 certificate shall be automatic upon the director's receipt of a written
27 release issued by the department of social and health services or a
28 court stating that the licensee is in compliance with the order.

29 **Sec. 471.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
30 read as follows:

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

34 (a) A statement whether or not the applicant within the past five
35 years has been convicted of, pleaded nolo contendere to, or been ordered
36 to serve probation for a period of a year or more for any misdemeanor
37 or felony involving conversion, embezzlement, theft, fraud, or
38 dishonesty or the applicant has been enjoined from, had any civil

1 penalty assessed for, or been found to have engaged in any violation of
2 any act designed to protect consumers;

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

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

9 (d) Required filing fees.

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

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

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

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

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

37 (e) Knowingly committing, or being a party to, any material fraud,
38 misrepresentation, concealment, conspiracy, collusion, trick, scheme,

1 or device whereby any other person lawfully relies upon the work,
2 representation, or conduct of the applicant or registrant;

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

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

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

16 (i) Misrepresentation of membership in any state or national
17 association; or

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

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

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

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

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

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

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

21 (9) No person who has been certified by the department of social
22 and health services as a person who is not in compliance with a support
23 order as provided in section 402 of this act, or is certified by a
24 court as a person who is not in compliance with a residential or
25 visitation order as provided in section 507 of this act may be issued
26 a license or certificate under this chapter. The application of a
27 person so certified by the department of social and health services or
28 by a court may be reviewed for issuance of a license or certificate
29 under this chapter after the person provides the department with a
30 written release issued by the department of social and health services
31 or a court stating that the person is in compliance with the order.

32 (10) The director shall immediately suspend the license or
33 certificate of a person who either (a) has been certified pursuant to
34 section 402 of this act by the department of social and health services
35 as a person who is not in compliance with a support order, or (b) has
36 been certified pursuant to section 507 of this act by a court as a
37 person who is not in compliance with a residential or visitation order.
38 If the person has continued to meet all other requirements for
39 reinstatement during the suspension, reissuance of the license or

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

4 **Sec. 472.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
5 read as follows:

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

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

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

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

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

20 (e) Has failed to display the registration as provided in this
21 chapter;

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

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

27 (2) If the seller of travel is found in violation of this chapter
28 or in violation of the consumer protection act, chapter 19.86 RCW, by
29 the entry of a judgment or by settlement of a claim, the director may
30 revoke the registration of the seller of travel, and the director may
31 reinstate the registration at the director's discretion.

32 (3) No person who has been certified by the department of social
33 and health services as a person who is not in compliance with a support
34 order as provided in section 402 of this act, or is certified by a
35 court as a person who is not in compliance with a residential or
36 visitation order as provided in section 507 of this act may be issued
37 a license or certificate under this chapter. The application of a
38 person so certified by the department of social and health services or

1 by a court may be reviewed for issuance of a license or certificate
2 under this chapter after the person provides the department with a
3 written release issued by the department of social and health services
4 or a court stating that the person is in compliance with the order.

5 (4) The director shall immediately suspend the license or
6 certificate of a person who either (a) has been certified pursuant to
7 section 402 of this act by the department of social and health services
8 as a person who is not in compliance with a support order, or (b) has
9 been certified pursuant to section 507 of this act by a court as a
10 person who is not in compliance with a residential or visitation order.
11 If the person has continued to meet all other requirements for
12 reinstatement during the suspension, reissuance of the license or
13 certificate shall be automatic upon the director's receipt of a written
14 release issued by the department of social and health services or a
15 court stating that the licensee is in compliance with the order.

16 **Sec. 473.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to
17 read as follows:

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

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

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

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

35 (a) Fail to maintain a valid registration;

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

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

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

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

10 (6) No person who has been certified by the department of social
11 and health services as a person who is not in compliance with a support
12 order as provided in section 402 of this act, or is certified by a
13 court as a person who is not in compliance with a residential or
14 visitation order as provided in section 507 of this act may be issued
15 a license or certificate under this chapter. The application of a
16 person so certified by the department of social and health services or
17 by a court may be reviewed for issuance of a license or certificate
18 under this chapter after the person provides the department with a
19 written release issued by the department of social and health services
20 or a court stating that the person is in compliance with the order.

21 (7) The department shall immediately suspend the license or
22 certificate of a person who either (a) has been certified pursuant to
23 section 402 of this act by the department of social and health services
24 as a person who is not in compliance with a support order, or (b) has
25 been certified pursuant to section 507 of this act by a court as a
26 person who is not in compliance with a residential or visitation order.
27 If the person has continued to meet all other requirements for
28 reinstatement during the suspension, reissuance of the license or
29 certificate shall be automatic upon the department's receipt of a
30 written release issued by the department of social and health services
31 or a court stating that the licensee is in compliance with the order.

32 **Sec. 474.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to
33 read as follows:

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

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

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

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

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

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

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

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

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

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

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

27 (5) No person who has been certified by the department of social
28 and health services as a person who is not in compliance with a support
29 order as provided in section 402 of this act, or is certified by a
30 court as a person who is not in compliance with a residential or
31 visitation order as provided in section 507 of this act may be issued
32 a license or certificate under this chapter. The application of a
33 person so certified by the department of social and health services or
34 by a court may be reviewed for issuance of a license or certificate
35 under this chapter after the person provides the department with a
36 written release issued by the department of social and health services
37 or a court stating that the person is in compliance with the order.

38 (6) The office of the secretary of state shall immediately suspend
39 the license or certificate of a person who either (a) has been

1 certified pursuant to section 402 of this act by the department of
2 social and health services as a person who is not in compliance with a
3 support order, or (b) has been certified pursuant to section 507 of
4 this act by a court as a person who is not in compliance with a
5 residential or visitation order. If the person has continued to meet
6 all other requirements for reinstatement during the suspension,
7 reissuance of the license or certificate shall be automatic upon the
8 office of the secretary of state's receipt of a written release issued
9 by the department of social and health services or a court stating that
10 the licensee is in compliance with the order.

11 NEW SECTION. **Sec. 475.** A new section is added to chapter 20.01
12 RCW to read as follows:

13 (1) No person who has been certified by the department of social
14 and health services as a person who is not in compliance with a support
15 order as provided in section 402 of this act, or is certified by a
16 court as a person who is not in compliance with a residential or
17 visitation order as provided in section 507 of this act may be issued
18 a license or certificate under this chapter. The application of a
19 person so certified by the department of social and health services or
20 by a court may be reviewed for issuance of a license or certificate
21 under this chapter after the person provides the department with a
22 written release issued by the department of social and health services
23 or a court stating that the person is in compliance with the order.

24 (2) The director shall immediately suspend the license or
25 certificate of a person who either (a) has been certified pursuant to
26 section 402 of this act by the department of social and health services
27 as a person who is not in compliance with a support order, or (b) has
28 been certified pursuant to section 507 of this act by a court as a
29 person who is not in compliance with a residential or visitation order.
30 If 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. 476.** RCW 21.20.070 and 1981 c 272 s 2 are each amended to
36 read as follows:

1 (1) Except as provided in subsection (2) of this section, if no
2 denial order is in effect and no proceeding is pending under RCW
3 21.20.110, registration becomes effective when the applicant has
4 successfully passed a written examination as prescribed by rule or
5 order of the director with the advice of the advisory committee, or has
6 satisfactorily demonstrated that the applicant is exempt from the
7 written examination requirements of this section.

8 (2) No person who has been certified by the department of social
9 and health services as a person who is not in compliance with a support
10 order as provided in section 402 of this act, or is certified by a
11 court as a person who is not in compliance with a residential or
12 visitation order as provided in section 507 of this act may be issued
13 a license or certificate under this chapter. The application of a
14 person so certified by the department of social and health services or
15 by a court may be reviewed for issuance of a license or certificate
16 under this chapter after the person provides the department with a
17 written release issued by the department of social and health services
18 or a court stating that the person is in compliance with the order.

19 **Sec. 477.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
20 read as follows:

21 The director may by order deny, suspend, or revoke registration of
22 any broker-dealer, salesperson, investment adviser representative, or
23 investment adviser; censure or fine the registrant or an officer,
24 director, partner, or person occupying similar functions for a
25 registrant; or restrict or limit a registrant's function or activity of
26 business for which registration is required in this state; if the
27 director finds that the order is in the public interest and that the
28 applicant or registrant or, in the case of a broker-dealer or
29 investment adviser, any partner, officer, or director:

30 (1) Has filed an application for registration under this section
31 which, as of its effective date, or as of any date after filing in the
32 case of an order denying effectiveness, was incomplete in any material
33 respect or contained any statement which was, in the light of the
34 circumstances under which it was made, false, or misleading with
35 respect to any material fact;

36 (2) Has willfully violated or willfully failed to comply with any
37 provision of this chapter or a predecessor act or any rule or order

1 under this chapter or a predecessor act, or any provision of chapter
2 21.30 RCW or any rule or order thereunder;

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

8 (4) Is permanently or temporarily enjoined by any court of
9 competent jurisdiction from engaging in or continuing any conduct or
10 practice involving any aspect of the securities or investment
11 commodities business;

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

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

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

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

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

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

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

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

15 (b) The director may issue a summary order pending final
16 determination of a proceeding under this section upon a finding that it
17 is in the public interest and necessary or appropriate for the
18 protection of investors. The director may not impose a fine under this
19 section except after notice and opportunity for hearing. The fine
20 imposed under this section may not exceed five thousand dollars for
21 each act or omission that constitutes the basis for issuing the order.

22 The director shall immediately suspend the license or certificate
23 of a person who either has been certified pursuant to section 402 of
24 this act by the department of social and health services as a person
25 who is not in compliance with a support order, or has been certified
26 pursuant to section 507 of this act by a court as a person who is not
27 in compliance with a residential or visitation order. If the person
28 has continued to meet all other requirements for reinstatement during
29 the suspension, reissuance of the license or certificate shall be
30 automatic upon the director's receipt of a written release issued by
31 the department of social and health services or a court stating that
32 the licensee is in compliance with the order.

33 **NEW SECTION. Sec. 478.** A new section is added to chapter 48.17
34 RCW to read as follows:

35 (1) No person who has been certified by the department of social
36 and health services as a person who is not in compliance with a support
37 order as provided in section 402 of this act, or is certified by a
38 court as a person who is not in compliance with a residential or

1 visitation order as provided in section 507 of this act may be issued
2 a license or certificate under this chapter. The application of a
3 person so certified by the department of social and health services or
4 by a court may be reviewed for issuance of a license or certificate
5 under this chapter after the person provides the department with a
6 written release issued by the department of social and health services
7 or a court stating that the person is in compliance with the order.

8 (2) The commissioner shall immediately suspend the license or
9 certificate of a person who either (a) has been certified pursuant to
10 section 402 of this act by the department of social and health services
11 as a person who is not in compliance with a support order, or (b) has
12 been certified pursuant to section 507 of this act by a court as a
13 person who is not in compliance with a residential or visitation order.
14 If the person has continued to meet all other requirements for
15 reinstatement during the suspension, reissuance of the license or
16 certificate shall be automatic upon the commissioner's receipt of a
17 written release issued by the department of social and health services
18 or a court stating that the licensee is in compliance with the order.

19 NEW SECTION. **Sec. 479.** A new section is added to chapter 74.15
20 RCW to read as follows:

21 (1) No person who has been certified by the department of social
22 and health services as a person who is not in compliance with a support
23 order as provided in section 402 of this act, or is certified by a
24 court as a person who is not in compliance with a residential or
25 visitation order as provided in section 507 of this act may be issued
26 a license or certificate under this chapter. The application of a
27 person so certified by the department of social and health services or
28 by a court may be reviewed for issuance of a license or certificate
29 under this chapter after the person provides the department with a
30 written release issued by the department of social and health services
31 or a court stating that the person is in compliance with the order.

32 (2) The secretary shall immediately suspend the license or
33 certificate of a person who either (a) has been certified pursuant to
34 section 402 of this act by the department of social and health services
35 as a person who is not in compliance with a support order, or (b) has
36 been certified pursuant to section 507 of this act by a court as a
37 person who is not in compliance with a residential or visitation order.
38 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 secretary's receipt of a
3 written release issued by the department of social and health services
4 or a court stating that the licensee is in compliance with the order.

5 NEW SECTION. **Sec. 480.** A new section is added to chapter 47.68
6 RCW to read as follows:

7 (1) No person who has been certified by the department of social
8 and health services as a person who is not in compliance with a support
9 order as provided in section 402 of this act, or is certified by a
10 court as a person who is not in compliance with a residential or
11 visitation order as provided in section 507 of this act may be issued
12 a license or certificate under this chapter. The application of a
13 person so certified by the department of social and health services or
14 by a court may be reviewed for issuance of a license or certificate
15 under this chapter after the person provides the department with a
16 written release issued by the department of social and health services
17 or a court stating that the person is in compliance with the order.

18 (2) The department shall immediately suspend the license or
19 certificate of a person who either (a) has been certified pursuant to
20 section 402 of this act by the department of social and health services
21 as a person who is not in compliance with a support order, or (b) has
22 been certified pursuant to section 507 of this act by a court as a
23 person who is not in compliance with a residential or visitation order.
24 If the person has continued to meet all other requirements for
25 reinstatement during the suspension, reissuance of the license or
26 certificate shall be automatic upon the department's receipt of a
27 written release issued by the department of social and health services
28 or a court stating that the licensee is in compliance with the order.

29 NEW SECTION. **Sec. 481.** A new section is added to chapter 71.12
30 RCW to read as follows:

31 (1) No person who has been certified by the department of social
32 and health services as a person who is not in compliance with a support
33 order as provided in section 402 of this act, or is certified by a
34 court as a person who is not in compliance with a residential or
35 visitation order as provided in section 507 of this act may be issued
36 a license or certificate under this chapter. The application of a
37 person so certified by the department of social and health services or

1 by a court may be reviewed for issuance of a license or certificate
2 under this chapter after the person provides the department with a
3 written release issued by the department of social and health services
4 or a court stating that the person is in compliance with the order.

5 (2) The department of health shall immediately suspend the license
6 or certificate of a person who either (a) has been certified pursuant
7 to section 402 of this act by the department of social and health
8 services as a person who is not in compliance with a support order, or
9 (b) has been certified pursuant to section 507 of this act by a court
10 as a person who is not in compliance with a residential or visitation
11 order. If the person has continued to meet all other requirements for
12 reinstatement during the suspension, reissuance of the license or
13 certificate shall be automatic upon the department of health's receipt
14 of a written release issued by the department of social and health
15 services or a court stating that the licensee is in compliance with the
16 order.

17 **Sec. 482.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to
18 read as follows:

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

21 (a) Development of the curriculum and materials for the education
22 program;

23 (b) Examination and examination procedures;

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

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

28 (i) The physiological effects of alcohol including the effects of
29 alcohol in combination with drugs;

30 (ii) Liability and legal information;

31 (iii) Driving while intoxicated;

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

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

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

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

5 (3) Except as provided in section 484 of this act, each training
6 entity shall provide a class 12 permit to the manager or bartender who
7 has successfully completed a course the board has certified. A list of
8 the individuals receiving the class 12 permit shall be forwarded to the
9 board on the completion of each course given by the training entity.

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

14 (5) When requested by a retail liquor licensee, the board shall
15 provide copies of videotaped training programs that have been produced
16 by private vendors and make them available for a nominal fee to cover
17 the cost of purchasing and shipment, with the fees being deposited in
18 the liquor revolving fund for distribution to the board as needed.

19 (6) Each training entity may provide the board with a video program
20 of not less than one hour that covers the subjects in subsection
21 (1)(d)(i) through (v) of this section that will be made available to a
22 licensee for the training of a class 13 alcohol server.

23 (7) Except as provided in section 484 of this act, applicants shall
24 be given a class 13 permit upon the successful completion of the
25 program.

26 (8) A list of the individuals receiving the class 13 permit shall
27 be forwarded to the board on the completion of each video training
28 program.

29 (9) The board shall develop a model permit for the class 12 and 13
30 permits. The board may provide such permits to training entities or
31 licensees for a nominal cost to cover production.

32 (10)(a) Persons who have completed a nationally recognized alcohol
33 management or intervention program since July 1, 1993, may be issued a
34 class 12 or 13 permit upon providing proof of completion of such
35 training to the board.

36 (b) Persons who completed the board's alcohol server training
37 program after July 1, 1993, but before July 1, 1995, may be issued a
38 class 13 permit upon providing proof of completion of such training to
39 the board.

1 NEW SECTION. **Sec. 483.** A new section is added to chapter 66.20
2 RCW to read as follows:

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a 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 507 of this act may be issued
8 a license under this chapter. The application of a person so certified
9 by the department of social and health services or by a court may be
10 reviewed for issuance of a license under this chapter after the person
11 provides the department with a written release issued by the department
12 of social and health services or a court stating that the person is in
13 compliance with the order.

14 (2) The board shall immediately suspend the license of a person who
15 either (a) has been certified pursuant to section 402 of this act by
16 the department of social and health services as a person who is not in
17 compliance with a support order, or (b) has been certified pursuant to
18 section 507 of this act by a court as a person who is not in compliance
19 with a residential or visitation order. If the person has continued to
20 meet all other requirements for reinstatement during the suspension,
21 reissuance of the license shall be automatic upon the board's receipt
22 of a written release issued by the department of social and health
23 services or a court stating that the licensee is in compliance with the
24 order.

25 NEW SECTION. **Sec. 484.** A new section is added to chapter 66.24
26 RCW to read as follows:

27 (1) No person who has been certified by the department of social
28 and health services as a person who is not in compliance with a support
29 order as provided in section 402 of this act, or is certified by a
30 court as a person who is not in compliance with a residential or
31 visitation order as provided in section 507 of this act may be issued
32 a license under this chapter. The application of a person so certified
33 by the department of social and health services or by a court may be
34 reviewed for issuance of a license under this chapter after the person
35 provides the department with a written release issued by the department
36 of social and health services or a court stating that the person is in
37 compliance with the order.

1 (2) The board shall immediately suspend the license of a person who
2 either (a) has been certified pursuant to section 402 of this act by
3 the department of social and health services as a person who is not in
4 compliance with a support order, or (b) has been certified pursuant to
5 section 507 of this act by a court as a person who is not in compliance
6 with a residential or visitation order. If the person has continued to
7 meet all other requirements for reinstatement during the suspension,
8 reissuance of the license shall be automatic upon the board's receipt
9 of a written release issued by the department of social and health
10 services or a court stating that the licensee is in compliance with the
11 order.

12 NEW SECTION. **Sec. 485.** A new section is added to chapter 88.02
13 RCW to read as follows:

14 (1) No person who has been certified by the department of social
15 and health services as a person who is not in compliance with a support
16 order as provided in section 402 of this act, or is certified by a
17 court as a person who is not in compliance with a residential or
18 visitation order as provided in section 507 of this act may be issued
19 a vessel registration or a vessel dealer's registration under this
20 chapter. The application of a person so certified by the department of
21 social and health services or by a court may be reviewed for issuance
22 of registration under this chapter after the person provides the
23 department with a written release issued by the department of social
24 and health services or a court stating that the person is in compliance
25 with the order.

26 (2) The department shall immediately suspend the vessel
27 registration or vessel dealer's registration of a person who either (a)
28 has been certified pursuant to section 402 of this act by the
29 department of social and health services as a person who is not in
30 compliance with a support order, or (b) has been certified pursuant to
31 section 507 of this act by a court as a person who is not in compliance
32 with a residential or visitation order. If the person has continued to
33 meet all other requirements for reinstatement during the suspension,
34 reissuance of the registration shall be automatic upon the department's
35 receipt of a written release issued by the department of social and
36 health services or a court stating that the licensee is in compliance
37 with the order.

1 **Sec. 486.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to
2 read as follows:

3 Except as provided in RCW 67.08.100, upon the approval by the
4 department of any application for a license, as hereinabove provided,
5 and the filing of the bond the department shall forthwith issue such
6 license.

7 **Sec. 487.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
8 read as follows:

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

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

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

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

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

29 (6) No person who has been certified by the department of social
30 and health services as a person who is not in compliance with a support
31 order as provided in section 402 of this act, or is certified by a
32 court as a person who is not in compliance with a residential or
33 visitation order as provided in section 507 of this act may be issued
34 a license or certificate under this chapter. The application of a
35 person so certified by the department of social and health services or
36 by a court may be reviewed for issuance of a license or certificate
37 under this chapter after the person provides the department with a

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

3 (7) 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 507 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. 488.** 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; or

28 (d) No person who has been certified by the department of social
29 and health services as a person who is not in compliance with a support
30 order as provided in section 402 of this act, or is certified by a
31 court as a person who is not in compliance with a residential or
32 visitation order as provided in section 507 of this act may be issued
33 a license or certificate under this chapter. The application of a
34 person so certified by the department of social and health services or
35 by a court may be reviewed for issuance of a license or certificate
36 under this chapter after the person provides the department with a
37 written release issued by the department of social and health services
38 or a court stating that the person is in compliance with the order.

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

4 (3) 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 507 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. 489.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
16 read as follows:

17 Except as provided in section 492 of this act, at the close of each
18 examination the department of licensing shall prepare the proper
19 licenses, where no further fee is required to be paid, and issue
20 licenses to the successful applicants signed by the director and notify
21 all successful applicants, where a further fee is required, of the fact
22 that they are entitled to receive such license upon the payment of such
23 further fee to the department of licensing and notify all applicants
24 who have failed to pass the examination of that fact.

25 **Sec. 490.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
26 read as follows:

27 Except as provided in section 492 of this act, whenever there is
28 filed in a matter under the jurisdiction of the director of licensing
29 any complaint charging that the holder of a license has been guilty of
30 any act or omission which by the provisions of the law under which the
31 license was issued would warrant the revocation thereof, verified in
32 the manner provided by law, the director of licensing shall request the
33 governor to appoint, and the governor shall appoint within thirty days
34 of the request, two qualified practitioners of the profession or
35 calling of the person charged, who, with the director or his duly
36 appointed representative, shall constitute a committee to hear and
37 determine the charges and, in case the charges are sustained, impose

1 the penalty provided by law. In addition, the governor shall appoint
2 a consumer member of the committee.

3 The decision of any three members of such committee shall be the
4 decision of the committee.

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

8 **Sec. 491.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
9 read as follows:

10 Except as provided in section 492 of this act, any person feeling
11 aggrieved by the refusal of the director to issue a license, or to
12 renew one, or by the revocation or suspension of a license shall have
13 a right of appeal to superior court from the decision of the director
14 of licensing, which shall be taken, prosecuted, heard, and determined
15 in the manner provided in chapter 34.05 RCW.

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

18 NEW SECTION. **Sec. 492.** A new section is added to chapter 43.24
19 RCW to read as follows:

20 (1) No person who has been certified by the department of social
21 and health services as a person who is not in compliance with a support
22 order as provided in section 402 of this act, or is certified by a
23 court as a person who is not in compliance with a residential or
24 visitation order as provided in section 507 of this act may be issued
25 a license by the department of licensing. The application of a person
26 so certified by the department of social and health services or by a
27 court may be reviewed for issuance of registration under this chapter
28 after the person provides the department with a written release issued
29 by the department of social and health services or a court stating that
30 the person is in compliance with the order.

31 (2) The department shall immediately suspend any license issued by
32 the department of licensing of a person who either (a) has been
33 certified pursuant to section 402 of this act by the department of
34 social and health services as a person who is not in compliance with a
35 support order, or (b) has been certified pursuant to section 507 of
36 this act by a court as a person who is not in compliance with a
37 residential or visitation order. If the person has continued to meet

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

6 **Sec. 493.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to
7 read as follows:

8 All persons engaged in the manufacture of explosives, or any
9 process involving explosives, or where explosives are used as a
10 component part in the manufacture of any article or device, on (~~the~~
11 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,
12 shall within sixty days thereafter, and all persons engaging in the
13 manufacture of explosives, or any process involving explosives, or
14 where explosives are used as a component part in the manufacture of any
15 article or device after (~~this act takes effect~~) August 11, 1969,
16 shall, before so engaging, make an application in writing, subscribed
17 to by such person or his agent, to the department of labor and
18 industries, the application stating:

- 19 (1) Location of place of manufacture or processing;
- 20 (2) Kind of explosives manufactured, processed or used;
- 21 (3) The distance that such explosives manufacturing building is
22 located or intended to be located from the other factory buildings,
23 magazines, inhabited buildings, railroads and highways and public
24 utility transmission systems;
- 25 (4) The name and address of the applicant;
- 26 (5) The reason for desiring to manufacture explosives;
- 27 (6) The applicant's citizenship, if the applicant is an individual;
- 28 (7) If the applicant is a partnership, the names and addresses of
29 the partners, and their citizenship;
- 30 (8) If the applicant is an association or corporation, the names
31 and addresses of the officers and directors thereof, and their
32 citizenship; and
- 33 (9) Such other pertinent information as the director of labor and
34 industries shall require to effectuate the purpose of this chapter.

35 There shall be kept in the main office on the premises of each
36 explosives manufacturing plant a plan of said plant showing the
37 location of all explosives manufacturing buildings and the distance
38 they are located from other factory buildings where persons are

1 employed and from magazines, and these plans shall at all times be open
2 to inspection by duly authorized inspectors of the department of labor
3 and industries. The superintendent of each plant shall upon demand of
4 said inspector furnish the following information:

5 (a) The maximum amount and kind of explosive material which is or
6 will be present in each building at one time.

7 (b) The nature and kind of work carried on in each building and
8 whether or not said buildings are surrounded by natural or artificial
9 barricades.

10 Except as provided in RCW 70.74.135, 70.74.360, and 70.74.370, the
11 department of labor and industries shall as soon as possible after
12 receiving such application cause an inspection to be made of the
13 explosives manufacturing plant, and if found to be in accordance with
14 RCW 70.74.030 and 70.74.050 and 70.74.061, such department shall issue
15 a license to the person applying therefor showing compliance with the
16 provisions of this chapter if the applicant demonstrates that either
17 the applicant or the officers, agents or employees of the applicant are
18 sufficiently experienced in the manufacture of explosives and the
19 applicant meets the qualifications for a license under RCW 70.74.360.
20 Such license shall continue in full force and effect until expired,
21 suspended, or revoked by the department pursuant to this chapter.

22 **Sec. 494.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to
23 read as follows:

24 Every person desiring to engage in the business of dealing in
25 explosives shall apply to the department of labor and industries for a
26 license therefor. Said application shall state, among other things:

27 (1) The name and address of applicant;

28 (2) The reason for desiring to engage in the business of dealing in
29 explosives;

30 (3) Citizenship, if an individual applicant;

31 (4) If a partnership, the names and addresses of the partners and
32 their citizenship;

33 (5) If an association or corporation, the names and addresses of
34 the officers and directors thereof and their citizenship; and

35 (6) Such other pertinent information as the director of labor and
36 industries shall require to effectuate the purpose of this chapter.

37 Except as provided in RCW 70.74.135, 70.74.360, and 70.74.370, the
38 department of labor and industries shall issue the license if the

1 applicant demonstrates that either the applicant or the principal
2 officers, agents, or employees of the applicant are experienced in the
3 business of dealing in explosives, possess suitable facilities
4 therefor, have not been convicted of any crime that would warrant
5 revocation or nonrenewal of a license under this chapter, and have
6 never had an explosives-related license revoked under this chapter or
7 under similar provisions of any other state.

8 **Sec. 495.** RCW 70.74.135 and 1988 c 198 s 8 are each amended to
9 read as follows:

10 All persons desiring to purchase explosives except handloader
11 components shall apply to the department of labor and industries for a
12 license. Said application shall state, among other things:

- 13 (1) The location where explosives are to be used;
- 14 (2) The kind and amount of explosives to be used;
- 15 (3) The name and address of the applicant;
- 16 (4) The reason for desiring to use explosives;
- 17 (5) The citizenship of the applicant if the applicant is an
18 individual;
- 19 (6) If the applicant is a partnership, the names and addresses of
20 the partners and their citizenship;
- 21 (7) If the applicant is an association or corporation, the names
22 and addresses of the officers and directors thereof and their
23 citizenship; and
- 24 (8) Such other pertinent information as the director of the
25 department of labor and industries shall require to effectuate the
26 purpose of this chapter.

27 The department of labor and industries shall issue the license if
28 the applicant demonstrates that either the applicant or the officers,
29 agents or employees of the applicant are sufficiently experienced in
30 the use of explosives to authorize a purchase license. However, no
31 purchaser's license may be issued to any person who cannot document
32 proof of possession or right to use approved and licensed storage
33 facilities unless the person signs a statement certifying that
34 explosives will not be stored. No person who has been certified by the
35 department of social and health services as a person who is not in
36 compliance with a support order as provided in section 402 of this act,
37 or is certified by a court as a person who is not in compliance with a
38 residential or visitation order as provided in section 507 of this act

1 may be issued a license or certificate under this chapter. The
2 application of a person so certified by the department of social and
3 health services or by a court may be reviewed for issuance of a license
4 or certificate under this chapter after the person provides the
5 department with a written release issued by the department of social
6 and health services or a court stating that the person is in compliance
7 with the order.

8 **Sec. 496.** RCW 70.74.360 and 1988 c 198 s 3 are each amended to
9 read as follows:

10 (1) The director of labor and industries shall require, as a
11 condition precedent to the original issuance or renewal of any
12 explosive license, fingerprinting and criminal history record
13 information checks of every applicant. In the case of a corporation,
14 fingerprinting and criminal history record information checks shall be
15 required for the management officials directly responsible for the
16 operations where explosives are used if such persons have not
17 previously had their fingerprints recorded with the department of labor
18 and industries. In the case of a partnership, fingerprinting and
19 criminal history record information checks shall required of all
20 general partners. Such fingerprints as are required by the department
21 of labor and industries shall be submitted on forms provided by the
22 department to the identification section of the Washington state patrol
23 and to the identification division of the federal bureau of
24 investigation in order that these agencies may search their records for
25 prior convictions of the individuals fingerprinted. The Washington
26 state patrol shall provide to the director of labor and industries such
27 criminal record information as the director may request. The applicant
28 shall give full cooperation to the department of labor and industries
29 and shall assist the department of labor and industries in all aspects
30 of the fingerprinting and criminal history record information check.
31 The applicant may be required to pay a fee not to exceed twenty dollars
32 to the agency that performs the fingerprinting and criminal history
33 process.

34 (2) The director of labor and industries shall not issue a license
35 to manufacture, purchase, store, use, or deal with explosives to:

36 (a) Any person under twenty-one years of age;

37 (b) Any person whose license is suspended or whose license has been
38 revoked, except as provided in RCW 70.74.370;

1 (c) Any person who has been convicted in this state or elsewhere of
2 a violent offense as defined in RCW 9.94A.030, perjury, false swearing,
3 or bomb threats or a crime involving a schedule I or II controlled
4 substance, or any other drug or alcohol related offense, unless such
5 other drug or alcohol related offense does not reflect a drug or
6 alcohol dependency. However, the director of labor and industries may
7 issue a license if the person suffering a drug or alcohol related
8 dependency is participating in or has completed an alcohol or drug
9 recovery program acceptable to the department of labor and industries
10 and has established control of their alcohol or drug dependency. The
11 director of labor and industries shall require the applicant to provide
12 proof of such participation and control; ((or))

13 (d) Any person who has previously been adjudged to be mentally ill
14 or insane, or to be incompetent due to any mental disability or disease
15 and who has not at the time of application been restored to competency
16 i or

17 (e) Any person who has been certified by the department of social
18 and health services as a person who is not in compliance with a support
19 order as provided in section 402 of this act, or is certified by a
20 court as a person who is not in compliance with a residential or
21 visitation order as provided in section 507 of this act. The
22 application of a person so certified by the department of social and
23 health services or by a court may be reviewed for issuance of a license
24 or certificate under this chapter after the person provides the
25 director of labor and industries with a written release issued by the
26 department of social and health services or a court stating that the
27 person is in compliance with the order.

28 (3) The director of labor and industries may establish reasonable
29 licensing fees for the manufacture, dealing, purchase, use, and storage
30 of explosives.

31 **Sec. 497.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to
32 read as follows:

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

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

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

5 (c) A crime involving bomb threats;

6 (d) A crime involving a schedule I or II controlled substance, or
7 any other drug or alcohol related offense, unless such other drug or
8 alcohol related offense does not reflect a drug or alcohol dependency.
9 However, the department of labor and industries may condition renewal
10 of the license to any convicted person suffering a drug or alcohol
11 dependency who is participating in an alcoholism or drug recovery
12 program acceptable to the department of labor and industries and has
13 established control of their alcohol or drug dependency. The
14 department of labor and industries shall require the licensee to
15 provide proof of such participation and control;

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

19 (2) The department of labor and industries shall revoke the license
20 of any person adjudged to be mentally ill or insane, or to be
21 incompetent due to any mental disability or disease. The director
22 shall not renew the license until the person has been restored to
23 competency.

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

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

32 (5) The department of labor and industries shall immediately
33 suspend the license or certificate of a person who either (a) has been
34 certified pursuant to section 402 of this act by the department of
35 social and health services as a person who is not in compliance with a
36 support order, or (b) has been certified pursuant to section 507 of
37 this act by a court as a person who is not in compliance with a
38 residential or visitation order. If the person has continued to meet
39 all other requirements for reinstatement during the suspension,

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

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

9 **Sec. 498.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to
10 read as follows:

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

13 (2) For the purpose of considering any application for a license,
14 the board may cause an inspection of the premises to be made, and may
15 inquire into all matters in connection with the construction and
16 operation of the premises. For the purpose of reviewing any
17 application for a license and for considering the denial, suspension or
18 revocation of any license, the liquor control board may consider any
19 prior criminal conduct of the applicant and the provisions of RCW
20 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
21 board may, in its discretion, grant or refuse the license applied for.
22 Authority to approve an uncontested or unopposed license may be granted
23 by the board to any staff member the board designates in writing.
24 Conditions for granting such authority shall be adopted by rule. No
25 retail license of any kind may be issued to:

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

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

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

34 (d) A corporation, unless it was created under the laws of the
35 state of Washington or holds a certificate of authority to transact
36 business in the state of Washington; or

37 (e) Any person who has been certified by the department of social
38 and health services as a person who is not in compliance with a support

1 order as provided in section 402 of this act, or is certified by a
2 court as a person who is not in compliance with a residential or
3 visitation order as provided in section 507 of this act. The
4 application of a person so certified by the department of social and
5 health services or by a court may be reviewed for issuance of a license
6 or certificate under this chapter after the person provides the board
7 with a written release issued by the department of social and health
8 services or a court stating that the person is in compliance with the
9 order.

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

14 (b) The board shall immediately suspend the license or certificate
15 of a person who either (i) 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 (ii) has been
18 certified pursuant to section 507 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 board'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 (c) The board may request the appointment of administrative law
26 judges under chapter 34.12 RCW who shall have power to administer
27 oaths, issue subpoenas for the attendance of witnesses and the
28 production of papers, books, accounts, documents, and testimony,
29 examine witnesses, and to receive testimony in any inquiry,
30 investigation, hearing, or proceeding in any part of the state, under
31 such rules and regulations as the board may adopt.

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

37 (e) In case of disobedience of any person to comply with the order
38 of the board or a subpoena issued by the board, or any of its members,
39 or administrative law judges, or on the refusal of a witness to testify

1 to any matter regarding which he or she may be lawfully interrogated,
2 the judge of the superior court of the county in which the person
3 resides, on application of any member of the board or administrative
4 law judge, shall compel obedience by contempt proceedings, as in the
5 case of disobedience of the requirements of a subpoena issued from said
6 court or a refusal to testify therein.

7 (4) Upon receipt of notice of the suspension or cancellation of a
8 license, the licensee shall forthwith deliver up the license to the
9 board. Where the license has been suspended only, the board shall
10 return the license to the licensee at the expiration or termination of
11 the period of suspension. The board shall notify all vendors in the
12 city or place where the licensee has its premises of the suspension or
13 cancellation of the license; and no employee may allow or cause any
14 liquor to be delivered to or for any person at the premises of that
15 licensee.

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

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

29 (6) Every license issued under this section shall be subject to all
30 conditions and restrictions imposed by this title or by the regulations
31 in force from time to time. All conditions and restrictions imposed by
32 the board in the issuance of an individual license shall be listed on
33 the face of the individual license along with the trade name, address,
34 and expiration date.

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

37 (8) Before the board shall issue a license to an applicant it shall
38 give notice of such application to the chief executive officer of the
39 incorporated city or town, if the application be for a license within

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

18 (9) Before the board issues any license to any applicant, it shall
19 give (a) due consideration to the location of the business to be
20 conducted under such license with respect to the proximity of churches,
21 schools, and public institutions and (b) written notice by certified
22 mail of the application to churches, schools, and public institutions
23 within five hundred feet of the premises to be licensed. The board
24 shall issue no beer retailer license class A, B, D, or E or wine
25 retailer license class C or F or class H license covering any premises
26 not now licensed, if such premises are within five hundred feet of the
27 premises of any tax-supported public elementary or secondary school
28 measured along the most direct route over or across established public
29 walks, streets, or other public passageway from the outer property line
30 of the school grounds to the nearest public entrance of the premises
31 proposed for license, and if, after receipt by the school or public
32 institution of the notice as provided in this subsection, the board
33 receives written notice, within twenty days after posting such notice,
34 from an official representative or representatives of the school within
35 five hundred feet of said proposed licensed premises, indicating to the
36 board that there is an objection to the issuance of such license
37 because of proximity to a school. For the purpose of this section,
38 church shall mean a building erected for and used exclusively for
39 religious worship and schooling or other activity in connection

1 therewith. No liquor license may be issued or reissued by the board to
2 any motor sports facility or licensee operating within the motor sports
3 facility unless the motor sports facility enforces a program reasonably
4 calculated to prevent alcohol or alcoholic beverages not purchased
5 within the facility from entering the facility and such program is
6 approved by local law enforcement agencies. It is the intent under
7 this subsection that a retail license shall not be issued by the board
8 where doing so would, in the judgment of the board, adversely affect a
9 private school meeting the requirements for private schools under Title
10 28A RCW, which school is within five hundred feet of the proposed
11 licensee. The board shall fully consider and give substantial weight
12 to objections filed by private schools. If a license is issued despite
13 the proximity of a private school, the board shall state in a letter
14 addressed to the private school the board's reasons for issuing the
15 license.

16 (10) The restrictions set forth in subsection (9) of this section
17 shall not prohibit the board from authorizing the assumption of
18 existing licenses now located within the restricted area by other
19 persons or licenses or relocations of existing licensed premises within
20 the restricted area. In no case may the licensed premises be moved
21 closer to a church or school than it was before the assumption or
22 relocation.

23 (11) Nothing in this section prohibits the board, in its
24 discretion, from issuing a temporary retail or wholesaler license to an
25 applicant assuming an existing retail or wholesaler license to continue
26 the operation of the retail or wholesaler premises during the period
27 the application for the license is pending and when the following
28 conditions exist:

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

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

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

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

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

6 Refusal by the board to issue or extend a temporary license shall
7 not entitle the applicant to request a hearing. A temporary license
8 may be canceled or suspended summarily at any time if the board
9 determines that good cause for cancellation or suspension exists. RCW
10 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

15 **Sec. 499.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
16 read as follows:

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

27 (2) The certificate of manufactured home installation provided for
28 in this chapter grants the holder the right to engage in manufactured
29 home installation throughout the state, without any other installer
30 certification.

31 (3) No person who has been certified by the department of social
32 and health services as a person who is not in compliance with a support
33 order as provided in section 402 of this act, or is certified by a
34 court as a person who is not in compliance with a residential or
35 visitation order as provided in section 507 of this act may be issued
36 a license or certificate under this chapter. The application of a
37 person so certified by the department of social and health services or
38 by a court may be reviewed for issuance of a license or certificate

1 under this chapter after the person provides the department with a
2 written release issued by the department of social and health services
3 or a court stating that the person is in compliance with the order.

4 (4) 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 507 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. 500.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
16 read as follows:

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

21 (2) Operators shall be certified if they:

22 (a) Attend the required training sessions;

23 (b) Successfully complete required examinations; and

24 (c) Pay the prescribed fee.

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

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

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

32 (c) Renew the certificate of competency at reasonable intervals
33 established by the department.

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

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

1 (6) The department shall establish a process to automatically
2 certify operators who have received comparable certification from
3 another state, the federal government, a local government, or a
4 professional association.

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

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

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

14 (c) Have successfully completed any required examinations.

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

18 (9) No person who has been certified by the department of social
19 and health services as a person who is not in compliance with a support
20 order as provided in section 402 of this act, or is certified by a
21 court as a person who is not in compliance with a residential or
22 visitation order as provided in section 507 of this act may be issued
23 a license or certificate under this chapter. The application of a
24 person so certified by the department of social and health services or
25 by a court may be reviewed for issuance of a license or certificate
26 under this chapter after the person provides the department with a
27 written release issued by the department of social and health services
28 or a court stating that the person is in compliance with the order.

29 (10) The department shall immediately suspend the license or
30 certificate of a person who either (a) has been certified pursuant to
31 section 402 of this act by the department of social and health services
32 as a person who is not in compliance with a support order, or (b) has
33 been certified pursuant to section 507 of this act by a court as a
34 person who is not in compliance with a residential or visitation order.
35 If the person has continued to meet all other requirements for
36 reinstatement during the suspension, reissuance of the license or
37 certificate shall be automatic upon the department's receipt of a
38 written release issued by the department of social and health services
39 or a court stating that the licensee is in compliance with the order.

1 NEW SECTION. **Sec. 501.** A new section is added to chapter 70.95B
2 RCW to read as follows:

3 (1) No person who has been certified by the department of social
4 and health services as a person who is not in compliance with a 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 507 of this act may be issued
8 a license or certificate under this chapter. The application of a
9 person so certified by the department of social and health services or
10 by a court may be reviewed for issuance of a license or certificate
11 under this chapter after the person provides the department with a
12 written release issued by the department of social and health services
13 or a court stating that the person is in compliance with the order.

14 (2) The director shall immediately suspend the license or
15 certificate of a person who either (a) has been certified pursuant to
16 section 402 of this act by the department of social and health services
17 as a person who is not in compliance with a support order, or (b) has
18 been certified pursuant to section 507 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 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. 502.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
26 read as follows:

27 Any license, permit, or certification provided for in this chapter
28 may be revoked or suspended, and any license, permit, or certification
29 application may be denied by the director for cause. If the director
30 suspends a license under this chapter with respect to activity of a
31 continuing nature under chapter 34.05 RCW, the director may elect to
32 suspend the license for a subsequent license year during a period that
33 coincides with the period commencing thirty days before and ending
34 thirty days after the date of the incident or incidents giving rise to
35 the violation.

36 The director shall immediately suspend the license or certificate
37 of a person who either (1) has been certified pursuant to section 402
38 of this act by the department of social and health services as a person

1 who is not in compliance with a support order, or (2) has been
2 certified pursuant to section 507 of this act by a court as a person
3 who is not in compliance with a residential or visitation order. If
4 the person has continued to meet all other requirements for
5 reinstatement during the suspension, reissuance of the license or
6 certificate shall be automatic upon the 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. 503.** RCW 17.21.132 and 1994 c 283 s 16 are each amended to
10 read as follows:

11 Any person applying for a license or certification authorized under
12 the provisions of this chapter shall file an application on a form
13 prescribed by the director.

14 (1) The application shall state the license or certification and
15 the classification(s) for which the applicant is applying and the
16 method in which the pesticides are to be applied.

17 (2) For all classes of licenses except private applicator, all
18 applicants shall be at least eighteen years of age on the date that the
19 application is made. Applicants for a private pesticide applicator
20 license shall be at least sixteen years of age on the date that the
21 application is made.

22 (3) Application for a license to apply pesticides shall be
23 accompanied by the required fee. No license may be issued until the
24 required license fee has been received by the department. License fees
25 shall be prorated where necessary to accommodate staggering of
26 expiration dates of a license or licenses.

27 (4) Each classification of license issued under this chapter shall
28 expire annually on a date set by rule by the director. License
29 expiration dates may be staggered for administrative purposes. Renewal
30 applications shall be filed on or before the applicable expiration
31 date.

32 No person who has been certified by the department of social and
33 health services as a person who is not in compliance with a support
34 order as provided in section 402 of this act, or is certified by a
35 court as a person who is not in compliance with a residential or
36 visitation order as provided in section 507 of this act may be issued
37 a license or certificate under this chapter. The application of a
38 person so certified by the department of social and health services or

1 by a court may be reviewed for issuance of a license or certificate
2 under this chapter after the person provides the department with a
3 written release issued by the department of social and health services
4 or a court stating that the person is in compliance with the order.

5 **Sec. 504.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to
6 read as follows:

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

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

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

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

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

36 (b) Failing to file a work plan;

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

1 (d) Failing to perform work that meets the requirements of the
2 department; ~~((e))~~

3 (e) The certificate was obtained by error, misrepresentation, or
4 fraud; or

5 (f) If the person has either (i) been certified pursuant to section
6 402 of this act by the department of social and health services as a
7 person who is not in compliance with a support order, or (ii) has been
8 certified pursuant to section 507 of this act by a court as a person
9 who is not in compliance with a residential or visitation order. If
10 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 person is in compliance with the order.

15 (5) No person who has been certified by the department of social
16 and health services as a person who is not in compliance with a support
17 order as provided in section 402 of this act, or is certified by a
18 court as a person who is not in compliance with a residential or
19 visitation order as provided in section 507 of this act may be issued
20 a license or certificate under this chapter. The application of a
21 person so certified by the department of social and health services or
22 by a court may be reviewed for issuance of a license or certificate
23 under this chapter after the person provides the department with a
24 written release issued by the department of social and health services
25 or a court stating that the person is in compliance with the order.

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

28 ~~((+6))~~ (7) The department of health shall prescribe fees as
29 provided for in RCW 43.70.250 for the issuance and renewal of
30 certificates, the administration of examinations, and for the review of
31 training courses.

32 ~~((+7))~~ (8) The decontamination account is hereby established in
33 the state treasury. All fees collected under this chapter shall be
34 deposited in this account. Moneys in the account may only be spent
35 after appropriation for costs incurred by the department in the
36 administration and enforcement of this chapter.

37 **Sec. 505.** RCW 19.146.210 and 1994 c 33 s 10 are each amended to
38 read as follows:

1 (1) The director shall issue and deliver a mortgage broker license
2 to an applicant if, after investigation, the director makes the
3 following findings:

4 (a) The applicant has paid the required license fees;

5 (b) The applicant has complied with RCW 19.146.205;

6 (c) Neither the applicant nor any of its principals has had a
7 license issued under this chapter or any similar state statute
8 suspended or revoked within five years of the filing of the present
9 application;

10 (d) Neither the applicant nor any of its principals has been
11 convicted of a gross misdemeanor involving dishonesty or financial
12 misconduct or a felony within seven years of the filing of the present
13 application;

14 (e) Either the applicant or one of its principals, who may be
15 designated by the applicant, (i) has at least two years of experience
16 in the residential mortgage loan industry or has completed the
17 educational requirements established by rule of the director and (ii)
18 has passed a written examination whose content shall be established by
19 rule of the director; and

20 (f) The applicant has demonstrated financial responsibility,
21 character, and general fitness such as to command the confidence of the
22 community and to warrant a belief that the business will be operated
23 honestly, fairly, and efficiently within the purposes of this chapter.

24 (2) If the director does not find the conditions of subsection (1)
25 of this section have been met, the director shall not issue the
26 license. The director shall notify the applicant of the denial and
27 return to the applicant the bond or approved alternative and any
28 remaining portion of the license fee that exceeds the department's
29 actual cost to investigate the license.

30 (3) No person who has been certified by the department of social
31 and health services as a person who is not in compliance with a support
32 order as provided in section 402 of this act, or is certified by a
33 court as a person who is not in compliance with a residential or
34 visitation order as provided in section 507 of this act may be issued
35 a license or certificate under this chapter. The application of a
36 person so certified by the department of social and health services or
37 by a court may be reviewed for issuance of a license or certificate
38 under this chapter after the person provides the department with a

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

3 (4) The director shall issue a license under this chapter to any
4 licensee issued a license under chapter 468, Laws of 1993, that has a
5 valid license and is otherwise in compliance with the provisions of
6 this chapter.

7 ~~((4))~~ (5) A license issued pursuant to this chapter is valid from
8 the date of issuance with no fixed date of expiration.

9 ~~((5))~~ (6) A licensee may surrender a license by delivering to the
10 director written notice of surrender, but the surrender does not affect
11 the licensee's civil or criminal liability arising from acts or
12 omissions occurring before such surrender.

13 **Sec. 506.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
14 read as follows:

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

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

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

22 (b) Suspend or revoke licenses for:

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

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

28 (iii) Failure to comply with any directive or order of the
29 director; or

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

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

34 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
35 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
36 19.146.265; or

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

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

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

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

6 (e) Issue orders removing from office or prohibiting from
7 participation in the conduct of the affairs of a licensed mortgage
8 broker, or both, any officer, principal, employee, or loan originator
9 of any licensed mortgage broker or any person subject to licensing
10 under this chapter for:

11 (i) Any violation of 19.146.0201 (1) through (9) or (13),
12 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
13 19.146.265; or

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

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

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

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

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

1 maintain a physical office in this state, venue shall be exclusively in
2 the superior court of Thurston county.

3 (5) The director 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 507 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 director's receipt of a written
12 release issued by the department of social and health services or a
13 court stating that the licensee is in compliance with the order.

14 NEW SECTION. Sec. 507. A new section is added to chapter 26.09
15 RCW to read as follows:

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

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

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

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

31 (d) "Noncompliance with a residential or visitation order" means
32 that a court has found the parent in contempt of court, under RCW
33 26.09.160 for failure to comply with a residential provision of a
34 court-ordered parenting plan on two occasions within three years.

35 (e) "Residential or visitation order" means the residential
36 schedule or visitation schedule contained in a court-ordered parenting
37 plan.

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

13 (3) The court shall set a review hearing date to determine whether
14 the noncomplying parent becomes in compliance with the residential or
15 visitation order. If the court determines at the review hearing that
16 the parent is in compliance with the residential or visitation order,
17 the court shall provide the parent with a written release stating that
18 the parent is in compliance with the residential or visitation order.

19 (4) Upon receipt of the court order, the licensing entity shall
20 refuse to issue or renew a license to the licensee or shall suspend the
21 licensee's license until the licensee provides the licensing entity
22 with a release from the court that states the licensee is in compliance
23 with the residential or visitation order.

24 **Sec. 508.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to
25 read as follows:

26 (1) The performance of parental functions and the duty to provide
27 child support are distinct responsibilities in the care of a child. If
28 a party fails to comply with a provision of a decree or temporary order
29 of injunction, the obligation of the other party to make payments for
30 support or maintenance or to permit contact with children is not
31 suspended. An attempt by a parent, in either the negotiation or the
32 performance of a parenting plan, to condition one aspect of the
33 parenting plan upon another, to condition payment of child support upon
34 an aspect of the parenting plan, to refuse to pay ordered child
35 support, to refuse to perform the duties provided in the parenting
36 plan, or to hinder the performance by the other parent of duties
37 provided in the parenting plan, shall be deemed bad faith and shall be
38 punished by the court by holding the party in contempt of court and by

1 awarding to the aggrieved party reasonable attorneys' fees and costs
2 incidental in bringing a motion for contempt of court.

3 (2)(a) A motion may be filed to initiate a contempt action to
4 coerce a parent to comply with an order establishing residential
5 provisions for a child. If the court finds there is reasonable cause
6 to believe the parent has not complied with the order, the court may
7 issue an order to show cause why the relief requested should not be
8 granted.

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

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

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

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

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

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

33 (a) Order the noncomplying parent to provide the other parent or
34 party additional time with the child. The additional time shall be
35 twice the amount of the time missed with the child, due to the parent's
36 noncompliance;

37 (b) Order the noncomplying parent to pay, to the other parent or
38 party, all court costs and reasonable attorneys' fees incurred as a

1 result of the noncompliance, and any reasonable expenses incurred in
2 locating or returning a child; ((and))

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

5 (d) Enter an order under section 507 of this act directed to the
6 appropriate licensing entity certifying that the parent is not in
7 compliance with the residential schedule or visitation schedule of a
8 permanent parenting plan.

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

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

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

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

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

33 **Sec. 509.** RCW 26.09.165 and 1994 c 162 s 2 are each amended to
34 read as follows:

35 All court orders containing parenting plan provisions or orders of
36 contempt, entered pursuant to RCW 26.09.160, shall include the
37 following language:

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

7 **Sec. 510.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
8 read as follows:

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

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

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

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

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

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

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

32 As used in this subsection and subsection (3) of this section,
33 "good cause not to require immediate income withholding" means a
34 written determination of why implementing immediate wage withholding
35 would not be in the child's best interests and, in modification cases,
36 proof of timely payment of previously ordered support.

37 (2) In all other cases not under subsection (1) of this section,
38 the court may order the responsible parent to make payments directly to

1 the person entitled to receive the payments, to the Washington state
2 support registry, or may order that payments be made in accordance with
3 an alternate arrangement agreed upon by the parties.

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

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

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

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

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

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

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

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

30 (ii) If immediate income withholding is not ordered, the court
31 shall require that income withholding be delayed until a payment is
32 past due. The support order shall contain a statement that a notice of
33 payroll deduction may be issued, or other income-withholding action
34 under chapter 26.18 or 74.20A RCW may be taken, without further notice
35 to the responsible parent, after a payment is past due.

36 (c) If a mandatory wage withholding order under chapter 26.18 RCW
37 is issued under this subsection and the office of support enforcement
38 provides support enforcement services under RCW 26.23.045, the existing
39 wage withholding assignment is prospectively superseded upon the office

1 of support enforcement's subsequent service of an income withholding
2 notice.

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

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

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

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

30 (5) Every support order shall state:

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

32 (b) That a notice of payroll deduction may be issued or other
33 income withholding action under chapter 26.18 or 74.20A RCW may be
34 taken, without further notice to the responsible parent at any time
35 after entry of an order by the court, unless:

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

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

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

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

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

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

7 (g) The social security number and residence address of the
8 physical custodian except as provided in subsection (6) of this
9 section;

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

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

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

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

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

30 (m) That the responsible parent's privileges to obtain and maintain
31 a license, as defined in section 402 of this act, may be denied, 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.

34 (6) The physical custodian's address:

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

1 (b) A responsible parent may request the physical custodian's
2 residence address by submission of a request for disclosure under RCW
3 26.23.120 to the office of support enforcement.

4 (7) The superior court clerk, the office of administrative
5 hearings, and the department of social and health services shall,
6 within five days of entry, forward to the Washington state support
7 registry, a true and correct copy of all superior court orders or
8 administrative orders establishing or modifying a support obligation
9 which provide that support payments shall be made to the support
10 registry. If a superior court order entered prior to January 1, 1988,
11 directs the responsible parent to make support payments to the clerk,
12 the clerk shall send a true and correct copy of the support order and
13 the payment record to the registry for enforcement action when the
14 clerk identifies that a payment is more than fifteen days past due.
15 The office of support enforcement shall reimburse the clerk for the
16 reasonable costs of copying and sending copies of court orders to the
17 registry at the reimbursement rate provided in Title IV-D of the social
18 security act.

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

24 (9) After the responsible parent has been ordered or notified to
25 make payments to the Washington state support registry under this
26 section, the responsible parent shall be fully responsible for making
27 all payments to the Washington state support registry and shall be
28 subject to payroll deduction or other income withholding action. The
29 responsible parent shall not be entitled to credit against a support
30 obligation for any payments made to a person or agency other than to
31 the Washington state support registry except as provided under RCW
32 74.20.101. A civil action may be brought by the payor to recover
33 payments made to persons or agencies who have received and retained
34 support moneys paid contrary to the provisions of this section.

35 **Sec. 511.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to
36 read as follows:

37 The wage assignment order shall be substantially in the following
38 form:

1 IN THE SUPERIOR COURT OF THE
2 STATE OF WASHINGTON IN AND FOR THE
3 COUNTY OF

4 ,
5 Obligee No.

6 vs.

7 , WAGE ASSIGNMENT

8 Obligor ORDER

9 ,

10 Employer

11 THE STATE OF WASHINGTON TO:

12 Employer

13 AND TO:

14 Obligor

15 The above-named obligee claims that the above-named obligor is
16 subject to a support order requiring immediate income withholding or is
17 more than fifteen days past due in either child support or spousal
18 maintenance payments, or both, in an amount equal to or greater than
19 the child support or spousal maintenance payable for one month. The
20 amount of the accrued child support or spousal maintenance debt as of
21 this date is dollars, the amount of arrearage payments
22 specified in the support or spousal maintenance order (if applicable)
23 is dollars per , and the amount of the current
24 and continuing support or spousal maintenance obligation under the
25 order is dollars per

26 You are hereby commanded to answer this order by filling in the
27 attached form according to the instructions, and you must mail or
28 deliver the original of the answer to the court, one copy to the
29 Washington state support registry, one copy to the obligee or obligee's
30 attorney, and one copy to the obligor within twenty days after service
31 of this wage assignment order upon you.

32 If you possess any earnings or other remuneration for employment
33 due and owing to the obligor, then you shall do as follows:

34 (1) Withhold from the obligor's earnings or remuneration each
35 month, or from each regular earnings disbursement, the lesser of:

36 (a) The sum of the accrued support or spousal maintenance debt and
37 the current support or spousal maintenance obligation;

1 (b) The sum of the specified arrearage payment amount and the
2 current support or spousal maintenance obligation; or

3 (c) Fifty percent of the disposable earnings or remuneration of the
4 obligor.

5 (2) The total amount withheld above is subject to the wage
6 assignment order, and all other sums may be disbursed to the obligor.

7 (3) Upon receipt of this wage assignment order you shall make
8 immediate deductions from the obligor's earnings or remuneration and
9 remit to the Washington state support registry or other address
10 specified below the proper amounts at each regular pay interval.

11 You shall continue to withhold the ordered amounts from nonexempt
12 earnings or remuneration of the obligor until notified by:

13 (a) The court that the wage assignment has been modified or
14 terminated; or

15 (b) The addressee specified in the wage assignment order under this
16 section that the accrued child support or spousal maintenance debt has
17 been paid.

18 You shall promptly notify the court and the addressee specified in
19 the wage assignment order under this section if and when the employee
20 is no longer employed by you, or if the obligor no longer receives
21 earnings or remuneration from you. If you no longer employ the
22 employee, the wage assignment order shall remain in effect for one year
23 after the employee has left your employment or you are no longer in
24 possession of any earnings or remuneration owed to the employee,
25 whichever is later. You shall continue to hold the wage assignment
26 order during that period. If the employee returns to your employment
27 during the one-year period you shall immediately begin to withhold the
28 employee's earnings according to the terms of the wage assignment
29 order. If the employee has not returned to your employment within one
30 year, the wage assignment will cease to have effect at the expiration
31 of the one-year period, unless you still owe the employee earnings or
32 other remuneration.

33 You shall deliver the withheld earnings or remuneration to the
34 Washington state support registry or other address stated below at each
35 regular pay interval.

36 You shall deliver a copy of this order to the obligor as soon as is
37 reasonably possible. This wage assignment order has priority over any
38 other wage assignment or garnishment, except for another wage

1 parent pursuant to Title 50 RCW by personal service or by any form of
2 mail requiring a return receipt.

3 (3) Service of a notice of payroll deduction upon an employer or
4 employment security department requires the employer or employment
5 security department to immediately make a mandatory payroll deduction
6 from the responsible parent's unpaid disposable earnings or
7 unemployment compensation benefits. The employer or employment
8 security department shall thereafter deduct each pay period the amount
9 stated in the notice divided by the number of pay periods per month.
10 The payroll deduction each pay period shall not exceed fifty percent of
11 the responsible parent's disposable earnings.

12 (4) A notice of payroll deduction for support shall have priority
13 over any wage assignment, garnishment, attachment, or other legal
14 process.

15 (5) The notice of payroll deduction shall be in writing and
16 include:

17 (a) The name and social security number of the responsible parent;

18 (b) The amount to be deducted from the responsible parent's
19 disposable earnings each month, or alternate amounts and frequencies as
20 may be necessary to facilitate processing of the payroll deduction;

21 (c) A statement that the total amount withheld shall not exceed
22 fifty percent of the responsible parent's disposable earnings; ~~((and))~~

23 (d) The address to which the payments are to be mailed or
24 delivered; and

25 (e) A notice to the responsible parent warning the responsible
26 parent that, despite the payroll deduction, the responsible parent's
27 privileges to obtain and maintain a license, as defined in section 402
28 of this act, may be denied, not renewed, or suspended if the parent is
29 not in compliance with a support order as defined in section 402 of
30 this act.

31 (6) An informational copy of the notice of payroll deduction shall
32 be mailed to the last known address of the responsible parent by
33 regular mail.

34 (7) An employer or employment security department that receives a
35 notice of payroll deduction shall make immediate deductions from the
36 responsible parent's unpaid disposable earnings and remit proper
37 amounts to the Washington state support registry on each date the
38 responsible parent is due to be paid.

1 (8) An employer, or the employment security department, upon whom
2 a notice of payroll deduction is served, shall make an answer to the
3 office of support enforcement within twenty days after the date of
4 service. The answer shall confirm compliance and institution of the
5 payroll deduction or explain the circumstances if no payroll deduction
6 is in effect. The answer shall also state whether the responsible
7 parent is employed by or receives earnings from the employer or
8 receives unemployment compensation benefits from the employment
9 security department, whether the employer or employment security
10 department anticipates paying earnings or unemployment compensation
11 benefits and the amount of earnings. If the responsible parent is no
12 longer employed, or receiving earnings from the employer, the answer
13 shall state the present employer's name and address, if known. If the
14 responsible parent is no longer receiving unemployment compensation
15 benefits from the employment security department, the answer shall
16 state the present employer's name and address, if known.

17 (9) The employer or employment security department may deduct a
18 processing fee from the remainder of the responsible parent's earnings
19 after withholding under the notice of payroll deduction, even if the
20 remainder is exempt under RCW 26.18.090. The processing fee may not
21 exceed: (a) Ten dollars for the first disbursement made to the
22 Washington state support registry; and (b) one dollar for each
23 subsequent disbursement to the registry.

24 (10) The notice of payroll deduction shall remain in effect until
25 released by the office of support enforcement, the court enters an
26 order terminating the notice and approving an alternate arrangement
27 under RCW 26.23.050(2), or one year has expired since the employer has
28 employed the responsible parent or has been in possession of or owing
29 any earnings to the responsible parent or the employment security
30 department has been in possession of or owing any unemployment
31 compensation benefits to the responsible parent.

32 **PART VI. WELFARE-TO-WORK EFFECTIVENESS STUDIES**

33 NEW SECTION. **Sec. 601.** A new section is added to chapter 44.28
34 RCW to read as follows:

35 WELFARE-TO-WORK PROGRAMS STUDY. (1) The joint legislative audit
36 and review committee shall conduct an evaluation of the effectiveness
37 of the welfare-to-work programs described in chapter . . . , Laws of

1 1997 (this act), including the job opportunities and basic skills
2 training program and any approved private, county, or local government
3 welfare-to-work programs. The evaluation shall assess the success of
4 the programs in assisting clients to become employed and to reduce
5 their use of temporary assistance for needy families. The study shall
6 include but not be limited to the following:

7 (a) A random assignment of clients to public agencies and private
8 contractors to assess the effectiveness of program services provided by
9 public and private contractors;

10 (b) An assessment of employment outcomes, including hourly wages,
11 hours worked, and total earnings, for clients;

12 (c) A comparison of temporary assistance for needy families
13 outcomes, including grant amounts and program exits, for clients;

14 (d) A cost-benefit analysis of the use of public and private
15 contractors;

16 (e) An audit of the performance-based contract for each private
17 nonprofit contractor for job opportunities and basic skills training
18 program services; and

19 (f) An assessment of the extent to which recipients who are heads
20 of households may be affected by a learning disability that prevents
21 high school completion or impairs employability. For the purposes of
22 this study, "learning disabilities" are defined as a disorder in one or
23 more of the basic psychological processes involved in understanding or
24 using spoken or written language that prevents the person from
25 achieving commensurate with his or her age and ability levels in one or
26 more of the areas listed in this subsection, when provided with
27 appropriate learning or training experiences. Such disorder may
28 include problems in visual or auditory perception and integration and
29 may manifest itself in an impaired ability to listen, think, speak or
30 communicate clearly, read with comprehension, write legibly and with
31 meaning, spell, and accurately perform mathematical calculations,
32 including those involving reading. The presence of a specific learning
33 disability is indicated by intellectual function above that specified
34 by the Washington administrative code for special education for
35 eligibility as mentally retarded and by a severe discrepancy between
36 the person's intellectual ability and academic or career achievement in
37 one or more of the following areas:

38 (i) Oral expression;

39 (ii) Listening comprehension;

- 1 (iii) Written expression;
- 2 (iv) Basic reading skills;
- 3 (v) Reading comprehension;
- 4 (vi) Mathematics calculations; and
- 5 (vii) Mathematics reasoning.

6 Such performance deficit cannot be explained by visual, or hearing, or
7 motor disabilities, mental retardation, behavioral disability or
8 environmental, cultural, or economic disadvantage. A specific learning
9 disability includes conditions described as perceptual disabilities,
10 brain injury, minimal brain dysfunction, dyslexia, dysgraphia, and
11 developmental aphasia.

12 (2) Administrative data shall be provided by the department of
13 social and health services, the employment security department, the
14 state board for community and technical colleges, and local government
15 providers, and private contractors. The department of social and
16 health services shall require contractors to provide administrative and
17 outcome data needed for this study.

18 (3) Additional data may be collected directly from clients if not
19 available from administrative records.

20 (4) The joint legislative audit and review committee may convene an
21 evaluation advisory group to assist in the study process. It may
22 contract for services necessary to accomplish the purposes of this
23 section.

24 (5) The joint legislative audit and review committee shall present
25 an evaluation plan to the legislature after consultation with the
26 federal government on the design of the evaluation.

27 (6) The joint legislative audit and review committee shall submit
28 annual reports to the legislature, beginning in December 2000, with a
29 final report due in December 2004, unless an earlier date is
30 recommended by the committee.

31 NEW SECTION. **Sec. 602.** A new section is added to chapter 44.28
32 RCW to read as follows:

33 TIME LIMIT OUTCOME STUDY. The joint legislative audit and review
34 committee shall conduct an evaluation of the effects of time limits on
35 recipients of temporary assistance for needy families, both generally
36 and in Washington state. The joint legislative audit and review
37 committee, in consultation with the Washington institute for public
38 policy, shall work in consultation and cooperation with a focus group

1 comprised of the welfare policy committee described in section 603 of
2 this act, as well as representatives from the governor's office, and
3 other interested parties. The focus group shall begin meeting with the
4 joint legislative audit and review committee no later than January
5 1998, and periodically thereafter as needed. The study shall include,
6 but not be limited to, reports to the legislature regarding the
7 following:

8 (1) By December 1998, a summary of data and preliminary evaluations
9 of the effects of time limits in a sampling of at least five other
10 jurisdictions in which two-year time limits were enacted and in effect
11 by 1995. This summary shall include publicly available governmental
12 and scholarly reports and evaluations regarding the effects of time
13 limits, from government agencies, universities, and public policy
14 institutes.

15 (2) By December 1999, a detailed, updated summary of the effects of
16 time limits on the temporary assistance for needy families population
17 in a state identified in subsection (1) of this section as having
18 families for which the time limits have run and for which outcome data
19 is available.

20 (3) By December 2000, and annually through December 2004, an
21 updated summary of the other jurisdictions being tracked in subsections
22 (1) and (2) of this section and an evaluation of the preliminary and
23 subsequent effects of Washington state time limits on Washington state
24 temporary assistance for needy families recipients. The Washington
25 state study shall include: A cost-benefit analysis of the effect of
26 time limits on caseloads for temporary assistance for needy families,
27 cross-comparing caseload reductions, if any, in temporary assistance
28 for needy families with caseload increases, if any, in the foster care
29 and child protective services caseloads. The Washington study shall
30 focus on the outcomes to families whose benefits are decreased or
31 discontinued as a direct result of time limits, including information
32 regarding relative changes in their income status, changes in
33 residence, and the extent to which their family resources may be
34 supplemented by private, nonprofit, religious, or charitable
35 organizations.

36 NEW SECTION. **Sec. 603.** A new section is added to chapter 74.04
37 RCW to read as follows:

1 WELFARE POLICY COMMITTEE. Beginning no later than January 2000,
2 the welfare policy committee shall convene to consider the study
3 specified in section 602 of this act. The welfare policy committee
4 shall consist of two members of the senate, one from each party, two
5 members of the house, one from each party, and two representatives from
6 service or charitable organizations, appointed by the governor. The
7 welfare policy committee shall make any legislative recommendations it
8 may choose to the legislature by December 2001, and annually each
9 December thereafter until 2004, in the form of proposed legislation.
10 Such proposed legislation shall contain revisions to state law
11 regarding temporary assistance for needy families. The goal of the
12 revisions shall be to promote independence from welfare, while
13 minimizing any adverse effect of time limits on children in poverty.
14 In December 2006, the welfare policy committee shall terminate.

15

PART VII. MISCELLANEOUS

16 **Sec. 701.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are
17 each reenacted and amended to read as follows:

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

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

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

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

27 (4) "Director" or "secretary" means the secretary of social and
28 health services.

29 (5) "Federal-aid assistance"«The specific categories of assistance
30 for which provision is made in any federal law existing or hereafter
31 passed by which payments are made from the federal government to the
32 state in aid or in respect to payment by the state for public
33 assistance rendered to any category of needy persons for which
34 provision for federal funds or aid may from time to time be made, or a
35 federally administered needs-based program.

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

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

5 (ii) Meet one of the following conditions:

6 (A) Pregnant: PROVIDED, That need is based on the current income
7 and resource requirements of the federal (~~aid to families with~~
8 ~~dependent children~~) temporary assistance for needy families program(~~(+~~
9 ~~PROVIDED FURTHER, That during any period in which an aid for dependent~~
10 ~~children employable program is not in operation, only those pregnant~~
11 ~~women who are categorically eligible for medicaid are eligible for~~
12 ~~general assistance))~~; or

13 (B) Subject to chapter 165, Laws of 1992, incapacitated from
14 gainful employment by reason of bodily or mental infirmity that will
15 likely continue for a minimum of ninety days as determined by the
16 department.

17 (C) Persons who are unemployable due to alcohol or drug addiction
18 are not eligible for general assistance. Persons receiving general
19 assistance on July 26, 1987, or becoming eligible for such assistance
20 thereafter, due to an alcohol or drug-related incapacity, shall be
21 referred to appropriate assessment, treatment, shelter, or supplemental
22 security income referral services as authorized under chapter 74.50
23 RCW. Referrals shall be made at the time of application or at the time
24 of eligibility review. Alcoholic and drug addicted clients who are
25 receiving general assistance on July 26, 1987, may remain on general
26 assistance if they otherwise retain their eligibility until they are
27 assessed for services under chapter 74.50 RCW. Subsection
28 (6)(a)(ii)(B) of this section shall not be construed to prohibit the
29 department from granting general assistance benefits to alcoholics and
30 drug addicts who are incapacitated due to other physical or mental
31 conditions that meet the eligibility criteria for the general
32 assistance program;

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

36 (iv) Have furnished the department their social security account
37 number. If the social security account number cannot be furnished
38 because it has not been issued or is not known, an application for a
39 number shall be made prior to authorization of assistance, and the

1 social security number shall be provided to the department upon
2 receipt.

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

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

9 (ii) To the extent authorized by the legislature in the biennial
10 appropriations act, to recipients of (~~aid to families with dependent~~
11 ~~children~~) temporary assistance for needy families whose needs are not
12 being met because of a temporary reduction in monthly income below the
13 entitled benefit payment level caused by loss or reduction of wages or
14 unemployment compensation benefits or some other unforeseen
15 circumstances. The amount of general assistance authorized shall not
16 exceed the difference between the entitled benefit payment level and
17 the amount of income actually received.

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

27 (i) First failure: One week;

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

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

30 (d) Persons found eligible for general assistance based on
31 incapacity from gainful employment may, if otherwise eligible, receive
32 general assistance pending application for federal supplemental
33 security income benefits. Any general assistance that is subsequently
34 duplicated by the person's receipt of supplemental security income for
35 the same period shall be considered a debt due the state and shall by
36 operation of law be subject to recovery through all available legal
37 remedies.

38 (e) The department shall adopt by rule medical criteria for general
39 assistance eligibility to ensure that eligibility decisions are

1 consistent with statutory requirements and are based on clear,
2 objective medical information.

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

8 (g) Recipients of general assistance based upon a finding of
9 incapacity from gainful employment who remain otherwise eligible shall
10 not have their benefits terminated absent a clear showing of material
11 improvement in their medical or mental condition or specific error in
12 the prior determination that found the recipient eligible by reason of
13 incapacitation. Recipients of general assistance based upon pregnancy
14 who relinquish their child for adoption, remain otherwise eligible, and
15 are not eligible to receive benefits under the federal (~~aid to~~
16 ~~families with dependent children~~) temporary assistance for needy
17 families program shall not have their benefits terminated until the end
18 of the month in which the period of six weeks following the birth of
19 the recipient's child falls. Recipients of the federal (~~aid to~~
20 ~~families with dependent children~~) temporary assistance for needy
21 families program who lose their eligibility solely because of the birth
22 and relinquishment of the qualifying child may receive general
23 assistance through the end of the month in which the period of six
24 weeks following the birth of the child falls.

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

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

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

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

1 (a) A home, which is defined as real property owned and used by an
2 applicant or recipient as a place of residence, together with a
3 reasonable amount of property surrounding and contiguous thereto, which
4 is used by and useful to the applicant. Whenever a recipient shall
5 cease to use such property for residential purposes, either for himself
6 or his dependents, the property shall be considered as a resource which
7 can be made available to meet need, and if the recipient or his
8 dependents absent themselves from the home for a period of ninety
9 consecutive days such absence, unless due to hospitalization or health
10 reasons or a natural disaster, shall raise a rebuttable presumption of
11 abandonment: PROVIDED, That if in the opinion of three physicians the
12 recipient will be unable to return to the home during his lifetime, and
13 the home is not occupied by a spouse or dependent children or disabled
14 sons or daughters, such property shall be considered as a resource
15 which can be made available to meet need.

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

20 (c) A motor vehicle, other than a motor home, used and useful
21 having an equity value not to exceed (~~one~~) five thousand (~~five~~
22 ~~hundred~~) dollars.

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

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

34 (f) If an applicant for or recipient of public assistance possesses
35 property and belongings in excess of the ceiling value, such value
36 shall be used in determining the need of the applicant or recipient,
37 except that: (i) The department may exempt resources or income when
38 the income and resources are determined necessary to the applicant's or
39 recipient's restoration to independence, to decrease the need for

1 public assistance, or to aid in rehabilitating the applicant or
2 recipient or a dependent of the applicant or recipient; and (ii) the
3 department may provide grant assistance for a period not to exceed nine
4 months from the date the agreement is signed pursuant to this section
5 to persons who are otherwise ineligible because of excess real property
6 owned by such persons when they are making a good faith effort to
7 dispose of that property: PROVIDED, That:

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

10 (B) If the owner of the excess property ceases to make good faith
11 efforts to sell the property, the entire amount of assistance may
12 become an overpayment and a debt due the state and may be recovered
13 pursuant to RCW 43.20B.630;

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

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

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

1 this chapter, the department shall define income and resources and the
2 availability thereof, consistent with federal requirements. All
3 resources and income not specifically exempted, and any income or other
4 economic benefit derived from the use of, or appreciation in value of,
5 exempt resources, shall be considered in determining the need of an
6 applicant or recipient of public assistance.

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

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

17 (13) "Caretaker" means the parent of or adult relative caring for
18 the dependent child or children who is head of the household. However,
19 in situations where there are two parents in the household, "caretaker"
20 means that parent who, as a parent, has received assistance under the
21 program for the longest period.

22 (14) For purposes of determining eligibility for public assistance
23 and participation levels in the cost of medical care, the department
24 shall exempt restitution payments made to people of Japanese and Aleut
25 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian
26 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,
27 including all income and resources derived therefrom.

28 ((+14)) (15) In the construction of words and phrases used in this
29 title, the singular number shall include the plural, the masculine
30 gender shall include both the feminine and neuter genders and the
31 present tense shall include the past and future tenses, unless the
32 context thereof shall clearly indicate to the contrary.

33 NEW SECTION. Sec. 702. A new section is added to chapter 26.23
34 RCW to read as follows:

35 (1) The office of support enforcement shall enter into contracts
36 with collection agencies for collection of accounts that the office of
37 support enforcement is unsuccessful in collecting after twelve months.
38 The listing collection agency shall not assess the department of social

1 and health services any fee. All fees collected shall be in addition
2 to the amount of the debt owed by the delinquent party and shall be
3 assessed to the delinquent party not to exceed twenty percent of the
4 amount owed. All child support collected by the collection agency
5 shall be paid to the state.

6 (2) The department of social and health services shall monitor each
7 case that it refers to a collection agency.

8 (3) The department of social and health services shall evaluate the
9 effectiveness of entering into contracts for services under this
10 section.

11 (4) The department of social and health services shall provide
12 annual reports to the legislature on the results of its analysis under
13 subsections (2) and (3) of this section for the first three years after
14 the effective date of this section.

15 NEW SECTION. **Sec. 703.** If any part of this act is found to be in
16 conflict with federal requirements that are a prescribed condition to
17 the allocation of federal funds to the state, the conflicting part of
18 this act is inoperative solely to the extent of the conflict and with
19 respect to the agencies directly affected, and this finding does not
20 affect the operation of the remainder of this act in its application to
21 the agencies concerned. The rules under this act shall meet federal
22 requirements that are a necessary condition to the receipt of federal
23 funds by the state. As used in this section, "allocation of federal
24 funds to the state" means the allocation of federal funds that are
25 appropriated by the legislature to the department of social and health
26 services and on which the department depends for carrying out any
27 provision of the operating budget applicable to it.

28 **Sec. 704.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each
29 amended to read as follows:

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

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

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

35 (3) Who is not an inmate of a public institution except as a
36 patient in a medical institution or except as an inmate in a public
37 institution who could qualify for federal aid assistance: PROVIDED,

1 That the assistance paid by the department to recipients in nursing
2 homes, or receiving nursing home care, may cover the cost of clothing
3 and incidentals and general maintenance exclusive of medical care and
4 health services. The department may pay a grant to cover the cost of
5 clothing and personal incidentals in public or private medical
6 institutions and institutions for tuberculosis. The department shall
7 allow recipients in nursing homes to retain, in addition to the grant
8 to cover the cost of clothing and incidentals, wages received for work
9 as a part of a training or rehabilitative program designed to prepare
10 the recipient for less restrictive placement to the extent permitted
11 under Title XIX of the federal social security act.

12 **Sec. 705.** RCW 74.08.080 and 1989 c 175 s 145 are each amended to
13 read as follows:

14 (1)(a) A public assistance applicant or recipient who is aggrieved
15 by a decision of the department or an authorized agency of the
16 department has the right to an adjudicative proceeding. A current or
17 former recipient who is aggrieved by a department claim that he or she
18 owes a debt for an overpayment of assistance or food stamps, or both,
19 has the right to an adjudicative proceeding.

20 (b) An applicant or recipient has no right to an adjudicative
21 proceeding when the sole basis for the department's decision is a state
22 or federal law that requires an assistance adjustment for a class of
23 recipients.

24 (c) An applicant or recipient may not use the defense of equitable
25 estoppel or any other equitable defenses in any adjudicative proceeding
26 involving public assistance.

27 (2) The adjudicative proceeding is governed by the Administrative
28 Procedure Act, chapter 34.05 RCW, and this subsection.

29 (a) The applicant or recipient must file the application for an
30 adjudicative proceeding with the secretary within ninety days after
31 receiving notice of the aggrieving decision.

32 (b) The hearing shall be conducted at the local community services
33 office or other location in Washington convenient to the appellant.

34 (c) The appellant or his or her representative has the right to
35 inspect his or her department file and, upon request, to receive copies
36 of department documents relevant to the proceedings free of charge.

37 (d) The appellant has the right to a copy of the tape recording of
38 the hearing free of charge.

1 (e) The department is limited to recovering an overpayment arising
2 from assistance being continued pending the adjudicative proceeding to
3 the amount recoverable up to the sixtieth day after the secretary's
4 receipt of the application for an adjudicative proceeding.

5 (f) If the final adjudicative order is made in favor of the
6 appellant, assistance shall be paid from the date of denial of the
7 application for assistance or thirty days following the date of
8 application for ~~((aid to families with dependent children))~~ temporary
9 assistance for needy families or forty-five days after date of
10 application for all other programs, whichever is sooner; or in the case
11 of a recipient, from the effective date of the local community services
12 office decision.

13 (g) This subsection applies only to an adjudicative proceeding in
14 which the appellant is an applicant for or recipient of medical
15 assistance or the limited casualty program for the medically needy and
16 the issue is his or her eligibility or ineligibility due to the
17 assignment or transfer of a resource. The burden is on the department
18 to prove by a preponderance of the evidence that the person knowingly
19 and willingly assigned or transferred the resource at less than market
20 value for the purpose of qualifying or continuing to qualify for
21 medical assistance or the limited casualty program for the medically
22 needy. If the prevailing party in the adjudicative proceeding is the
23 applicant or recipient, he or she is entitled to reasonable attorney's
24 fees.

25 (3)(a) When a person files a petition for judicial review as
26 provided in RCW 34.05.514 of an adjudicative order entered in a public
27 assistance program, no filing fee shall be collected from the person
28 and no bond shall be required on any appeal. In the event that the
29 superior court, the court of appeals, or the supreme court renders a
30 decision in favor of the appellant, said appellant shall be entitled to
31 reasonable attorney's fees and costs. If a decision of the court is
32 made in favor of the appellant, assistance shall be paid from date of
33 the denial of the application for assistance or thirty days after the
34 application for ~~((aid to families with dependent children))~~ temporary
35 assistance for needy families or forty-five days following the date of
36 application, whichever is sooner; or in the case of a recipient, from
37 the effective date of the local community services office decision.

1 **Sec. 706.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended
2 to read as follows:

3 All assistance granted under this title shall be deemed to be
4 granted and to be held subject to the provisions of any amending or
5 repealing act that may hereafter be enacted, and no recipient shall
6 have any claim for compensation, or otherwise, by reason of his
7 assistance being affected in any way by such amending or repealing act.
8 There is no entitlement to public assistance. Public assistance shall
9 be considered solely as a charitable gesture or gift on the part of the
10 state, which at any time may be discontinued.

11 NEW SECTION. **Sec. 707.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st
14 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,
15 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;

16 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3; and

17 (3) RCW 74.12.420 and 1994 c 299 s 9.

18 NEW SECTION. **Sec. 708.** The table of contents, part headings,
19 subheadings, and captions used in this act do not constitute any part
20 of the law.

21 NEW SECTION. **Sec. 709.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and takes effect
24 immediately.

25 NEW SECTION. **Sec. 710.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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