
HOUSE BILL 1139

State of Washington**55th Legislature****1997 Regular Session****By Representative Appelwick; by request of Governor Lowry**

Read first time 01/15/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to implementing the requirements of the federal
2 personal responsibility and work opportunity reconciliation act of
3 1996; amending RCW 74.20A.020, 46.20.291, 46.20.311, 18.04.335,
4 18.08.350, 18.08.350, 18.11.160, 18.16.100, 18.27.060, 18.28.060,
5 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.106.070, 18.130.150,
6 18.160.080, 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310,
7 19.28.580, 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380,
8 19.105.440, 19.138.130, 19.158.050, 19.166.040, 21.20.110, 66.20.320,
9 67.08.040, 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120,
10 70.74.110, 70.74.130, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040,
11 17.21.130, 64.44.060, 19.146.220, 26.23.050, 26.18.100, 26.23.060,
12 74.20.040, 26.23.090, 74.20A.100, 74.20A.020, 26.23.045, 26.23.050,
13 26.23.030, 26.23.060, 74.20A.080, 26.23.120, 26.04.160, 26.09.170,
14 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255,
15 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580,
16 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330,
17 70.58.080, 26.26.040, 26.26.060, 74.20A.055, 26.23.040, 26.23.040,
18 26.04.160, 26.26.130, 70.58.055, 74.12.035, and 74.04.062; reenacting
19 and amending RCW 18.145.080, 74.20A.270, 42.17.310, 74.20A.060,
20 74.20A.056, and 26.09.020; adding new sections to chapter 74.20A RCW;
21 adding a new section to chapter 48.22 RCW; adding a new section to

1 chapter 2.48 RCW; adding a new section to chapter 18.04 RCW; adding a
2 new section to chapter 18.08 RCW; adding a new section to chapter 18.16
3 RCW; adding a new section to chapter 18.20 RCW; adding a new section to
4 chapter 18.28 RCW; adding a new section to chapter 18.39 RCW; adding a
5 new section to chapter 18.43 RCW; adding a new section to chapter 18.44
6 RCW; adding a new section to chapter 18.51 RCW; adding a new section to
7 chapter 18.76 RCW; adding a new section to chapter 18.85 RCW; adding a
8 new section to chapter 18.106 RCW; adding a new section to chapter
9 18.130 RCW; adding a new section to chapter 18.140 RCW; adding a new
10 section to chapter 18.145 RCW; adding a new section to chapter 18.165
11 RCW; adding a new section to chapter 18.170 RCW; adding a new section
12 to chapter 18.175 RCW; adding a new section to chapter 18.185 RCW;
13 adding a new section to chapter 28A.410 RCW; adding a new section to
14 chapter 20.01 RCW; adding a new section to chapter 48.17 RCW; adding a
15 new section to chapter 74.15 RCW; adding a new section to chapter 47.68
16 RCW; adding a new section to chapter 71.12 RCW; adding a new section to
17 chapter 66.20 RCW; adding a new section to chapter 66.24 RCW; adding a
18 new section to chapter 88.02 RCW; adding a new section to chapter 43.24
19 RCW; adding a new section to chapter 70.95B RCW; adding a new section
20 to chapter 75.25 RCW; adding a new section to chapter 77.32 RCW; adding
21 new sections to chapter 74.20 RCW; adding new sections to chapter 26.23
22 RCW; adding new sections to chapter 26.21 RCW; adding a new section to
23 chapter 26.26 RCW; adding a new section to chapter 26.18 RCW; adding a
24 new section to chapter 74.04 RCW; adding new sections to chapter 74.12A
25 RCW; adding new sections to chapter 43.20A RCW; adding new sections to
26 chapter 50.13 RCW; creating new sections; prescribing penalties;
27 providing effective dates; providing an expiration date; and declaring
28 an emergency.

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

30

LICENSE SUSPENSION

31 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
32 provide a strong incentive for persons owing child support to make
33 timely payments, and to cooperate with the department of social and
34 health services to establish an appropriate schedule for the payment of
35 any arrears. To further ensure that child support obligations are met,
36 sections 1 through 92 of this act establish a program by which certain

1 licenses may be suspended or not renewed if a person is one hundred
2 eighty days or more in arrears on child support payments.

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

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

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

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

25 (b) "Noncompliance with a child support order" means a responsible
26 parent has:

27 (i) Accumulated arrears totaling more than six months of child
28 support payments;

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

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

35 (c) "License" means a license, certificate, registration, permit,
36 approval, or other similar document issued by a licensing entity to a
37 licensee evidencing admission to or granting authority to engage in a
38 profession, occupation, business, industry, recreational pursuit, or

1 the operation of a motor vehicle. Licenses to own, possess, or control
2 firearms are not included.

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

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

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

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

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

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

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

37 (e) The department will stay action to certify the parent to the
38 department of licensing and any licensing entity for noncompliance if
39 the parent agrees to make timely payments of current support and agrees

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

7 (f) If the department certifies the responsible parent to the
8 department of licensing and a licensing entity for noncompliance with
9 a child support order, the licensing entity will suspend or not renew
10 the parent's license and the department of licensing will suspend or
11 not renew any driver's license that the parent holds until the parent
12 provides the department of licensing and the licensing entity with a
13 release from the department stating that the responsible parent is in
14 compliance with the child support 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, for up to one hundred eighty days, stay action to certify the
23 parent to the department of licensing and any licensing entity for
24 noncompliance with a child support order. If a motion for modification
25 of a court or administrative order for child support is pending prior
26 to service of the notice, any action to certify the parent to a
27 licensing entity for noncompliance with a child support order shall be
28 automatically stayed until entry of a final order or decision in the
29 modification proceedings. The responsible parent has the obligation to
30 notify the department that a modification proceeding is pending and
31 provide a copy of the motion or request for modification; and

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

37 (4) A responsible parent may request an adjudicative proceeding
38 upon service of the notice described in subsection (2) of this section.
39 The request for an adjudicative proceeding must be received by the

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

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

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

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

32 (8) The department may certify to the department of licensing and
33 any appropriate licensing entity the name of a responsible parent who
34 is not in compliance with a child support order if:

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

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

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

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

8 (e) The responsible parent fails to comply with a payment schedule
9 established pursuant to subsection (6) of this section.

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

14 (9) The department of licensing and a licensing entity shall notify
15 a responsible parent certified by the department under subsection (8)
16 of this section, without undue delay, that the parent's driver's
17 license or other license has been suspended because the parent's name
18 has been certified by the department as a responsible parent who is not
19 in compliance with a child support order.

20 (10) When a responsible parent who is served notice under
21 subsection (2) of this section subsequently complies with the child
22 support order, the department shall promptly provide the parent with a
23 release stating that the responsible parent is in compliance with the
24 order.

25 (11) The department may adopt rules to implement and enforce the
26 requirements of this section.

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

1 proceedings. The responsible parent has the obligation to notify the
2 department that a modification proceeding is pending and provide a copy
3 of the motion or request for modification.

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

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.20A RCW
15 to read as follows:

16 (1) The department of social and health services and all of the
17 various licensing entities subject to section 2 of this act shall enter
18 into such agreements as are necessary to carry out the requirements of
19 the license suspension program established in section 2 of this act.

20 (2) The department of social and health services and all licensing
21 entities subject to section 2 of this act shall compare data to
22 identify responsible parents who may be subject to the provisions of
23 chapter . . . , Laws of 1997 (this act), with all licensees subject to
24 chapter . . . , Laws of 1997 (this act). The comparison may be
25 conducted electronically, or by any other means that is jointly
26 agreeable between the department and the particular licensing entity.
27 The data shared shall be limited to those items necessary to
28 implementation of chapter . . . , Laws of 1997 (this act). The purpose
29 of the comparison shall be to identify current licensees who are not in
30 compliance with a child support order, and to provide to the department
31 of social and health services the following information regarding those
32 licensees:

33 (a) Name;

34 (b) Date of birth;

35 (c) Address of record;

36 (d) Federal employer identification number and social security
37 number;

38 (e) Type of license;

- 1 (f) Effective date of license or renewal;
- 2 (g) Expiration date of license; and
- 3 (h) Active or inactive status.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 74.20A RCW
5 to read as follows:

6 In furtherance of the public policy of increasing collection of
7 child support and to assist in evaluation of the program established in
8 section 2 of this act, the department shall report the following to the
9 legislature and the governor on December 1, 1998, and annually
10 thereafter:

11 (1) The number of responsible parents identified as licensees
12 subject to section 2 of this act;

13 (2) The number of responsible parents identified by the department
14 as not in compliance with a child support order;

15 (3) The number of notices of noncompliance served upon responsible
16 parents by the department;

17 (4) The number of responsible parents served a notice of
18 noncompliance who request an adjudicative proceeding;

19 (5) The number of adjudicative proceedings held, and the results of
20 the adjudicative proceedings;

21 (6) The number of responsible parents certified to the department
22 of licensing or licensing entities for noncompliance with a child
23 support order, and the type of license the parents held;

24 (7) The costs incurred in the implementation and enforcement of
25 section 2 of this act and an estimate of the amount of child support
26 collected due to the departments under section 2 of this act;

27 (8) Any other information regarding this program that the
28 department feels will assist in evaluation of the program;

29 (9) Recommendations for the addition of specific licenses in the
30 program or exclusion of specific licenses from the program, and reasons
31 for such recommendations; and

32 (10) Any recommendations for statutory changes necessary for the
33 cost-effective management of the program.

34 **Sec. 5.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
35 amended to read as follows:

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

4 (1) "Department" means the state department of social and health
5 services.

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

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

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

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

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

17 (5) "Child support order" means a superior court order or an
18 administrative order.

19 (6) "Superior court order" means any judgment, decree, or order of
20 the superior court of the state of Washington, or a court of comparable
21 jurisdiction of another state, establishing the existence of a support
22 obligation and ordering payment of a set or determinable amount of
23 support moneys to satisfy the support obligation. For purposes of RCW
24 74.20A.055, orders for support which were entered under the uniform
25 reciprocal enforcement of support act by a state where the responsible
26 parent no longer resides shall not preclude the department from
27 establishing an amount to be paid as current and future support.

28 ((+6)) (7) "Administrative order" means any determination,
29 finding, decree, or order for support pursuant to RCW 74.20A.055, or by
30 an agency of another state pursuant to a substantially similar
31 administrative process, establishing the existence of a support
32 obligation and ordering the payment of a set or determinable amount of
33 support moneys to satisfy the support obligation.

34 ((+7)) (8) "Responsible parent" means a natural parent, adoptive
35 parent, or stepparent of a dependent child or a person who has signed
36 an affidavit acknowledging paternity which has been filed with the
37 state office of vital statistics.

38 ((+8)) (9) "Stepparent" means the present spouse of the person who
39 is either the mother, father, or adoptive parent of a dependent child,

1 and such status shall exist until terminated as provided for in RCW
2 26.16.205.

3 ~~((9))~~ (10) "Support moneys" means any moneys or in-kind
4 providings paid to satisfy a support obligation whether denominated as
5 child support, spouse support, alimony, maintenance, or any other such
6 moneys intended to satisfy an obligation for support of any person or
7 satisfaction in whole or in part of arrears or delinquency on such an
8 obligation.

9 ~~((10))~~ (11) "Support debt" means any delinquent amount of support
10 moneys which is due, owing, and unpaid under a superior court order or
11 an administrative order, a debt for the payment of expenses for the
12 reasonable or necessary care, support, and maintenance, including
13 medical expenses, of a dependent child or other person for whom a
14 support obligation is owed; or a debt under RCW 74.20A.100 or
15 74.20A.270. Support debt also includes any accrued interest, fees, or
16 penalties charged on a support debt, and attorneys fees and other costs
17 of litigation awarded in an action to establish and enforce a support
18 obligation or debt.

19 ~~((11))~~ (12) "State" means any state or political subdivision,
20 territory, or possession of the United States, the District of
21 Columbia, and the Commonwealth of Puerto Rico.

22 **Sec. 6.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read
23 as follows:

24 The department is authorized to suspend the license of a driver
25 upon a showing by its records or other sufficient evidence that the
26 licensee:

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

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

32 (3) Has been convicted of offenses against traffic regulations
33 governing the movement of vehicles, or found to have committed traffic
34 infractions, with such frequency as to indicate a disrespect for
35 traffic laws or a disregard for the safety of other persons on the
36 highways;

37 (4) Is incompetent to drive a motor vehicle under RCW 46.20.031(3);

38 ~~((or))~~

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

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

7 (7) Has been certified by the department of social and health
8 services as a person who is not in compliance with a child support
9 order as provided in section 2 of this act.

10 **Sec. 7.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to read
11 as follows:

12 (1) The department shall not suspend a driver's license or
13 privilege to drive a motor vehicle on the public highways for a fixed
14 period of more than one year, except as specifically permitted under
15 RCW 46.20.342 or other provision of law. Except for a suspension under
16 RCW 46.20.289 (~~and~~), 46.20.291(5), or section 2 of this act, whenever
17 the license or driving privilege of any person is suspended by reason
18 of a conviction, a finding that a traffic infraction has been
19 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291
20 or 46.20.308, the suspension shall remain in effect until the person
21 gives and thereafter maintains proof of financial responsibility for
22 the future as provided in chapter 46.29 RCW. If the suspension is the
23 result of a violation of RCW 46.61.502 or 46.61.504, the department
24 shall determine the person's eligibility for licensing based upon the
25 reports provided by the alcoholism agency or probation department
26 designated under RCW 46.61.5056 and shall deny reinstatement until
27 enrollment and participation in an approved program has been
28 established and the person is otherwise qualified. Whenever the
29 license or driving privilege of any person is suspended as a result of
30 certification of noncompliance with a child support order under chapter
31 74.20A RCW, the suspension shall remain in effect until the person
32 provides a release issued by the department of social and health
33 services stating that the person is in compliance with the order. The
34 department shall not issue to the person a new, duplicate, or renewal
35 license until the person pays a reissue fee of twenty dollars. If the
36 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
37 or is the result of administrative action under RCW 46.20.308, the
38 reissue fee shall be fifty dollars.

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

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

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

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 48.22 RCW
4 to read as follows:

5 A motor vehicle liability insurance policy that contains any
6 provision excluding insurance coverage for an unlicensed driver shall
7 not apply for ninety days from the date of suspension in the event that
8 the department of licensing suspends a driver's license solely for the
9 nonpayment of child support as provided in chapter 74.20A RCW.

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

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

20 ATTORNEYS. The Washington state supreme court may provide by rule
21 that no person who has been certified by the department of social and
22 health services as a person who is in noncompliance with a support
23 order as provided in section 2 of this act may be admitted to the
24 practice of law in this state, and that any member of the Washington
25 state bar association who has been certified by the department of
26 social and health services as a person who is in noncompliance with a
27 support order as provided in section 2 of this act shall be immediately
28 suspended from membership. The court's rules may provide for review of
29 an application for admission or reinstatement of membership after the
30 department of social and health services has issued a release stating
31 that the person is in compliance with the order.

32 NEW SECTION. **Sec. 11.** A new section is added to chapter 18.04 RCW
33 to read as follows:

34 The board shall immediately suspend the certificate or license of
35 a person who has been certified pursuant to section 2 of this act by

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

8 **Sec. 12.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to
9 read as follows:

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

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

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

18 (2) In the case of suspension for failure to comply with a support
19 order under chapter 74.20A RCW, if the person has continued to meet all
20 other requirements for reinstatement during the suspension, reissuance
21 of a certificate or license shall be automatic upon the board's receipt
22 of a release issued by the department of social and health services
23 stating that the individual is in compliance with the order.

24 **Sec. 13.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to read
25 as follows:

26 (1) Except as provided in section 15 of this act, a certificate of
27 registration shall be granted by the director to all qualified
28 applicants who are certified by the board as having passed the required
29 examination and as having given satisfactory proof of completion of the
30 required experience.

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

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

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

6 (b) Have eight years' practical architectural work experience
7 approved by the board. Each year spent in an accredited architectural
8 program approved by the board shall be considered one year of practical
9 experience. At least four years' practical work experience shall be
10 under the direct supervision of an architect; or

11 (c) Be a person who has been designing buildings as a principal
12 activity for eight years, or has an equivalent combination of education
13 and experience, but who was not registered under chapter 323, Laws of
14 1959, as amended, as it existed before July 28, 1992, provided that
15 application is made within four years after July 28, 1992. Nothing in
16 this chapter prevents such a person from designing buildings for four
17 years after July 28, 1992, or the five-year period allowed for
18 completion of the examination process, after that person has applied
19 for registration. A person who has been designing buildings and is
20 qualified under this subsection shall, upon application to the board of
21 registration for architects, be allowed to take the examination for
22 architect registration on an equal basis with other applicants.

23 **Sec. 14.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to read
24 as follows:

25 (1) Except as provided in section 15 of this act, a certificate of
26 registration shall be granted by the director to all qualified
27 applicants who are certified by the board as having passed the required
28 examination and as having given satisfactory proof of completion of the
29 required experience.

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

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

36 (a) Have an accredited architectural degree and three years'
37 practical architectural work experience approved by the board, which
38 may include designing buildings as a principal activity. At least two

1 years' work experience must be supervised by an architect with detailed
2 professional knowledge of the work of the applicant; or

3 (b) Have eight years' practical architectural work experience
4 approved by the board. Each year spent in an accredited architectural
5 program approved by the board shall be considered one year of practical
6 experience. At least four years' practical work experience shall be
7 under the direct supervision of an architect.

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

10 The board shall immediately suspend the certificate of registration
11 or certificate of authorization to practice architecture of a person
12 who has been certified pursuant to section 2 of this act by the
13 department of social and health services as a person who is not in
14 compliance with a support order. If the person has continued to meet
15 other requirements for reinstatement during the suspension, reissuance
16 of the certificate shall be automatic upon the board's receipt of a
17 release issued by the department of social and health services stating
18 that the individual is in compliance with the order.

19 **Sec. 16.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to
20 read as follows:

21 (1) No license shall be issued by the department to any person who
22 has been convicted of forgery, embezzlement, obtaining money under
23 false pretenses, extortion, criminal conspiracy, fraud, theft,
24 receiving stolen goods, unlawful issuance of checks or drafts, or other
25 similar offense, or to any partnership of which the person is a member,
26 or to any association or corporation of which the person is an officer
27 or in which as a stockholder the person has or exercises a controlling
28 interest either directly or indirectly.

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

32 (a) Misrepresentation or concealment of material facts in obtaining
33 a license;

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

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

- 1 (d) Misleading or false advertising;
- 2 (e) A pattern of substantial misrepresentations related to
3 auctioneering or auction company business;
- 4 (f) Failure to cooperate with the department in any investigation
5 or disciplinary action;
- 6 (g) Nonpayment of an administrative fine prior to renewal of a
7 license;
- 8 (h) Aiding an unlicensed person to practice as an auctioneer or as
9 an auction company; and
- 10 (i) Any other violations of this chapter.

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

19 **Sec. 17.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to read
20 as follows:

21 (1) Upon payment of the proper fee, except as provided in section
22 18 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. 18.** A new section is added to chapter 18.16 RCW
7 to read as follows:

8 The department shall immediately suspend the license of a person
9 who has been certified pursuant to section 2 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. If the person has continued to meet
12 all other requirements for reinstatement during the suspension,
13 reissuance of the license shall be automatic upon the department's
14 receipt of a release issued by the department of social and health
15 services stating that the licensee is in compliance with the order.

16 NEW SECTION. **Sec. 19.** A new section is added to chapter 18.20 RCW
17 to read as follows:

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

26 **Sec. 20.** 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

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

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

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

11 (5) The department shall immediately suspend the certificate of
12 registration of a contractor who has been certified by the department
13 of social and health services as a person who is not in compliance with
14 a support order as provided in section 2 of this act. The certificate
15 of registration shall not be reissued or renewed unless the person
16 provides to the department a release from the department of social and
17 health services stating that he or she is in compliance with the order
18 and the person has continued to meet all other requirements for
19 certification during the suspension.

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

22 Except as provided in section 22 of this act, the director shall
23 issue a license to an applicant if the following requirements are met:

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

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

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

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

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

13 NEW SECTION. **Sec. 22.** A new section is added to chapter 18.28 RCW
14 to read as follows:

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

23 **Sec. 23.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to read
24 as follows:

25 The director shall have the following powers and duties:

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

27 (2) To renew licenses under this chapter;

28 (3) To collect all fees prescribed and required under this chapter;
29 (~~and~~)

30 (4) To immediately suspend the license of a person who has been
31 certified pursuant to section 2 of this act by the department of social
32 and health services as a person who is not in compliance with a support
33 order; and

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

1 NEW SECTION. **Sec. 24.** A new section is added to chapter 18.39 RCW
2 to read as follows:

3 In the case of suspension for failure to comply with a support
4 order under chapter 74.20A RCW, if the person has continued to meet all
5 other requirements for reinstatement during the suspension, reissuance
6 of a license shall be automatic upon the director's receipt of a
7 release issued by the department of social and health services stating
8 that the individual is in compliance with the order.

9 NEW SECTION. **Sec. 25.** A new section is added to chapter 18.43 RCW
10 to read as follows:

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

19 NEW SECTION. **Sec. 26.** A new section is added to chapter 18.44 RCW
20 to read as follows:

21 The department shall immediately suspend the certificate of
22 registration of a person who has been certified pursuant to section 2
23 of this act by the department of social and health services as a person
24 who is not in compliance with a support order. If the person has
25 continued to meet all other requirements for certification during the
26 suspension, reissuance of the certificate shall be automatic upon the
27 department's receipt of a release issued by the department of social
28 and health services stating that the person is in compliance with the
29 order.

30 **Sec. 27.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read
31 as follows:

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

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

9 RCW 43.70.115 governs notice of a license denial, revocation,
10 suspension, or modification and provides the right to an adjudicative
11 proceeding but shall not apply to actions taken under subsection (2) of
12 this section.

13 NEW SECTION. Sec. 28. A new section is added to chapter 18.51 RCW
14 to read as follows:

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

23 NEW SECTION. Sec. 29. A new section is added to chapter 18.76 RCW
24 to read as follows:

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

34 NEW SECTION. Sec. 30. A new section is added to chapter 18.85 RCW
35 to read as follows:

1 The director shall immediately suspend the license of a broker or
2 salesperson who has been certified pursuant to section 2 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. If the person has continued to meet
5 all other requirements for reinstatement during the suspension,
6 reissuance of the license shall be automatic upon the director's
7 receipt of a release issued by the department of social and health
8 services stating that the person is in compliance with the order.

9 **Sec. 31.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended
10 to read as follows:

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

15 ~~((+1))~~ (a) The holder of the certificate of registration is
16 impersonating a practitioner or former practitioner.

17 ~~((+2))~~ (b) The holder of the certificate of registration is guilty
18 of fraud, deceit, gross negligence, gross incompetency or gross
19 misconduct in the practice of landscape architecture.

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

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

26 (2) The director shall immediately suspend the certificate of
27 registration of a landscape architect who has been certified pursuant
28 to section 2 of this act by the department of social and health
29 services as a person who is not in compliance with a support order. If
30 the person has continued to meet all other requirements for
31 certification during the suspension, reissuance of the certificate of
32 registration shall be automatic upon the director's receipt of a
33 release issued by the department of social and health services stating
34 that the person is in compliance with the order.

35 **Sec. 32.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to
36 read as follows:

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

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

5 ~~((2))~~ (b) For fraud or deception in reporting under RCW
6 18.104.050;

7 ~~((3))~~ (c) For violating the provisions of this chapter, or of any
8 lawful rule or regulation of the department or the department of
9 health.

10 (2) The director shall immediately suspend any license issued under
11 this chapter if the holder of the license has been certified pursuant
12 to section 2 of this act by the department of social and health
13 services as a person who is not in compliance with a support 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 director's receipt of a release issued by the
17 department of social and health services stating that the person is in
18 compliance with the order.

19 (3) No license shall be suspended for more than six months, except
20 that a suspension under section 2 of this act shall continue until the
21 department receives a release issued by the department of social and
22 health services stating that the person is in compliance with the
23 order.

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

27 **Sec. 33.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to
28 read as follows:

29 (1) Except as provided in section 34 of this act, the department
30 shall issue a certificate of competency to all applicants who have
31 passed the examination and have paid the fee for the certificate. The
32 certificate shall bear the date of issuance, and shall expire on the
33 birthdate of the holder immediately following the date of issuance.
34 The certificate shall be renewable every other year, upon application,
35 on or before the birthdate of the holder. A renewal fee shall be
36 assessed for each certificate. If a person fails to renew the
37 certificate by the renewal date, he or she must pay a doubled fee. If
38 the person does not renew the certificate within ninety days of the

1 renewal date, he or she must retake the examination and pay the
2 examination fee.

3 The certificate of competency and the temporary permit provided for
4 in this chapter grant the holder the right to engage in the work of
5 plumbing as a journeyman plumber or specialty plumber in accordance
6 with their provisions throughout the state and within any of its
7 political subdivisions on any job or any employment without additional
8 proof of competency or any other license or permit or fee to engage in
9 the work. This section does not preclude employees from adhering to a
10 union security clause in any employment where such a requirement
11 exists.

12 (2) A person who is indentured in an apprenticeship program
13 approved under chapter 49.04 RCW for the plumbing construction trade or
14 who is learning the plumbing construction trade may work in the
15 plumbing construction trade if supervised by a certified journeyman
16 plumber or a certified specialty plumber in that plumber's specialty.
17 All apprentices and individuals learning the plumbing construction
18 trade shall obtain a plumbing training certificate from the department.
19 The certificate shall authorize the holder to learn the plumbing
20 construction trade while under the direct supervision of a journeyman
21 plumber or a specialty plumber working in his or her specialty. The
22 holder of the plumbing training certificate shall renew the certificate
23 annually. At the time of renewal, the holder shall provide the
24 department with an accurate list of the holder's employers in the
25 plumbing construction industry for the previous year and the number of
26 hours worked for each employer. An annual fee shall be charged for the
27 issuance or renewal of the certificate. The department shall set the
28 fee by rule. The fee shall cover but not exceed the cost of
29 administering and enforcing the trainee certification and supervision
30 requirements of this chapter. Apprentices and individuals learning the
31 plumbing construction trade shall have their plumbing training
32 certificates in their possession at all times that they are performing
33 plumbing work. They shall show their certificates to an authorized
34 representative of the department at the representative's request.

35 (3) Any person who has been issued a plumbing training certificate
36 under this chapter may work if that person is under supervision.
37 Supervision shall consist of a person being on the same job site and
38 under the control of either a journeyman plumber or an appropriate
39 specialty plumber who has an applicable certificate of competency

1 issued under this chapter. Either a journeyman plumber or an
2 appropriate specialty plumber shall be on the same job site as the
3 noncertified individual for a minimum of seventy-five percent of each
4 working day unless otherwise provided in this chapter. The ratio of
5 noncertified individuals to certified journeymen or specialty plumbers
6 working on a job site shall be: (a) From July 28, 1985, through June
7 30, 1988, not more than three noncertified plumbers working on any one
8 job site for every certified journeyman or specialty plumber; (b)
9 effective July 1, 1988, not more than two noncertified plumbers working
10 on any one job site for every certified specialty plumber or journeyman
11 plumber working as a specialty plumber; and (c) effective July 1, 1988,
12 not more than one noncertified plumber working on any one job site for
13 every certified journeyman plumber working as a journeyman plumber.

14 An individual who has a current training certificate and who has
15 successfully completed or is currently enrolled in an approved
16 apprenticeship program or in a technical school program in the plumbing
17 construction trade in a school approved by the (~~commission for~~
18 ~~vocational education~~) work force training and education coordinating
19 board, may work without direct on-site supervision during the last six
20 months of meeting the practical experience requirements of this
21 chapter.

22 NEW SECTION. Sec. 34. A new section is added to chapter 18.106
23 RCW to read as follows:

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

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

35 The secretary shall immediately suspend the license of any person
36 subject to this chapter who has been certified by the department of

1 social and health services as a person who is not in compliance with a
2 support order as provided in section 2 of this act.

3 **Sec. 36.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to
4 read as follows:

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

13 A person whose license has been suspended for noncompliance with a
14 support order under section 2 of this act may petition for
15 reinstatement at any time by providing the disciplining authority a
16 release issued by the department of social and health services stating
17 that the person is in compliance with the order. If the person has
18 continued to meet all other requirements for reinstatement during the
19 suspension, the disciplining authority shall automatically reissue the
20 person's license upon receipt of the release, and payment of a
21 reinstatement fee, if any.

22 NEW SECTION. **Sec. 37.** A new section is added to chapter 18.140
23 RCW to read as follows:

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

33 **Sec. 38.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8 are
34 each reenacted and amended to read as follows:

1 Except as provided in section 39 of this act, the department shall
2 issue a certificate to any applicant who meets the standards
3 established under this chapter and who:

4 (1) Is holding one of the following:

5 (a) Certificate of proficiency, registered professional reporter,
6 registered merit reporter, or registered diplomate reporter from
7 (~~the~~) the national court reporters association;

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

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

11 (2) Has passed an examination approved by the director or an
12 examination that meets or exceeds the standards established by the
13 director.

14 NEW SECTION. Sec. 39. A new section is added to chapter 18.145
15 RCW to read as follows:

16 The director shall immediately suspend any certificate issued under
17 this chapter if the holder has been certified pursuant to section 2 of
18 this act by the department of social and health services as a person
19 who is not in compliance with a support order. If the person has
20 continued to meet all other requirements for certification during the
21 suspension, reissuance of the certificate shall be automatic upon the
22 director's receipt of a release issued by the department of social and
23 health services stating that the person is in compliance with the
24 order.

25 **Sec. 40.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to
26 read as follows:

27 (1) The state director of fire protection may refuse to issue or
28 renew or may suspend or revoke the privilege of a licensed fire
29 protection sprinkler system contractor or the certificate of a
30 certificate of competency holder to engage in the fire protection
31 sprinkler system business or in lieu thereof, establish penalties as
32 prescribed by Washington state law, for any of the following reasons:

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

36 (b) Conviction of a felony;

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

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

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

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

11 (2) The state director of fire protection shall revoke the license
12 of a licensed fire protection sprinkler system contractor or the
13 certificate of a certificate of competency holder who engages in the
14 fire protection sprinkler system business while the license or
15 certificate of competency is suspended.

16 (3) The state director of fire protection shall immediately suspend
17 any license or certificate issued under this chapter if the holder has
18 been certified pursuant to section 2 of this act by the department of
19 social and health services as a person who is not in compliance with a
20 support order. If the person has continued to meet all other
21 requirements for issuance or reinstatement during the suspension,
22 issuance or reissuance of the license or certificate shall be automatic
23 upon the director's receipt of a release issued by the department of
24 social and health services stating that the person is in compliance
25 with the order.

26 (4) Any licensee or certificate of competency holder who is
27 aggrieved by an order of the state director of fire protection
28 suspending or revoking a license may, within thirty days after notice
29 of such suspension or revocation, appeal under chapter 34.05 RCW. This
30 subsection does not apply to actions taken under subsection (3) of this
31 section.

32 **Sec. 41.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to
33 read as follows:

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

- 1 (1) Knowingly violating any of the provisions of this chapter or
2 the rules adopted under this chapter;
- 3 (2) Knowingly making a material misstatement or omission in the
4 application for or renewal of a license or firearms certificate,
5 including falsifying requested identification information;
- 6 (3) Not meeting the qualifications set forth in RCW 18.165.030,
7 18.165.040, or 18.165.050;
- 8 (4) Failing to return immediately on demand a firearm issued by an
9 employer;
- 10 (5) Carrying a firearm in the performance of his or her duties if
11 not the holder of a valid armed private investigator license, or
12 carrying a firearm not meeting the provisions of this chapter while in
13 the performance of his or her duties;
- 14 (6) Failing to return immediately on demand company identification,
15 badges, or other items issued to the private investigator by an
16 employer;
- 17 (7) Making any statement that would reasonably cause another person
18 to believe that the private investigator is a sworn peace officer;
- 19 (8) Divulging confidential information obtained in the course of
20 any investigation to which he or she was assigned;
- 21 (9) Acceptance of employment that is adverse to a client or former
22 client and relates to a matter about which a licensee has obtained
23 confidential information by reason of or in the course of the
24 licensee's employment by the client;
- 25 (10) Conviction of a gross misdemeanor or felony or the commission
26 of any act involving moral turpitude, dishonesty, or corruption whether
27 the act constitutes a crime or not. If the act constitutes a crime,
28 conviction in a criminal proceeding is not a condition precedent to
29 disciplinary action. Upon such a conviction, however, the judgment and
30 sentence is conclusive evidence at the ensuing disciplinary hearing of
31 the guilt of the license holder or applicant of the crime described in
32 the indictment or information, and of the person's violation of the
33 statute on which it is based. For the purposes of this section,
34 conviction includes all instances in which a plea of guilty or nolo
35 contendere is the basis for the conviction and all proceedings in which
36 the sentence has been deferred or suspended;
- 37 (11) Advertising that is false, fraudulent, or misleading;
- 38 (12) Incompetence or negligence that results in injury to a person
39 or that creates an unreasonable risk that a person may be harmed;

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

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

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

11 (b) Not furnishing in writing a full and complete explanation
12 covering the matter contained in a complaint filed with the department;
13 or

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

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

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

20 (17) Misrepresentation or fraud in any aspect of the conduct of the
21 business or profession;

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

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

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

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

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

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

38 (24) Being certified as not in compliance with a support order as
39 provided in section 2 of this act.

1 NEW SECTION. **Sec. 42.** A new section is added to chapter 18.165
2 RCW to read as follows:

3 The director shall immediately suspend a license issued under this
4 chapter if the holder has been certified pursuant to section 2 of this
5 act by the department of social and health services as a person who is
6 not in compliance with a support 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 director's
9 receipt of a release issued by the department of social and health
10 services stating that the person is in compliance with the order.

11 **Sec. 43.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to
12 read as follows:

13 In addition to the provisions of section 44 of this act, the
14 following acts are prohibited and constitute grounds for disciplinary
15 action, assessing administrative penalties, or denial, suspension, or
16 revocation of any license under this chapter, as deemed appropriate by
17 the director:

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

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

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

24 (4) Not meeting the qualifications set forth in RCW 18.170.030,
25 18.170.040, or 18.170.060;

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

28 (6) Carrying a firearm in the performance of his or her duties if
29 not the holder of a valid armed private security guard license, or
30 carrying a firearm not meeting the provisions of this chapter while in
31 the performance of his or her duties;

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

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

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

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

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

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

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

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

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

27 (a) Not furnishing any necessary papers or documents requested by
28 the director for purposes of conducting an investigation for
29 disciplinary action, denial, suspension, or revocation of a license
30 under this chapter;

31 (b) Not furnishing in writing a full and complete explanation
32 covering the matter contained in a complaint filed with the department;
33 or

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

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

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

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

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

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

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

14 (22) Failure to maintain insurance; and

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

16 NEW SECTION. **Sec. 44.** A new section is added to chapter 18.170
17 RCW to read as follows:

18 The director shall immediately suspend any license issued under
19 this chapter if the holder has been certified pursuant to section 2 of
20 this act by the department of social and health services as a person
21 who is not in compliance with a support order. If the person has
22 continued to meet all other requirements for reinstatement during the
23 suspension, reissuance of the license shall be automatic upon the
24 director's receipt of a release issued by the department of social and
25 health services stating that the person is in compliance with the
26 order.

27 NEW SECTION. **Sec. 45.** A new section is added to chapter 18.175
28 RCW to read as follows:

29 The director shall immediately suspend a certificate of
30 registration issued under this chapter if the holder has been certified
31 pursuant to section 2 of this act by the department of social and
32 health services as a person who is not in compliance with a support
33 order. If the person has continued to meet all other requirements for
34 certification during the suspension, reissuance of the certificate
35 shall be automatic upon the director's receipt of a release issued by
36 the department of social and health services stating that the person is
37 in compliance with the order.

1 NEW SECTION. **Sec. 46.** A new section is added to chapter 18.185
2 RCW to read as follows:

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

12 **Sec. 47.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to
13 read as follows:

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

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

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

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

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

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

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

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

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

33 NEW SECTION. Sec. 48. A new section is added to chapter 28A.410
34 RCW to read as follows:

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

1 provided in section 2 of this act. If the person continues to meet
2 other requirements for reinstatement during the suspension, reissuance
3 of the certificate or permit shall be automatic after the person
4 provides the authority a release issued by the department of social and
5 health services stating that the person is in compliance with the
6 order.

7 **Sec. 49.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read
8 as follows:

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

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

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

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

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

34 (c) When the department has received certification pursuant to
35 chapter 74.20A RCW from the department of social and health services
36 that the licensee is a person who is not in compliance with a child
37 support order, the department shall provide that the suspension is

1 effective immediately upon receipt of the suspension notice by the
2 licensee.

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

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

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

30 **Sec. 50.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to read
31 as follows:

32 (1) The department has the power, in case of serious noncompliance
33 with the provisions of this chapter, to revoke or suspend for such a
34 period as it determines, any electrical contractor license or
35 electrical contractor administrator certificate issued under this
36 chapter. The department shall notify the holder of the license or
37 certificate of the revocation or suspension by certified mail. A
38 revocation or suspension is effective twenty days after the holder

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

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

26 **Sec. 51.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to read
27 as follows:

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

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

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

34 (c) The holder thereof has violated any of the provisions of RCW
35 19.28.510 through 19.28.620 or any rule adopted under this chapter.

36 (2) Before any certificate of competency shall be revoked, the
37 holder shall be given written notice of the department's intention to
38 do so, mailed by registered mail, return receipt requested, to the

1 holder's last known address. The notice shall enumerate the
2 allegations against the holder, and shall give the holder the
3 opportunity to request a hearing before the board. At the hearing, the
4 department and the holder may produce witnesses and give testimony.
5 The hearing shall be conducted in accordance with chapter 34.05 RCW.
6 The board shall render its decision based upon the testimony and
7 evidence presented, and shall notify the parties immediately upon
8 reaching its decision. A majority of the board shall be necessary to
9 render a decision.

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

19 **Sec. 52.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to read
20 as follows:

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

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

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

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

31 (4) The farm labor contractor, or any agent of the contractor, has
32 violated or wilfully aided or abetted any person in the violation of,
33 or failed to comply with, any law of the state of Washington regulating
34 employment in agriculture, the payment of wages to farm employees, or
35 the conditions, terms, or places of employment affecting the health and
36 safety of farm employees, which is applicable to the business
37 activities, or operations of the contractor in his or her capacity as
38 a farm labor contractor;

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

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

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

16 **Sec. 53.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to read
17 as follows:

18 In addition to other provisions of this chapter, any license issued
19 pursuant to this chapter or any application therefor may be denied, not
20 renewed, revoked, or suspended, or in lieu of or in addition to
21 suspension a licensee may be assessed a civil, monetary penalty in an
22 amount not to exceed one thousand dollars:

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

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

27 (3) If the application or renewal forms required by this chapter
28 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if
29 applicable, have not been paid, and the surety bond or cash deposit or
30 other negotiable security acceptable to the director required by RCW
31 19.16.190, if applicable, has not been filed or renewed or is canceled.

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

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

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

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

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

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

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

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

25 (f) Has had any judgment entered against him or it under the
26 provisions of RCW 19.86.080 or 19.86.090 involving a violation or
27 violations of RCW 19.86.020 and two years have not elapsed since the
28 entry of the final judgment: PROVIDED, That in no event shall a
29 license be issued unless the terms of such judgment, if any, have been
30 fully complied with: PROVIDED FURTHER, That said judgment shall not be
31 grounds for denial, suspension, nonrenewal, or revocation of a license
32 unless the judgment arises out of and is based on acts of the
33 applicant, owner, officer, director, managing employee, or licensee
34 while acting for or as a collection agency or an out-of-state
35 collection agency;

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

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

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

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

11 (k) Has been found by a court of competent jurisdiction to have
12 violated the federal fair debt collection practices act, 15 U.S.C. Sec.
13 1692 et seq., or the Washington state consumer protection act, chapter
14 19.86 RCW, and two years have not elapsed since that finding.

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

21 The director shall immediately suspend the license or certificate
22 of a person who has been certified pursuant to section 2 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. If the person has continued to meet
25 all other requirements for reinstatement during the suspension,
26 reissuance of the license or certificate shall be automatic upon the
27 director's receipt of a release issued by the department of social and
28 health services stating that the licensee is in compliance with the
29 order.

30 **Sec. 54.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended
31 to read as follows:

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

36 ((+1)) (a) Was previously the holder of a license issued under
37 this chapter, which was revoked for cause and never reissued by the

1 director, or which license was suspended for cause and the terms of the
2 suspension have not been fulfilled;

3 ~~((+2))~~ (b) Has been found guilty of any felony within the past
4 five years involving moral turpitude, or for any misdemeanor concerning
5 fraud or conversion, or suffering any judgment in any civil action
6 involving wilful fraud, misrepresentation or conversion;

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

9 ~~((+4))~~ (d) Has violated any provisions of this chapter, or failed
10 to comply with any rule or regulation issued by the director pursuant
11 to this chapter.

12 (2) The director shall immediately suspend the license or
13 certificate of a person who has been certified pursuant to section 2 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. If the person has
16 continued to meet all other requirements for reinstatement during the
17 suspension, reissuance of the license or certificate shall be automatic
18 upon the director's receipt of a release issued by the department of
19 social and health services stating that the licensee is in compliance
20 with the order.

21 **Sec. 55.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to read
22 as follows:

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

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

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

6 (4) The director shall immediately suspend the license or
7 certificate of a person who has been certified pursuant to section 2 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. If the person has
10 continued to meet all other requirements for reinstatement during the
11 suspension, reissuance of the license or certificate shall be automatic
12 upon the director's receipt of a release issued by the department of
13 social and health services stating that the licensee is in compliance
14 with the order.

15 **Sec. 56.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to
16 read as follows:

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

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

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

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

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

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

1 engaged in any violation of any act designed to protect consumers, or
2 has been engaged in dishonest practices in any industry involving sales
3 to consumers;

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

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

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

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

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

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

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

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

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

36 (ii) Employ any device, scheme, or artifice to defraud purchasers
37 or members;

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

4 (n) The applicant or registrant has failed to provide a bond,
5 letter of credit, or other arrangement to assure delivery of promised
6 gifts, prizes, awards, or other items of consideration, as required
7 under this chapter, breached such a security arrangement, or failed to
8 maintain such a security arrangement in effect because of a resignation
9 or loss of a trustee, impound, or escrow agent;

10 (o) The applicant or registrant has engaged in a practice of
11 selling contracts using material amendments or codicils that have not
12 been filed or are the consequences of breaches or alterations in
13 previously filed contracts;

14 (p) The applicant or registrant has engaged in a practice of
15 selling or proposing to sell contracts in a ratio of contracts to sites
16 available in excess of that filed in the affidavit required by this
17 chapter;

18 (q) The camping resort operator has withdrawn, has the right to
19 withdraw, or is proposing to withdraw from use all or any portion of
20 any camping resort property devoted to the camping resort program,
21 unless:

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

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

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

1 (iv) The rights of members and owners of the camping resort
2 contracts under the express terms of the camping resort contract have
3 expired, or have been specifically limited, upon the lapse of a stated
4 or determinable period of time, and the director by order has found
5 that the withdrawal is not otherwise inconsistent with the protection
6 of purchasers or the desire of the majority of the owners of camping
7 resort contracts, as expressed in their previously obtained vote of
8 approval;

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

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

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

18 (u) The applicant or registrant has filed voluntarily or been
19 placed involuntarily into a federal bankruptcy or is proposing to do
20 so; or

21 (v) A camping resort operator's rights or interest in a campground
22 has been terminated by foreclosure or the operations in a camping
23 resort have been terminated in a manner contrary to contract
24 provisions.

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

34 (3) An operator, registrant, or applicant against whom
35 administrative or legal proceedings have been filed shall be
36 responsible for and shall reimburse the state, by payment into the
37 general fund, for all administrative and legal costs actually incurred
38 by the department in issuing, processing, and conducting any such
39 administrative or legal proceeding authorized under this chapter that

1 results in a final legal or administrative determination of any type or
2 degree in favor of the department.

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

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

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

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

32 **Sec. 57.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to
33 read as follows:

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

37 (a) A statement whether or not the applicant within the past five
38 years has been convicted of, pleaded nolo contendere to, or been ordered

1 to serve probation for a period of a year or more for any misdemeanor
2 or felony involving conversion, embezzlement, theft, fraud, or
3 dishonesty or the applicant has been enjoined from, had any civil
4 penalty assessed for, or been found to have engaged in any violation of
5 any act designed to protect consumers;

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

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

12 (d) Required filing fees.

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

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

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

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

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

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

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

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

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

18 (i) Misrepresentation of membership in any state or national
19 association; or

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

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

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

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

1 for a disciplinary action, a suspension of registration, or a fine not
2 to exceed one thousand dollars.

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

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

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

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

32 **Sec. 58.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to
33 read as follows:

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

36 (a) Was previously the holder of a registration issued under this
37 chapter, and the registration was revoked for cause and never reissued

1 by the director, or the registration was suspended for cause and the
2 terms of the suspension have not been fulfilled;

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

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

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

11 (e) Has failed to display the registration as provided in this
12 chapter;

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

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

18 (2) If the seller of travel is found in violation of this chapter
19 or in violation of the consumer protection act, chapter 19.86 RCW, by
20 the entry of a judgment or by settlement of a claim, the director may
21 revoke the registration of the seller of travel, and the director may
22 reinstate the registration at the director's discretion.

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

32 **Sec. 59.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to read
33 as follows:

34 (1) In order to maintain or defend a lawsuit or do any business in
35 this state, a commercial telephone solicitor must be registered with
36 the department of licensing. Prior to doing business in this state, a
37 commercial telephone solicitor shall register with the department of
38 licensing. Doing business in this state includes both commercial

1 telephone solicitation from a location in Washington and solicitation
2 of purchasers located in Washington.

3 (2) The department of licensing, in registering commercial
4 telephone solicitors, shall have the authority to require the
5 submission of information necessary to assist in identifying and
6 locating a commercial telephone solicitor, including past business
7 history, prior judgments, and such other information as may be useful
8 to purchasers.

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

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

13 (a) Fail to maintain a valid registration;

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

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

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

21 (5) An annual registration fee shall be assessed by the department
22 of licensing, the amount of which shall be determined at the discretion
23 of the director of the department of licensing, and which shall be
24 reasonably related to the cost of administering the provisions of this
25 chapter.

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

35 **Sec. 60.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to read
36 as follows:

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

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

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

9 (c) The organization's unified business identification number, if
10 any;

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

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

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

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

20 (2) The application shall be signed by the chief executive officer
21 of the organization and the person within the organization who has
22 primary responsibility for supervising placements within Washington.
23 If the secretary of state determines that the application is complete,
24 the secretary of state shall file the application and the applicant is
25 registered.

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

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

32 (5) The office of the secretary of state shall immediately suspend
33 the license or certificate of a person who has been certified pursuant
34 to section 2 of this act by the department of social and health
35 services as a person who is not in compliance with a support order. If
36 the person has continued to meet all other requirements for
37 reinstatement during the suspension, reissuance of the license or
38 certificate shall be automatic upon the office of the secretary of
39 state's receipt of a release issued by the department of social and

1 health services stating that the licensee is in compliance with the
2 order.

3 NEW SECTION. **Sec. 61.** A new section is added to chapter 20.01 RCW
4 to read as follows:

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

14 **Sec. 62.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to
15 read as follows:

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

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

31 (2) Has willfully violated or willfully failed to comply with any
32 provision of this chapter or a predecessor act or any rule or order
33 under this chapter or a predecessor act, or any provision of chapter
34 21.30 RCW or any rule or order thereunder;

35 (3) Has been convicted, within the past five years, of any
36 misdemeanor involving a security, or a commodity contract or commodity
37 option as defined in RCW 21.30.010, or any aspect of the securities or

1 investment commodities business, or any felony involving moral
2 turpitude;

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

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

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

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

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

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

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

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

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

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

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

28 NEW SECTION. Sec. 63. A new section is added to chapter 48.17 RCW
29 to read as follows:

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

1 NEW SECTION. **Sec. 64.** A new section is added to chapter 74.15 RCW
2 to read as follows:

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

12 NEW SECTION. **Sec. 65.** A new section is added to chapter 47.68 RCW
13 to read as follows:

14 The department shall immediately suspend the license or certificate
15 of a person who has been certified pursuant to section 2 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. If the person has continued to meet
18 all other requirements for reinstatement during the suspension,
19 reissuance of the license or certificate shall be automatic upon the
20 department's receipt of a release issued by the department of social
21 and health services stating that the licensee is in compliance with the
22 order.

23 NEW SECTION. **Sec. 66.** A new section is added to chapter 71.12 RCW
24 to read as follows:

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

34 **Sec. 67.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to read
35 as follows:

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

3 (a) Development of the curriculum and materials for the education
4 program;

5 (b) Examination and examination procedures;

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

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

10 (i) The physiological effects of alcohol including the effects of
11 alcohol in combination with drugs;

12 (ii) Liability and legal information;

13 (iii) Driving while intoxicated;

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

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

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

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

25 (3) Except as provided in section 69 of this act, each training
26 entity shall provide a class 12 permit to the manager or bartender who
27 has successfully completed a course the board has certified. A list of
28 the individuals receiving the class 12 permit shall be forwarded to the
29 board on the completion of each course given by the training entity.

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

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

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

5 (7) Except as provided in section 69 of this act, applicants shall
6 be given a class 13 permit upon the successful completion of the
7 program.

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

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

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

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

22 NEW SECTION. Sec. 68. A new section is added to chapter 66.20 RCW
23 to read as follows:

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

32 NEW SECTION. Sec. 69. A new section is added to chapter 66.24 RCW
33 to read as follows:

34 The board shall immediately suspend the license of a person who has
35 been certified pursuant to section 2 of this act by the department of
36 social and health services as a person who is not in compliance with a
37 support order. If the person has continued to meet all other

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

5 NEW SECTION. **Sec. 70.** A new section is added to chapter 88.02 RCW
6 to read as follows:

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

16 **Sec. 71.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to
17 read as follows:

18 Except as provided in RCW 67.08.100, upon the approval by the
19 department of any application for a license, as hereinabove provided,
20 and the filing of the bond the department shall forthwith issue such
21 license.

22 **Sec. 72.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to
23 read as follows:

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

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

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

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

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

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

18 **Sec. 73.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read
19 as follows:

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

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

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

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

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

35 (3) The department shall immediately suspend the license or
36 certificate of a person who has been certified pursuant to section 2 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. If the person has

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

6 **Sec. 74.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to
7 read as follows:

8 Except as provided in section 77 of this act, at the close of each
9 examination the department of licensing shall prepare the proper
10 licenses, where no further fee is required to be paid, and issue
11 licenses to the successful applicants signed by the director and notify
12 all successful applicants, where a further fee is required, of the fact
13 that they are entitled to receive such license upon the payment of such
14 further fee to the department of licensing and notify all applicants
15 who have failed to pass the examination of that fact.

16 **Sec. 75.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to
17 read as follows:

18 Except as provided in section 77 of this act, whenever there is
19 filed in a matter under the jurisdiction of the director of licensing
20 any complaint charging that the holder of a license has been guilty of
21 any act or omission which by the provisions of the law under which the
22 license was issued would warrant the revocation thereof, verified in
23 the manner provided by law, the director of licensing shall request the
24 governor to appoint, and the governor shall appoint within thirty days
25 of the request, two qualified practitioners of the profession or
26 calling of the person charged, who, with the director or his duly
27 appointed representative, shall constitute a committee to hear and
28 determine the charges and, in case the charges are sustained, impose
29 the penalty provided by law. In addition, the governor shall appoint
30 a consumer member of the committee.

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

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

1 **Sec. 76.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to
2 read as follows:

3 Except as provided in section 77 of this act, any person feeling
4 aggrieved by the refusal of the director to issue a license, or to
5 renew one, or by the revocation or suspension of a license shall have
6 a right of appeal to superior court from the decision of the director
7 of licensing, which shall be taken, prosecuted, heard, and determined
8 in the manner provided in chapter 34.05 RCW.

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

11 NEW SECTION. **Sec. 77.** A new section is added to chapter 43.24 RCW
12 to read as follows:

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

22 **Sec. 78.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to read
23 as follows:

24 All persons engaged in the manufacture of explosives, or any
25 process involving explosives, or where explosives are used as a
26 component part in the manufacture of any article or device, on (~~the~~
27 ~~date when this 1969 amendatory act takes effect~~) August 11, 1969,
28 shall within sixty days thereafter, and all persons engaging in the
29 manufacture of explosives, or any process involving explosives, or
30 where explosives are used as a component part in the manufacture of any
31 article or device after (~~this act takes effect~~) August 11, 1969,
32 shall, before so engaging, make an application in writing, subscribed
33 to by such person or his agent, to the department of labor and
34 industries, the application stating:

- 35 (1) Location of place of manufacture or processing;
36 (2) Kind of explosives manufactured, processed or used;

1 (3) The distance that such explosives manufacturing building is
2 located or intended to be located from the other factory buildings,
3 magazines, inhabited buildings, railroads and highways and public
4 utility transmission systems;

5 (4) The name and address of the applicant;

6 (5) The reason for desiring to manufacture explosives;

7 (6) The applicant's citizenship, if the applicant is an individual;

8 (7) If the applicant is a partnership, the names and addresses of
9 the partners, and their citizenship;

10 (8) If the applicant is an association or corporation, the names
11 and addresses of the officers and directors thereof, and their
12 citizenship; and

13 (9) Such other pertinent information as the director of labor and
14 industries shall require to effectuate the purpose of this chapter.

15 There shall be kept in the main office on the premises of each
16 explosives manufacturing plant a plan of said plant showing the
17 location of all explosives manufacturing buildings and the distance
18 they are located from other factory buildings where persons are
19 employed and from magazines, and these plans shall at all times be open
20 to inspection by duly authorized inspectors of the department of labor
21 and industries. The superintendent of each plant shall upon demand of
22 said inspector furnish the following information:

23 (a) The maximum amount and kind of explosive material which is or
24 will be present in each building at one time.

25 (b) The nature and kind of work carried on in each building and
26 whether or not said buildings are surrounded by natural or artificial
27 barricades.

28 Except as provided in RCW 70.74.370, the department of labor and
29 industries shall as soon as possible after receiving such application
30 cause an inspection to be made of the explosives manufacturing plant,
31 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and
32 70.74.061, such department shall issue a license to the person applying
33 therefor showing compliance with the provisions of this chapter if the
34 applicant demonstrates that either the applicant or the officers,
35 agents or employees of the applicant are sufficiently experienced in
36 the manufacture of explosives and the applicant meets the
37 qualifications for a license under RCW 70.74.360. Such license shall
38 continue in full force and effect until expired, suspended, or revoked
39 by the department pursuant to this chapter.

1 **Sec. 79.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to read
2 as follows:

3 Every person desiring to engage in the business of dealing in
4 explosives shall apply to the department of labor and industries for a
5 license therefor. Said application shall state, among other things:

6 (1) The name and address of applicant;

7 (2) The reason for desiring to engage in the business of dealing in
8 explosives;

9 (3) Citizenship, if an individual applicant;

10 (4) If a partnership, the names and addresses of the partners and
11 their citizenship;

12 (5) If an association or corporation, the names and addresses of
13 the officers and directors thereof and their citizenship; and

14 (6) Such other pertinent information as the director of labor and
15 industries shall require to effectuate the purpose of this chapter.

16 Except as provided in RCW 70.74.370, the department of labor and
17 industries shall issue the license if the applicant demonstrates that
18 either the applicant or the principal officers, agents, or employees of
19 the applicant are experienced in the business of dealing in explosives,
20 possess suitable facilities therefor, have not been convicted of any
21 crime that would warrant revocation or nonrenewal of a license under
22 this chapter, and have never had an explosives-related license revoked
23 under this chapter or under similar provisions of any other state.

24 **Sec. 80.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to read
25 as follows:

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

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

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

35 (c) A crime involving bomb threats;

36 (d) A crime involving a schedule I or II controlled substance, or
37 any other drug or alcohol related offense, unless such other drug or
38 alcohol related offense does not reflect a drug or alcohol dependency.

1 However, the department of labor and industries may condition renewal
2 of the license to any convicted person suffering a drug or alcohol
3 dependency who is participating in an alcoholism or drug recovery
4 program acceptable to the department of labor and industries and has
5 established control of their alcohol or drug dependency. The
6 department of labor and industries shall require the licensee to
7 provide proof of such participation and control;

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

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

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

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

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

34 (6) Upon receipt of notification by the department of labor and
35 industries of revocation or suspension, a licensee must surrender
36 immediately to the department any or all such licenses revoked or
37 suspended.

1 **Sec. 81.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read
2 as follows:

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

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

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

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

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

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

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

33 (b) The board shall immediately suspend the license or certificate
34 of a person who has been certified pursuant to section 2 of this act by
35 the department of social and health services as a person who is not in
36 compliance with a support order. If the person has continued to meet
37 all other requirements for reinstatement during the suspension,
38 reissuance of the license or certificate shall be automatic upon the
39 board's receipt of a release issued by the department of social and

1 health services stating that the licensee is in compliance with the
2 order.

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

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

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

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

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

37 (b) Unless sooner canceled, every license issued by the board shall
38 expire at midnight of the thirtieth day of June of the fiscal year for
39 which it was issued. However, if the board deems it feasible and

1 desirable to do so, it may establish, by rule pursuant to chapter 34.05
2 RCW, a system for staggering the annual renewal dates for any and all
3 licenses authorized by this chapter. If such a system of staggered
4 annual renewal dates is established by the board, the license fees
5 provided by this chapter shall be appropriately prorated during the
6 first year that the system is in effect.

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

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

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

35 (9) Before the board issues any license to any applicant, it shall
36 give (a) due consideration to the location of the business to be
37 conducted under such license with respect to the proximity of churches,
38 schools, and public institutions and (b) written notice by certified
39 mail of the application to churches, schools, and public institutions

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

33 (10) The restrictions set forth in subsection (9) of this section
34 shall not prohibit the board from authorizing the assumption of
35 existing licenses now located within the restricted area by other
36 persons or licenses or relocations of existing licensed premises within
37 the restricted area. In no case may the licensed premises be moved
38 closer to a church or school than it was before the assumption or
39 relocation.

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

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

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

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

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

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

22 Refusal by the board to issue or extend a temporary license shall
23 not entitle the applicant to request a hearing. A temporary license
24 may be canceled or suspended summarily at any time if the board
25 determines that good cause for cancellation or suspension exists. RCW
26 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

31 **Sec. 82.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to
32 read as follows:

33 (1) The department shall issue a certificate of manufactured home
34 installation to an applicant who has taken the training course, passed
35 the examination, paid the fees, and in all other respects ~~((meet[s]))~~
36 meets the qualifications. The certificate shall bear the date of
37 issuance, a certification identification number, and is renewable every
38 three years upon application and completion of a continuing education

1 program as determined by the department. A renewal fee shall be
2 assessed for each certificate. If a person fails to renew a
3 certificate by the renewal date, the person must retake the examination
4 and pay the examination fee.

5 (2) The certificate of manufactured home installation provided for
6 in this chapter grants the holder the right to engage in manufactured
7 home installation throughout the state, without any other installer
8 certification.

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

18 **Sec. 83.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to
19 read as follows:

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

24 (2) Operators shall be certified if they:

25 (a) Attend the required training sessions;

26 (b) Successfully complete required examinations; and

27 (c) Pay the prescribed fee.

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

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

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

35 (c) Renew the certificate of competency at reasonable intervals
36 established by the department.

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

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

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

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

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

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

19 (c) Have successfully completed any required examinations.

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

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

32 NEW SECTION. Sec. 84. A new section is added to chapter 70.95B
33 RCW to read as follows:

34 The director shall immediately suspend the license or certificate
35 of a person who has been certified pursuant to section 2 of this act by
36 the department of social and health services as a person who is not in
37 compliance with a support order. If the person has continued to meet
38 all other requirements for reinstatement during the suspension,

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

5 **Sec. 85.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to
6 read as follows:

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

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

25 **Sec. 86.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to read
26 as follows:

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

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

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

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

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

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

19 (b) Failing to file a work plan;

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

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

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

25 (f) If the person has been certified pursuant to section 2 of this
26 act by the department of social and health services as a person who is
27 not in compliance with a support order. If the person has continued to
28 meet all other requirements for reinstatement during the suspension,
29 reissuance of the license or certificate shall be automatic upon the
30 department's receipt of a release issued by the department of social
31 and health services stating that the person is in compliance with the
32 order.

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

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

38 (7) The decontamination account is hereby established in the state
39 treasury. All fees collected under this chapter shall be deposited in

1 this account. Moneys in the account may only be spent after
2 appropriation for costs incurred by the department in the
3 administration and enforcement of this chapter.

4 **Sec. 87.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to
5 read as follows:

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

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

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

13 (b) Suspend or revoke licenses for:

14 (i) 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 (ii) Failure to pay a fee required by the director or maintain the
18 required bond;

19 (iii) Failure to comply with any directive or order of the
20 director; or

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

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

25 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),
26 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
27 19.146.265; or

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

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

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

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

34 (e) Issue orders removing from office or prohibiting from
35 participation in the conduct of the affairs of a licensed mortgage
36 broker, or both, any officer, principal, employee, or loan originator
37 of any licensed mortgage broker or any person subject to licensing
38 under this chapter for:

1 (i) Any violation of 19.146.0201 (1) through (9) or (13),
2 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or
3 19.146.265; or

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

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

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

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

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

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

1 NEW SECTION. **Sec. 88.** A new section is added to chapter 75.25 RCW
2 to read as follows:

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

12 NEW SECTION. **Sec. 89.** A new section is added to chapter 77.32 RCW
13 to read as follows:

14 The director shall immediately suspend the license or certificate
15 of a person who has been certified pursuant to section 2 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. If the person has continued to meet
18 all other requirements for reinstatement during the suspension,
19 reissuance of the license or certificate shall be automatic upon the
20 director's receipt of a release issued by the department of social and
21 health services stating that the licensee is in compliance with the
22 order.

23 **Sec. 90.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to read
24 as follows:

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

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

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

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

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

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

9 (d) A statement that the responsible parent's privileges to obtain
10 and maintain a license, as defined in section 2 of this act, may be
11 denied, not renewed, or suspended if the parent is not in compliance
12 with a support order as defined in section 2 of this act.

13 As used in this subsection and subsection (3) of this section,
14 "good cause not to require immediate income withholding" means a
15 written determination of why implementing immediate wage withholding
16 would not be in the child's best interests and, in modification cases,
17 proof of timely payment of previously ordered support.

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

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

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

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

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

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

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

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

3 (i) Immediate income withholding may be ordered if the responsible
4 parent has earnings. If immediate income withholding is ordered under
5 this subsection, all support payments shall be paid to the Washington
6 state support registry. The superior court shall issue a mandatory
7 wage assignment order as set forth in chapter 26.18 RCW when the
8 support order is signed by the court. The parent entitled to receive
9 the transfer payment is responsible for serving the employer with the
10 order and for its enforcement as set forth in chapter 26.18 RCW.

11 (ii) If immediate income withholding is not ordered, the court
12 shall require that income withholding be delayed until a payment is
13 past due. The support order shall contain a statement that a notice of
14 payroll deduction may be issued, or other income-withholding action
15 under chapter 26.18 or 74.20A RCW may be taken, without further notice
16 to the responsible parent, after a payment is past due.

17 (c) If a mandatory wage withholding order under chapter 26.18 RCW
18 is issued under this subsection and the office of support enforcement
19 provides support enforcement services under RCW 26.23.045, the existing
20 wage withholding assignment is prospectively superseded upon the office
21 of support enforcement's subsequent service of an income withholding
22 notice.

23 (3) The office of administrative hearings and the department of
24 social and health services shall require that all support obligations
25 established as administrative orders include a provision which orders
26 and directs that the responsible parent shall make all support payments
27 to the Washington state support registry. All administrative orders
28 shall also state that the responsible parent's privileges to obtain and
29 maintain a license, as defined in section 2 of this act, may be denied,
30 not renewed, or suspended if the parent is not in compliance with a
31 support order as defined in section 2 of this act. All administrative
32 orders shall also state that a notice of payroll deduction may be
33 issued, or other income withholding action taken without further notice
34 to the responsible parent at any time after entry of the order, unless:

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

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

1 (4) If the support order does not include the provision ordering
2 and directing that all payments be made to the Washington state support
3 registry and a statement that a notice of payroll deduction may be
4 issued if a support payment is past due or at any time after the entry
5 of the order, or that a parent's licensing privileges may be denied,
6 not renewed, or suspended, the office of support enforcement may serve
7 a notice on the responsible parent stating such requirements and
8 authorizations. Service may be by personal service or any form of mail
9 requiring a return receipt.

10 (5) Every support order shall state:

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

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

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

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

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

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

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

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

26 (g) The social security number and residence address of the
27 physical custodian except as provided in subsection (6) of this
28 section;

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

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

37 (j) That any parent owing a duty of child support shall be
38 obligated to provide health insurance coverage for his or her child if
39 coverage that can be extended to cover the child is or becomes

1 available to that parent through employment or is union-related as
2 provided under RCW 26.09.105;

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

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

10 (m) That the responsible parent's privileges to obtain and maintain
11 a license, as defined in section 2 of this act, may be denied, not
12 renewed, or suspended if the parent is not in compliance with a support
13 order as defined in section 2 of this act.

14 (6) The physical custodian's address:

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

19 (b) A responsible parent may request the physical custodian's
20 residence address by submission of a request for disclosure under RCW
21 26.23.120 to the office of support enforcement.

22 (7) The superior court clerk, the office of administrative
23 hearings, and the department of social and health services shall,
24 within five days of entry, forward to the Washington state support
25 registry, a true and correct copy of all superior court orders or
26 administrative orders establishing or modifying a support obligation
27 which provide that support payments shall be made to the support
28 registry. If a superior court order entered prior to January 1, 1988,
29 directs the responsible parent to make support payments to the clerk,
30 the clerk shall send a true and correct copy of the support order and
31 the payment record to the registry for enforcement action when the
32 clerk identifies that a payment is more than fifteen days past due.
33 The office of support enforcement shall reimburse the clerk for the
34 reasonable costs of copying and sending copies of court orders to the
35 registry at the reimbursement rate provided in Title IV-D of the social
36 security act.

37 (8) Receipt of a support order by the registry or other action
38 under this section on behalf of a person or persons who have not made
39 a written application for support enforcement services to the office of

1 support enforcement and who are not recipients of public assistance is
2 deemed to be a request for payment services only.

3 (9) After the responsible parent has been ordered or notified to
4 make payments to the Washington state support registry under this
5 section, the responsible parent shall be fully responsible for making
6 all payments to the Washington state support registry and shall be
7 subject to payroll deduction or other income withholding action. The
8 responsible parent shall not be entitled to credit against a support
9 obligation for any payments made to a person or agency other than to
10 the Washington state support registry except as provided under RCW
11 74.20.101. A civil action may be brought by the payor to recover
12 payments made to persons or agencies who have received and retained
13 support moneys paid contrary to the provisions of this section.

14 **Sec. 91.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to read
15 as follows:

16 The wage assignment order shall be substantially in the following
17 form:

18 IN THE SUPERIOR COURT OF THE
19 STATE OF WASHINGTON IN AND FOR THE
20 COUNTY OF

21 ,
22 Obligee No.
23 vs.
24 , WAGE ASSIGNMENT
25 Obligor ORDER
26 ,
27 Employer

28 THE STATE OF WASHINGTON TO:
29 Employer

30 AND TO:
31 Obligor

32 The above-named obligee claims that the above-named obligor is
33 subject to a support order requiring immediate income withholding or is
34 more than fifteen days past due in either child support or spousal
35 maintenance payments, or both, in an amount equal to or greater than
36 the child support or spousal maintenance payable for one month. The

1 amount of the accrued child support or spousal maintenance debt as of
2 this date is dollars, the amount of arrearage payments
3 specified in the support or spousal maintenance order (if applicable)
4 is dollars per , and the amount of the current
5 and continuing support or spousal maintenance obligation under the
6 order is dollars per

7 You are hereby commanded to answer this order by filling in the
8 attached form according to the instructions, and you must mail or
9 deliver the original of the answer to the court, one copy to the
10 Washington state support registry, one copy to the obligee or obligee's
11 attorney, and one copy to the obligor within twenty days after service
12 of this wage assignment order upon you.

13 If you possess any earnings or other remuneration for employment
14 due and owing to the obligor, then you shall do as follows:

15 (1) Withhold from the obligor's earnings or remuneration each
16 month, or from each regular earnings disbursement, the lesser of:

17 (a) The sum of the accrued support or spousal maintenance debt and
18 the current support or spousal maintenance obligation;

19 (b) The sum of the specified arrearage payment amount and the
20 current support or spousal maintenance obligation; or

21 (c) Fifty percent of the disposable earnings or remuneration of the
22 obligor.

23 (2) The total amount withheld above is subject to the wage
24 assignment order, and all other sums may be disbursed to the obligor.

25 (3) Upon receipt of this wage assignment order you shall make
26 immediate deductions from the obligor's earnings or remuneration and
27 remit to the Washington state support registry or other address
28 specified below the proper amounts at each regular pay interval.

29 You shall continue to withhold the ordered amounts from nonexempt
30 earnings or remuneration of the obligor until notified by:

31 (a) The court that the wage assignment has been modified or
32 terminated; or

33 (b) The addressee specified in the wage assignment order under this
34 section that the accrued child support or spousal maintenance debt has
35 been paid.

36 You shall promptly notify the court and the addressee specified in
37 the wage assignment order under this section if and when the employee
38 is no longer employed by you, or if the obligor no longer receives
39 earnings or remuneration from you. If you no longer employ the

1 employee, the wage assignment order shall remain in effect for one year
2 after the employee has left your employment or you are no longer in
3 possession of any earnings or remuneration owed to the employee,
4 whichever is later. You shall continue to hold the wage assignment
5 order during that period. If the employee returns to your employment
6 during the one-year period you shall immediately begin to withhold the
7 employee's earnings according to the terms of the wage assignment
8 order. If the employee has not returned to your employment within one
9 year, the wage assignment will cease to have effect at the expiration
10 of the one-year period, unless you still owe the employee earnings or
11 other remuneration.

12 You shall deliver the withheld earnings or remuneration to the
13 Washington state support registry or other address stated below at each
14 regular pay interval.

15 You shall deliver a copy of this order to the obligor as soon as is
16 reasonably possible. This wage assignment order has priority over any
17 other wage assignment or garnishment, except for another wage
18 assignment or garnishment for child support or spousal maintenance, or
19 order to withhold or deliver under chapter 74.20A RCW.

20 WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO
21 ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED
22 SUPPORT OR SPOUSAL MAINTENANCE DEBT TO THE OBLIGEE OR SUBJECT
23 TO CONTEMPT OF COURT.

24 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE
25 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT
26 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.
27 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO
28 THIS ORDER, YOU MAY BE DENIED OR HAVE SUSPENDED OR NOT RENEWED A
29 PROFESSIONAL, DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT
30 ARREARAGES TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR
31 FAIL TO MAKE PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT
32 EXCEEDS SIX MONTHS OF PAYMENTS.

33 DATED THIS day of, 19. . . .

1
2 Obligee, Judge/Court Commissioner
3 or obligee's attorney
4 Send withheld payments to:
5
6
7

8 **Sec. 92.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to
9 read as follows:

10 (1) The office of support enforcement may issue a notice of payroll
11 deduction:

12 (a) As authorized by a support order that contains the income
13 withholding notice provisions in RCW 26.23.050 or a substantially
14 similar notice; or

15 (b) After service of a notice containing an income withholding
16 provision under this chapter or chapter 74.20A RCW.

17 (2) The office of support enforcement shall serve a notice of
18 payroll deduction upon a responsible parent's employer or upon the
19 employment security department for the state in possession of or owing
20 any benefits from the unemployment compensation fund to the responsible
21 parent pursuant to Title 50 RCW by personal service or by any form of
22 mail requiring a return receipt.

23 (3) Service of a notice of payroll deduction upon an employer or
24 employment security department requires the employer or employment
25 security department to immediately make a mandatory payroll deduction
26 from the responsible parent's unpaid disposable earnings or
27 unemployment compensation benefits. The employer or employment
28 security department shall thereafter deduct each pay period the amount
29 stated in the notice divided by the number of pay periods per month.
30 The payroll deduction each pay period shall not exceed fifty percent of
31 the responsible parent's disposable earnings.

32 (4) A notice of payroll deduction for support shall have priority
33 over any wage assignment, garnishment, attachment, or other legal
34 process.

35 (5) The notice of payroll deduction shall be in writing and
36 include:

37 (a) The name and social security number of the responsible parent;

1 (b) The amount to be deducted from the responsible parent's
2 disposable earnings each month, or alternate amounts and frequencies as
3 may be necessary to facilitate processing of the payroll deduction;

4 (c) A statement that the total amount withheld shall not exceed
5 fifty percent of the responsible parent's disposable earnings; ((and))

6 (d) The address to which the payments are to be mailed or
7 delivered; and

8 (e) A notice to the responsible parent warning the responsible
9 parent that, despite the payroll deduction, the responsible parent's
10 privileges to obtain and maintain a license, as defined in section 2 of
11 this act, may be denied, not renewed, or suspended if the parent is not
12 in compliance with a support order as defined in section 2 of this act.

13 (6) An informational copy of the notice of payroll deduction shall
14 be mailed to the last known address of the responsible parent by
15 regular mail.

16 (7) An employer or employment security department that receives a
17 notice of payroll deduction shall make immediate deductions from the
18 responsible parent's unpaid disposable earnings and remit proper
19 amounts to the Washington state support registry on each date the
20 responsible parent is due to be paid.

21 (8) An employer, or the employment security department, upon whom
22 a notice of payroll deduction is served, shall make an answer to the
23 office of support enforcement within twenty days after the date of
24 service. The answer shall confirm compliance and institution of the
25 payroll deduction or explain the circumstances if no payroll deduction
26 is in effect. The answer shall also state whether the responsible
27 parent is employed by or receives earnings from the employer or
28 receives unemployment compensation benefits from the employment
29 security department, whether the employer or employment security
30 department anticipates paying earnings or unemployment compensation
31 benefits and the amount of earnings. If the responsible parent is no
32 longer employed, or receiving earnings from the employer, the answer
33 shall state the present employer's name and address, if known. If the
34 responsible parent is no longer receiving unemployment compensation
35 benefits from the employment security department, the answer shall
36 state the present employer's name and address, if known.

37 (9) The employer or employment security department may deduct a
38 processing fee from the remainder of the responsible parent's earnings
39 after withholding under the notice of payroll deduction, even if the

1 remainder is exempt under RCW 26.18.090. The processing fee may not
2 exceed: (a) Ten dollars for the first disbursement made to the
3 Washington state support registry; and (b) one dollar for each
4 subsequent disbursement to the registry.

5 (10) The notice of payroll deduction shall remain in effect until
6 released by the office of support enforcement, the court enters an
7 order terminating the notice and approving an alternate arrangement
8 under RCW 26.23.050(2), or one year has expired since the employer has
9 employed the responsible parent or has been in possession of or owing
10 any earnings to the responsible parent or the employment security
11 department has been in possession of or owing any unemployment
12 compensation benefits to the responsible parent.

13

CHILD SUPPORT ENFORCEMENT

14 **Sec. 93.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to
15 read as follows:

16 (1) Whenever the department of social and health services receives
17 an application for public assistance on behalf of a child, the
18 department shall take appropriate action under the provisions of this
19 chapter, chapter 74.20A RCW, or other appropriate statutes of this
20 state to establish or enforce support obligations against the parent or
21 other persons owing a duty to pay support moneys.

22 (2) The secretary may accept a request for support enforcement
23 services on behalf of persons who are not recipients of public
24 assistance and may take appropriate action to establish or enforce
25 support obligations against the parent or other persons owing a duty to
26 pay moneys. Requests accepted under this subsection may be conditioned
27 upon the payment of a fee as required through regulation issued by the
28 secretary. (~~Action may be taken under the provisions of chapter 74.20~~
29 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~
30 ~~statutes of this state, including but not limited to remedies~~
31 ~~established in chapter 74.20A RCW, to establish and enforce said~~
32 ~~support obligations.)) The secretary may establish by regulation,
33 reasonable standards and qualifications for support enforcement
34 services under this subsection.~~

35 (3) The secretary may accept requests for support enforcement
36 services from child support enforcement agencies in other states
37 operating child support programs under Title IV-D of the social

1 security act or from foreign countries, and may take appropriate action
2 to establish and enforce support obligations, or to enforce subpoenas,
3 information requests, orders for genetic testing, and collection
4 actions issued by the other agency against the parent or other person
5 owing a duty to pay support moneys, the parent or other person's
6 employer, or any other person or entity properly subject to child
7 support collection or information-gathering processes. The request
8 shall contain and be accompanied by such information and documentation
9 as the secretary may by rule require, and be signed by an authorized
10 representative of the agency. The secretary may adopt rules setting
11 forth the duration and nature of services provided under this
12 subsection.

13 (4) The department may take action to establish, enforce, and
14 collect a support obligation, including performing related services,
15 under this chapter and chapter 74.20A RCW, or through the attorney
16 general or prosecuting attorney for action under chapter 26.09, 26.18,
17 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common
18 law of this state.

19 (5) Whenever a support order is filed with the Washington state
20 support registry under chapter 26.23 RCW, the department may take
21 appropriate action under the provisions of this chapter, chapter 26.23
22 or 74.20A RCW, or other appropriate law of this state to establish or
23 enforce the support obligations contained in that order against the
24 responsible parent or other persons owing a duty to pay support moneys.

25 (6) The secretary may charge and collect a fee from the person
26 obligated to pay support to compensate the department for services
27 rendered in establishment of or enforcement of support obligations.
28 This fee shall be limited to not more than ten percent of any support
29 money collected as a result of action taken by the secretary. The fee
30 charged shall be in addition to the support obligation. In no event
31 may any moneys collected by the department of social and health
32 services from the person obligated to pay support be retained as
33 satisfaction of fees charged until all current support obligations have
34 been satisfied. The secretary shall by regulation establish reasonable
35 fees for support enforcement services and said schedule of fees shall
36 be made available to any person obligated to pay support. The
37 secretary may, on showing of necessity, waive or defer any such fee.

38 (7) Fees, due and owing, may be collected as delinquent support
39 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter

1 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity
2 available to the department or any agencies with whom it has a
3 cooperative or contractual arrangement to establish, enforce, or
4 collect support moneys or support obligations.

5 (8) The secretary may waive the fee, or any portion thereof, as a
6 part of a compromise of disputed claims or may grant partial or total
7 charge off of said fee if the secretary finds there are no available,
8 practical, or lawful means by which said fee may be collected or to
9 facilitate payment of the amount of delinquent support moneys owed.

10 (9) The secretary shall adopt rules conforming to federal laws,
11 rules, and regulations required to be observed in maintaining the state
12 child support enforcement program required under Title IV-D of the
13 federal social security act. The adoption of these rules shall be
14 calculated to promote the cost-effective use of the agency's resources
15 and not otherwise cause the agency to divert its resources from its
16 essential functions.

17 NEW SECTION. Sec. 94. A new section is added to chapter 74.20A
18 RCW to read as follows:

19 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--
20 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to
21 child support payments wrongfully or negligently retains child support
22 payments owed to another or to the Washington state support registry,
23 those payments retain their character as child support payments and may
24 be collected by the division of child support using any remedy
25 available to the division of child support under Washington law for the
26 collection of child support.

27 (2) Child support moneys subject to collection under this section
28 may be collected for the duration of the statute of limitations as it
29 applies to the support order governing the support obligations, and any
30 legislative or judicial extensions thereto.

31 (3) This section applies to the following:

32 (a) Cases in which an employer or other entity obligated to
33 withhold child support payments from the parent's pay, bank, or escrow
34 account, or from any other asset or distribution of money to the
35 parent, has withheld those payments and failed to remit them to the
36 payee;

37 (b) Cases in which child support moneys have been paid to the wrong
38 person or entity in error;

1 (c) Cases in which child support recipients have retained child
2 support payments in violation of a child support assignment executed or
3 arising by operation of law in exchange for the receipt of public
4 assistance; and

5 (d) Any other case in which child support payments are retained by
6 a party not entitled to them.

7 (4) This section does not create a duty to establish liability
8 against parties subject to this section.

9 (5) This section does not apply to fines levied under section
10 95(3)(b) of this act.

11 NEW SECTION. **Sec. 95.** A new section is added to chapter 74.20A
12 RCW to read as follows:

13 NONCOMPLIANCE WITH CHILD SUPPORT PROCESSES--NOTICE--HEARINGS--
14 LIABILITY. (1) The division of child support may issue a notice of
15 noncompliance to any person, firm, entity, or agency of state or
16 federal government that the division believes is not complying with:

17 (a) A notice of payroll deduction issued under chapter 26.23 RCW;

18 (b) A lien, order to withhold and deliver, or assignment of
19 earnings issued under this chapter;

20 (c) Any other wage assignment, garnishment, attachment, or
21 withholding instrument properly served by the agency or firm providing
22 child support enforcement services for another state, under Title IV-D
23 of the federal social security act;

24 (d) A subpoena issued by the division of child support, or the
25 agency or firm providing child support enforcement for another state,
26 under Title IV-D of the federal social security act;

27 (e) An information request issued by the division of child support,
28 or the agency or firm providing child support enforcement for another
29 state under Title IV-D of the federal social security act, to an
30 employer or entity required to respond to such requests under section
31 99 of this act; or

32 (f) The duty to report newly hired employees imposed by RCW
33 26.23.040.

34 (2) Liability for noncompliance with a wage withholding,
35 garnishment, order to withhold and deliver, or any other lien or
36 attachment issued to secure payment of child support is governed by RCW
37 26.23.090 and 74.20A.100, except that liability for noncompliance with
38 remittance time frames is governed by subsection (3) of this section.

1 (3) The division of child support may impose fines of up to one
2 hundred dollars per occurrence for:

3 (a) Noncompliance with a subpoena or an information request issued
4 by the division of child support, or the agency or firm providing child
5 support enforcement services for another state under Title IV-D of the
6 federal social security act;

7 (b) Noncompliance with the required time frames for remitting
8 withheld support moneys to the Washington state support registry, or
9 the agency or firm providing child support enforcement services for
10 another state, except that no liability shall be established for
11 failure to make timely remittance unless the division of child support
12 has provided the person, firm, entity, or agency of state or federal
13 government with written warning:

14 (i) Explaining the duty to remit withheld payments promptly;

15 (ii) Explaining the potential for fines for delayed submission; and

16 (iii) Providing a contact person within the division of child
17 support with whom the person, firm, entity, or agency of state or
18 federal government may seek assistance with child support withholding
19 issues.

20 (4) The division of child support may assess fines according to RCW
21 26.23.040 for failure to comply with employer reporting requirements.

22 (5) The division of child support may serve a notice of
23 noncompliance by personal service or by any method of mailing requiring
24 a return receipt.

25 (6) The liability asserted by the division of child support in the
26 notice of noncompliance becomes final and collectible on the twenty-
27 first day after the date of service, unless within that time the
28 person, firm, entity, or agency of state or federal government:

29 (a) Initiates an action in superior court to contest the notice of
30 noncompliance;

31 (b) Requests a hearing by delivering a hearing request to the
32 division of child support in accordance with rules adopted by the
33 secretary under this section; or

34 (c) Contacts the division of child support and negotiates an
35 alternate resolution to the asserted noncompliance or demonstrates that
36 the person, firm, entity, or agency of state or federal government has
37 complied with the child support processes.

38 (7) The notice of noncompliance shall contain:

1 (a) A full and fair disclosure of the rights and obligations
2 created by this section; and

3 (b) Identification of the:

4 (i) Child support process with respect to which the division of
5 child support is alleging noncompliance; and

6 (ii) State child support enforcement agency issuing the original
7 child support process.

8 (8) In an administrative hearing convened under subsection (6)(b)
9 of this section, the presiding officer shall determine whether or not,
10 and to what extent, liability for noncompliance exists under this
11 section, and shall enter an order containing these findings. If
12 liability does exist, the presiding officer shall include language in
13 the order advising the parties to the proceeding that the liability may
14 be collected by any means available to the division of child support
15 under subsection (11) of this section without further notice to the
16 liable party.

17 (9) Hearings under this section are governed by the administrative
18 procedure act, chapter 34.05 RCW.

19 (10) After the twenty days following service of the notice, the
20 person, firm, entity, or agency of state or federal government may
21 petition for a late hearing. A petition for a late hearing does not
22 stay any collection action to recover the debt. A late hearing is
23 available upon a showing of any of the grounds stated in civil rule 60
24 for the vacation of orders.

25 (11) The division of child support may collect any obligation
26 established under this section using any of the remedies available
27 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the
28 collection of child support.

29 (12) The division of child support may enter agreements for the
30 repayment of obligations under this section. Agreements may:

31 (a) Suspend the obligation imposed by this section conditioned on
32 future compliance with child support processes. Such suspension shall
33 end automatically upon any failure to comply with a child support
34 process. Amounts suspended become fully collectible without further
35 notice automatically upon failure to comply with a child support
36 process;

37 (b) Resolve amounts due under this section and provide for
38 repayment.

39 (13) The secretary may adopt rules to implement this section.

1 **Sec. 96.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to read
2 as follows:

3 (1) The employer shall be liable to the Washington state support
4 registry, or to the agency or firm providing child support enforcement
5 for another state, under Title IV-D of the federal social security act
6 and issuing a notice, garnishment, or wage assignment attaching wages
7 or earnings in satisfaction of a support obligation, for one hundred
8 percent of the amount of the support debt, or the amount of support
9 moneys which should have been withheld from the employee's earnings,
10 whichever is the lesser amount, if the employer:

11 (a) Fails or refuses, after being served with a notice of payroll
12 deduction, or substantially similar action issued by the agency or firm
13 providing child support enforcement for another state, under Title IV-D
14 of the federal social security act, to deduct and promptly remit from
15 unpaid earnings the amounts of money required in the notice;

16 (b) Fails or refuses to submit an answer to the notice of payroll
17 deduction, or substantially similar action issued by the agency or firm
18 providing child support enforcement for another state, under Title IV-D
19 of the federal social security act, after being served; or

20 (c) Is unwilling to comply with the other requirements of RCW
21 26.23.060.

22 (2) Liability may be established in superior court or may be
23 established pursuant to ~~((RCW 74.20A.270))~~ section 95 of this act.
24 Awards in superior court and in actions pursuant to ~~((RCW 74.20A.270))~~
25 section 95 of this act shall include costs, interest under RCW
26 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs
27 as a part of the award. Debts established pursuant to this section may
28 be collected ~~((pursuant to chapter 74.20A RCW utilizing any of the~~
29 remedies contained in that chapter)) by the division of child support
30 using any of the remedies available under chapter 26.09, 26.18, 26.21,
31 26.23, 74.20, or 74.20A RCW for the collection of child support.

32 **Sec. 97.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to
33 read as follows:

34 (1) Any person, firm, corporation, association, political
35 subdivision or department of the state shall be liable to the
36 department, or to the agency or firm providing child support
37 enforcement for another state, under Title IV-D of the federal social
38 security act and issuing a notice, garnishment, or wage assignment

1 attaching wages or earnings in satisfaction of a support obligation, in
2 an amount equal to one hundred percent of the value of the debt which
3 is the basis of the lien, order to withhold and deliver, distraint, or
4 assignment of earnings, or the amount that should have been withheld,
5 whichever amount is less, together with costs, interest, and reasonable
6 attorney fees if that person or entity:

7 (a) Fails to answer an order to withhold and deliver, or
8 substantially similar action issued by the agency or firm providing
9 child support enforcement for another state, under Title IV-D of the
10 federal social security act, within the time prescribed herein;

11 (b) Fails or refuses to deliver property pursuant to said order;

12 (c) After actual notice of filing of a support lien, pays over,
13 releases, sells, transfers, or conveys real or personal property
14 subject to a support lien to or for the benefit of the debtor or any
15 other person;

16 (d) Fails or refuses to surrender property distrained under RCW
17 74.20A.130 upon demand; or

18 (e) Fails or refuses to honor an assignment of earnings presented
19 by the secretary.

20 (2) The secretary is authorized to issue a notice of ((debt
21 pursuant to RCW 74.20A.040 and to take appropriate action to collect
22 the debt under this chapter if:

23 (a) A judgment has been entered as the result of an action in
24 superior court against a person, firm, corporation, association,
25 political subdivision, or department of the state based on a violation
26 of this section; or

27 (b) Liability has been established under RCW 74.20A.270))
28 noncompliance under section 95 of this act or to proceed in superior
29 court to obtain a judgment for noncompliance under this section.

30 **Sec. 98.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156
31 are each reenacted and amended to read as follows:

32 (1) The secretary may issue a notice of ((noncompliance)) retained
33 support or notice to recover a support payment to any person((, firm,
34 corporation, association, or political subdivision of the state of
35 Washington or any officer or agent thereof who has violated chapter
36 26.18 RCW, RCW 74.20A.100, or 26.23.040,)):

37 (a) Who is in possession of support moneys, or who has had support
38 moneys in his or her possession at some time in the past, which support

1 moneys were or are claimed by the department as the property of the
2 department by assignment, subrogation, or by operation of law or legal
3 process under chapter 74.20A RCW(~~(, if the support moneys have not been~~
4 ~~remitted to the department as required by law));~~

5 (b) Who has received a support payment erroneously directed to the
6 wrong payee, or issued by the department in error while the recipient
7 was receiving public assistance; or

8 (c) Who is in possession of a support payment obtained through the
9 internal revenue service tax refund offset process, which payment was
10 later reclaimed from the department by the internal revenue service as
11 a result of an amended tax return filed by the obligor or the obligor's
12 spouse.

13 (2) The notice shall (~~(describe the claim of the department,~~
14 ~~stating)) state the legal basis for the claim and shall provide~~

15 sufficient detail to enable the person(~~(, firm, corporation,~~
16 ~~association, or political subdivision or officer or agent thereof upon~~
17 ~~whom service is made)) to identify the support moneys in issue (~~(or the~~
18 ~~specific violation of RCW 74.20A.100 that has occurred. The notice may~~
19 ~~also make inquiry as to relevant facts necessary to the resolution of~~
20 ~~the issue)).~~~~

21 (3) The department shall serve the notice (~~(may be served))~~ by
22 certified mail, return receipt requested, or in the manner of a summons
23 in a civil action. (~~(Upon service of the notice all moneys not yet~~
24 ~~disbursed or spent or like moneys to be received in the future are~~
25 ~~deemed to be impounded and shall be held in trust pending answer to the~~
26 ~~notice and any adjudicative proceeding.))~~

27 (4) The amounts claimed in the notice (~~(shall be answered under~~
28 ~~oath and in writing within twenty days of the date of service, which~~
29 ~~answer shall include true answers to the matters inquired of in the~~
30 ~~notice. The answer shall also either acknowledge)) shall become
31 assessed, determined, and subject to collection twenty days from the
32 date of service of the notice unless within twenty days the person in
33 possession of the support moneys:~~

34 (a) Acknowledges the department's right to the moneys (~~(or~~
35 ~~application for)) and executes an agreed settlement providing for
36 repayment of the moneys; or~~

37 (b) Requests an adjudicative proceeding to (~~(contest the allegation~~
38 ~~that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been~~
39 ~~violated, or)) determine the rights to ownership of the support moneys~~

1 in issue. The hearing shall be held pursuant to this section, chapter
2 34.05 RCW, the Administrative Procedure Act, and the rules of the
3 department. The burden of proof to establish ownership of the support
4 moneys claimed(~~(, including but not limited to moneys not yet disbursed
5 or spent,))~~) is on the department.

6 ~~((If no answer is made within the twenty days, the department's
7 claim shall be assessed and determined and subject to collection action
8 as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW
9 26.23.040. Any such debtor))~~

10 (5) After the twenty-day period, a person served with a notice
11 under this section may, at any time within one year from the date of
12 service of the notice of support debt, petition the secretary or the
13 secretary's designee for an adjudicative proceeding upon a showing of
14 any of the grounds enumerated in RCW 4.72.010 or superior court civil
15 rule 60. A copy of the petition shall also be served on the
16 department. The filing of the petition shall not stay any collection
17 action being taken, but the debtor may petition the secretary or the
18 secretary's designee for an order staying collection action pending the
19 final administrative order. ~~((Any moneys held and/or taken by
20 collection action prior to the date of any such stay and any support
21 moneys claimed by the department, including moneys to be received in
22 the future to which the department may have a claim, shall be held in
23 trust pending the final order, to be disbursed in accordance with the
24 final order. The secretary or the secretary's designee shall condition
25 the stay to provide for the trust.~~

26 ~~If the petition is granted the issue in the proceeding is limited
27 to the determination of the ownership of the moneys claimed in the
28 notice of debt. The right to an adjudicative proceeding is conditioned
29 upon holding of any funds not yet disbursed or expended or to be
30 received in the future in trust pending the final order in these
31 proceedings. The presiding or reviewing officer shall enter an
32 appropriate order providing for the terms of the trust.))~~

33 (6) If the debtor fails to attend or participate in the hearing or
34 other stage of an adjudicative proceeding, the presiding officer shall,
35 upon showing of valid service, enter an order declaring the amount of
36 support moneys, as claimed in the notice, to be assessed and determined
37 and subject to collection action.

38 (7) The department may take action to collect an obligation
39 established under this section using any remedy available under this

1 chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection
2 of child support.

3 (8) If, at any time, the superior court enters judgment for an
4 amount of debt at variance with the amount determined by the final
5 order in an adjudicative proceeding, the judgment shall supersede the
6 final administrative order. (~~Any debt determined by the superior~~
7 ~~court in excess of the amount determined by the final administrative~~
8 ~~order shall be the property of the department as assigned under 42~~
9 ~~U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or~~
10 ~~74.20.330.)) The department may(~~(, despite any final administrative~~~~

11 ~~order,)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain~~

12 such a judgment or to collect moneys determined by such a judgment to

13 be due and owing.

14 (~~If public assistance moneys have been paid to a parent for the~~
15 ~~benefit of that parent's minor dependent children, debt under this~~
16 ~~chapter shall not be incurred by nor at any time be collected from that~~
17 ~~parent because of that payment of assistance. Nothing in this section~~
18 ~~prohibits or limits the department from acting pursuant to RCW~~
19 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~
20 ~~recipient for receipt of support moneys paid in satisfaction of the~~
21 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~
22 ~~department but were received by a recipient or ex-recipient from~~
23 ~~another responsible parent and not remitted to the department. To~~
24 ~~collect these wrongfully retained funds from the recipient, the~~
25 ~~department may not take collection action in excess of ten percent of~~
26 ~~the grant payment standard during any month the public assistance~~
27 ~~recipient remains in that status unless required by federal law.)) (9)~~

28 If a person owing a debt established under this section is receiving
29 public assistance, the department may collect the debt by offsetting up
30 to ten percent of the grant payment received by the person. No
31 collection action may be taken against the earnings of a person
32 receiving cash public assistance to collect a debt assessed under this
33 section.

34 (10) Payments not credited against the department's debt pursuant
35 to RCW 74.20.101 may not be assessed or collected under this section.

36 NEW SECTION. Sec. 99. A new section is added to chapter 74.20A
37 RCW to read as follows:

1 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)

2 Notwithstanding any other provision of Washington law, the division of
3 child support, the Washington state support registry, or the agency or
4 firm providing child support enforcement services for another state
5 under Title IV-D of the federal social security act may access records
6 of the following nature, in the possession of any agency or entity
7 listed in this section:

8 (a) Records of state and local agencies, including but not limited
9 to:

10 (i) The center for health statistics, including but not limited to
11 records of birth, marriage, and death;

12 (ii) Tax and revenue records, including, but not limited to,
13 information on residence addresses, employers, and assets;

14 (iii) Records concerning real and titled personal property;

15 (iv) Records of occupational, professional, and recreational
16 licenses and records concerning the ownership and control of
17 corporations, partnerships, and other business entities;

18 (v) Employment security records;

19 (vi) Records of agencies administering public assistance programs;
20 and

21 (vii) Records of the department of corrections, and of county and
22 municipal correction or confinement facilities;

23 (b) Records of public utilities and cable television companies
24 relating to persons who owe or are owed support, or against whom a
25 support obligation is sought, including names and addresses of the
26 individuals, and employers' names and addresses pursuant to section 100
27 of this act and RCW 74.20A.120; and

28 (c) Records held by financial institutions, pursuant to section 102
29 of this act.

30 (2) Upon the request of the division of child support, the
31 Washington state support registry, or the agency or firm providing
32 child support enforcement services for another state under Title IV-D
33 of the social security act, any employer shall provide information as
34 to the employment, earnings, benefits, and residential address and
35 phone number of any employee.

36 (3) Entities in possession of records described in subsection
37 (1)(a) and (c) of this section must provide information and records
38 upon the request of the division of child support, the Washington state
39 support registry, or the agency or firm providing child support

1 enforcement services for another state under Title IV-D of the federal
2 social security act. The division of child support may enter into
3 agreements providing for electronic access to these records.

4 (4) Public utilities and cable television companies must provide
5 the information in response to a judicial or administrative subpoena
6 issued by the division of child support, the Washington state support
7 registry, or the agency or firm providing child support enforcement
8 services for another state under Title IV-D of the federal social
9 security act.

10 (5) Entities responding to information requests and subpoenas under
11 this section are not liable for disclosing information pursuant to the
12 request or subpoena.

13 (6) The division of child support shall maintain all information
14 gathered under this section confidential and shall only disclose this
15 information as provided under RCW 26.23.120.

16 (7) The division of child support may impose fines for
17 noncompliance with this section using the notice of noncompliance under
18 section 95 of this act.

19 NEW SECTION. **Sec. 100.** A new section is added to chapter 74.20
20 RCW to read as follows:

21 SUBPOENA AUTHORITY--ENFORCEMENT. In carrying out the provisions of
22 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the
23 secretary and other duly authorized officers of the department may
24 subpoena witnesses, take testimony, and compel the production of such
25 papers, books, records, and documents as they may deem relevant to the
26 performance of their duties. The division of child support may enforce
27 subpoenas issued under this power according to section 95 of this act.

28 **Sec. 101.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each
29 amended to read as follows:

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

33 (1) "Department" means the state department of social and health
34 services.

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

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

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

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

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

9 (5) "Superior court order" means any judgment, decree, or order of
10 the superior court of the state of Washington, or a court of comparable
11 jurisdiction of another state, establishing the existence of a support
12 obligation and ordering payment of a set or determinable amount of
13 support moneys to satisfy the support obligation. For purposes of RCW
14 74.20A.055, orders for support which were entered under the uniform
15 reciprocal enforcement of support act by a state where the responsible
16 parent no longer resides shall not preclude the department from
17 establishing an amount to be paid as current and future support.

18 (6) "Administrative order" means any determination, finding,
19 decree, or order for support pursuant to RCW 74.20A.055, or by an
20 agency of another state pursuant to a substantially similar
21 administrative process, establishing the existence of a support
22 obligation and ordering the payment of a set or determinable amount of
23 support moneys to satisfy the support obligation.

24 (7) "Responsible parent" means a natural parent, adoptive parent,
25 or stepparent of a dependent child or a person who has signed an
26 affidavit acknowledging paternity which has been filed with the state
27 office of vital statistics.

28 (8) "Stepparent" means the present spouse of the person who is
29 either the mother, father, or adoptive parent of a dependent child, and
30 such status shall exist until terminated as provided for in RCW
31 26.16.205.

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

37 (10) "Support debt" means any delinquent amount of support moneys
38 which is due, owing, and unpaid under a superior court order or an
39 administrative order, a debt for the payment of expenses for the

1 reasonable or necessary care, support, and maintenance, including
2 medical expenses, of a dependent child or other person for whom a
3 support obligation is owed; or a debt under RCW 74.20A.100 or
4 74.20A.270. Support debt also includes any accrued interest, fees, or
5 penalties charged on a support debt, and attorneys fees and other costs
6 of litigation awarded in an action to establish and enforce a support
7 obligation or debt.

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

11 (12) "Financial institution" means:

12 (a) A depository institution, as defined in section 3(c) of the
13 federal deposit insurance act;

14 (b) An institution-affiliated party, as defined in section 3(u) of
15 the federal deposit insurance act;

16 (c) Any federal or state credit union, as defined in section 101 of
17 the federal credit union act, including an institution-affiliated party
18 of such credit union, as defined in section 206(r) of the federal
19 deposit insurance act; or

20 (d) Any benefit association, insurance company, safe deposit
21 company, money-market mutual fund, or similar entity.

22 (13) "Account" means a demand deposit account, checking or
23 negotiable withdrawal order account, savings account, time deposit
24 account, or money-market mutual fund account.

25 NEW SECTION. Sec. 102. A new section is added to chapter 74.20A
26 RCW to read as follows:

27 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter
28 financial institutions doing business in the state of Washington shall
29 report to the department the name, record address, social security
30 number or other taxpayer identification number, and other information
31 determined necessary by the department for each individual who
32 maintains an account at such institution and is identified by the
33 department as owing a support debt.

34 (2) The department and financial institutions shall enter into
35 agreements to develop and operate a data match system, using automated
36 data exchanges to the extent feasible, to minimize the cost of
37 providing information required under subsection (1) of this section.

1 (3) The department may pay a reasonable fee to a financial
2 institution for conducting the data match not to exceed the actual
3 costs incurred.

4 (4) A financial institution is not liable for any disclosure of
5 information to the department under this section.

6 **Sec. 103.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
7 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
8 follows:

9 (1) The following are exempt from public inspection and copying:

10 (a) Personal information in any files maintained for students in
11 public schools, patients or clients of public institutions or public
12 health agencies, or welfare recipients.

13 (b) Personal information in files maintained for employees,
14 appointees, or elected officials of any public agency to the extent
15 that disclosure would violate their right to privacy.

16 (c) Information required of any taxpayer in connection with the
17 assessment or collection of any tax if the disclosure of the
18 information to other persons would (i) be prohibited to such persons by
19 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
20 in unfair competitive disadvantage to the taxpayer.

21 (d) Specific intelligence information and specific investigative
22 records compiled by investigative, law enforcement, and penology
23 agencies, and state agencies vested with the responsibility to
24 discipline members of any profession, the nondisclosure of which is
25 essential to effective law enforcement or for the protection of any
26 person's right to privacy.

27 (e) Information revealing the identity of persons who are witnesses
28 to or victims of crime or who file complaints with investigative, law
29 enforcement, or penology agencies, other than the public disclosure
30 commission, if disclosure would endanger any person's life, physical
31 safety, or property. If at the time a complaint is filed the
32 complainant, victim or witness indicates a desire for disclosure or
33 nondisclosure, such desire shall govern. However, all complaints filed
34 with the public disclosure commission about any elected official or
35 candidate for public office must be made in writing and signed by the
36 complainant under oath.

37 (f) Test questions, scoring keys, and other examination data used
38 to administer a license, employment, or academic examination.

1 (g) Except as provided by chapter 8.26 RCW, the contents of real
2 estate appraisals, made for or by any agency relative to the
3 acquisition or sale of property, until the project or prospective sale
4 is abandoned or until such time as all of the property has been
5 acquired or the property to which the sale appraisal relates is sold,
6 but in no event shall disclosure be denied for more than three years
7 after the appraisal.

8 (h) Valuable formulae, designs, drawings, and research data
9 obtained by any agency within five years of the request for disclosure
10 when disclosure would produce private gain and public loss.

11 (i) Preliminary drafts, notes, recommendations, and intra-agency
12 memorandums in which opinions are expressed or policies formulated or
13 recommended except that a specific record shall not be exempt when
14 publicly cited by an agency in connection with any agency action.

15 (j) Records which are relevant to a controversy to which an agency
16 is a party but which records would not be available to another party
17 under the rules of pretrial discovery for causes pending in the
18 superior courts.

19 (k) Records, maps, or other information identifying the location of
20 archaeological sites in order to avoid the looting or depredation of
21 such sites.

22 (l) Any library record, the primary purpose of which is to maintain
23 control of library materials, or to gain access to information, which
24 discloses or could be used to disclose the identity of a library user.

25 (m) Financial information supplied by or on behalf of a person,
26 firm, or corporation for the purpose of qualifying to submit a bid or
27 proposal for (i) a ferry system construction or repair contract as
28 required by RCW 47.60.680 through 47.60.750 or (ii) highway
29 construction or improvement as required by RCW 47.28.070.

30 (n) Railroad company contracts filed prior to July 28, 1991, with
31 the utilities and transportation commission under RCW 81.34.070, except
32 that the summaries of the contracts are open to public inspection and
33 copying as otherwise provided by this chapter.

34 (o) Financial and commercial information and records supplied by
35 private persons pertaining to export services provided pursuant to
36 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
37 export projects pursuant to RCW 43.23.035.

38 (p) Financial disclosures filed by private vocational schools under
39 chapters 28B.85 and 28C.10 RCW.

1 (q) Records filed with the utilities and transportation commission
2 or attorney general under RCW 80.04.095 that a court has determined are
3 confidential under RCW 80.04.095.

4 (r) Financial and commercial information and records supplied by
5 businesses or individuals during application for loans or program
6 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
7 or during application for economic development loans or program
8 services provided by any local agency.

9 (s) Membership lists or lists of members or owners of interests of
10 units in timeshare projects, subdivisions, camping resorts,
11 condominiums, land developments, or common-interest communities
12 affiliated with such projects, regulated by the department of
13 licensing, in the files or possession of the department.

14 (t) All applications for public employment, including the names of
15 applicants, resumes, and other related materials submitted with respect
16 to an applicant.

17 (u) The residential addresses and residential telephone numbers of
18 employees or volunteers of a public agency which are held by the agency
19 in personnel records, employment or volunteer rosters, or mailing lists
20 of employees or volunteers.

21 (v) The residential addresses and residential telephone numbers of
22 the customers of a public utility contained in the records or lists
23 held by the public utility of which they are customers, except that
24 this information may be released to the division of child support or
25 the agency or firm providing child support enforcement for another
26 state under Title IV-D of the federal social security act, for the
27 establishment, enforcement, or modification of a support order.

28 (w)(i) The federal social security number of individuals governed
29 under chapter 18.130 RCW maintained in the files of the department of
30 health, except this exemption does not apply to requests made directly
31 to the department from federal, state, and local agencies of
32 government, and national and state licensing, credentialing,
33 investigatory, disciplinary, and examination organizations; (ii) the
34 current residential address and current residential telephone number of
35 a health care provider governed under chapter 18.130 RCW maintained in
36 the files of the department, if the provider requests that this
37 information be withheld from public inspection and copying, and
38 provides to the department an accurate alternate or business address
39 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a
2 health care provider governed under RCW 18.130.140 maintained in the
3 files of the department shall automatically be withheld from public
4 inspection and copying unless the provider specifically requests the
5 information be released, and except as provided for under RCW
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department
10 of health and its representatives as provided in RCW 69.41.044,
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and
13 any information produced or obtained in evaluating or examining a
14 business and industrial development corporation organized or seeking
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state
17 investment board by any person when the information relates to the
18 investment of public trust or retirement funds and when disclosure
19 would result in loss to such funds or in private loss to the providers
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency
26 employee: (i) Seeks advice, under an informal process established by
27 the employing agency, in order to ascertain his or her rights in
28 connection with a possible unfair practice under chapter 49.60 RCW
29 against the person; and (ii) requests his or her identity or any
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency
32 conducting a current investigation of a possible unfair practice under
33 chapter 49.60 RCW or of a possible violation of other federal, state,
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research
38 information and data submitted to or obtained by the clean Washington

1 center in applications for, or delivery of, program services under
2 chapter 70.95H RCW.

3 (hh) Information and documents created specifically for, and
4 collected and maintained by a quality improvement committee pursuant to
5 RCW 43.70.510, regardless of which agency is in possession of the
6 information and documents.

7 (ii) Personal information in files maintained in a data base
8 created under RCW 43.07.360.

9 (2) Except for information described in subsection (1)(c)(i) of
10 this section and confidential income data exempted from public
11 inspection pursuant to RCW 84.40.020, the exemptions of this section
12 are inapplicable to the extent that information, the disclosure of
13 which would violate personal privacy or vital governmental interests,
14 can be deleted from the specific records sought. No exemption may be
15 construed to permit the nondisclosure of statistical information not
16 descriptive of any readily identifiable person or persons.

17 (3) Inspection or copying of any specific records exempt under the
18 provisions of this section may be permitted if the superior court in
19 the county in which the record is maintained finds, after a hearing
20 with notice thereof to every person in interest and the agency, that
21 the exemption of such records is clearly unnecessary to protect any
22 individual's right of privacy or any vital governmental function.

23 (4) Agency responses refusing, in whole or in part, inspection of
24 any public record shall include a statement of the specific exemption
25 authorizing the withholding of the record (or part) and a brief
26 explanation of how the exemption applies to the record withheld.

27 NEW SECTION. **Sec. 104.** A new section is added to chapter 74.20
28 RCW to read as follows:

29 **ORDERS FOR GENETIC TESTING.** (1) The office of the attorney
30 general, a prosecuting attorney, or the division of child support may
31 issue an order for genetic testing when providing services under this
32 chapter and Title IV-D of the federal social security act and genetic
33 testing:

34 (a) Is appropriate in an action under chapter 26.26 RCW, the
35 uniform parentage act;

36 (b) Is appropriate in an action to establish support under RCW
37 74.20A.056; or

1 (c) Would assist the parties, the division of child support, the
2 prosecuting attorney, or the office of the attorney general in
3 determining whether it is appropriate to proceed with an action to
4 establish or disestablish paternity.

5 (2) The order for genetic testing shall be served on the alleged
6 parent or parents and the legal parent by personal service or by any
7 form of mail requiring a return receipt.

8 (3) Within twenty days of the date of service of an order for
9 genetic testing, any party required to appear for genetic testing or
10 any other party presumptively a parent to the child under RCW
11 26.26.040, the child, or a guardian on the child's behalf, may petition
12 in superior court under chapter 26.26 RCW to bar, postpone, or include
13 other parties in the order for genetic testing.

14 (4) The order for genetic testing shall contain:

15 (a) An explanation of the right to proceed in superior court under
16 subsection (3) of this section;

17 (b) Notice that if no one proceeds under subsection (3) of this
18 section, the agency issuing the order will schedule genetic testing and
19 will notify the parties of the time and place of testing by regular
20 mail;

21 (c) Notice that the parties must keep the agency issuing the order
22 for genetic testing informed of their residence address and that
23 mailing a notice of time and place for genetic testing to the last
24 known address of the parties by regular mail constitutes valid service
25 of the notice of time and place;

26 (d) Notice that the order for genetic testing may be enforced
27 through:

28 (i) Public assistance grant reduction for noncooperation, pursuant
29 to agency rule, if the child and custodian are receiving public
30 assistance;

31 (ii) Termination of support enforcement services under Title IV-D
32 of the federal social security act if the child and custodian are not
33 receiving public assistance; or

34 (iii) A motion for contempt of court.

35 (5) The agency or attorney issuing the order for genetic testing
36 may petition the superior court of the county where the venue exists
37 for a parentage action under chapter 26.26 RCW for enforcement of the
38 order for genetic testing. The petition shall be accompanied by a copy
39 of the order for genetic testing and proof of service, shall set forth

1 in what specific manner the order for genetic testing has not been
2 complied with, and shall request an order of the court to compel
3 compliance. Upon such petition, the court shall enter an order
4 directing the person to appear before the court at a time and place
5 fixed in the order to show cause why the person has not obeyed the
6 order for genetic testing. A copy of the court's show cause order
7 shall be served upon the person. If it appears to the court that the
8 order for genetic testing was properly issued the court shall enter an
9 order that the person appear before the agency at the time and place
10 fixed in the order and submit to genetic testing and on failing to obey
11 this order the person shall be dealt with as for contempt of court.

12 (6) The office of the attorney general or the prosecuting attorney
13 may bring an action under subsection (5) of this section in superior
14 court to compel compliance with an order for genetic testing issued by
15 the agency or firm providing support enforcement services for another
16 state under Title IV-D of the federal social security act if the
17 issuing firm or agency has first applied to the division of child
18 support for services under RCW 74.20.040(3).

19 (7) This section does not preclude any party from moving under
20 chapter 26.26 RCW for a superior court order for genetic testing.

21 (8) The office of the attorney general, the prosecuting attorney,
22 or the division of child support shall issue an order for genetic
23 testing if:

24 (a) A party to a contested paternity case under chapter 26.26 RCW
25 requests an order for genetic testing; and

26 (b) The party alleges paternity by submitting a sworn statement by
27 the party setting forth facts establishing a reasonable possibility of
28 the requisite sexual contact between the parties; or

29 (c) The party denies paternity by submitting a sworn statement by
30 the party setting forth facts establishing a reasonable possibility of
31 the nonexistence of sexual contact between the parties.

32 (9) The department may advance the following costs of genetic
33 testing under this section.

34 (10) If an action is pending under chapter 26.26 RCW, a judgment
35 for reimbursement of the cost of genetic testing may be awarded under
36 RCW 26.26.100.

37 (11) If no action is pending in superior court, the department may
38 impose an obligation to reimburse costs of genetic testing according to
39 rules adopted by the department to implement RCW 74.20A.056.

1 **Sec. 105.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to
2 read as follows:

3 (1) The ~~((office of support enforcement))~~ division of child
4 support, Washington state support registry, shall provide support
5 enforcement services under the following circumstances:

6 (a) Whenever public assistance under RCW 74.20.330 is paid;

7 (b) ~~((Whenever a request for nonassistance support enforcement~~
8 ~~services under RCW 74.20.040(2) is received;~~

9 ~~(c))~~ Whenever a request for support enforcement services under RCW
10 74.20.040~~((+3))~~ is received;

11 ~~((+d))~~ (c) When a support order which contains language directing
12 a responsible parent to make support payments to the Washington state
13 support registry under RCW 26.23.050 is submitted and the division of
14 child support receives a written application for services or is already
15 providing services;

16 ~~((+e) When a support order is forwarded to the Washington state~~
17 ~~support registry by the clerk of a superior court under RCW~~
18 ~~26.23.050(5);~~

19 ~~(f))~~ (d) When the obligor submits a support order or support
20 payment, and an application, to the Washington state support registry.

21 (2) The office of support enforcement shall continue to provide
22 support enforcement services for so long as and under such conditions
23 as the department shall establish by regulation or until the superior
24 court enters an order removing the requirement that the obligor make
25 support payments to the Washington state support registry as provided
26 for in RCW 26.23.050~~((+2))~~.

27 **Sec. 106.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to
28 read as follows:

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

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

36 (b) A statement that ~~((a notice of payroll deduction may be issued,~~
37 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~
38 ~~may be taken))~~ withholding action may be taken against wages, earnings,

1 assets, or benefits, and liens enforced against real and personal
2 property under the child support statutes of this or any other state,
3 without further notice to the responsible parent at any time after
4 entry of the court order, unless:

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

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

10 (c) A statement that the receiving parent might be required to
11 submit an accounting of how the support is being spent to benefit the
12 child.

13 As used in this subsection and subsection (3) of this section,
14 "good cause not to require immediate income withholding" means a
15 written determination of why implementing immediate wage withholding
16 would not be in the child's best interests and, in modification cases,
17 proof of timely payment of previously ordered support.

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

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

25 (i) A statement that (~~a notice of payroll deduction may be issued~~
26 ~~or other income~~) withholding action (~~under chapter 26.18 or 74.20A~~
27 ~~RCW~~) may be taken against wages, earnings, assets, or benefits, and
28 liens enforced against real and personal property under the child
29 support statutes of this or any other state, without further notice to
30 the responsible parent at any time after entry of the court order,
31 unless:

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

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

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

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

3 (b) The superior court may order immediate or delayed income_
4 withholding as follows:

5 (i) Immediate income withholding may be ordered if the responsible
6 parent has earnings. If immediate income withholding is ordered under
7 this subsection, all support payments shall be paid to the Washington
8 state support registry. The superior court shall issue a mandatory
9 wage assignment order as set forth in chapter 26.18 RCW when the
10 support order is signed by the court. The parent entitled to receive
11 the transfer payment is responsible for serving the employer with the
12 order and for its enforcement as set forth in chapter 26.18 RCW.

13 (ii) If immediate income withholding is not ordered, the court
14 shall require that income withholding be delayed until a payment is
15 past due. The support order shall contain a statement that (~~a notice~~
16 ~~of payroll deduction may be issued, or other income withholding action~~
17 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may
18 be taken against wages, earnings, assets, or benefits, and liens
19 enforced against real and personal property under the child support
20 statutes of this or any other state, without further notice to the
21 responsible parent, after a payment is past due.

22 (c) If a mandatory wage withholding order under chapter 26.18 RCW
23 is issued under this subsection and the office of support enforcement
24 provides support enforcement services under RCW 26.23.045, the existing
25 wage withholding assignment is prospectively superseded upon the office
26 of support enforcement's subsequent service of an income_
27 withholding notice.

28 (3) The office of administrative hearings and the department of
29 social and health services shall require that all support obligations
30 established as administrative orders include a provision which orders
31 and directs that the responsible parent shall make all support payments
32 to the Washington state support registry. All administrative orders
33 shall also state that (~~a notice of payroll deduction may be issued, or~~
34 ~~other income withholding action taken~~) withholding action may be taken
35 against wages, earnings, assets, or benefits, and liens enforced
36 against real and personal property under the child support statutes of
37 this or any other state without further notice to the responsible
38 parent at any time after entry of the order, unless:

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

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

6 (4) If the support order does not include the provision ordering
7 and directing that all payments be made to the Washington state support
8 registry and a statement that (~~(a notice of payroll deduction may be~~
9 ~~issued)) withholding action may be taken against wages, earnings,
10 assets, or benefits if a support payment is past due or at any time
11 after the entry of the order, the office of support enforcement may
12 serve a notice on the responsible parent stating such requirements and
13 authorizations. Service may be by personal service or any form of mail
14 requiring a return receipt.~~

15 (5) Every support order shall state:

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

17 (b) That (~~(a notice of payroll deduction may be issued or other~~
18 ~~income withholding action under chapter 26.18 or 74.20A RCW may be~~
19 ~~taken)) withholding action may be taken against wages, earnings,
20 assets, or benefits, and liens enforced against real and personal
21 property under the child support statutes of this or any other state,
22 without further notice to the responsible parent at any time after
23 entry of (~~(an order by the court)) a support order, unless:~~~~

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

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

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

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

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

32 (f) The social security number, residence address, date of birth,
33 telephone number, driver's license number, and name and address of the
34 employer of the responsible parent;

35 (g) The social security number and residence address of the
36 physical custodian except as provided in subsection (6) of this
37 section;

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

1 (i) (~~In cases requiring payment to the Washington state support~~
2 ~~registry, that the parties are to notify the Washington state support~~
3 ~~registry of any change in residence address. The responsible parent~~
4 ~~shall notify the registry of the name and address of his or her current~~
5 ~~employer,)) A provision requiring the responsible parent to keep the
6 Washington state support registry informed of whether he or she has
7 access to health insurance coverage at reasonable cost and, if so, the
8 health insurance policy information;~~

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

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

19 (l) The reasons for not ordering health insurance coverage if the
20 order fails to require such coverage.

21 (6) The physical custodian's address:

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

26 (b) A responsible parent may request the physical custodian's
27 residence address by submission of a request for disclosure under RCW
28 26.23.120 to the office of support enforcement.

29 (7) (~~The superior court clerk, the office of administrative~~
30 ~~hearings, and the department of social and health services shall,~~
31 ~~within five days of entry, forward to the Washington state support~~
32 ~~registry, a true and correct copy of all superior court orders or~~
33 ~~administrative orders establishing or modifying a support obligation~~
34 ~~which provide that support payments shall be made to the support~~
35 ~~registry. If a superior court order entered prior to January 1, 1988,~~
36 ~~directs the responsible parent to make support payments to the clerk,~~
37 ~~the clerk shall send a true and correct copy of the support order and~~
38 ~~the payment record to the registry for enforcement action when the~~
39 ~~clerk identifies that a payment is more than fifteen days past due.~~

1 ~~The office of support enforcement shall reimburse the clerk for the~~
2 ~~reasonable costs of copying and sending copies of court orders to the~~
3 ~~registry at the reimbursement rate provided in Title IV-D of the social~~
4 ~~security act.~~

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

10 (9)) After the responsible parent has been ordered or notified to
11 make payments to the Washington state support registry under this
12 section, the responsible parent shall be fully responsible for making
13 all payments to the Washington state support registry and shall be
14 subject to payroll deduction or other income_withholding action. The
15 responsible parent shall not be entitled to credit against a support
16 obligation for any payments made to a person or agency other than to
17 the Washington state support registry except as provided under RCW
18 74.20.101. A civil action may be brought by the payor to recover
19 payments made to persons or agencies who have received and retained
20 support moneys paid contrary to the provisions of this section.

21 NEW SECTION. **Sec. 107.** A new section is added to chapter 26.23
22 RCW to read as follows:

23 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of
24 child support, Washington state support registry shall operate a state
25 case registry containing records of all orders establishing or
26 modifying a support order that are entered after October 1, 1998.

27 (2) The superior court clerk, the office of administrative
28 hearings, and the department of social and health services shall,
29 within five days of entry, forward to the Washington state support
30 registry, a true and correct copy of all superior court orders or
31 administrative orders establishing or modifying a support obligation
32 that provide that support payments shall be made to the support
33 registry.

34 (3) The division of child support shall reimburse the clerk for the
35 reasonable costs of copying and sending copies of court orders to the
36 registry at the reimbursement rate provided in Title IV-D of the
37 federal social security act.

1 (4) Effective October 1, 1998, the superior court clerk, the office
2 of administrative hearings, and the department of social and health
3 services shall, within five days of entry, forward to the Washington
4 state support registry a true and correct copy of all superior court
5 orders or administrative orders establishing or modifying a support
6 obligation.

7 (5) Receipt of a support order by the registry or other action
8 under this section on behalf of a person or persons who have not made
9 a written application for support enforcement services to the office of
10 support enforcement and who are not recipients of public assistance is
11 deemed to be:

12 (a) A request for payment services only if the order requires
13 payment to the Washington state support registry;

14 (b) A submission for inclusion in the state case registry if the
15 order does not require that support payments be made to the Washington
16 state support registry.

17 NEW SECTION. **Sec. 108.** A new section is added to chapter 26.23
18 RCW to read as follows:

19 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO
20 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or
21 child support proceeding must provide the court and the Washington
22 state child support registry with his or her:

23 (a) Social security number;

24 (b) Current residential address;

25 (c) Date of birth;

26 (d) Telephone number;

27 (e) Driver's license number; and

28 (f) Employer's name, address, and telephone number.

29 (2) Each party to an order entered in a child support or paternity
30 proceeding shall update the information required under subsection (1)
31 of this section promptly after any change in the information. The duty
32 established under this section continues as long as any monthly support
33 or support debt remains due under the support order.

34 (3) In any proceeding to establish, enforce, or modify the child
35 support order between the parties, a party may demonstrate to the
36 presiding officer that he or she has diligently attempted to locate the
37 other party. Upon a showing of diligent efforts to locate, the
38 presiding officer may allow, or accept as adequate, service of process

1 for the action by delivery of written notice to the address most
2 recently provided by the party under this section.

3 (4) All support orders shall contain notice to the parties of the
4 obligations established by this section and possibility of service of
5 process according to subsection (3) of this section.

6 **Sec. 109.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to
7 read as follows:

8 (1) There is created a Washington state support registry within the
9 (~~office of support enforcement~~) division of child support as the
10 agency designated in Washington state to administer the child support
11 program under Title IV-D of the federal social security act. The
12 registry shall:

13 (a) Provide a central unit for collection of support payments made
14 to the registry;

15 (b) Account for and disburse all support payments received by the
16 registry;

17 (~~(b)~~) (c) Maintain the necessary records including, but not
18 limited to, information on support orders, support debts, the date and
19 amount of support due; the date and amount of payments; and the names,
20 social security numbers, and addresses of the parties;

21 (~~(e)~~) (d) Develop procedures for providing information to the
22 parties regarding action taken by, and support payments collected and
23 distributed by the registry; and

24 (e) Maintain a state child support case registry to compile and
25 maintain records on all child support orders entered in the state of
26 Washington.

27 (2) The (~~office of support enforcement~~) division of child support
28 may assess and collect interest at the rate of twelve percent per year
29 on unpaid child support that has accrued under any support order
30 entered into the registry. This interest rate shall not apply to those
31 support orders already specifying an interest assessment at a different
32 rate.

33 (3) The secretary of social and health services shall adopt rules
34 for the maintenance and retention of records of support payments and
35 for the archiving and destruction of such records when the support
36 obligation terminates or is satisfied. When a support obligation
37 established under court order entered in a superior court of this state
38 has been satisfied, a satisfaction of judgment form shall be prepared

1 by the registry and filed with the clerk of the court in which the
2 order was entered.

3 **Sec. 110.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to
4 read as follows:

5 (1) The (~~office of support enforcement~~) division of child support
6 may issue a notice of payroll deduction:

7 (a) As authorized by a support order that contains (~~the income~~
8 ~~withholding notice provisions in RCW 26.23.050 or a substantially~~
9 ~~similar notice~~) a notice clearly stating that child support may be
10 collected by withholding from earnings, wages, or benefits without
11 further notice to the obligated parent; or

12 (b) After service of a notice containing an income-withholding
13 provision under this chapter or chapter 74.20A RCW.

14 (2) The (~~office of support enforcement~~) division of child support
15 shall serve a notice of payroll deduction upon a responsible parent's
16 employer or upon the employment security department for the state in
17 possession of or owing any benefits from the unemployment compensation
18 fund to the responsible parent pursuant to Title 50 RCW by personal
19 service or by any form of mail requiring a return receipt.

20 (3) Service of a notice of payroll deduction upon an employer or
21 employment security department requires the employer or employment
22 security department to immediately make a mandatory payroll deduction
23 from the responsible parent's unpaid disposable earnings or
24 unemployment compensation benefits. The employer or employment
25 security department shall thereafter deduct each pay period the amount
26 stated in the notice divided by the number of pay periods per month.
27 The payroll deduction each pay period shall not exceed fifty percent of
28 the responsible parent's disposable earnings.

29 (4) A notice of payroll deduction for support shall have priority
30 over any wage assignment, garnishment, attachment, or other legal
31 process.

32 (5) The notice of payroll deduction shall be in writing and
33 include:

34 (a) The name and social security number of the responsible parent;

35 (b) The amount to be deducted from the responsible parent's
36 disposable earnings each month, or alternate amounts and frequencies as
37 may be necessary to facilitate processing of the payroll deduction;

1 (c) A statement that the total amount withheld shall not exceed
2 fifty percent of the responsible parent's disposable earnings; and

3 (d) The address to which the payments are to be mailed or
4 delivered.

5 (6) An informational copy of the notice of payroll deduction shall
6 be mailed to the last known address of the responsible parent by
7 regular mail.

8 (7) An employer or employment security department that receives a
9 notice of payroll deduction shall make immediate deductions from the
10 responsible parent's unpaid disposable earnings and remit proper
11 amounts to the Washington state support registry on each date the
12 responsible parent is due to be paid.

13 (8) An employer, or the employment security department, upon whom
14 a notice of payroll deduction is served, shall make an answer to the
15 (~~office of support enforcement~~) division of child support within
16 twenty days after the date of service. The answer shall confirm
17 compliance and institution of the payroll deduction or explain the
18 circumstances if no payroll deduction is in effect. The answer shall
19 also state whether the responsible parent is employed by or receives
20 earnings from the employer or receives unemployment compensation
21 benefits from the employment security department, whether the employer
22 or employment security department anticipates paying earnings or
23 unemployment compensation benefits and the amount of earnings. If the
24 responsible parent is no longer employed, or receiving earnings from
25 the employer, the answer shall state the present employer's name and
26 address, if known. If the responsible parent is no longer receiving
27 unemployment compensation benefits from the employment security
28 department, the answer shall state the present employer's name and
29 address, if known.

30 (9) The employer or employment security department may deduct a
31 processing fee from the remainder of the responsible parent's earnings
32 after withholding under the notice of payroll deduction, even if the
33 remainder is exempt under RCW 26.18.090. The processing fee may not
34 exceed: (a) Ten dollars for the first disbursement made to the
35 Washington state support registry; and (b) one dollar for each
36 subsequent disbursement to the registry.

37 (10) The notice of payroll deduction shall remain in effect until
38 released by the (~~office of support enforcement~~) division of child
39 support, the court enters an order terminating the notice and approving

1 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has
2 expired since the employer has employed the responsible parent or has
3 been in possession of or owing any earnings to the responsible parent
4 or the employment security department has been in possession of or
5 owing any unemployment compensation benefits to the responsible parent.

6 (11) The division of child support may use uniform interstate
7 withholding forms adopted by the United States department of health and
8 human services to take withholding actions under this section when the
9 responsible parent is receiving earnings or unemployment compensation
10 in another state.

11 **Sec. 111.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153
12 are each reenacted and amended to read as follows:

13 (1) The secretary may assert a lien upon the real or personal
14 property of a responsible parent:

15 (a) When a support payment is past due, if the parent's support
16 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains
17 notice that liens may be enforced against real and personal property,
18 or notice that action may be taken under this chapter;

19 (b) Twenty-one days after service of a notice of support debt under
20 RCW 74.20A.040;

21 (c) Twenty-one days after service of a notice and finding of
22 financial responsibility under RCW 74.20A.055;

23 (d) Twenty-one days after service of a notice and finding of
24 parental responsibility;

25 (e) Twenty-one days after service of a notice of support owed under
26 RCW 26.23.110; or

27 (f) When appropriate under RCW 74.20A.270.

28 (2) The division of child support may use uniform interstate lien
29 forms adopted by the United States department of health and human
30 services to assert liens on a responsible parent's real and personal
31 property located in another state.

32 (3) The claim of the department for a support debt, not paid when
33 due, shall be a lien against all property of the debtor with priority
34 of a secured creditor. This lien shall be separate and apart from, and
35 in addition to, any other lien created by, or provided for, in this
36 title. The lien shall attach to all real and personal property of the
37 debtor on the date of filing of such statement with the county auditor
38 of the county in which such property is located.

1 (~~(3)~~) (4) Whenever a support lien has been filed and there is in
2 the possession of any person, firm, corporation, association, political
3 subdivision or department of the state having notice of said lien any
4 property which may be subject to the support lien, such property shall
5 not be paid over, released, sold, transferred, encumbered or conveyed,
6 except as provided for by the exemptions contained in RCW 74.20A.090
7 and 74.20A.130, unless:

8 (a) A written release or waiver signed by the secretary has been
9 delivered to said person, firm, corporation, association, political
10 subdivision or department of the state; or

11 (b) A determination has been made in an adjudicative proceeding
12 pursuant to RCW 74.20A.055 or by a superior court ordering release of
13 said support lien on the basis that no debt exists or that the debt has
14 been satisfied.

15 **Sec. 112.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to
16 read as follows:

17 (1) The secretary may issue to any person, firm, corporation,
18 association, political subdivision, department of the state, or agency,
19 subdivision, or instrumentality of the United States, an order to
20 withhold and deliver property of any kind, including but not restricted
21 to earnings which are or might become due, owing, or belonging to the
22 debtor, when the secretary has reason to believe that there is in the
23 possession of such person, firm, corporation, association, political
24 subdivision, department of the state, or agency, subdivision, or
25 instrumentality of the United States property which is or might become
26 due, owing, or belonging to said debtor. Such order to withhold and
27 deliver may be issued:

28 (a) (~~When a support payment is past due~~) At any time, if a
29 responsible parent's support order:

30 (i) Contains (~~language directing the parent to make support~~
31 ~~payments to the Washington state support registry; and~~) notice that
32 withholding action may be taken against earnings, wages, or assets
33 without further notice to the parent; or

34 (ii) Includes a statement that other income-withholding action
35 under this chapter may be taken without further notice to the
36 responsible parent(~~, as provided for in RCW 26.23.050(1)~~);

37 (b) Twenty-one days after service of a notice of support debt under
38 RCW 74.20A.040;

1 (c) Twenty-one days after service of a notice and finding of
2 parental responsibility under RCW 74.20A.056;

3 (d) Twenty-one days after service of a notice of support owed under
4 RCW 26.23.110;

5 (e) Twenty-one days after service of a notice and finding of
6 financial responsibility under RCW 74.20A.055; or

7 (f) When appropriate under RCW 74.20A.270.

8 (2) The order to withhold and deliver shall:

9 (a) State the amount to be withheld on a periodic basis if the
10 order to withhold and deliver is being served to secure payment of
11 monthly current support;

12 (b) State the amount of the support debt accrued;

13 (~~(b)~~) (c) State in summary the terms of RCW 74.20A.090 and
14 74.20A.100;

15 (~~(e)~~) (d) Be served in the manner prescribed for the service of
16 a summons in a civil action or by certified mail, return receipt
17 requested.

18 (3) The division of child support may use uniform interstate
19 withholding forms adopted by the United States department of health and
20 human services to take withholding actions under this section when the
21 responsible parent is owed money or property that is located in another
22 state.

23 (4) Any person, firm, corporation, association, political
24 subdivision, department of the state, or agency, subdivision, or
25 instrumentality of the United States upon whom service has been made is
26 hereby required to:

27 (a) Answer said order to withhold and deliver within twenty days,
28 exclusive of the day of service, under oath and in writing, and shall
29 make true answers to the matters inquired of therein; and

30 (b) Provide further and additional answers when requested by the
31 secretary.

32 (~~(4)~~) (5) Any such person, firm, corporation, association,
33 political subdivision, department of the state, or agency, subdivision,
34 or instrumentality of the United States in possession of any property
35 which may be subject to the claim of the department of social and
36 health services shall:

37 (a)(i) Immediately withhold such property upon receipt of the order
38 to withhold and deliver; and

1 (ii) Immediately deliver the property to the secretary as soon as
2 the twenty-day answer period expires;

3 (iii) Continue to withhold earnings payable to the debtor at each
4 succeeding disbursement interval as provided for in RCW 74.20A.090, and
5 deliver amounts withheld from earnings to the secretary on the date
6 earnings are payable to the debtor;

7 (iv) Deliver amounts withheld from periodic payments to the
8 secretary on the date the payments are payable to the debtor;

9 (v) Inform the secretary of the date the amounts were withheld as
10 requested under this section; or

11 (b) Furnish to the secretary a good and sufficient bond,
12 satisfactory to the secretary, conditioned upon final determination of
13 liability.

14 ((+5+)) (6) An order to withhold and deliver served under this
15 section shall not expire until:

16 (a) Released in writing by the ((office of support enforcement))
17 division of child support;

18 (b) Terminated by court order; or

19 (c) The person or entity receiving the order to withhold and
20 deliver does not possess property of or owe money to the debtor for any
21 period of twelve consecutive months following the date of service of
22 the order to withhold and deliver.

23 ((+6+)) (7) Where money is due and owing under any contract of
24 employment, express or implied, or is held by any person, firm,
25 corporation, or association, political subdivision, or department of
26 the state, or agency, subdivision, or instrumentality of the United
27 States subject to withdrawal by the debtor, such money shall be
28 delivered by remittance payable to the order of the secretary.

29 ((+7+)) (8) Delivery to the secretary of the money or other
30 property held or claimed shall satisfy the requirement and serve as
31 full acquittance of the order to withhold and deliver.

32 ((+8+)) (9) A person, firm, corporation, or association, political
33 subdivision, department of the state, or agency, subdivision, or
34 instrumentality of the United States that complies with the order to
35 withhold and deliver under this chapter is not civilly liable to the
36 debtor for complying with the order to withhold and deliver under this
37 chapter.

38 ((+9+)) (10) The secretary may hold the money or property delivered
39 under this section in trust for application on the indebtedness

1 involved or for return, without interest, in accordance with final
2 determination of liability or nonliability.

3 ~~((10))~~ (11) Exemptions contained in RCW 74.20A.090 apply to
4 orders to withhold and deliver issued under this section.

5 ~~((11))~~ (12) The secretary shall also, on or before the date of
6 service of the order to withhold and deliver, mail or cause to be
7 mailed a copy of the order to withhold and deliver to the debtor at the
8 debtor's last known post office address, or, in the alternative, a copy
9 of the order to withhold and deliver shall be served on the debtor in
10 the same manner as a summons in a civil action on or before the date of
11 service of the order or within two days thereafter. The copy of the
12 order shall be mailed or served together with a concise explanation of
13 the right to petition for judicial review. This requirement is not
14 jurisdictional, but, if the copy is not mailed or served as in this
15 section provided, or if any irregularity appears with respect to the
16 mailing or service, the superior court, in its discretion on motion of
17 the debtor promptly made and supported by affidavit showing that the
18 debtor has suffered substantial injury due to the failure to mail the
19 copy, may set aside the order to withhold and deliver and award to the
20 debtor an amount equal to the damages resulting from the secretary's
21 failure to serve on or mail to the debtor the copy.

22 ~~((12))~~ (13) An order to withhold and deliver issued in accordance
23 with this section has priority over any other wage assignment,
24 garnishment, attachment, or other legal process, except for another
25 wage assignment, garnishment, attachment, or other legal process for
26 child support.

27 ~~((13))~~ (14) The ~~((office of support enforcement))~~ division of
28 child support shall notify any person, firm, corporation, association,
29 or political subdivision, department of the state, or agency,
30 subdivision, or instrumentality of the United States required to
31 withhold and deliver the earnings of a debtor under this action that
32 they may deduct a processing fee from the remainder of the debtor's
33 earnings, even if the remainder would otherwise be exempt under RCW
34 74.20A.090. The processing fee shall not exceed ten dollars for the
35 first disbursement to the department and one dollar for each subsequent
36 disbursement under the order to withhold and deliver.

37 **Sec. 113.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to
38 read as follows:

1 (1) Any information or records concerning individuals who owe a
2 support obligation or for whom support enforcement services are being
3 provided which are obtained or maintained by the Washington state
4 support registry, the office of support enforcement, or under chapter
5 74.20 RCW shall be private and confidential and shall only be subject
6 to public disclosure as provided in subsection (2) of this section.

7 (2) The secretary of the department of social and health services
8 (~~shall~~) may adopt rules (~~which~~):

9 (a) That specify what information is confidential;

10 (b) That specify the individuals or agencies to whom this
11 information and these records may be disclosed((~~τ~~));

12 (c) Limiting the purposes for which the information may be
13 disclosed((~~τ~~ and the));

14 (d) Establishing procedures to obtain the information or records;
15 or

16 (e) Establishing safeguards necessary to comply with federal law
17 requiring safeguarding of information.

18 (3) The rules adopted under subsection (2) of this section shall
19 provide for disclosure of the information and records, under
20 appropriate circumstances, which shall include, but not be limited to:

21 (a) When authorized or required by federal statute or regulation
22 governing the support enforcement program;

23 (b) To the person the subject of the records or information, unless
24 the information is exempt from disclosure under RCW 42.17.310;

25 (c) To government agencies, whether state, local, or federal, and
26 including federally recognized tribes, law enforcement agencies,
27 prosecuting agencies, and the executive branch, if the disclosure is
28 necessary for child support enforcement purposes or required under
29 Title IV-D of the federal social security act;

30 (d) To the parties in a judicial or adjudicative proceeding upon a
31 specific written finding by the presiding officer that the need for the
32 information outweighs any reason for maintaining the privacy and
33 confidentiality of the information or records;

34 (e) To private persons, federally recognized tribes, or
35 organizations if the disclosure is necessary to permit private
36 contracting parties to assist in the management and operation of the
37 department;

1 (f) Disclosure of address and employment information to the parties
2 to an action for purposes relating to a child support order, subject to
3 the limitations in subsections (4) and (5) of this section;

4 (g) Disclosure of information or records when necessary to the
5 efficient administration of the support enforcement program or to the
6 performance of functions and responsibilities of the support registry
7 and the office of support enforcement as set forth in state and federal
8 statutes; or

9 (h) Disclosure of the information or records when authorized under
10 RCW 74.04.060.

11 ~~((3))~~ (4) Prior to disclosing the ~~((physical custodian's address~~
12 ~~under subsection (2)(f) of this section))~~ whereabouts of a parent or a
13 party to a support order to the other parent or party, a notice shall
14 be mailed, if appropriate under the circumstances, to the ((physical
15 eustodian)) parent or other party whose whereabouts are to be
16 disclosed, at ((the physical custodian's)) that person's last known
17 address. The notice shall advise the ((physical custodian)) parent or
18 party that a request for disclosure has been made and will be complied
19 with unless the department:

20 (a) Receives a copy of a court order which enjoins the disclosure
21 of the information or restricts or limits the requesting party's right
22 to contact or visit the ((physical custodian)) parent or party whose
23 address is to be disclosed or the child((, or the custodial parent
24 requests a hearing to contest the disclosure)); or

25 (b) Has reason to believe that the release of the information may
26 result in physical or emotional harm to the party whose whereabouts are
27 to be released, or to the child.

28 (5) A person receiving notice under subsection (4) of this section
29 may request an adjudicative proceeding under chapter 34.05 RCW, at
30 which the person may show that there is reason to believe that release
31 of the information may result in physical or emotional harm to the
32 person or the child. The administrative law judge shall determine
33 whether the ((address)) whereabouts of the ((custodial parent)) person
34 should be disclosed based on ((the same standard as a claim of "good
35 cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c)) subsection (4)(b)
36 of this section, however no hearing is necessary if the department has
37 in its possession a protective order or an order limiting visitation or
38 contact.

1 (~~(4)~~) (6) Nothing in this section shall be construed as limiting
2 or restricting the effect of RCW 42.17.260(~~(6)~~) (9). Nothing in this
3 section shall be construed to prevent the disclosure of information and
4 records if all details identifying an individual are deleted or the
5 individual consents to the disclosure.

6 (~~(5)~~) (7) It shall be unlawful for any person or agency in
7 violation of this section to solicit, publish, disclose, receive, make
8 use of, or to authorize, knowingly permit, participate in or acquiesce
9 in the use of any lists of names for commercial or political purposes
10 or the use of any information for purposes other than those purposes
11 specified in this section. A violation of this section shall be a
12 gross misdemeanor as provided in chapter 9A.20 RCW.

13 **Sec. 114.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to
14 read as follows:

15 (1) Application for a marriage license must be made and filed with
16 the appropriate county auditor upon blanks to be provided by the county
17 auditor for that purpose, which application shall be under the oath of
18 each of the applicants, and each application shall state the name,
19 address at the time of execution of application, age, social security
20 number, birthplace, whether single, widowed or divorced, and whether
21 under control of a guardian, residence during the past six months:
22 PROVIDED, That each county may require such other and further
23 information on said application as it shall deem necessary.

24 (2) The county legislative authority may impose an additional fee
25 up to fifteen dollars on a marriage license for the purpose of funding
26 family services such as family support centers.

27 **Sec. 115.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to
28 read as follows:

29 (1) Except as otherwise provided in subsection (7) of RCW
30 26.09.070, the provisions of any decree respecting maintenance or
31 support may be modified: (a) Only as to installments accruing
32 subsequent to the petition for modification or motion for adjustment
33 except motions to compel court-ordered adjustments, which shall be
34 effective as of the first date specified in the decree for implementing
35 the adjustment; and, (b) except as otherwise provided in subsections
36 (4), (5), (8), and (9) of this section, only upon a showing of a
37 substantial change of circumstances. The provisions as to property

1 disposition may not be revoked or modified, unless the court finds the
2 existence of conditions that justify the reopening of a judgment under
3 the laws of this state.

4 (2) Unless otherwise agreed in writing or expressly provided in the
5 decree the obligation to pay future maintenance is terminated upon the
6 death of either party or the remarriage of the party receiving
7 maintenance.

8 (3) Unless otherwise agreed in writing or expressly provided in the
9 decree, provisions for the support of a child are terminated by
10 emancipation of the child or by the death of the parent obligated to
11 support the child.

12 (4) An order of child support may be modified one year or more
13 after it has been entered without showing a substantial change of
14 circumstances:

15 (a) If the order in practice works a severe economic hardship on
16 either party or the child;

17 (b) If a party requests an adjustment in an order for child support
18 which was based on guidelines which determined the amount of support
19 according to the child's age, and the child is no longer in the age
20 category on which the current support amount was based;

21 (c) If a child is still in high school, upon a finding that there
22 is a need to extend support beyond the eighteenth birthday to complete
23 high school; or

24 (d) To add an automatic adjustment of support provision consistent
25 with RCW 26.09.100.

26 (5) An order or decree entered prior to June 7, 1984, may be
27 modified without showing a substantial change of circumstances if the
28 requested modification is to:

29 (a) Require health insurance coverage for a child named therein; or

30 (b) Modify an existing order for health insurance coverage.

31 (6) An obligor's voluntary unemployment or voluntary
32 underemployment, by itself, is not a substantial change of
33 circumstances.

34 (7) The department of social and health services may file an action
35 to modify an order of child support if public assistance money is being
36 paid to or for the benefit of the child and the child support order is
37 twenty-five percent or more below the appropriate child support amount
38 set forth in the standard calculation as defined in RCW 26.19.011 and
39 reasons for the deviation are not set forth in the findings of fact or

1 order. The determination of twenty-five percent or more shall be based
2 on the current income of the parties and the department shall not be
3 required to show a substantial change of circumstances if the reasons
4 for the deviations were not set forth in the findings of fact or order.

5 (8)(a) All child support decrees may be adjusted once every twenty-
6 four months based upon changes in the income of the parents without a
7 showing of substantially changed circumstances. Either party may
8 initiate the adjustment by filing a motion and child support
9 worksheets.

10 (b) A party may petition for modification in cases of substantially
11 changed circumstances under subsection (1) of this section at any time.
12 However, if relief is granted under subsection (1) of this section,
13 twenty-four months must pass before a motion for an adjustment under
14 (a) of this subsection may be filed.

15 (c) If, pursuant to (a) of this subsection or subsection (9) of
16 this section, the court adjusts or modifies a child support obligation
17 by more than thirty percent and the change would cause significant
18 hardship, the court may implement the change in two equal increments,
19 one at the time of the entry of the order and the second six months
20 from the entry of the order. Twenty-four months must pass following
21 the second change before a motion for an adjustment under (a) of this
22 subsection may be filed.

23 (d) A parent who is receiving transfer payments who receives a wage
24 or salary increase may not bring a modification action pursuant to
25 subsection (1) of this section alleging that increase constitutes a
26 substantial change of circumstances.

27 (e) The department of social and health services may file an action
28 at any time to modify an order of child support in cases of
29 substantially changed circumstances if public assistance money is being
30 paid to or for the benefit of the child. The determination of the
31 existence of substantially changed circumstances by the department that
32 lead to the filing of an action to modify the order of child support is
33 not binding upon the court.

34 (9) An order of child support may be adjusted twenty-four months
35 from the date of the entry of the decree or the last adjustment or
36 modification, whichever is later, based upon changes in the economic
37 table or standards in chapter 26.19 RCW.

1 **Sec. 116.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to
2 read as follows:

3 In this chapter:

4 (1) "Child" means an individual, whether over or under the age of
5 majority, who is or is alleged to be owed a duty of support by the
6 individual's parent or who is or is alleged to be the beneficiary of a
7 support order directed to the parent.

8 (2) "Child support order" means a support order for a child,
9 including a child who has attained the age of majority under the law of
10 the issuing state.

11 (3) "Duty of support" means an obligation imposed or imposable by
12 law to provide support for a child, spouse, or former spouse, including
13 an unsatisfied obligation to provide support.

14 (4) "Home state" means the state in which a child lived with a
15 parent or a person acting as parent for at least six consecutive months
16 immediately preceding the time of filing of a petition or comparable
17 pleading for support and, if a child is less than six months old, the
18 state in which the child lived from birth with any of them. A period
19 of temporary absence of any of them is counted as part of the six-month
20 or other period.

21 (5) "Income" includes earnings or other periodic entitlements to
22 money from any source and any other property subject to withholding for
23 support under the law of this state.

24 (6) "Income-withholding order" means an order or other legal
25 process directed to an obligor's employer or other debtor, as defined
26 by ~~((chapter 6.27))~~ RCW 50.04.080, to withhold support from the income
27 of the obligor.

28 (7) "Initiating state" means a state ~~((in))~~ from which a proceeding
29 is forwarded or in which a proceeding is filed for forwarding to a
30 responding state under this chapter or a law or procedure substantially
31 similar to this chapter, the Uniform Reciprocal Enforcement of Support
32 Act, or the Revised Uniform Reciprocal Enforcement of Support Act ~~((is~~
33 ~~filed for forwarding to a responding state))~~.

34 (8) "Initiating tribunal" means the authorized tribunal in an
35 initiating state.

36 (9) "Issuing state" means the state in which a tribunal issues a
37 support order or renders a judgment determining parentage.

38 (10) "Issuing tribunal" means the tribunal that issues a support
39 order or renders a judgment determining parentage.

1 (11) "Law" includes decisional and statutory law and rules and
2 regulations having the force of law.

3 (12) "Obligee" means:

4 (a) An individual to whom a duty of support is or is alleged to be
5 owed or in whose favor a support order has been issued or a judgment
6 determining parentage has been rendered;

7 (b) A state or political subdivision to which the rights under a
8 duty of support or support order have been assigned or which has
9 independent claims based on financial assistance provided to an
10 individual obligee; or

11 (c) An individual seeking a judgment determining parentage of the
12 individual's child.

13 (13) "Obligor" means an individual, or the estate of a decedent:

14 (a) Who owes or is alleged to owe a duty of support;

15 (b) Who is alleged but has not been adjudicated to be a parent of
16 a child; or

17 (c) Who is liable under a support order.

18 (14) "Register" means to record or file in the appropriate location
19 for the recording or filing of foreign judgments generally or foreign
20 support orders specifically, a support order or judgment determining
21 parentage.

22 (15) "Registering tribunal" means a tribunal in which a support
23 order is registered.

24 (16) "Responding state" means a state ~~((to))~~ in which a proceeding
25 is filed or to which a proceeding is forwarded for filing from an
26 initiating state under this chapter or a law or procedure substantially
27 similar to this chapter, the Uniform Reciprocal Enforcement of Support
28 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

29 (17) "Responding tribunal" means the authorized tribunal in a
30 responding state.

31 (18) "Spousal support order" means a support order for a spouse or
32 former spouse of the obligor.

33 (19) "State" means a state of the United States, the District of
34 Columbia, ~~((the Commonwealth of))~~ Puerto Rico, the United States Virgin
35 Islands, or any territory or insular possession subject to the
36 jurisdiction of the United States. The term ~~(("state"))~~ includes:

37 (i) An Indian tribe ((and includes)); and

38 (ii) A foreign jurisdiction that has enacted a law or established
39 procedures for issuance and enforcement of support orders ((that))

1 which are substantially similar to the procedures under this chapter,
2 the Uniform Reciprocal Enforcement of Support Act, or the Revised
3 Uniform Reciprocal Enforcement of Support Act.

4 (20) "Support enforcement agency" means a public official or agency
5 authorized to seek:

6 (a) Enforcement of support orders or laws relating to the duty of
7 support;

8 (b) Establishment or modification of child support;

9 (c) Determination of parentage; or

10 (d) Location of obligors or their assets.

11 (21) "Support order" means a judgment, decree, or order, whether
12 temporary, final, or subject to modification, for the benefit of a
13 child, a spouse, or a former spouse, that provides for monetary
14 support, health care, arrearages, or reimbursement, and may include
15 related costs and fees, interest, income withholding, attorneys' fees,
16 and other relief.

17 (22) "Tribunal" means a court, administrative agency, or quasi-
18 judicial entity authorized to establish, enforce, or modify support
19 orders or to determine parentage.

20 **Sec. 117.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to
21 read as follows:

22 (1) A tribunal of this state issuing a support order consistent
23 with the law of this state has continuing, exclusive jurisdiction over
24 a child support order:

25 (a) As long as this state remains the residence of the obligor, the
26 individual obligee, or the child for whose benefit the support order is
27 issued; or

28 (b) Until ((~~each individual party has~~)) all of the parties who are
29 individuals have filed written consents with the tribunal of this state
30 for a tribunal of another state to modify the order and assume
31 continuing, exclusive jurisdiction.

32 (2) A tribunal of this state issuing a child support order
33 consistent with the law of this state may not exercise its continuing
34 jurisdiction to modify the order if the order has been modified by a
35 tribunal of another state pursuant to this chapter or a law
36 substantially similar to this chapter.

37 (3) If a child support order of this state is modified by a
38 tribunal of another state pursuant to this chapter or a law

1 substantially similar to this chapter, a tribunal of this state loses
2 its continuing, exclusive jurisdiction with regard to prospective
3 enforcement of the order issued in this state, and may only:

4 (a) Enforce the order that was modified as to amounts accruing
5 before the modification;

6 (b) Enforce nonmodifiable aspects of that order; and

7 (c) Provide other appropriate relief for violations of that order
8 which occurred before the effective date of the modification.

9 (4) A tribunal of this state shall recognize the continuing,
10 exclusive jurisdiction of a tribunal of another state that has issued
11 a child support order pursuant to this chapter or a law substantially
12 similar to this chapter.

13 (5) A temporary support order issued ex parte or pending resolution
14 of a jurisdictional conflict does not create continuing, exclusive
15 jurisdiction in the issuing tribunal.

16 (6) A tribunal of this state issuing a support order consistent
17 with the law of this state has continuing, exclusive jurisdiction over
18 a spousal support order throughout the existence of the support
19 obligation. A tribunal of this state may not modify a spousal support
20 order issued by a tribunal of another state having continuing,
21 exclusive jurisdiction over that order under the law of that state.

22 **Sec. 118.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to
23 read as follows:

24 (1) If a proceeding is brought under this chapter and only one
25 tribunal has issued a child support order, the order of that tribunal
26 controls and must be so recognized.

27 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two
28 or more child support orders have been issued ((in)) by tribunals of
29 this state or another state with regard to ((an)) the same obligor and
30 ~~((a))~~ child, a tribunal of this state shall apply the following rules
31 in determining which order to recognize for purposes of continuing,
32 exclusive jurisdiction:

33 (a) If only one of the tribunals ~~((has issued a child support~~
34 ~~order))~~ would have continuing, exclusive jurisdiction under this
35 chapter, the order of that tribunal controls and must be so recognized.

36 (b) ~~((If two or more tribunals have issued child support orders for~~
37 ~~the same obligor and child, and only one of the tribunals would have~~

1 continuing, exclusive jurisdiction under this chapter, the order of
2 that tribunal must be recognized.

3 (c)) If ((two or more tribunals have issued child support orders
4 for the same obligor and child, and)) more than one of the tribunals
5 would have continuing, exclusive jurisdiction under this chapter, an
6 order issued by a tribunal in the current home state of the child
7 controls and must be so recognized, but if an order has not been issued
8 in the current home state of the child, the order most recently issued
9 controls and must be so recognized.

10 ((d) If two or more tribunals have issued child support orders for
11 the same obligor and child, and none of the tribunals would have
12 continuing, exclusive jurisdiction under this chapter, the tribunal of
13 this state may issue a child support order, which must be recognized.

14 (2) The tribunal that has issued an order recognized under
15 subsection (1) of this section is the tribunal having continuing,
16 exclusive jurisdiction.))

17 (c) If none of the tribunals would have continuing, exclusive
18 jurisdiction under this chapter, the tribunal of this state having
19 jurisdiction over the parties shall issue a child support order, which
20 controls and must be so recognized.

21 (3) If two or more child support orders have been issued for the
22 same obligor and child and if the obligor or the individual obligee
23 resides in this state, a party may request a tribunal of this state to
24 determine which order controls and must be so recognized under
25 subsection (2) of this section. The request must be accompanied by a
26 certified copy of every support order in effect. The requesting party
27 shall give notice of the request to each party whose rights may be
28 affected by the determination.

29 (4) The tribunal that issued the controlling order under subsection
30 (1), (2), or (3) of this section is the tribunal that has continuing,
31 exclusive jurisdiction under RCW 26.21.115.

32 (5) A tribunal of this state which determines by order the identity
33 of the controlling order under subsection (2)(a) or (b) of this section
34 or which issues a new controlling order under subsection (2)(c) of this
35 section shall state in that order the basis upon which the tribunal
36 made its determination.

37 (6) Within thirty days after issuance of an order determining the
38 identity of the controlling order, the party obtaining the order shall
39 file a certified copy of it with each tribunal that issued or

1 registered an earlier order of child support. A party who obtains the
2 order and fails to file a certified copy is subject to appropriate
3 sanctions by a tribunal in which the issue of failure to file arises.
4 The failure to file does not affect the validity or enforceability of
5 the controlling order.

6 **Sec. 119.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to
7 read as follows:

8 (1) Upon the filing of a petition authorized by this chapter, an
9 initiating tribunal of this state shall forward three copies of the
10 petition and its accompanying documents:

11 ~~((1))~~ (a) To the responding tribunal or appropriate support
12 enforcement agency in the responding state; or

13 ~~((2))~~ (b) If the identity of the responding tribunal is unknown,
14 to the state information agency of the responding state with a request
15 that they be forwarded to the appropriate tribunal and that receipt be
16 acknowledged.

17 (2) If a responding state has not enacted the Uniform Interstate
18 Family Support Act or a law or procedure substantially similar to the
19 Uniform Interstate Family Support Act, a tribunal of this state may
20 issue a certificate or other document and make findings required by the
21 law of the responding state. If the responding state is a foreign
22 jurisdiction, the tribunal may specify the amount of support sought and
23 provide other documents necessary to satisfy the requirements of the
24 responding state.

25 **Sec. 120.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to
26 read as follows:

27 (1) When a responding tribunal of this state receives a petition or
28 comparable pleading from an initiating tribunal or directly pursuant to
29 RCW 26.21.205(3), it shall cause the petition or pleading to be filed
30 and notify the petitioner ~~((by first class mail))~~ where and when it was
31 filed.

32 (2) A responding tribunal of this state, to the extent otherwise
33 authorized by law, may do one or more of the following:

34 (a) Issue or enforce a support order, modify a child support order,
35 or render a judgment to determine parentage;

36 (b) Order an obligor to comply with a support order, specifying the
37 amount and the manner of compliance;

- 1 (c) Order income withholding;
- 2 (d) Determine the amount of any arrearages, and specify a method of
3 payment;
- 4 (e) Enforce orders by civil or criminal contempt, or both;
- 5 (f) Set aside property for satisfaction of the support order;
- 6 (g) Place liens and order execution on the obligor's property;
- 7 (h) Order an obligor to keep the tribunal informed of the obligor's
8 current residential address, telephone number, employer, address of
9 employment, and telephone number at the place of employment;
- 10 (i) Issue a bench warrant or writ of arrest for an obligor who has
11 failed after proper notice to appear at a hearing ordered by the
12 tribunal and enter the bench warrant or writ of arrest in any local and
13 state computer systems for criminal warrants;
- 14 (j) Order the obligor to seek appropriate employment by specified
15 methods;
- 16 (k) Award reasonable attorneys' fees and other fees and costs; and
- 17 (l) Grant any other available remedy.
- 18 (3) A responding tribunal of this state shall include in a support
19 order issued under this chapter, or in the documents accompanying the
20 order, the calculations on which the support order is based.
- 21 (4) A responding tribunal of this state may not condition the
22 payment of a support order issued under this chapter upon compliance by
23 a party with provisions for visitation.
- 24 (5) If a responding tribunal of this state issues an order under
25 this chapter, the tribunal shall send a copy of the order (~~by first~~
26 ~~class mail~~) to the petitioner and the respondent and to the initiating
27 tribunal, if any.

28 **Sec. 121.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to
29 read as follows:

30 If a petition or comparable pleading is received by an
31 inappropriate tribunal of this state, it shall forward the pleading and
32 accompanying documents to an appropriate tribunal in this state or
33 another state and notify the petitioner (~~by first class mail~~) where
34 and when the pleading was sent.

35 **Sec. 122.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to
36 read as follows:

1 (1) A support enforcement agency of this state, upon request, shall
2 provide services to a petitioner in a proceeding under this chapter.

3 (2) A support enforcement agency that is providing services to the
4 petitioner as appropriate shall:

5 (a) Take all steps necessary to enable an appropriate tribunal in
6 this state or another state to obtain jurisdiction over the respondent;

7 (b) Request an appropriate tribunal to set a date, time, and place
8 for a hearing;

9 (c) Make a reasonable effort to obtain all relevant information,
10 including information as to income and property of the parties;

11 (d) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and
12 legal holidays, after receipt of a written notice from an initiating,
13 responding, or registering tribunal, send a copy of the notice ~~((by~~
14 ~~first-class mail))~~ to the petitioner;

15 (e) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and
16 legal holidays, after receipt of a written communication from the
17 respondent or the respondent's attorney, send a copy of the
18 communication ~~((by first-class mail))~~ to the petitioner; and

19 (f) Notify the petitioner if jurisdiction over the respondent
20 cannot be obtained.

21 (3) This chapter does not create or negate a relationship of
22 attorney and client or other fiduciary relationship between a support
23 enforcement agency or the attorney for the agency and the individual
24 being assisted by the agency.

25 **Sec. 123.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to
26 read as follows:

27 ~~((1))~~ An income-withholding order issued in another state may be
28 sent ~~((by first-class mail))~~ to the person or entity defined as the
29 obligor's employer under ~~((chapter 6.27))~~ RCW 50.04.080 without first
30 filing a petition or comparable pleading or registering the order with
31 a tribunal of this state. ~~((Upon receipt of the order, the employer~~
32 ~~shall:~~

33 ~~(a) Treat an income-withholding order issued in another state that~~
34 ~~appears regular on its face as if it had been issued by a tribunal of~~
35 ~~this state;~~

36 ~~(b) Immediately provide a copy of the order to the obligor; and~~

37 ~~(c) Distribute the funds as directed in the income-withholding~~
38 ~~order.~~

1 ~~(2) An obligor may contest the validity or enforcement of an~~
2 ~~income withholding order issued in another state in the same manner as~~
3 ~~if the order had been issued by a tribunal of this state. RCW~~
4 ~~26.21.510 applies to the contest. The obligor shall give notice of the~~
5 ~~contest to any support enforcement agency providing services to the~~
6 ~~obligee and to:~~

7 ~~(a) The person or agency designated to receive payments in the~~
8 ~~income withholding order; or~~

9 ~~(b) If no person or agency is designated, the obligee.)~~

10 NEW SECTION. Sec. 124. A new section is added to chapter 26.21
11 RCW to read as follows:

12 EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER
13 STATE. (1) Upon receipt of an income-withholding order, the obligor's
14 employer shall immediately provide a copy of the order to the obligor.

15 (2) The employer shall treat an income-withholding order issued in
16 another state that appears regular on its face as if it had been issued
17 by a tribunal of this state.

18 (3) Except as provided in subsection (4) of this section and
19 section 125 of this act, the employer shall withhold and distribute the
20 funds as directed in the withholding order by complying with the terms
21 of the order which specify:

22 (a) The duration and amount of periodic payments of current child
23 support, stated as a sum certain;

24 (b) The person or agency designated to receive payments and the
25 address to which the payments are to be forwarded;

26 (c) Medical support, whether in the form of periodic cash payment,
27 stated as sum certain, or ordering the obligor to provide health
28 insurance coverage for the child under a policy available through the
29 obligor's employment;

30 (d) The amount of periodic payments of fees and costs for a support
31 enforcement agency, the issuing tribunal, and the obligee's attorney,
32 stated as sum certain; and

33 (e) The amount of periodic payments of arrearages and interest on
34 arrearages, stated as sum certain.

35 (4) The employer shall comply with the law of the state of the
36 obligor's principal place of employment for withholding from income
37 with respect to:

38 (a) The employer's fee for processing an income withholding order;

1 (b) The maximum amount permitted to be withheld from the obligor's
2 income; and

3 (c) The times within which the employer must implement the
4 withholding order and forward the child support payment.

5 NEW SECTION. **Sec. 125.** A new section is added to chapter 26.21
6 RCW to read as follows:

7 COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. If an
8 obligor's employer receives multiple income-withholding orders with
9 respect to the earnings of the same obligor, the employer satisfies the
10 terms of the multiple orders if the employer complies with the law of
11 the state of the obligor's principal place of employment to establish
12 the priorities for withholding and allocating income withheld for
13 multiple child support obligees.

14 NEW SECTION. **Sec. 126.** A new section is added to chapter 26.21
15 RCW to read as follows:

16 IMMUNITY FROM CIVIL LIABILITY. An employer who complies with an
17 income-withholding order issued in another state in accordance with
18 this article is not subject to civil liability to an individual or
19 agency with regard to the employer's withholding of child support from
20 the obligor's income.

21 NEW SECTION. **Sec. 127.** A new section is added to chapter 26.21
22 RCW to read as follows:

23 PENALTIES FOR NONCOMPLIANCE. An employer who willfully fails to
24 comply with an income-withholding order issued by another state and
25 received for enforcement is subject to the same penalties that may be
26 imposed for noncompliance with an order issued by a tribunal of this
27 state.

28 NEW SECTION. **Sec. 128.** A new section is added to chapter 26.21
29 RCW to read as follows:

30 CONTEST BY OBLIGOR. (1) An obligor may contest the validity or
31 enforcement of an income-withholding order issued in another state and
32 received directly by an employer in this state in the same manner as if
33 the order had been issued by a tribunal of this state. RCW 26.21.510
34 applies to the contest.

35 (2) The obligor shall give notice of the contest to:

- 1 (a) A support enforcement agency providing services to the obligee;
2 (b) Each employer that has directly received an income-withholding
3 order; and
4 (c) The person or agency designated to receive payments in the
5 income-withholding order, or if no person or agency is designated, to
6 the obligee.

7 **Sec. 129.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to
8 read as follows:

9 (1) A support order or income-withholding order of another state
10 may be registered in this state by sending the following documents and
11 information to the support enforcement agency of this state or to the
12 superior court of any county in this state where the obligor resides,
13 works, or has property:

14 (a) A letter of transmittal to the tribunal requesting registration
15 and enforcement;

16 (b) Two copies, including one certified copy, of all orders to be
17 registered, including any modification of an order;

18 (c) A sworn statement by the party seeking registration or a
19 certified statement by the custodian of the records showing the amount
20 of any arrearage;

21 (d) The name of the obligor and, if known:

22 (i) The obligor's address and social security number;

23 (ii) The name and address of the obligor's employer and any other
24 source of income of the obligor; and

25 (iii) A description and the location of property of the obligor in
26 this state not exempt from execution; and

27 (e) The name and address of the obligee and, if applicable, the
28 agency or person to whom support payments are to be remitted.

29 (2) On receipt of a request for registration, the registering
30 tribunal shall cause the order to be filed as a foreign judgment,
31 together with one copy of the documents and information, regardless of
32 their form.

33 (3) A petition or comparable pleading seeking a remedy that must be
34 affirmatively sought under other law of this state may be filed at the
35 same time as the request for registration or later. The pleading must
36 specify the grounds for the remedy sought.

1 **Sec. 130.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to
2 read as follows:

3 (1) When a support order or income-withholding order issued in
4 another state is registered, the registering tribunal shall notify the
5 nonregistering party. ~~((Notice must be given by certified or
6 registered mail or by any means of personal service authorized by the
7 law of this state.))~~ The notice must be accompanied by a copy of the
8 registered order and the documents and relevant information
9 accompanying the order.

10 (2) The notice must inform the nonregistering party:

11 (a) That a registered order is enforceable as of the date of
12 registration in the same manner as an order issued by a tribunal of
13 this state;

14 (b) That a hearing to contest the validity or enforcement of the
15 registered order must be requested within twenty days after the date of
16 receipt by certified or registered mail or personal service of the
17 notice given to a nonregistering party within the state and within
18 sixty days after the date of receipt by certified or registered mail or
19 personal service of the notice on a nonregistering party outside of the
20 state;

21 (c) That failure to contest the validity or enforcement of the
22 registered order in a timely manner will result in confirmation of the
23 order and enforcement of the order and the alleged arrearages and
24 precludes further contest of that order with respect to any matter that
25 could have been asserted; and

26 (d) Of the amount of any alleged arrearages.

27 (3) Upon registration of an income-withholding order for
28 enforcement, the registering tribunal shall notify the obligor's
29 employer pursuant to the income-withholding law of this state.

30 **Sec. 131.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to
31 read as follows:

32 (1) A nonregistering party seeking to contest the validity or
33 enforcement of a registered order in this state shall request a hearing
34 within twenty days after the date of receipt of certified or registered
35 mail or the date of personal service of notice of the registration on
36 the nonmoving party within this state, or, within sixty days after the
37 receipt of certified or registered mail or personal service of the
38 notice on the nonmoving party outside of the state. The nonregistering

1 party may seek to vacate the registration, to assert any defense to an
2 allegation of noncompliance with the registered order, or to contest
3 the remedies being sought or the amount of any alleged arrearages
4 pursuant to RCW 26.21.540.

5 (2) If the nonregistering party fails to contest the validity or
6 enforcement of the registered order in a timely manner, the order is
7 confirmed by operation of law.

8 (3) If a nonregistering party requests a hearing to contest the
9 validity or enforcement of the registered order, the registering
10 tribunal shall schedule the matter for hearing and give notice to the
11 parties (~~by first class mail~~) of the date, time, and place of the
12 hearing.

13 **Sec. 132.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to
14 read as follows:

15 (1) After a child support order issued in another state has been
16 registered in this state, the responding tribunal of this state may
17 modify that order only if() section 134 of this act does not apply
18 and after notice and hearing() it finds that:

19 (a) The following requirements are met:

20 (i) The child, the individual obligee, and the obligor do not
21 reside in the issuing state;

22 (ii) A petitioner who is a nonresident of this state seeks
23 modification; and

24 (iii) The respondent is subject to the personal jurisdiction of the
25 tribunal of this state; or

26 (b) (~~An individual party or~~) The child, or a party who is an
27 individual, is subject to the personal jurisdiction of the tribunal of
28 this state and all of the (~~individual~~) parties who are individuals
29 have filed (~~a~~) written consents in the issuing tribunal (~~providing~~
30 that)) for a tribunal of this state (~~may~~) to modify the support order
31 and assume continuing, exclusive jurisdiction over the order. However,
32 if the issuing state is a foreign jurisdiction that has not enacted a
33 law or established procedures substantially similar to the procedures
34 under the Uniform Interstate Family Support Act, the consent otherwise
35 required of an individual residing in this state is not required for
36 the tribunal to assume jurisdiction to modify the child support order.

37 (2) Modification of a registered child support order is subject to
38 the same requirements, procedures, and defenses that apply to the

1 modification of an order issued by a tribunal of this state and the
2 order may be enforced and satisfied in the same manner.

3 (3) A tribunal of this state may not modify any aspect of a child
4 support order that may not be modified under the law of the issuing
5 state. If two or more tribunals have issued child support orders for
6 the same obligor and child, the order that controls and must be so
7 recognized under RCW 26.21.135 establishes the aspects of the support
8 order that are nonmodifiable.

9 (4) On issuance of an order modifying a child support order issued
10 in another state, a tribunal of this state becomes the tribunal ((of))
11 having continuing, exclusive jurisdiction.

12 ((~~(5) Within thirty days after issuance of a modified child support~~
13 ~~order, the party obtaining the modification shall file a certified copy~~
14 ~~of the order with the issuing tribunal which had continuing, exclusive~~
15 ~~jurisdiction over the earlier order, and in each tribunal in which the~~
16 ~~party knows that earlier order has been registered.))~~

17 **Sec. 133.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to
18 read as follows:

19 A tribunal of this state shall recognize a modification of its
20 earlier child support order by a tribunal of another state that assumed
21 jurisdiction pursuant to the Uniform Interstate Family Support Act or
22 a law substantially similar to this chapter and, upon request, except
23 as otherwise provided in this chapter, shall:

24 (1) Enforce the order that was modified only as to amounts accruing
25 before the modification;

26 (2) Enforce only nonmodifiable aspects of that order;

27 (3) Provide other appropriate relief only for violations of that
28 order which occurred before the effective date of the modification;
29 and

30 (4) Recognize the modifying order of the other state, upon
31 registration, for the purpose of enforcement.

32 NEW SECTION. **Sec. 134.** A new section is added to chapter 26.21
33 RCW to read as follows:

34 JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF
35 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who
36 are individuals reside in this state and the child does not reside in
37 the issuing state, a tribunal of this state has jurisdiction to enforce

1 and to modify the issuing state's child support order in a proceeding
2 to register that order.

3 (2) A tribunal of this state exercising jurisdiction under this
4 section shall apply the provisions of Articles 1 and 2, this article,
5 and the procedural and substantive law of this state to the proceeding
6 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this
7 chapter do not apply.

8 NEW SECTION. **Sec. 135.** A new section is added to chapter 26.21
9 RCW to read as follows:

10 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days
11 after issuance of a modified child support order, the party obtaining
12 the modification shall file a certified copy of the order with the
13 issuing tribunal that had continuing, exclusive jurisdiction over the
14 earlier order, and in each tribunal in which the party knows the
15 earlier order has been registered. A party who obtains the order and
16 fails to file a certified copy is subject to appropriate sanctions by
17 a tribunal in which the issue of failure to file arises. The failure
18 to file does not affect the validity or enforceability of the modified
19 order of the new tribunal having continuing, exclusive jurisdiction.

20 **Sec. 136.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to
21 read as follows:

22 (1) A tribunal of this state may serve as an initiating or
23 responding tribunal in a proceeding brought under this chapter or a law
24 or procedure substantially similar to this chapter, the Uniform
25 Reciprocal Enforcement of Support Act, or the Revised Uniform
26 Reciprocal Enforcement of Support Act to determine that the petitioner
27 is a parent of a particular child or to determine that a respondent is
28 a parent of that child.

29 (2) In a proceeding to determine parentage, a responding tribunal
30 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,
31 procedural and substantive law of this state, and the rules of this
32 state on choice of law.

33 NEW SECTION. **Sec. 137.** A new section is added to chapter 26.21
34 RCW to read as follows:

1 ADOPTION OF RULES. The secretary of the department of social and
2 health services shall issue such rules as necessary to act as the
3 administrative tribunal pursuant to RCW 26.21.015.

4 **Sec. 138.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to
5 read as follows:

6 (1) The department of social and health services shall adopt rules
7 for the distribution of support money collected by the (~~office of~~
8 ~~support enforcement~~) division of child support. These rules shall:

9 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal
10 social security act as amended by the personal responsibility and work
11 opportunity reconciliation act of 1996;

12 (b) Direct the (~~office of support enforcement~~) division of child
13 support to distribute support money within eight days of receipt,
14 unless one of the following circumstances, or similar circumstances
15 specified in the rules, prevents prompt distribution:

16 (i) The location of the custodial parent is unknown;

17 (ii) The support debt is in litigation;

18 (iii) The (~~office of support enforcement~~) division of child
19 support cannot identify the responsible parent or the custodian;

20 (c) Provide for proportionate distribution of support payments if
21 the responsible parent owes a support obligation or a support debt for
22 two or more Title IV-D cases; and

23 (d) Authorize the distribution of support money, except money
24 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to
25 the IV-D custodian before the debt owed to the state when the custodian
26 stops receiving a public assistance grant.

27 (2) The (~~office of support enforcement~~) division of child support
28 may distribute support payments to the payee under the support order or
29 to another person who has lawful physical custody of the child or
30 custody with the payee's consent. The payee may file an application
31 for an adjudicative proceeding to challenge distribution to such other
32 person. Prior to distributing support payments to any person other
33 than the payee, the registry shall:

34 (a) Obtain a written statement from the child's physical custodian,
35 under penalty of perjury, that the custodian has lawful custody of the
36 child or custody with the payee's consent;

37 (b) Mail to the responsible parent and to the payee at the payee's
38 last known address a copy of the physical custodian's statement and a

1 notice which states that support payments will be sent to the physical
2 custodian; and

3 (c) File a copy of the notice with the clerk of the court that
4 entered the original support order.

5 (3) If the Washington state support registry distributes a support
6 payment to a person in error, the registry may obtain restitution by
7 means of a set-off against future payments received on behalf of the
8 person receiving the erroneous payment, or may act according to RCW
9 74.20A.270 as deemed appropriate. Any set-off against future support
10 payments shall be limited to amounts collected on the support debt and
11 ten percent of amounts collected as current support.

12 **Sec. 139.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each
13 amended to read as follows:

14 (1) The department shall be subrogated to the right of any
15 dependent child or children or person having the care, custody, and
16 control of said child or children, if public assistance money is paid
17 to or for the benefit of the child under a state program funded under
18 Title IV-A of the federal social security act as amended by the
19 personal responsibility and work opportunity reconciliation act of
20 1996, to prosecute or maintain any support action or execute any
21 administrative remedy existing under the laws of the state of
22 Washington to obtain reimbursement of moneys expended, based on the
23 support obligation of the responsible parent established by a superior
24 court order or RCW 74.20A.055. Distribution of any support moneys
25 shall be made in accordance with (~~42 U.S.C. Sec. 657~~) RCW 26.23.035.

26 (2) The department may initiate, continue, maintain, or execute an
27 action to establish, enforce, and collect a support obligation,
28 including establishing paternity and performing related services, under
29 this chapter and chapter 74.20 RCW, or through the attorney general or
30 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,
31 or 26.26 RCW or other appropriate statutes or the common law of this
32 state, for so long as and under such conditions as the department may
33 establish by regulation.

34 (3) Public assistance moneys shall be exempt from collection action
35 under this chapter except as provided in RCW 74.20A.270.

36 (4) No collection action shall be taken against parents of children
37 eligible for admission to, or children who have been discharged from a
38 residential habilitation center as defined by RCW 71A.10.020(7). For

1 the period July 1, 1993, through June 30, 1995, a collection action may
2 be taken against parents of children with developmental disabilities
3 who are placed in community-based residential care. The amount of
4 support the department may collect from the parents shall not exceed
5 one-half of the parents' support obligation accrued while the child was
6 in community-based residential care. The child support obligation
7 shall be calculated pursuant to chapter 26.19 RCW.

8 **Sec. 140.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended
9 to read as follows:

10 Whenever a custodian of children, or other person, receives support
11 moneys paid to them which moneys are paid in whole or in part in
12 satisfaction of a support obligation which has been assigned to the
13 department pursuant to (~~42 U.S.C. Sec. 602(A)(26)(a))~~) Title IV-A of
14 the federal social security act as amended by the personal
15 responsibility and work opportunity reconciliation act of 1996 or RCW
16 74.20.330 or to which the department is owed a debt pursuant to RCW
17 74.20A.030, the moneys shall be remitted to the department within eight
18 days of receipt by the custodian or other person. If not so remitted
19 the custodian or other person shall be indebted to the department as a
20 support debt in an amount equal to the amount of the support money
21 received and not remitted.

22 By not paying over the moneys to the department, a custodial parent
23 or other person is deemed, without the necessity of signing any
24 document, to have made an irrevocable assignment to the department of
25 any support delinquency owed which is not already assigned to the
26 department or to any support delinquency which may accrue in the future
27 in an amount equal to the amount of support money retained. The
28 department may utilize the collection procedures in chapter 74.20A RCW
29 to collect the assigned delinquency to effect recoupment and
30 satisfaction of the debt incurred by reason of the failure of the
31 custodial parent or other person to remit. The department is also
32 authorized to make a set-off to effect satisfaction of the debt by
33 deduction from support moneys in its possession or in the possession of
34 any clerk of the court or other forwarding agent which are paid to the
35 custodial parent or other person for the satisfaction of any support
36 delinquency. Nothing in this section authorizes the department to make
37 set-off as to current support paid during the month for which the
38 payment is due and owing.

1 **Sec. 141.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to
2 read as follows:

3 (1) Whenever public assistance is paid under (~~this title~~) a state
4 program funded under Title IV-A of the federal social security act as
5 amended by the personal responsibility and work opportunity
6 reconciliation act of 1996, each applicant or recipient is deemed to
7 have made assignment to the department of any rights to a support
8 obligation from any other person the applicant or recipient may have in
9 his or her own behalf or in behalf of any other family member for whom
10 the applicant or recipient is applying for or receiving public
11 assistance, including any unpaid support obligation or support debt
12 which has accrued at the time the assignment is made.

13 (2) Payment of public assistance under (~~this title~~) a state
14 program funded under Title IV-A of the federal social security act as
15 amended by the personal responsibility and work opportunity
16 reconciliation act of 1996 shall:

- 17 (a) Operate as an assignment by operation of law; and
18 (b) Constitute an authorization to the department to provide the
19 assistance recipient with support enforcement services.

20 **Sec. 142.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read
21 as follows:

22 (1) Within ten days after the birth of any child, the attending
23 physician, midwife, or his or her agent shall:

24 (a) Fill out a certificate of birth, giving all of the particulars
25 required, including: (i) The mother's name and date of birth, and (ii)
26 if the mother and father are married at the time of birth or the father
27 has signed an acknowledgment of paternity, the father's name and date
28 of birth; and

29 (b) File the certificate of birth together with the mother's and
30 father's social security numbers with the local registrar of the
31 district in which the birth occurred.

32 (2) The local registrar shall forward the birth certificate, any
33 signed affidavit acknowledging paternity, and the mother's and father's
34 social security numbers to the state office of vital statistics
35 pursuant to RCW 70.58.030.

36 (3) The state office of vital statistics shall make available to
37 the office of support enforcement the birth certificates, the mother's
38 and father's social security numbers and paternity affidavits.

1 (4) Upon the birth of a child to an unmarried woman, the attending
2 physician, midwife, or his or her agent shall:

3 (a) Provide an opportunity for the child's mother and natural
4 father to complete an affidavit acknowledging paternity. The completed
5 affidavit shall be filed with the local registrar. The affidavit shall
6 contain or have attached:

7 (i) A sworn statement by the mother consenting to the assertion of
8 paternity and stating that this is the only possible father;

9 (ii) A statement by the father that he is the natural father of the
10 child;

11 (iii) A sworn statement signed by the mother and the putative
12 father that each has been given notice, both orally and in writing, of
13 the alternatives to, the legal consequences of, and the rights,
14 including, if one parent is a minor, any rights afforded due to
15 minority status, and responsibilities that arise from, signing the
16 affidavit acknowledging paternity;

17 (iv) Written information, furnished by the department of social and
18 health services, explaining the implications of signing, including
19 parental rights and responsibilities; and

20 (~~(iv)~~) (v) The social security numbers of both parents.

21 (b) Provide written information and oral information, furnished by
22 the department of social and health services, to the mother and the
23 father regarding the benefits of having (~~her~~) the child's paternity
24 established and of the availability of paternity establishment
25 services, including a request for support enforcement services. The
26 oral and written information shall also include information regarding
27 the alternatives to, the legal consequences of, and the rights,
28 including, if one parent is a minor any rights afforded due to minority
29 status, and responsibilities that arise from, signing the affidavit
30 acknowledging paternity.

31 (5) The physician or midwife is entitled to reimbursement for
32 reasonable costs, which the department shall establish by rule, when an
33 affidavit acknowledging paternity is filed with the state office of
34 vital statistics.

35 (6) If there is no attending physician or midwife, the father or
36 mother of the child, householder or owner of the premises, manager or
37 superintendent of the public or private institution in which the birth
38 occurred, shall notify the local registrar, within ten days after the
39 birth, of the fact of the birth, and the local registrar shall secure

1 the necessary information and signature to make a proper certificate of
2 birth.

3 (7) When an infant is found for whom no certificate of birth is
4 known to be on file, a birth certificate shall be filed within the time
5 and in the form prescribed by the state board of health.

6 (8) When no putative father is named on a birth certificate of a
7 child born to an unwed mother the mother may give any surname she so
8 desires to her child but shall designate in space provided for father's
9 name on the birth certificate "None Named".

10 **Sec. 143.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to
11 read as follows:

12 (1) A man is presumed to be the natural father of a child for all
13 intents and purposes if:

14 (a) He and the child's natural mother are or have been married to
15 each other and the child is born during the marriage, or within three
16 hundred days after the marriage is terminated by death, annulment,
17 declaration of invalidity, divorce, or dissolution, or after a decree
18 of separation is entered by a court; or

19 (b) Before the child's birth, he and the child's natural mother
20 have attempted to marry each other by a marriage solemnized in apparent
21 compliance with law, although the attempted marriage is or could be
22 declared invalid, and the child is born within three hundred days after
23 the termination of cohabitation;

24 (c) After the child's birth, he and the child's natural mother have
25 married, or attempted to marry, each other by a marriage solemnized in
26 apparent compliance with law, although the attempted marriage is or
27 could be declared invalid, and

28 (i) He has acknowledged his paternity of the child in writing filed
29 with the registrar of vital statistics,

30 (ii) With his consent, he is named as the child's father on the
31 child's birth certificate, or

32 (iii) He is obligated to support the child under a written
33 voluntary promise or by court order;

34 (d) While the child is under the age of majority, he receives the
35 child into his home and openly holds out the child as his child;

36 (e) He acknowledges his paternity of the child pursuant to RCW
37 70.58.080 or in a writing filed with the state office of vital
38 statistics, which shall promptly inform the mother of the filing of the

1 acknowledgment, if she does not dispute the acknowledgment within a
2 reasonable time after being informed thereof, in a writing filed with
3 the registrar of vital statistics. However, if the acknowledgment is
4 not rescinded or challenged within sixty days of filing, it becomes an
5 establishment of paternity and is subject to challenge only under the
6 circumstances set forth under RCW 26.26.060. In order to enforce
7 rights of residential time, custody, and visitation, a man presumed to
8 be the father as a result of filing a written acknowledgment must seek
9 appropriate judicial orders under this title;

10 (f) The United States immigration and naturalization service made
11 or accepted a determination that he was the father of the child at the
12 time of the child's entry into the United States and he had the
13 opportunity at the time of the child's entry into the United States to
14 admit or deny the paternal relationship; or

15 (g) Genetic testing indicates a ninety-eight percent or greater
16 probability of paternity.

17 (2) A presumption under this section may be rebutted in an
18 appropriate action only by clear, cogent, and convincing evidence. If
19 two or more presumptions arise which conflict with each other, the
20 presumption which on the facts is founded on the weightier
21 considerations of policy and logic controls. The presumption is
22 rebutted by a court decree establishing paternity of the child by
23 another man.

24 **Sec. 144.** RCW 26.26.060 and 1983 1st ex.s. c 41 s 5 are each
25 amended to read as follows:

26 (1)(a) Except as provided in subsection (3) of this section, a
27 child, a child's natural mother, a man alleged or alleging himself to
28 be the father, a child's guardian, a child's personal representative,
29 the state of Washington, or any interested party may bring an action at
30 any time for the purpose of declaring the existence or nonexistence of
31 the father and child relationship.

32 (b) Except as provided in (c) of this subsection, a man presumed to
33 be a child's father under RCW 26.26.040 may bring an action for the
34 purpose of declaring the nonexistence of the father and child
35 relationship only if the action is brought within a reasonable time
36 after obtaining knowledge of relevant facts. After the presumption has
37 been rebutted, paternity of the child by another man may be determined
38 in the same action, if he has been made a party.

1 (c) A man who has acknowledged paternity under RCW 26.26.040(1)(e)
2 shall become the established legal father of the child sixty days after
3 the acknowledgment is filed with the center for health statistics
4 unless the acknowledgment is sooner rescinded or challenged. After the
5 sixty-day period has passed, the acknowledgment may be challenged in
6 court only on the basis of fraud, duress, or material mistake of fact,
7 with the burden of proof upon the challenger. Legal responsibilities
8 of the challenger, including child support obligations, may not be
9 suspended during the challenge, except for good cause shown.

10 (2) In an action brought by the state pursuant to this chapter, the
11 state may be represented by either the prosecuting attorney for the
12 county where the action is brought or by the attorney general.

13 (3) Regardless of its terms, no agreement between an alleged or
14 presumed father and the mother or child, shall bar an action under this
15 section, except that judicial and administrative proceedings are
16 neither required nor permitted to ratify an unchallenged acknowledgment
17 of paternity filed after the effective date of this section.

18 (4) If an action under this section is brought before the birth of
19 the child, all proceedings may be stayed until after the birth, except
20 service of process and discovery, including the taking of depositions
21 to perpetuate testimony.

22 (5) Actions under this chapter may be maintained as to any child,
23 whether born before or after the enactment of this chapter.

24 NEW SECTION. Sec. 145. A new section is added to chapter 26.26
25 RCW to read as follows:

26 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all
27 actions brought under this chapter, bills for pregnancy, childbirth,
28 and genetic testing shall:

29 (1) Be admissible as evidence without requiring third-party
30 foundation testimony; and

31 (2) Constitute prima facie evidence of amounts incurred for such
32 services or for testing on behalf of the child.

33 **Sec. 146.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to
34 read as follows:

35 (1) The secretary may, in the absence of a superior court order, or
36 pursuant to an establishment of paternity under chapter 26.26 RCW,
37 serve on the responsible parent or parents a notice and finding of

1 financial responsibility requiring a responsible parent or parents to
2 appear and show cause in an adjudicative proceeding why the finding of
3 responsibility and/or the amount thereof is incorrect, should not be
4 finally ordered, but should be rescinded or modified. This notice and
5 finding shall relate to the support debt accrued and/or accruing under
6 this chapter and/or RCW 26.16.205, including periodic payments to be
7 made in the future. The hearing shall be held pursuant to this
8 section, chapter 34.05 RCW, the Administrative Procedure Act, and the
9 rules of the department.

10 (2) The notice and finding of financial responsibility shall be
11 served in the same manner prescribed for the service of a summons in a
12 civil action or may be served on the responsible parent by certified
13 mail, return receipt requested. The receipt shall be prima facie
14 evidence of service. ~~((The notice shall be served upon the debtor
15 within sixty days from the date the state assumes responsibility for
16 the support of the dependent child or children on whose behalf support
17 is sought. If the notice is not served within sixty days from such
18 date, the department shall lose the right to reimbursement of payments
19 made after the sixty day period and before the date of notification:
20 PROVIDED, That if the department exercises reasonable efforts to locate
21 the debtor and is unable to do so the entire sixty day period is tolled
22 until such time as the debtor can be located.))~~

23 (3) The notice and finding of financial responsibility shall set
24 forth the amount the department has determined the responsible parent
25 owes, the support debt accrued and/or accruing, and periodic payments
26 to be made in the future. The notice and finding shall also include:

27 (a) A statement of the name of the recipient or custodian and the
28 name of the child or children for whom support is sought;

29 (b) A statement of the amount of periodic future support payments
30 as to which financial responsibility is alleged;

31 (c) A statement that the responsible parent may object to all or
32 any part of the notice and finding, and file an application for an
33 adjudicative proceeding to show cause why said responsible parent
34 should not be determined to be liable for any or all of the debt, past
35 and future;

36 (d) ~~((A statement that the alleged responsible parent may challenge
37 the presumption of paternity;~~

38 (e)) A statement that, if the responsible parent fails in timely
39 fashion to file an application for an adjudicative proceeding, the

1 support debt and payments stated in the notice and finding, including
2 periodic support payments in the future, shall be assessed and
3 determined and ordered by the department and that this debt and amounts
4 due under the notice shall be subject to collection action;

5 ~~((f))~~ (e) A statement that the property of the debtor, without
6 further advance notice or hearing, will be subject to lien and
7 foreclosure, distraint, seizure and sale, order to withhold and
8 deliver, notice of payroll deduction or other collection action to
9 satisfy the debt and enforce the support obligation established under
10 the notice.

11 (4) A responsible parent who objects to the notice and finding of
12 financial responsibility may file an application for an adjudicative
13 proceeding within twenty days of the date of service of the notice or
14 thereafter as provided under this subsection. An adjudicative
15 proceeding shall be held in the county of residence or other place
16 convenient to the responsible parent.

17 (a) If the responsible parent files the application within twenty
18 days, the department shall schedule an adjudicative proceeding to hear
19 the parent's objection and determine the parents' support obligation
20 for the entire period covered by the notice and finding of financial
21 responsibility. The filing of the application stays collection action
22 pending the entry of a final administrative order;

23 (b) If the responsible parent fails to file an application within
24 twenty days, the notice and finding shall become a final administrative
25 order. The amounts for current and future support and the support debt
26 stated in the notice are final and subject to collection, except as
27 provided under (c) and (d) of this subsection;

28 (c) If the responsible parent files the application more than
29 twenty days after, but within one year of the date of service, the
30 department shall schedule an adjudicative proceeding to hear the
31 parents' objection and determine the parent's support obligation for
32 the entire period covered by the notice and finding of financial
33 responsibility. The filing of the application does not stay further
34 collection action, pending the entry of a final administrative order,
35 and does not affect any prior collection action;

36 (d) If the responsible parent files the application more than one
37 year after the date of service, the department shall schedule an
38 adjudicative proceeding at which the responsible parent must show good
39 cause for failure to file a timely application. The filing of the

1 application does not stay future collection action and does not affect
2 prior collection action:

3 (i) If the presiding officer finds that good cause exists, the
4 presiding officer shall proceed to hear the parent's objection to the
5 notice and determine the parent's support obligation;

6 (ii) If the presiding officer finds that good cause does not exist,
7 the presiding officer shall treat the application as a petition for
8 prospective modification of the amount for current and future support
9 established under the notice and finding. In the modification
10 proceeding, the presiding officer shall set current and future support
11 under chapter 26.19 RCW. The responsible parent need show neither good
12 cause nor a substantial change of circumstances to justify modification
13 of current and future support;

14 (e) The department shall retain and/or shall not refund support
15 money collected more than twenty days after the date of service of the
16 notice. Money withheld as the result of collection action shall be
17 delivered to the department. The department shall distribute such
18 money, as provided in published rules.

19 (5)((+a)) If an application for an adjudicative proceeding is
20 filed, the presiding or reviewing officer shall determine the past
21 liability and responsibility, if any, of the alleged responsible parent
22 and shall also determine the amount of periodic payments to be made in
23 the future, which amount is not limited by the amount of any public
24 assistance payment made to or for the benefit of the child. If
25 deviating from the child support schedule in making these
26 determinations, the presiding or reviewing officer shall apply the
27 standards contained in the child support schedule and enter written
28 findings of fact supporting the deviation.

29 ~~((b) If a responsible parent provides credible evidence at an
30 adjudicative proceeding that would rebut the presumption of paternity
31 set forth in RCW 26.26.040, the presiding officer shall direct the
32 department to refer the issue for scheduling of an appropriate hearing
33 in superior court to determine whether the presumption should be
34 rebutted.))~~

35 (6) If the responsible parent fails to attend or participate in the
36 hearing or other stage of an adjudicative proceeding, upon a showing of
37 valid service, the presiding officer shall enter an administrative
38 order declaring the support debt and payment provisions stated in the

1 notice and finding of financial responsibility to be assessed and
2 determined and subject to collection action.

3 (7) The final administrative order establishing liability and/or
4 future periodic support payments shall be superseded upon entry of a
5 superior court order for support to the extent the superior court order
6 is inconsistent with the administrative order.

7 (8) Debts determined pursuant to this section, accrued and not
8 paid, are subject to collection action under this chapter without
9 further necessity of action by a presiding or reviewing officer.

10 **Sec. 147.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5
11 are each reenacted and amended to read as follows:

12 (1) If an alleged father has signed an affidavit acknowledging
13 paternity which has been filed with the state office of vital
14 statistics before July 1, 1997, the office of support enforcement may
15 serve a notice and finding of parental responsibility on him.
16 Procedures for and responsibility resulting from acknowledgments filed
17 after July 1, 1997, are in subsections (8) and (9) of this section.
18 Service of the notice shall be in the same manner as a summons in a
19 civil action or by certified mail, return receipt requested. The
20 notice shall have attached to it a copy of the affidavit or
21 certification of birth record information advising of the existence of
22 a filed affidavit, provided by the center for health statistics, and
23 shall state that:

24 (a) The alleged father may file an application for an adjudicative
25 proceeding at which he will be required to appear and show cause why
26 the amount stated in the finding of financial responsibility as to
27 support is incorrect and should not be ordered;

28 (b) An alleged father may request that a blood or genetic test be
29 administered to determine whether such test would exclude him from
30 being a natural parent and, if not excluded, may subsequently request
31 that the office of support enforcement initiate an action in superior
32 court to determine the existence of the parent-child relationship; and

33 (c) If the alleged father does not request that a blood or genetic
34 test be administered or file an application for an adjudicative
35 proceeding, the amount of support stated in the notice and finding of
36 parental responsibility shall become final, subject only to a
37 subsequent determination under RCW 26.26.060 that the parent-child
38 relationship does not exist.

1 (2) An alleged father who objects to the amount of support
2 requested in the notice may file an application for an adjudicative
3 proceeding up to twenty days after the date the notice was served. An
4 application for an adjudicative proceeding may be filed within one year
5 of service of the notice and finding of parental responsibility without
6 the necessity for a showing of good cause or upon a showing of good
7 cause thereafter. An adjudicative proceeding under this section shall
8 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
9 the accrued debt, the amount of the current and future support
10 obligation, and the reimbursement of the costs of blood or genetic
11 tests if advanced by the department.

12 (3) If the application for an adjudicative proceeding is filed
13 within twenty days of service of the notice, collection action shall be
14 stayed pending a final decision by the department. If no application
15 is filed within twenty days:

16 (a) The amounts in the notice shall become final and the debt
17 created therein shall be subject to collection action; and

18 (b) Any amounts so collected shall neither be refunded nor returned
19 if the alleged father is later found not to be a responsible parent.

20 (4) An alleged father who denies being a responsible parent may
21 request that a blood or genetic test be administered at any time. The
22 request for testing shall be in writing and served on the office of
23 support enforcement personally or by registered or certified mail. If
24 a request for testing is made, the department shall arrange for the
25 test and, pursuant to rules adopted by the department, may advance the
26 cost of such testing. The department shall mail a copy of the test
27 results by certified mail, return receipt requested, to the alleged
28 father's last known address.

29 (5) If the test excludes the alleged father from being a natural
30 parent, the office of support enforcement shall file a copy of the
31 results with the state office of vital statistics and shall dismiss any
32 pending administrative collection proceedings based upon the affidavit
33 in issue. The state office of vital statistics shall remove the
34 alleged father's name from the birth certificate.

35 (6) The alleged father may, within twenty days after the date of
36 receipt of the test results, request the office of support enforcement
37 to initiate an action under RCW 26.26.060 to determine the existence of
38 the parent-child relationship. If the office of support enforcement
39 initiates a superior court action at the request of the alleged father

1 and the decision of the court is that the alleged father is a natural
2 parent, the alleged father shall be liable for court costs incurred.

3 (7) If the alleged father does not request the office of support
4 enforcement to initiate a superior court action, or if the alleged
5 father fails to appear and cooperate with blood or genetic testing, the
6 notice of parental responsibility shall become final for all intents
7 and purposes and may be overturned only by a subsequent superior court
8 order entered under RCW 26.26.060.

9 (8)(a) If an alleged father has signed an affidavit acknowledging
10 paternity that has been filed with the state center for health
11 statistics after July 1, 1997, within sixty days from the date of
12 filing of the acknowledgment:

13 (i) The office of support enforcement may serve a notice and
14 finding of parental responsibility on him as set forth under this
15 section; and

16 (ii) The alleged father may rescind his acknowledgment of
17 paternity. The rescission shall be in writing and served on the office
18 of support enforcement personally or by registered or certified mail.

19 (b) If the alleged father does not file an application for an
20 adjudicative proceeding or rescind his acknowledgment of paternity, the
21 amount of support stated in the notice and finding of parental
22 responsibility becomes final, subject only to a subsequent
23 determination under RCW 26.26.060 that the parent-child relationship
24 does not exist.

25 (c) An alleged father who objects to the amount of support
26 requested in the notice may file an application for an adjudicative
27 proceeding up to twenty days after the date the notice was served. An
28 application for an adjudicative proceeding may be filed within one year
29 of service of the notice and finding of parental responsibility without
30 the necessity for a showing of good cause or upon a showing of good
31 cause thereafter. An adjudicative proceeding under this section shall
32 be pursuant to RCW 74.20A.055. The only issues shall be the amount of
33 the accrued debt and the amount of the current and future support
34 obligation.

35 (i) If the application for an adjudicative proceeding is filed
36 within twenty days of service of the notice, collection action shall be
37 stayed pending a final decision by the department.

38 (ii) If the application for an adjudicative proceeding is not filed
39 within twenty days of the service of the notice, any amounts collected

1 under the notice shall be neither refunded nor returned if the alleged
2 father is later found not to be a responsible parent.

3 (d) If an alleged father makes a request for genetic testing, the
4 department shall proceed as set forth under section 104 of this act.

5 (e) If the alleged father does not request an adjudicative
6 proceeding, or if the alleged father fails to rescind his filed
7 acknowledgment of paternity, the notice of parental responsibility
8 becomes final for all intents and purposes and may be overturned only
9 by a subsequent superior court order entered under RCW 26.26.060.

10 (9) Affidavits acknowledging paternity that are filed after July 1,
11 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

12 (10) The department of social and health services may adopt rules
13 to implement the requirements under this section.

14 NEW SECTION. Sec. 148. A new section is added to chapter 26.18
15 RCW to read as follows:

16 CHILD SUPPORT LIENS--CREATION--ATTACHMENT. Child support debts,
17 not paid when due, become liens by operation of law against all
18 property of the debtor with priority of a secured creditor. This lien
19 shall be separate and apart from, and in addition to, any other lien
20 created by, or provided for, in this title. The lien attaches to all
21 real and personal property of the debtor on the date of filing with the
22 county auditor of the county in which the property is located.

23 **Sec. 149.** RCW 26.23.040 and 1994 c 127 s 1 are each amended to
24 read as follows:

25 (1) Except as provided in subsection (3) of this section, all
26 employers doing business in the state of Washington, and to whom the
27 department of employment security has assigned the standard industrial
28 classification sic codes listed in subsection (2) of this section,
29 shall report to the Washington state support registry:

30 (a) The hiring of any person who resides or works in this state to
31 whom the employer anticipates paying earnings; and

32 (b) The rehiring or return to work of any employee who was laid
33 off, furloughed, separated, granted a leave without pay, or terminated
34 from employment.

35 (2) Employers in the standard industrial classifications that shall
36 report to the Washington state support registry include:

1 (a) Construction industry sic codes: 15, general building; 16,
2 heavy construction; and 17, special trades;

3 (b) Manufacturing industry sic code 37, transportation equipment;

4 (c) Business services sic codes: 73, except sic code 7363
5 (temporary help supply services); and health services sic code 80.

6 (3) Employers are not required to report the hiring of any person
7 who:

8 (a) Will be employed for less than one months duration;

9 (b) Will be employed sporadically so that the employee will be paid
10 for less than three hundred fifty hours during a continuous six-month
11 period; or

12 (c) Will have gross earnings less than three hundred dollars in
13 every month.

14 The secretary of the department of social and health services may
15 adopt rules to establish additional exemptions if needed to reduce
16 unnecessary or burdensome reporting.

17 (4) Employers may report by mailing the employee's copy of the W-4
18 form, or other means authorized by the registry which will result in
19 timely reporting.

20 (5) Employers shall submit reports within thirty-five days of the
21 hiring, rehiring, or return to work of the employee. The report shall
22 contain:

23 (a) The employee's name, address, social security number, and date
24 of birth; and

25 (b) The employer's name, address, and employment security reference
26 number or unified business identifier number.

27 (6) An employer who fails to report as required under this section
28 shall be given a written warning for the first violation and shall be
29 subject to a civil penalty of up to two hundred dollars per month for
30 each subsequent violation after the warning has been given. All
31 violations within a single month shall be considered a single violation
32 for purposes of assessing the penalty. The penalty may be imposed and
33 collected by the office of support enforcement under ((RCW 74.20A.270))
34 section 95 of this act.

35 (~~(7) ((The registry shall retain the information for a particular
36 employee only if the registry is responsible for establishing,
37 enforcing, or collecting a support obligation or debt of the employee.
38 If the employee does not owe such an obligation or a debt, the registry
39 shall not create a record regarding the employee and the information~~

1 contained in the notice shall be promptly destroyed. Prior to the
2 destruction of the notice, the department of social and health services
3 shall make the information contained in the notice available to other
4 state agencies, based upon the written request of an agency's director
5 or chief executive, specifically for comparison with records or
6 information possessed by the requesting agency to detect improper or
7 fraudulent claims. If, after comparison, no such situation is found or
8 reasonably suspected to exist, the information shall be promptly
9 destroyed by the requesting agency. Requesting agencies that obtain
10 information from the department of social and health services under
11 this section shall maintain the confidentiality of the information
12 received, except as necessary to implement the agencies'
13 responsibilities.)) The registry shall retain the information for a
14 particular employee only if the registry is responsible for
15 establishing, enforcing, or collecting a support debt of the employee.
16 The registry may, however, retain information for a particular employee
17 for as long as may be necessary to:

18 (a) Transmit the information to the national directory of new hires
19 as required under federal law; or

20 (b) Provide the information to other state agencies for comparison
21 with records or information possessed by those agencies as required by
22 law.

23 Information that is not permitted to be retained shall be promptly
24 destroyed. Agencies that obtain information from the department of
25 social and health services under this section shall maintain the
26 confidentiality of the information received, except as necessary to
27 implement the agencies' responsibilities.

28 **Sec. 150.** RCW 26.23.040 and 1996 c ... s 149 (section 149 of this
29 act) are each amended to read as follows:

30 ((Except as provided in subsection (3) of this section,)) All
31 employers doing business in the state of Washington, and to whom the
32 department of employment security has assigned ((the)) a standard
33 industrial classification sic code((s listed in subsection (2) of this
34 section,)) shall report to the Washington state support registry:

35 (a) The hiring of any person who resides or works in this state to
36 whom the employer anticipates paying earnings; and

1 (b) The rehiring or return to work of any employee who was laid
2 off, furloughed, separated, granted a leave without pay, or terminated
3 from employment.

4 ~~((2) Employers in the standard industrial classifications that
5 shall report to the Washington state support registry include:~~

6 ~~(a) Construction industry sic codes: 15, general building; 16,
7 heavy construction; and 17, special trades;~~

8 ~~(b) Manufacturing industry sic code 37, transportation equipment;~~

9 ~~(c) Business services sic codes: 73, except sic code 7363
10 (temporary help supply services); and health services sic code 80.~~

11 ~~(3) Employers are not required to report the hiring of any person
12 who:~~

13 ~~(a) Will be employed for less than one months duration;~~

14 ~~(b) Will be employed sporadically so that the employee will be paid
15 for less than three hundred fifty hours during a continuous six month
16 period; or~~

17 ~~(c) Will have gross earnings less than three hundred dollars in
18 every month.)~~

19 The secretary of the department of social and health services may
20 adopt rules to establish additional exemptions if needed to reduce
21 unnecessary or burdensome reporting.

22 ~~((4))~~ (2) Employers may report by mailing the employee's copy of
23 the W-4 form, or other means authorized by the registry which will
24 result in timely reporting.

25 ~~((5))~~ (3) Employers shall submit reports within thirty-five days
26 of the hiring, rehiring, or return to work of the employee. The report
27 shall contain:

28 (a) The employee's name, address, social security number, and date
29 of birth; and

30 (b) The employer's name, address, and employment security reference
31 number or unified business identifier number.

32 ~~((6))~~ (4) An employer who fails to report as required under this
33 section shall be given a written warning for the first violation and
34 shall be subject to a civil penalty of up to two hundred dollars per
35 month for each subsequent violation after the warning has been given.
36 All violations within a single month shall be considered a single
37 violation for purposes of assessing the penalty. The penalty may be
38 imposed and collected by the office of support enforcement under RCW
39 74.20A.--- (section 95 of this act).

1 (~~(7)~~) (5) The department of social and health services shall make
2 the information employers report under this section available to other
3 state agencies for comparison with records or information possessed by
4 the requesting agency as required by law. Requesting agencies that
5 obtain information from the department of social and health services
6 under this section shall maintain the confidentiality of the
7 information received, except as necessary to implement the agencies'
8 responsibilities.

9 **Sec. 151.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to
10 read as follows:

11 (1) Application for a marriage license must be made and filed with
12 the appropriate county auditor upon blanks to be provided by the county
13 auditor for that purpose, which application shall be under the oath of
14 each of the applicants, and each application shall state the name,
15 address at the time of execution of application, age, social security
16 number, birthplace, whether single, widowed or divorced, and whether
17 under control of a guardian, residence during the past six months:
18 PROVIDED, That each county may require such other and further
19 information on said application as it shall deem necessary.

20 (2) The county legislative authority may impose an additional fee
21 up to fifteen dollars on a marriage license for the purpose of funding
22 family services such as family support centers.

23 **Sec. 152.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c
24 375 s 3 are each reenacted and amended to read as follows:

25 (1) A petition in a proceeding for dissolution of marriage, legal
26 separation, or for a declaration concerning the validity of a marriage,
27 shall allege the following:

28 (a) The last known residence of each party;

29 (b) The social security number of each party;

30 (c) The date and place of the marriage;

31 (~~(e)~~) (d) If the parties are separated the date on which the
32 separation occurred;

33 (~~(d)~~) (e) The names, ages, and addresses of any child dependent
34 upon either or both spouses and whether the wife is pregnant;

35 (~~(e)~~) (f) Any arrangements as to the residential schedule of,
36 decision making for, dispute resolution for, and support of the
37 children and the maintenance of a spouse;

1 (~~(f)~~) (g) A statement specifying whether there is community or
2 separate property owned by the parties to be disposed of;

3 (~~(g)~~) (h) The relief sought.

4 (2) Either or both parties to the marriage may initiate the
5 proceeding.

6 (3) The petitioner shall complete and file with the petition a
7 certificate under RCW 70.58.200 on the form provided by the department
8 of health.

9 **Sec. 153.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to
10 read as follows:

11 (1) The judgment and order of the court determining the existence
12 or nonexistence of the parent and child relationship shall be
13 determinative for all purposes.

14 (2) If the judgment and order of the court is at variance with the
15 child's birth certificate, the court shall order that an amended birth
16 certificate be issued.

17 (3) The judgment and order shall contain other appropriate
18 provisions directed to the appropriate parties to the proceeding,
19 concerning the duty of current and future support, the extent of any
20 liability for past support furnished to the child if that issue is
21 before the court, the furnishing of bond or other security for the
22 payment of the judgment, or any other matter in the best interest of
23 the child. The judgment and order may direct the father to pay the
24 reasonable expenses of the mother's pregnancy and confinement. The
25 judgment and order may include a continuing restraining order or
26 injunction. In issuing the order, the court shall consider the
27 provisions of RCW 9.41.800.

28 (4) The judgment and order shall contain the social security
29 numbers of all parties to the order.

30 (5) Support judgment and orders shall be for periodic payments
31 which may vary in amount. The court may limit the father's liability
32 for the past support to the child to the proportion of the expenses
33 already incurred as the court deems just. The court shall not limit or
34 affect in any manner the right of nonparties including the state of
35 Washington to seek reimbursement for support and other services
36 previously furnished to the child.

1 ~~((+5+))~~ (6) After considering all relevant factors, the court shall
2 order either or both parents to pay an amount determined pursuant to
3 the schedule and standards contained in chapter 26.19 RCW.

4 ~~((+6+))~~ (7) On the same basis as provided in chapter 26.09 RCW, the
5 court shall make residential provisions with regard to minor children
6 of the parties, except that a parenting plan shall not be required
7 unless requested by a party.

8 ~~((+7+))~~ (8) In any dispute between the natural parents of a child
9 and a person or persons who have (a) commenced adoption proceedings or
10 who have been granted an order of adoption, and (b) pursuant to a court
11 order, or placement by the department of social and health services or
12 by a licensed agency, have had actual custody of the child for a period
13 of one year or more before court action is commenced by the natural
14 parent or parents, the court shall consider the best welfare and
15 interests of the child, including the child's need for situation
16 stability, in determining the matter of custody, and the parent or
17 person who is more fit shall have the superior right to custody.

18 ~~((+8+))~~ (9) In entering an order under this chapter, the court may
19 issue any necessary continuing restraining orders, including the
20 restraint provisions of domestic violence protection orders under
21 chapter 26.50 RCW or antiharassment protection orders under chapter
22 10.14 RCW.

23 ~~((+9+))~~ (10) Restraining orders issued under this section
24 restraining the person from molesting or disturbing another party or
25 from going onto the grounds of or entering the home, workplace, or
26 school of the other party or the day care or school of any child shall
27 prominently bear on the front page of the order the legend: VIOLATION
28 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE
29 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

30 ~~((+10+))~~ (11) The court shall order that any restraining order
31 bearing a criminal offense legend, any domestic violence protection
32 order, or any antiharassment protection order granted under this
33 section be forwarded by the clerk of the court on or before the next
34 judicial day to the appropriate law enforcement agency specified in the
35 order. Upon receipt of the order, the law enforcement agency shall
36 forthwith enter the order into any computer-based criminal intelligence
37 information system available in this state used by law enforcement
38 agencies to list outstanding warrants. The order is fully enforceable
39 in any county in the state.

1 NEW SECTION. **Sec. 156.** A new section is added to chapter 74.04
2 RCW to read as follows:

3 (1) The department may establish a food assistance program for
4 persons whose immigrant status meets the eligibility requirements of
5 the federal food stamp program as of August 21, 1996, but who are no
6 longer eligible solely due to their immigrant status under the personal
7 responsibility and work opportunity reconciliation act of 1996, P.L.
8 104-193.

9 (2) The rules for the state food assistance program shall follow
10 the rules of the federal food stamp program as they existed on the
11 effective date of this section except for the provisions pertaining to
12 immigrant status and benefit amount under P.L. 104-193.

13 (3) The benefit under the state food assistance program shall be
14 determined by the department based on appropriated state funds.

15 (4) The department may enter into a contract with the United States
16 department of agriculture to use the existing federal food stamp
17 program coupon system for the purposes of administering the state food
18 assistance program.

19 (5) In the event the department is unable to enter into a contract
20 with the United States department of agriculture, the department is
21 authorized to issue vouchers to eligible households for the purchase of
22 eligible foods at participating retailers.

23 NEW SECTION. **Sec. 157.** The legislature finds that with recently
24 enacted federal welfare reform legislation, individuals convicted after
25 August 22, 1996, with a felony that has as an element the possession,
26 use, or distribution of a controlled substance will no longer be
27 eligible for temporary assistance for needy families and food stamps
28 unless the state enacts state law opting out of the federal
29 disqualification. Withholding temporary assistance for needy families
30 and food stamps could push individuals who have served their time
31 deeper into poverty and could overburden already limited local
32 resources leading to: Increased homelessness; hunger; family breakup,
33 abuse, and neglect; decreased educational achievement for children; and
34 poorer overall health and an increase in health-related expenditures.
35 Further, withholding public assistance and food stamps will greatly
36 increase the likelihood these individuals will reoffend. Therefore,
37 the legislature finds that it is in the public interest to continue the
38 current cash assistance and food stamp safety net for individuals with

1 a felony conviction that has as an element the possession, use, or
2 distribution of a controlled substance.

3 NEW SECTION. **Sec. 158.** A new section is added to chapter 74.12A
4 RCW to read as follows:

5 The department shall provide temporary assistance for needy
6 families and food stamp program benefits to individuals with felony
7 convictions, after August 22, 1996, that have as an element the
8 possession, use, or distribution of a controlled substance, if
9 otherwise eligible, and the individual meets at least one of the
10 following conditions:

11 (1) If under the supervision of the department of corrections, is
12 free of controlled substances as monitored by the department of
13 corrections;

14 (2) Has received a chemical dependency assessment for controlled
15 substances by a department-certified treatment agency and is attending,
16 on a waiting list, or has completed a chemical dependency treatment
17 program if deemed necessary by the assessment;

18 (3) Is complying with a mandated drug court program alternative
19 sentence; or

20 (4) Has not had a felony conviction that has as an element the
21 possession, use, or distribution of a controlled substance for at least
22 three years following the entry of the judgment and sentence or the
23 offender's release from total confinement.

24 **Sec. 159.** RCW 74.12.035 and 1985 c 335 s 1 are each amended to
25 read as follows:

26 ~~(1) ((A family or assistance unit is not eligible for aid for any~~
27 ~~month if for that month the total income of the family or assistance~~
28 ~~unit, without application of income disregards, exceeds one hundred~~
29 ~~eighty-five percent of the state standard of need for a family of the~~
30 ~~same composition: PROVIDED, That for the purposes of determining the~~
31 ~~total income of the family or assistance unit, the earned income of a~~
32 ~~dependent child who is a full-time student for whom aid to families~~
33 ~~with dependent children is being provided shall be disregarded for six~~
34 ~~months per calendar year.~~

35 ~~(2))~~ Participation in a strike does not constitute good cause to
36 leave or to refuse to seek or accept employment. Assistance is not
37 payable to a family for any month in which any caretaker relative with

1 whom the child is living is, on the last day of the month,
2 participating in a strike. An individual's need shall not be included
3 in determining the amount of aid payable for any month to a family or
4 assistance unit if, on the last day of the month, the individual is
5 participating in a strike.

6 ~~((+3))~~ (2) Children over eighteen years of age and under nineteen
7 years of age who are otherwise eligible for temporary assistance for
8 needy families and who are full-time students ~~((reasonably expected to~~
9 ~~complete a program of))~~ attending secondary school, or the equivalent
10 level of vocational or technical training~~((, before reaching nineteen~~
11 ~~years of age))~~ are eligible to receive ~~((aid to families with dependent~~
12 ~~children: PROVIDED HOWEVER, That if such students do not successfully~~
13 ~~complete such program before reaching nineteen years of age, the~~
14 ~~assistance rendered under this subsection during such period shall not~~
15 ~~be a debt due the state))~~ temporary assistance for needy families.

16 NEW SECTION. Sec. 160. The legislature recognizes there are low-
17 income employable families who are in danger of becoming reliant on
18 public assistance. With minimal short-term help from the state, such
19 families can remain intact, actively involved in the labor market, and
20 financially self-sufficient. Therefore, the legislature finds it is in
21 the public interest to establish a grant diversion program to help at-
22 risk families remain off public assistance.

23 NEW SECTION. Sec. 161. A new section is added to chapter 74.12A
24 RCW to read as follows:

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

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

29 (a) Cash aid shall:

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

35 (ii) Be authorized to cover a family's basic or employment-related
36 needs anticipated for the authorization period. Grant diversion may be

1 authorized up to a maximum of three consecutive calendar months in a
2 twelve-month period; and

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

8 (b) Families may receive grant diversion payments and food
9 assistance for the same authorization period but shall not be
10 simultaneously eligible for grant diversion payments and any other
11 state or federal cash assistance.

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

16 (3) Families ineligible for temporary assistance for needy families
17 or general assistance due to sanction, noncompliance, or the lump sum
18 income rule are not eligible for grant diversion.

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

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

25 (6) The department may adopt rules consistent with this section and
26 as are necessary to implement grant diversion.

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

29 NEW SECTION. **Sec. 162.** The legislature finds that most needy
30 families with young children who are striving for self-sufficiency
31 require child care assistance to support and enable participation in
32 their work-related activities. Lack of access to safe, healthy, and
33 age-appropriate child care may jeopardize parent success in achieving
34 self-sufficiency through employment.

35 NEW SECTION. **Sec. 163.** A new section is added to chapter 74.12A
36 RCW to read as follows:

1 (1) The department shall provide child care financial assistance to
2 families with children twelve years or younger receiving temporary
3 assistance to needy families who are working, to families participating
4 in approved employment and training activities in an effort to gain
5 independence from public assistance, and to families terminated from
6 temporary assistance to needy families due to earnings for a period not
7 to exceed twelve months.

8 Provision of child care applies to minor dependents who are
9 physically or mentally, including emotionally, incapable of self-care,
10 as verified by a licensed medical practitioner or licensed or certified
11 psychologist or under court supervision.

12 (2) The department shall adopt rules to administer child care
13 assistance complying with federal requirements for the receipt of
14 federal funds.

15 **Sec. 164.** RCW 74.04.062 and 1973 c 152 s 2 are each amended to
16 read as follows:

17 (1) Upon ((written)) request of a person who has been properly
18 identified as an officer of the law ((with a felony arrest warrant)) or
19 a properly identified United States immigration official ((with a
20 warrant for an illegal alien)) the department shall disclose to such
21 officer the current address and location of the ((person properly
22 described in the warrant)) recipient of temporary assistance for needy
23 families who is properly described by the officer if the officer
24 furnishes the department with the name of the recipient and notifies
25 the department that:

26 (a) The recipient:

27 (i) Is fleeing to avoid prosecution, or custody or confinement
28 after conviction, under the laws of the place from which the individual
29 flees, for a crime, or an attempt to commit a crime, that is a felony
30 under the laws of the place from which the individual flees or is
31 violating a condition of probation or parole imposed under federal or
32 state law; or

33 (ii) Has information that is necessary for the officer to conduct
34 the officer's official duties; and

35 (b) The location or apprehension of the recipient is within such
36 official duties.

37 (2) The department may disclose information concerning temporary
38 assistance for needy families recipients to law enforcement officials

1 for the purpose of referring suspected statutory rape of a child for
2 criminal prosecution.

3 NEW SECTION. **Sec. 165.** It is the intent of the legislature to
4 allow the department of social and health services access to employment
5 security department confidential employer wage files, for statistical
6 analysis, research, or evaluation of work force participation of
7 department of social and health services' clients. This information is
8 needed to monitor and evaluate department client outcomes in
9 employment, to fulfill agency performance reporting requirements of
10 chapter 43.88 RCW, for department management in evaluating and planning
11 for changing social needs, and in the effective development and
12 implementation of programs to achieve goals of the department of social
13 and health services. Chapter 50.38 RCW and federal law mandate the use
14 of labor market information, including employment security department
15 payroll and wage files, in the planning, coordination, management,
16 implementation, and evaluation of state programs like those of the
17 department of social and health services. RCW 50.13.060 requires
18 privacy protection of personal records obtained from employment
19 security department confidential employer wage files. Through
20 individual matches with accessed employment security department
21 confidential employer wage files, the department of social and health
22 services shall report only aggregate, statistical, group level data.

23 NEW SECTION. **Sec. 166.** A new section is added to chapter 43.20A
24 RCW to read as follows:

25 The employment security department shall provide to the department
26 of social and health services confidential employer wage files for
27 statistical analysis, research, and evaluation purposes as provided in
28 sections 168 and 169 of this act. The department of social and health
29 services shall limit access of its agency personnel to those
30 professional research and technical information systems personnel
31 needed to produce and analyze wage file data.

32 NEW SECTION. **Sec. 167.** A new section is added to chapter 50.13
33 RCW to read as follows:

34 The employment security department shall provide to the department
35 of social and health services confidential employer wage files for
36 statistical analysis, research, and evaluation purposes as provided in

1 sections 168 and 169 of this act. The department of social and health
2 services shall limit access of its agency personnel to those
3 professional research and technical information systems personnel
4 needed to produce and analyze wage file data.

5 NEW SECTION. **Sec. 168.** A new section is added to chapter 43.20A
6 RCW to read as follows:

7 (1) The information provided by the employment security department
8 under sections 166 and 167 of this act for statistical analysis,
9 research, and evaluation purposes shall be used to measure the work
10 force participation of department clients.

11 (2) The department shall protect the privacy of confidential
12 personal data supplied under sections 166 and 167 of this act
13 consistent with chapter 50.13 RCW and the terms and conditions of a
14 formal data-sharing agreement between the two departments. The misuse
15 or unauthorized use of confidential data supplied by the employment
16 security department is subject to the penalties in RCW 50.13.080.

17 NEW SECTION. **Sec. 169.** A new section is added to chapter 50.13
18 RCW to read as follows:

19 (1) The information provided by the employment security department
20 under sections 166 and 167 of this act for statistical analysis,
21 research, and evaluation purposes shall be used to measure the work
22 force participation of department clients.

23 (2) The department shall protect the privacy of confidential
24 personal data supplied under sections 166 and 167 of this act
25 consistent with chapter 50.13 RCW and the terms and conditions of a
26 formal data-sharing agreement between the two departments. The misuse
27 or unauthorized use of confidential data supplied by the employment
28 security department is subject to the penalties in RCW 50.13.080.

29 **MISCELLANEOUS**

30 NEW SECTION. **Sec. 170.** Part and section headings used in this act
31 do not constitute any part of the law.

32 NEW SECTION. **Sec. 171.** Section 14 of this act takes effect July
33 29, 2001.

1 NEW SECTION. **Sec. 172.** Section 13 of this act expires July 29,
2 2001.

3 NEW SECTION. **Sec. 173.** Sections 1 through 13 and 15 through 92 of
4 this act are necessary for the immediate preservation of the public
5 peace, health, or safety, or support of the state government and its
6 existing public institutions, and take effect July 1, 1997.

7 NEW SECTION. **Sec. 174.** Sections 93 through 149 and 151 through
8 154 of this act are necessary for the immediate preservation of the
9 public peace, health, or safety, or support of the state government and
10 its existing public institutions, and take effect immediately.

11 NEW SECTION. **Sec. 175.** Section 150 of this act takes effect
12 October 1, 1998.

13 NEW SECTION. **Sec. 176.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

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