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HOUSE BILL 2282

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Cooke, Boldt, Alexander, Mulliken, Bush, McDonald, Huff, McMorris, Thompson, Sheahan, Koster, D. Sommers, D. Schmidt, Wensman, Mielke, Sterk and Backlund

Read first time 04/16/97.

1 AN ACT Relating to implementing the federal personal responsibility  
2 and work opportunity reconciliation act of 1996; amending RCW  
3 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.11.160, 18.27.060,  
4 18.39.181, 18.46.050, 18.96.120, 18.104.110, 18.130.150, 18.160.080,  
5 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580,  
6 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440,  
7 19.138.130, 19.158.050, 19.166.040, 21.20.110, 67.08.100, 19.02.100,  
8 43.24.080, 43.24.110, 43.24.120, 70.74.110, 70.74.130, 70.74.370,  
9 66.24.010, 43.63B.040, 70.95D.040, 17.21.130, 64.44.060, 19.146.220,  
10 75.28.010, 26.09.160, 26.23.050, 26.18.100, 26.23.060, 74.20.040,  
11 26.23.090, 74.20A.100, 26.23.045, 26.23.030, 74.20A.080, 26.23.120,  
12 26.04.160, 26.09.170, 26.21.005, 26.21.115, 26.21.135, 26.21.235,  
13 26.21.245, 26.21.255, 26.21.265, 26.21.450, 26.21.490, 26.21.520,  
14 26.21.530, 26.21.580, 26.21.590, 26.21.620, 26.23.035, 74.20A.030,  
15 74.20.320, 74.20.330, 70.58.080, 26.26.040, 74.20A.055, 26.23.040,  
16 26.23.040, 26.26.130, and 70.58.055; reenacting and amending RCW  
17 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056, 26.09.020, and  
18 26.26.100; adding new sections to chapter 74.20A RCW; adding a new  
19 section to chapter 48.22 RCW; adding a new section to chapter 2.48 RCW;  
20 adding a new section to chapter 18.04 RCW; adding a new section to  
21 chapter 18.08 RCW; adding a new section to chapter 18.16 RCW; adding a

1 new section to chapter 18.20 RCW; adding a new section to chapter 18.28  
2 RCW; adding a new section to chapter 18.39 RCW; adding a new section to  
3 chapter 18.43 RCW; adding a new section to chapter 18.44 RCW; adding a  
4 new section to chapter 18.51 RCW; adding a new section to chapter 18.76  
5 RCW; adding a new section to chapter 18.85 RCW; adding a new section to  
6 chapter 18.106 RCW; adding a new section to chapter 18.130 RCW; adding  
7 a new section to chapter 18.140 RCW; adding a new section to chapter  
8 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new  
9 section to chapter 18.170 RCW; adding a new section to chapter 18.175  
10 RCW; adding a new section to chapter 18.185 RCW; adding a new section  
11 to chapter 28A.410 RCW; adding a new section to chapter 20.01 RCW;  
12 adding a new section to chapter 48.17 RCW; adding a new section to  
13 chapter 74.15 RCW; adding a new section to chapter 47.68 RCW; adding a  
14 new section to chapter 71.12 RCW; adding a new section to chapter 66.20  
15 RCW; adding a new section to chapter 66.24 RCW; adding a new section to  
16 chapter 88.02 RCW; adding a new section to chapter 43.24 RCW; adding a  
17 new section to chapter 70.95B RCW; adding a new section to chapter  
18 75.25 RCW; adding a new section to chapter 77.32 RCW; adding a new  
19 section to chapter 75.28 RCW; adding a new section to chapter 75.30  
20 RCW; adding a new section to chapter 26.09 RCW; adding new sections to  
21 chapter 74.20 RCW; adding new sections to chapter 26.23 RCW; adding new  
22 sections to chapter 26.21 RCW; adding a new section to chapter 26.26  
23 RCW; adding a new section to chapter 26.18 RCW; creating new sections;  
24 providing effective dates; providing an expiration date; and declaring  
25 an emergency.

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

27 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
28 provide a strong incentive for persons owing child support to make  
29 timely payments, and to cooperate with the department of social and  
30 health services to establish an appropriate schedule for the payment of  
31 any arrears. To further ensure that child support obligations are met,  
32 sections 1 through 90 of this act establish a program by which certain  
33 licenses may be suspended or not renewed if a person is one hundred  
34 eighty days or more in arrears on child support payments.

35 In the implementation and management of this program, it is the  
36 legislature's intent that the objective of the department of social and  
37 health services be to obtain payment in full of arrears, or where that

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

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

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

19 (2) The notice of noncompliance must include the address and  
20 telephone number of the department's division of child support office  
21 that issues the notice and must inform the responsible parent that:

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

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

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

35 (d) If the parent does not request an adjudicative proceeding  
36 within twenty days of service and remains in noncompliance with a child  
37 support order, the department will certify the parent's name to the

1 department of licensing and any appropriate licensing entity for  
2 noncompliance with a child support order;

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

12 (f) If the department certifies the responsible parent to the  
13 department of licensing and a licensing entity for noncompliance with  
14 a child support order, the licensing entity will suspend or not renew  
15 the parent's license and the department of licensing will suspend or  
16 not renew any driver's license that the parent holds until the parent  
17 provides the department of licensing and the licensing entity with a  
18 release from the department stating that the responsible parent is in  
19 compliance with the child support order;

20 (g) If the department certifies the responsible parent as a person  
21 who is in noncompliance with a child support order, the department of  
22 fish and wildlife will suspend the fishing license, hunting license,  
23 commercial fishing license, or any other license issued under chapters  
24 77.32, 77.28, and 75.25 RCW that the responsible parent may possess.  
25 Notice from the department of licensing that a responsible parent's  
26 driver's license has been suspended shall serve as notice of the  
27 suspension of a license issued under chapters 77.32 and 75.25 RCW;

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

31 (i) If after receiving the notice of noncompliance with a child  
32 support order, the responsible parent files a motion to modify support  
33 with the court or requests the department to amend a support obligation  
34 established by an administrative decision, or if a motion for  
35 modification of a court or administrative order for child support is  
36 pending, the department or the court may stay action to certify the  
37 parent to the department of licensing and any licensing entity for  
38 noncompliance with a child support order. A stay shall not exceed six  
39 months unless the department finds good cause. The responsible parent

1 has the obligation to notify the department that a modification  
2 proceeding is pending and provide a copy of the motion or request for  
3 modification; and

4 (j) If the responsible parent subsequently becomes in compliance  
5 with the child support order, the department will promptly provide the  
6 parent with a release stating that the parent is in compliance with the  
7 order, and the parent may request that the licensing entity or the  
8 department of licensing reinstate the suspended license.

9 (3) A responsible parent may request an adjudicative proceeding  
10 upon service of the notice described in subsection (1) of this section.  
11 The request for an adjudicative proceeding must be received by the  
12 department within twenty days of service. The request must be in  
13 writing and indicate the current mailing address and daytime phone  
14 number, if available, of the responsible parent. The proceedings under  
15 this subsection shall be conducted in accordance with the requirements  
16 of chapter 34.05 RCW. The issues that may be considered at the  
17 adjudicative proceeding are limited to whether:

18 (a) The person named as the responsible parent is the responsible  
19 parent;

20 (b) The responsible parent is required to pay child support under  
21 a child support order; and

22 (c) The responsible parent is in compliance with the order.

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

27 (5) If a responsible parent contacts the department's division of  
28 child support office indicated on the notice of noncompliance within  
29 twenty days of service of the notice and requests arrangement of a  
30 payment schedule, the department shall stay the certification of  
31 noncompliance during negotiation of the schedule for payment of  
32 arrears. In no event shall the stay continue for more than thirty days  
33 from the date of contact by the parent. The department shall establish  
34 a schedule for payment of arrears that is fair and reasonable, and that  
35 considers the financial situation of the responsible parent and the  
36 needs of all children who rely on the responsible parent for support.  
37 At the end of the thirty days, if no payment schedule has been agreed  
38 to in writing and the department has acted in good faith, the  
39 department shall proceed with certification of noncompliance.

1 (6) If a responsible parent timely requests an adjudicative  
2 proceeding pursuant to subsection (4) of this section, the department  
3 may not certify the name of the parent to the department of licensing  
4 or a licensing entity for noncompliance with a child support order  
5 unless the adjudicative proceeding results in a finding that the  
6 responsible parent is not in compliance with the order.

7 (7) The department may certify to the department of licensing and  
8 any appropriate licensing entity the name of a responsible parent who  
9 is not in compliance with a child support order or a residential or  
10 visitation order if:

11 (a) The responsible parent does not timely request an adjudicative  
12 proceeding upon service of a notice issued under subsection (1) of this  
13 section and is not in compliance with a child support order twenty-one  
14 days after service of the notice;

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

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

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

22 (e) The responsible parent fails to comply with a payment schedule  
23 established pursuant to subsection (5) of this section; or

24 (f) The department is ordered to certify the responsible parent by  
25 a court order under section 86 of this act.

26 The department shall send by regular mail a copy of any  
27 certification of noncompliance filed with the department of licensing  
28 or a licensing entity to the responsible parent at the responsible  
29 parent's most recent address of record.

30 (8) The department of licensing and a licensing entity shall,  
31 without undue delay, notify a responsible parent certified by the  
32 department under subsection (7) of this section that the parent's  
33 driver's license or other license has been suspended because the  
34 parent's name has been certified by the department as a responsible  
35 parent who is not in compliance with a child support order or a  
36 residential or visitation order.

37 (9) When a responsible parent who is served notice under subsection  
38 (1) of this section subsequently complies with the child support order,  
39 or when the department receives a court order under section 86 of this

1 act stating that the parent is in compliance with a residential or  
2 visitation order, the department shall promptly provide the parent with  
3 a release stating that the responsible parent is in compliance with the  
4 order. A copy of the release shall be transmitted by the department to  
5 the appropriate licensing entities.

6 (10) The department may adopt rules to implement and enforce the  
7 requirements of this section. The department shall deliver a copy of  
8 rules adopted to implement and enforce this section to the legislature  
9 by June 30, 1998.

10 (11) Nothing in this section prohibits a responsible parent from  
11 filing a motion to modify support with the court or from requesting the  
12 department to amend a support obligation established by an  
13 administrative decision. If there is a reasonable likelihood that a  
14 pending motion or request will significantly change the amount of the  
15 child support obligation, the department or the court may stay action  
16 to certify the responsible parent to the department of licensing and  
17 any licensing entity for noncompliance with a child support order. A  
18 stay shall not exceed six months unless the department finds good cause  
19 to extend the stay. The responsible parent has the obligation to  
20 notify the department that a modification proceeding is pending and  
21 provide a copy of the motion or request for modification.

22 (12) The department of licensing and a licensing entity may renew,  
23 reinstate, or otherwise extend a license in accordance with the  
24 licensing entity's or the department of licensing's rules after the  
25 licensing entity or the department of licensing receives a copy of the  
26 release specified in subsection (9) of this section. The department of  
27 licensing and a licensing entity may waive any applicable requirement  
28 for reissuance, renewal, or other extension if it determines that the  
29 imposition of that requirement places an undue burden on the person and  
30 that waiver of the requirement is consistent with the public interest.

31 (13) The procedures in chapter . . . , Laws of 1997 (this act),  
32 constitute the exclusive administrative remedy for contesting the  
33 establishment of noncompliance with a child support order and  
34 suspension of a license under this section, and satisfy the  
35 requirements of RCW 34.05.422.

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

1 (1) The department and all of the various licensing entities  
2 subject to section 2 of this act shall enter into such agreements as  
3 are necessary to carry out the requirements of the license suspension  
4 program established in section 2 of this act.

5 (2) The department and all licensing entities subject to section 2  
6 of this act shall compare data to identify responsible parents who may  
7 be subject to the provisions of chapter . . . , Laws of 1997 (this act).  
8 The comparison may be conducted electronically, or by any other means  
9 that is jointly agreeable between the department and the particular  
10 licensing entity. The data shared shall be limited to those items  
11 necessary to implementation of chapter . . . , Laws of 1997 (this act).  
12 The purpose of the comparison shall be to identify current licensees  
13 who are not in compliance with a child support order, and to provide to  
14 the department the following information regarding those licensees:

15 (a) Name;

16 (b) Date of birth;

17 (c) Address of record;

18 (d) Federal employer identification number and social security  
19 number;

20 (e) Type of license;

21 (f) Effective date of license or renewal;

22 (g) Expiration date of license; and

23 (h) Active or inactive status.

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

26 (1) In furtherance of the public policy of increasing collection of  
27 child support and to assist in evaluation of the program established in  
28 section 2 of this act, the department shall report the following to the  
29 legislature and the governor on December 1, 1998, and annually  
30 thereafter:

31 (a) The number of responsible parents identified as licensees  
32 subject to section 2 of this act;

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

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

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



1 (e) The number of adjudicative proceedings held, and the results of  
2 the adjudicative proceedings;

3 (f) The number of responsible parents certified to the department  
4 of licensing or licensing entities for noncompliance with a child  
5 support order, and the number of each type of licenses that were  
6 suspended;

7 (g) The costs incurred in the implementation and enforcement of  
8 section 2 of this act and an estimate of the amount of child support  
9 collected due to the department under section 2 of this act;

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

12 (i) Recommendations for the addition of specific licenses in the  
13 program or exclusion of specific licenses from the program, and reasons  
14 for such recommendations; and

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

17 (2) To assist in evaluation of the program established in section  
18 2 of this act, the office of the administrator for the courts shall  
19 report the following to the legislature and the governor on December 1,  
20 1998, and annually thereafter:

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

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

25 (c) The number of parents whose licenses were suspended under RCW  
26 26.09.160(3).

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

28 **Sec. 5.** 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~~) the secretary's designee or authorized  
37 representative.

38 (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) "Account" means a demand deposit account, checking or  
12 negotiable withdrawal order account, savings account, time deposit  
13 account, or money-market mutual fund account.

14 (13) "Child support order" means a superior court order or an  
15 administrative order.

16 (14) "Financial institution" means:

17 (a) A depository institution, as defined in section 3(c) of the  
18 federal deposit insurance act;

19 (b) An institution-affiliated party, as defined in section 3(u) of  
20 the federal deposit insurance act;

21 (c) Any federal or state credit union, as defined in section 101 of  
22 the federal credit union act, including an institution-affiliated party  
23 of such credit union, as defined in section 206(r) of the federal  
24 deposit insurance act; or

25 (d) Any benefit association, insurance company, safe deposit  
26 company, money-market mutual fund, or similar entity.

27 (15) "License" means a license, certificate, registration, permit,  
28 approval, or other similar document issued by a licensing entity to a  
29 licensee evidencing admission to or granting authority to engage in a  
30 profession, occupation, business, industry, recreational pursuit, or  
31 the operation of a motor vehicle. "License" does not mean the tax  
32 registration or certification issued under Title 82 RCW by the  
33 department of revenue.

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

1       (17) "Licensing entity" includes any department, board, commission,  
2 or other organization authorized to issue, renew, suspend, or revoke a  
3 license authorizing an individual to engage in a business, occupation,  
4 profession, industry, recreational pursuit, or the operation of a motor  
5 vehicle, and includes the Washington state supreme court, to the extent  
6 that a rule has been adopted by the court to implement suspension of  
7 licenses related to the practice of law.

8       (18) "Noncompliance with a child support order" for the purposes of  
9 the license suspension program authorized under section 2 of this act  
10 means a responsible parent has:

11       (a) Accumulated arrears totaling more than six months of child  
12 support payments;

13       (b) Failed to make payments pursuant to a written agreement with  
14 the department towards a support arrearage in an amount that exceeds  
15 six months of payments; or

16       (c) Failed to make payments required by a superior court order or  
17 administrative order towards a support arrearage in an amount that  
18 exceeds six months of payments.

19       (19) "Noncompliance with a residential or visitation order" means  
20 that a court has found the parent in contempt of court under RCW  
21 26.09.160(3) for failure to comply with a residential provision of a  
22 court-ordered parenting plan.

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

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

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

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

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

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

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

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

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

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

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

1 reissue fee of twenty dollars. If the suspension is the result of a  
2 violation of RCW 46.61.502 or 46.61.504, or is the result of  
3 administrative action under RCW 46.20.308, the reissue fee shall be  
4 fifty dollars.

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

35 (3) Whenever the driver's license of any person is suspended  
36 pursuant to Article IV of the nonresident violators compact or RCW  
37 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
38 to the person any new or renewal license until the person pays a  
39 reissue fee of twenty dollars. If the suspension is the result of a

1 violation of the laws of this or any other state, province, or other  
2 jurisdiction involving (a) the operation or physical control of a motor  
3 vehicle upon the public highways while under the influence of  
4 intoxicating liquor or drugs, or (b) the refusal to submit to a  
5 chemical test of the driver's blood alcohol content, the reissue fee  
6 shall be fifty dollars.

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

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

19 NEW SECTION. **Sec. 9.** The legislature intends that the license  
20 suspension program established in chapter 74.20A RCW be implemented  
21 fairly to ensure that child support obligations are met and that  
22 parents comply with residential and visitation orders. However, being  
23 mindful of the separations of powers and responsibilities among the  
24 branches of government, the legislature strongly encourages the state  
25 supreme court to adopt rules providing for suspension and denial of  
26 licenses related to the practice of law to those individuals who are in  
27 noncompliance with a support order or a residential or visitation  
28 order.

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

31 The Washington state supreme court may provide by rule that no  
32 person who has been certified by the department of social and health  
33 services as a person who is in noncompliance with a support order or a  
34 residential or visitation order as provided in section 2 of this act  
35 may be admitted to the practice of law in this state, and that any  
36 member of the Washington state bar association who has been certified

1 by the department of social and health services as a person who is in  
2 noncompliance with a support order or a residential or visitation order  
3 as provided in section 2 of this act shall be immediately suspended  
4 from membership. The court's rules may provide for review of an  
5 application for admission or reinstatement of membership after the  
6 department of social and health services has issued a release stating  
7 that the person is in compliance with the order.

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

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

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

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

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

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

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



1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 18.08 RCW  
2 to read as follows:

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

13        **Sec. 14.**    RCW 18.11.160 and 1986 c 324 s 12 are each amended to  
14 read as follows:

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

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

26        (a) Misrepresentation or concealment of material facts in obtaining  
27 a license;

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

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

32        (d) Misleading or false advertising;

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

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

37        (g) Nonpayment of an administrative fine prior to renewal of a  
38 license;

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

3 (i) Any other violations of this chapter.

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

13 NEW SECTION. Sec. 15. A new section is added to chapter 18.16 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 or a residential or visitation order.  
19 If the person has continued to meet all other requirements for  
20 reinstatement during the suspension, reissuance of the license shall be  
21 automatic upon the department's receipt of a release issued by the  
22 department of social and health services stating that the licensee is  
23 in compliance with the order.

24 NEW SECTION. Sec. 16. A new section is added to chapter 18.20 RCW  
25 to read as follows:

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

35 **Sec. 17.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each  
36 amended to read as follows:

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

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

8 (a) One year;

9 (b) Until the bond expires; or

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

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

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

20 (5) The department shall immediately suspend the certificate of  
21 registration of a contractor who has been certified by the department  
22 of social and health services as a person who is not in compliance with  
23 a support order or a residential or visitation order as provided in  
24 section 2 of this act. The certificate of registration shall not be  
25 reissued or renewed unless the person provides to the department a  
26 release from the department of social and health services stating that  
27 he or she is in compliance with the order and the person has continued  
28 to meet all other requirements for certification during the suspension.

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

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

1 department of social and health services stating that the licensee is  
2 in compliance with the order.

3 **Sec. 19.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to read  
4 as follows:

5 The director shall have the following powers and duties:

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

7 (2) To renew licenses under this chapter;

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

9 (~~and~~)

10 (4) To immediately suspend the license of a person who has been  
11 certified pursuant to section 2 of this act by the department of social  
12 and health services as a person who is not in compliance with a support  
13 order or a residential or visitation order; and

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

17 NEW SECTION. **Sec. 20.** A new section is added to chapter 18.39 RCW  
18 to read as follows:

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

26 NEW SECTION. **Sec. 21.** A new section is added to chapter 18.43 RCW  
27 to read as follows:

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

1        NEW SECTION. Sec. 22. A new section is added to chapter 18.44 RCW  
2 to read as follows:

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

12        **Sec. 23.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to read  
13 as follows:

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

18        (2) The department shall immediately suspend the license of a  
19 person who 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 or a residential or visitation order.  
22 If the person has continued to meet all other requirements for  
23 reinstatement during the suspension, reissuance of the license shall be  
24 automatic upon the department's receipt of a release issued by the  
25 department of social and health services stating that the person is in  
26 compliance with the order.

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

31        NEW SECTION. Sec. 24. A new section is added to chapter 18.51 RCW  
32 to read as follows:

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

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

5 NEW SECTION. **Sec. 25.** A new section is added to chapter 18.76 RCW  
6 to read as follows:

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

17 NEW SECTION. **Sec. 26.** A new section is added to chapter 18.85 RCW  
18 to read as follows:

19 The director shall immediately suspend the license of a broker or  
20 salesperson 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 or a residential or visitation order.  
23 If the person has continued to meet all other requirements for  
24 reinstatement during the suspension, reissuance of the license shall be  
25 automatic upon the director's receipt of a release issued by the  
26 department of social and health services stating that the person is in  
27 compliance with the order.

28 **Sec. 27.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended  
29 to read as follows:

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

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

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

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

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

10       (2) The director shall immediately suspend the certificate of  
11 registration of a landscape architect who 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 or  
14 a residential or visitation order. If the person has continued to meet  
15 all other requirements for certification during the suspension,  
16 reissuance of the certificate of registration shall be automatic upon  
17 the director's receipt of a release issued by the department of social  
18 and health services stating that the person is in compliance with the  
19 order.

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

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

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

26       (~~(2)~~) (b) For fraud or deception in reporting under RCW  
27 18.104.050;

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

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

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

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

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

11 NEW SECTION. Sec. 29. A new section is added to chapter 18.106  
12 RCW to read as follows:

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

23 NEW SECTION. Sec. 30. A new section is added to chapter 18.130  
24 RCW to read as follows:

25 The secretary shall immediately suspend the license of any person  
26 subject to this chapter who has been certified by the department of  
27 social and health services as a person who is not in compliance with a  
28 support order or a residential or visitation order as provided in  
29 section 2 of this act.

30 **Sec. 31.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to  
31 read as follows:

32 A person whose license has been suspended or revoked under this  
33 chapter may petition the disciplining authority for reinstatement after  
34 an interval as determined by the disciplining authority in the order.  
35 The disciplining authority shall hold hearings on the petition and may  
36 deny the petition or may order reinstatement and impose terms and



1 conditions as provided in RCW 18.130.160 and issue an order of  
2 reinstatement. The disciplining authority may require successful  
3 completion of an examination as a condition of reinstatement.

4 A person whose license has been suspended for noncompliance with a  
5 support order or a residential or visitation order under section 2 of  
6 this act may petition for reinstatement at any time by providing the  
7 secretary a release issued by the department of social and health  
8 services stating that the person is in compliance with the order. If  
9 the person has continued to meet all other requirements for  
10 reinstatement during the suspension, the secretary shall automatically  
11 reissue the person's license upon receipt of the release, and payment  
12 of a reinstatement fee, if any.

13 NEW SECTION. Sec. 32. A new section is added to chapter 18.140  
14 RCW to read as follows:

15 The director shall immediately suspend any license or certificate  
16 issued under this chapter if the holder has been certified pursuant to  
17 section 2 of this act by the department of social and health services  
18 as a person who is not in compliance with a support order or a  
19 residential or visitation 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 person is in compliance with the  
24 order.

25 NEW SECTION. Sec. 33. A new section is added to chapter 18.145  
26 RCW to read as follows:

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

1       **Sec. 34.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to  
2 read as follows:

3       (1) The state director of fire protection may refuse to issue or  
4 renew or may suspend or revoke the privilege of a licensed fire  
5 protection sprinkler system contractor or the certificate of a  
6 certificate of competency holder to engage in the fire protection  
7 sprinkler system business or in lieu thereof, establish penalties as  
8 prescribed by Washington state law, for any of the following reasons:

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

12       (b) Conviction of a felony;

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

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

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

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

23       (2) The state director of fire protection shall revoke the license  
24 of a licensed fire protection sprinkler system contractor or the  
25 certificate of a certificate of competency holder who engages in the  
26 fire protection sprinkler system business while the license or  
27 certificate of competency is suspended.

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

38       (4) Any licensee or certificate of competency holder who is  
39 aggrieved by an order of the state director of fire protection

1 suspending or revoking a license may, within thirty days after notice  
2 of such suspension or revocation, appeal under chapter 34.05 RCW. This  
3 subsection does not apply to actions taken under subsection (3) of this  
4 section.

5 **Sec. 35.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to  
6 read as follows:

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

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

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

16 (3) Not meeting the qualifications set forth in RCW 18.165.030,  
17 18.165.040, or 18.165.050;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (22) Failure to maintain bond or insurance; (~~or~~)

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

10 (24) Being certified as not in compliance with a support order or  
11 a residential or visitation order as provided in section 2 of this act.

12 NEW SECTION. Sec. 36. A new section is added to chapter 18.165  
13 RCW to read as follows:

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

23 **Sec. 37.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to  
24 read as follows:

25 In addition to the provisions of section 38 of this act, the  
26 following acts are prohibited and constitute grounds for disciplinary  
27 action, assessing administrative penalties, or denial, suspension, or  
28 revocation of any license under this chapter, as deemed appropriate by  
29 the director:

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

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

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

36 (4) Not meeting the qualifications set forth in RCW 18.170.030,  
37 18.170.040, or 18.170.060;

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

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

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

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

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

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

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

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

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

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

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

38 (a) Not furnishing any necessary papers or documents requested by  
39 the director for purposes of conducting an investigation for

1 disciplinary action, denial, suspension, or revocation of a license  
2 under this chapter;

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

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

8 (16) Failure to comply with an order issued by the director or an  
9 assurance of discontinuance entered into with the disciplining  
10 authority;

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

13 (18) Misrepresentation or fraud in any aspect of the conduct of the  
14 business or profession;

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

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

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

24 (22) Failure to maintain insurance; and

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

26 NEW SECTION. **Sec. 38.** A new section is added to chapter 18.170  
27 RCW to read as follows:

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

1        NEW SECTION.    **Sec. 39.**    A new section is added to chapter 18.175  
2    RCW to read as follows:

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

13       NEW SECTION.    **Sec. 40.**    A new section is added to chapter 18.185  
14    RCW to read as follows:

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

24       **Sec. 41.**    RCW 43.20A.205 and 1989 c 175 s 95 are each amended to  
25    read as follows:

26       This section governs the denial of an application for a license or  
27    the suspension, revocation, or modification of a license by the  
28    department.

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



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

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

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

14 (c) When the department has received certification pursuant to  
15 chapter 74.20A RCW from the division of child support that the licensee  
16 is a person who is not in compliance with a support order or an order  
17 from court stating that the licensee is in noncompliance with a  
18 residential or visitation order under chapter 26.09 RCW, the department  
19 shall provide that the suspension is effective immediately upon receipt  
20 of the suspension notice by the licensee.

21 (3) Except for licensees suspended for noncompliance with a support  
22 order under chapter 74.20A RCW or a residential or visitation order  
23 under chapter 26.09 RCW, a license applicant or licensee who is  
24 aggrieved by a department denial, revocation, suspension, or  
25 modification has the right to an adjudicative proceeding. The  
26 proceeding is governed by the Administrative Procedure Act, chapter  
27 34.05 RCW. The application must be in writing, state the basis for  
28 contesting the adverse action, include a copy of the adverse notice, be  
29 served on and received by the department within twenty-eight days of  
30 the license applicant's or licensee's receiving the adverse notice, and  
31 be served in a manner that shows proof of receipt.

32 (4)(a) If the department gives a licensee twenty-eight or more days  
33 notice of revocation, suspension, or modification and the licensee  
34 files an appeal before its effective date, the department shall not  
35 implement the adverse action until the final order has been entered.  
36 The presiding or reviewing officer may permit the department to  
37 implement part or all of the adverse action while the proceedings are  
38 pending if the appellant causes an unreasonable delay in the

1 proceeding, if the circumstances change so that implementation is in  
2 the public interest, or for other good cause.

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

11 NEW SECTION. **Sec. 42.** A new section is added to chapter 28A.410  
12 RCW to read as follows:

13 Any certificate or permit authorized under this chapter or chapter  
14 28A.405 RCW shall be suspended by the authority authorized to grant the  
15 certificate or permit if the department of social and health services  
16 certifies that the person is not in compliance with a support order or  
17 a residential or visitation order as provided in section 2 of this act.  
18 If the person continues to meet other requirements for reinstatement  
19 during the suspension, reissuance of the certificate or permit shall be  
20 automatic after the person provides the authority a release issued by  
21 the department of social and health services stating that the person is  
22 in compliance with the order.

23 **Sec. 43.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to read  
24 as follows:

25 This section governs the denial of an application for a license or  
26 the suspension, revocation, or modification of a license by the  
27 department. This section does not govern actions taken under chapter  
28 18.130 RCW.

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

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

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

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

14 (c) When the department has received certification pursuant to  
15 chapter 74.20A RCW from the department of social and health services  
16 that the licensee is a person who is not in compliance with a child  
17 support order or an order from a court stating that the licensee is in  
18 noncompliance with a residential or visitation order under chapter  
19 26.09 RCW, the department shall provide that the suspension is  
20 effective immediately upon receipt of the suspension notice by the  
21 licensee.

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

34 (4)(a) If the department gives a licensee twenty-eight or more days  
35 notice of revocation, suspension, or modification and the licensee  
36 files an appeal before its effective date, the department shall not  
37 implement the adverse action until the final order has been entered.  
38 The presiding or reviewing officer may permit the department to  
39 implement part or all of the adverse action while the proceedings are

1 pending if the appellant causes an unreasonable delay in the  
2 proceeding, if the circumstances change so that implementation is in  
3 the public interest, or for other good cause.

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

12 **Sec. 44.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to read  
13 as follows:

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

37 (2) The department shall immediately suspend the license or  
38 certificate of a person who has been certified pursuant to section 2 of

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

8 **Sec. 45.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to read  
9 as follows:

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

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

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

16 (c) The holder thereof has violated any of the provisions of RCW  
17 19.28.510 through 19.28.620 or any rule adopted under this chapter.

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

30 (3) The department 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 or a residential or  
34 visitation order. If the person has continued to meet all other  
35 requirements for reinstatement during the suspension, reissuance of the  
36 license or certificate shall be automatic upon the department's receipt  
37 of a release issued by the department of social and health services  
38 stating that the licensee is in compliance with the order.

1       **Sec. 46.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to read  
2 as follows:

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

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

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

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

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

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

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

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

36       **Sec. 47.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to read  
37 as follows:

1 In addition to other provisions of this chapter, any license issued  
2 pursuant to this chapter or any application therefor may be denied, not  
3 renewed, revoked, or suspended, or in lieu of or in addition to  
4 suspension a licensee may be assessed a civil, monetary penalty in an  
5 amount not to exceed one thousand dollars:

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

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

10 (3) If the application or renewal forms required by this chapter  
11 are incomplete, fees required under RCW 19.16.140 and 19.16.150, if  
12 applicable, have not been paid, and the surety bond or cash deposit or  
13 other negotiable security acceptable to the director required by RCW  
14 19.16.190, if applicable, has not been filed or renewed or is canceled.

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

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

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

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

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

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

36 (d) Has had any judgment entered against him in any civil action  
37 involving forgery, embezzlement, obtaining money under false pretenses,  
38 larceny, extortion, or conspiracy to defraud and five years have not  
39 elapsed since the date of the entry of the final judgment in said

1 action: PROVIDED, That in no event shall a license be issued unless  
2 the judgment debt has been discharged;

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

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

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

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

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

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

30 (k) Has been found by a court of competent jurisdiction to have  
31 violated the federal fair debt collection practices act, 15 U.S.C. Sec.  
32 1692 et seq., or the Washington state consumer protection act, chapter  
33 19.86 RCW, and two years have not elapsed since that finding.

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



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

10       **Sec. 48.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended  
11 to read as follows:

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

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

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

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

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

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

1       **Sec. 49.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to read  
2 as follows:

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

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

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

23       (4) 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 or a residential or  
27 visitation order. If the person has continued to meet all other  
28 requirements for reinstatement during the suspension, reissuance of the  
29 license or certificate shall be automatic upon the director's receipt  
30 of a release issued by the department of social and health services  
31 stating that the licensee is in compliance with the order.

32       **Sec. 50.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to  
33 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (ii) Employ any device, scheme, or artifice to defraud purchasers  
18 or members;

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

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

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

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

36 (q) The camping resort operator has withdrawn, has the right to  
37 withdraw, or is proposing to withdraw from use all or any portion of  
38 any camping resort property devoted to the camping resort program,  
39 unless:

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

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

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

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

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

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

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

36 (u) The applicant or registrant has filed voluntarily or been  
37 placed involuntarily into a federal bankruptcy or is proposing to do  
38 so; or

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

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

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

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

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

33 (6) The director may enter into assurances of discontinuance in  
34 lieu of issuing a statement of charges or a cease and desist order or  
35 conducting a hearing under this chapter. The assurances shall consist  
36 of a statement of the law in question and an agreement not to violate  
37 the stated provision. The applicant or registrant shall not be  
38 required to admit to any violation of the law, nor shall the assurance  
39 be construed as such an admission. Violating or breaching an assurance

1 under this subsection is grounds for suspension or revocation of  
2 registration or imposition of a fine.

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

12 **Sec. 51.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to  
13 read as follows:

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

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

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

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

30 (d) Required filing fees.

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

- 1 (a) Obtaining registration by means of fraud, misrepresentation, or  
2 concealment, or through the mistake or inadvertence of the director;
- 3 (b) Violating any of the provisions of this chapter or any lawful  
4 rules adopted by the director pursuant thereto;
- 5 (c) Being convicted in a court of competent jurisdiction of this or  
6 any other state, or federal court, of forgery, embezzlement, obtaining  
7 money under false pretenses, bribery, larceny, extortion, conspiracy to  
8 defraud, or any similar offense or offenses. For the purposes of this  
9 section, "being convicted" includes all instances in which a plea of  
10 guilty or nolo contendere is the basis for the conviction, and all  
11 proceedings in which the sentence has been deferred or suspended;
- 12 (d) Making, printing, publishing, distributing, or causing,  
13 authorizing, or knowingly permitting the making, printing, publication,  
14 or distribution of false statements, descriptions, or promises of such  
15 character as to reasonably induce any person to act thereon, if the  
16 statements, descriptions, or promises purport to be made or to be  
17 performed by either the applicant or registrant and the applicant or  
18 registrant then knew or, by the exercise of reasonable care and  
19 inquiry, could have known, of the falsity of the statements,  
20 descriptions, or promises;
- 21 (e) Knowingly committing, or being a party to, any material fraud,  
22 misrepresentation, concealment, conspiracy, collusion, trick, scheme,  
23 or device whereby any other person lawfully relies upon the work,  
24 representation, or conduct of the applicant or registrant;
- 25 (f) Failing, upon demand, to disclose to the director or the  
26 director's authorized representatives acting by authority of law any  
27 information within his or her knowledge or to produce for inspection  
28 any document, book or record in his or her possession, which is  
29 material to the salesperson's registration or application for  
30 registration;
- 31 (g) Continuing to sell camping resort contracts in a manner whereby  
32 the interests of the public are endangered, if the director has, by  
33 order in writing, stated objections thereto;
- 34 (h) Committing any act of fraudulent or dishonest dealing or a  
35 crime involving moral turpitude, and a certified copy of the final  
36 holding of any court of competent jurisdiction in such matter shall be  
37 conclusive evidence in any hearing under this chapter;
- 38 (i) Misrepresentation of membership in any state or national  
39 association; or



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

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

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

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

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

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

34 (8) It is unlawful for a registrant of camping resort contracts to  
35 employ or a person to act as a camping resort salesperson covered under  
36 this section unless the salesperson has in effect with the department  
37 and displays a valid registration in a conspicuous location at each of  
38 the sales offices at which the salesperson is employed. It is the  
39 responsibility of both the operator and the salesperson to notify the

1 department when and where a salesperson is employed, his or her  
2 responsibilities and duties, and when the salesperson's employment or  
3 reported duties are changed or terminated.

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

13 **Sec. 52.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to  
14 read as follows:

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

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

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

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

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

29 (e) Has failed to display the registration as provided in this  
30 chapter;

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

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

36 (2) If the seller of travel is found in violation of this chapter  
37 or in violation of the consumer protection act, chapter 19.86 RCW, by  
38 the entry of a judgment or by settlement of a claim, the director may

1 revoke the registration of the seller of travel, and the director may  
2 reinstate the registration at the director's discretion.

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

12 **Sec. 53.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to read  
13 as follows:

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

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

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

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

31 (a) Fail to maintain a valid registration;

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

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

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

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

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

15 **Sec. 54.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to read  
16 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

10 (5) The office of the secretary of state shall immediately suspend  
11 the license or certificate of a person who 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 or  
14 a residential or visitation order. If the person has continued to meet  
15 all other requirements for reinstatement during the suspension,  
16 reissuance of the license or certificate shall be automatic upon the  
17 office of the secretary of state's receipt of a release issued by the  
18 department of social and health services stating that the licensee is  
19 in compliance with the order.

20 NEW SECTION. Sec. 55. A new section is added to chapter 20.01 RCW  
21 to read as follows:

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

31 **Sec. 56.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to  
32 read as follows:

33 The director may by order deny, suspend, or revoke registration of  
34 any broker-dealer, salesperson, investment adviser representative, or  
35 investment adviser; censure or fine the registrant or an officer,  
36 director, partner, or person occupying similar functions for a  
37 registrant; or restrict or limit a registrant's function or activity of

1 business for which registration is required in this state; if the  
2 director finds that the order is in the public interest and that the  
3 applicant or registrant or, in the case of a broker-dealer or  
4 investment adviser, any partner, officer, or director:

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

11 (2) Has willfully violated or willfully failed to comply with any  
12 provision of this chapter or a predecessor act or any rule or order  
13 under this chapter or a predecessor act, or any provision of chapter  
14 21.30 RCW or any rule or order thereunder;

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

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

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

27 (6) Is the subject of an order entered within the past five years  
28 by the securities administrator of any other state or by the federal  
29 securities and exchange commission denying or revoking registration as  
30 a broker-dealer or salesperson, or a commodity broker-dealer or sales  
31 representative, or the substantial equivalent of those terms as defined  
32 in this chapter or by the commodity futures trading commission denying  
33 or revoking registration as a commodity merchant as defined in RCW  
34 21.30.010, or is the subject of an order of suspension or expulsion  
35 from membership in or association with a self-regulatory organization  
36 registered under the securities exchange act of 1934 or the federal  
37 commodity exchange act, or is the subject of a United States post  
38 office fraud order; but (a) the director may not institute a revocation  
39 or suspension proceeding under this clause more than one year from the

1 date of the order relied on, and (b) the director may not enter any  
2 order under this clause on the basis of an order unless that order was  
3 based on facts which would currently constitute a ground for an order  
4 under this section;

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

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

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

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

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

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

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

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 or a residential or visitation order.  
38 If the person has continued to meet all other requirements for  
39 reinstatement during the suspension, reissuance of the license or

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

4 NEW SECTION. Sec. 57. A new section is added to chapter 48.17 RCW  
5 to read as follows:

6 The commissioner 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 or a residential or  
10 visitation order. If the person has continued to meet all other  
11 requirements for reinstatement during the suspension, reissuance of the  
12 license or certificate shall be automatic upon the commissioner's  
13 receipt of a release issued by the department of social and health  
14 services stating that the licensee is in compliance with the order.

15 NEW SECTION. Sec. 58. A new section is added to chapter 74.15 RCW  
16 to read as follows:

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

26 NEW SECTION. Sec. 59. A new section is added to chapter 47.68 RCW  
27 to read as follows:

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



1        NEW SECTION.    **Sec. 60.**    A new section is added to chapter 71.12 RCW  
2 to read as follows:

3        The department of health shall immediately suspend the license or  
4 certificate of a person who 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 or a residential or  
7 visitation order.    If the person has continued to meet all other  
8 requirements for reinstatement during the suspension, reissuance of the  
9 license or certificate shall be automatic upon the department of  
10 health's receipt of a release issued by the department of social and  
11 health services stating that the licensee is in compliance with the  
12 order.

13        NEW SECTION.    **Sec. 61.**    A new section is added to chapter 66.20 RCW  
14 to read as follows:

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

24        NEW SECTION.    **Sec. 62.**    A new section is added to chapter 66.24 RCW  
25 to read as follows:

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

35        NEW SECTION.    **Sec. 63.**    A new section is added to chapter 88.02 RCW  
36 to read as follows:

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

11       **Sec. 64.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to  
12 read as follows:

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

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

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

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

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

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

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

4 **Sec. 65.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read  
5 as follows:

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

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

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

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

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

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

30 **Sec. 66.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to  
31 read as follows:

32 Except as provided in section 69 of this act, at the close of each  
33 examination the department of licensing shall prepare the proper  
34 licenses, where no further fee is required to be paid, and issue  
35 licenses to the successful applicants signed by the director and notify  
36 all successful applicants, where a further fee is required, of the fact  
37 that they are entitled to receive such license upon the payment of such

1 further fee to the department of licensing and notify all applicants  
2 who have failed to pass the examination of that fact.

3 **Sec. 67.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to  
4 read as follows:

5 Except as provided in section 69 of this act, whenever there is  
6 filed in a matter under the jurisdiction of the director of licensing  
7 any complaint charging that the holder of a license has been guilty of  
8 any act or omission which by the provisions of the law under which the  
9 license was issued would warrant the revocation thereof, verified in  
10 the manner provided by law, the director of licensing shall request the  
11 governor to appoint, and the governor shall appoint within thirty days  
12 of the request, two qualified practitioners of the profession or  
13 calling of the person charged, who, with the director or his duly  
14 appointed representative, shall constitute a committee to hear and  
15 determine the charges and, in case the charges are sustained, impose  
16 the penalty provided by law. In addition, the governor shall appoint  
17 a consumer member of the committee.

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

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

23 **Sec. 68.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to  
24 read as follows:

25 Except as provided in section 69 of this act, any person feeling  
26 aggrieved by the refusal of the director to issue a license, or to  
27 renew one, or by the revocation or suspension of a license shall have  
28 a right of appeal to superior court from the decision of the director  
29 of licensing, which shall be taken, prosecuted, heard, and determined  
30 in the manner provided in chapter 34.05 RCW.

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

33 NEW SECTION. **Sec. 69.** A new section is added to chapter 43.24 RCW  
34 to read as follows:

35 The department shall immediately suspend any license issued by the  
36 department of licensing of a person who has been certified pursuant to

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

8 **Sec. 70.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to read  
9 as follows:

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

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

37 There shall be kept in the main office on the premises of each  
38 explosives manufacturing plant a plan of said plant showing the

1 location of all explosives manufacturing buildings and the distance  
2 they are located from other factory buildings where persons are  
3 employed and from magazines, and these plans shall at all times be open  
4 to inspection by duly authorized inspectors of the department of labor  
5 and industries. The superintendent of each plant shall upon demand of  
6 said inspector furnish the following information:

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

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

12 Except as provided in RCW 70.74.370, the department of labor and  
13 industries shall as soon as possible after receiving such application  
14 cause an inspection to be made of the explosives manufacturing plant,  
15 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and  
16 70.74.061, such department shall issue a license to the person applying  
17 therefor showing compliance with the provisions of this chapter if the  
18 applicant demonstrates that either the applicant or the officers,  
19 agents or employees of the applicant are sufficiently experienced in  
20 the manufacture of explosives and the applicant meets the  
21 qualifications for a license under RCW 70.74.360. Such license shall  
22 continue in full force and effect until expired, suspended, or revoked  
23 by the department pursuant to this chapter.

24 **Sec. 71.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to read  
25 as follows:

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

29 (1) The name and address of applicant;

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

32 (3) Citizenship, if an individual applicant;

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

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

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

1        Except as provided in RCW 70.74.370, the department of labor and  
2 industries shall issue the license if the applicant demonstrates that  
3 either the applicant or the principal officers, agents, or employees of  
4 the applicant are experienced in the business of dealing in explosives,  
5 possess suitable facilities therefor, have not been convicted of any  
6 crime that would warrant revocation or nonrenewal of a license under  
7 this chapter, and have never had an explosives-related license revoked  
8 under this chapter or under similar provisions of any other state.

9        **Sec. 72.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to read  
10 as follows:

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

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

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

20        (c) A crime involving bomb threats;

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

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

34        (2) The department of labor and industries shall revoke the license  
35 of any person adjudged to be mentally ill or insane, or to be  
36 incompetent due to any mental disability or disease. The director  
37 shall not renew the license until the person has been restored to  
38 competency.

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

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

9 (5) The department of labor and industries shall immediately  
10 suspend the license or certificate of a person who has been certified  
11 pursuant to section 2 of this act by the department of social and  
12 health services as a person who is not in compliance with a support  
13 order or a residential or visitation 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 of labor and industries' receipt of a release  
17 issued by the department of social and health services stating that the  
18 licensee is in compliance with the order.

19 (6) Upon receipt of notification by the department of labor and  
20 industries of revocation or suspension, a licensee must surrender  
21 immediately to the department any or all such licenses revoked or  
22 suspended.

23 **Sec. 73.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read  
24 as follows:

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

27 (2) For the purpose of considering any application for a license,  
28 the board may cause an inspection of the premises to be made, and may  
29 inquire into all matters in connection with the construction and  
30 operation of the premises. For the purpose of reviewing any  
31 application for a license and for considering the denial, suspension or  
32 revocation of any license, the liquor control board may consider any  
33 prior criminal conduct of the applicant and the provisions of RCW  
34 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The  
35 board may, in its discretion, grant or refuse the license applied for.  
36 Authority to approve an uncontested or unopposed license may be granted  
37 by the board to any staff member the board designates in writing.



1 Conditions for granting such authority shall be adopted by rule. No  
2 retail license of any kind may be issued to:

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

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

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

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

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

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

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

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

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

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

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

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

32       (6) Every license issued under this section shall be subject to all  
33 conditions and restrictions imposed by this title or by the regulations  
34 in force from time to time. All conditions and restrictions imposed by  
35 the board in the issuance of an individual license shall be listed on  
36 the face of the individual license along with the trade name, address,  
37 and expiration date.

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

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

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

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

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

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

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

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

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

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

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

8 Refusal by the board to issue or extend a temporary license shall  
9 not entitle the applicant to request a hearing. A temporary license  
10 may be canceled or suspended summarily at any time if the board  
11 determines that good cause for cancellation or suspension exists. RCW  
12 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

17 **Sec. 74.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to  
18 read as follows:

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

29 (2) The certificate of manufactured home installation provided for  
30 in this chapter grants the holder the right to engage in manufactured  
31 home installation throughout the state, without any other installer  
32 certification.

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

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

4 **Sec. 75.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to  
5 read as follows:

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

10 (2) Operators shall be certified if they:

11 (a) Attend the required training sessions;

12 (b) Successfully complete required examinations; and

13 (c) Pay the prescribed fee.

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

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

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

21 (c) Renew the certificate of competency at reasonable intervals  
22 established by the department.

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

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

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

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

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

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

3 (c) Have successfully completed any required examinations.

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

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

16 NEW SECTION. Sec. 76. A new section is added to chapter 70.95B  
17 RCW to read as follows:

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

27 **Sec. 77.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to  
28 read as follows:

29 Any license, permit, or certification provided for in this chapter  
30 may be revoked or suspended, and any license, permit, or certification  
31 application may be denied by the director for cause. If the director  
32 suspends a license under this chapter with respect to activity of a  
33 continuing nature under chapter 34.05 RCW, the director may elect to  
34 suspend the license for a subsequent license year during a period that  
35 coincides with the period commencing thirty days before and ending  
36 thirty days after the date of the incident or incidents giving rise to  
37 the violation.

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

10       **Sec. 78.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to read  
11 as follows:

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

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

29       (3) The department shall provide for reciprocal certification of  
30 any individual trained to engage in decontamination, demolition, or  
31 disposal work in another state when the prior training is shown to be  
32 substantially similar to the training required by the department. The  
33 department may require such individuals to take an examination or  
34 refresher course before certification.

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



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

3 (b) Failing to file a work plan;

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

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

7 (e) The certificate was obtained by error, misrepresentation, or  
8 fraud; or

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

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

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

22 (7) The decontamination account is hereby established in the state  
23 treasury. All fees collected under this chapter shall be deposited in  
24 this account. Moneys in the account may only be spent after  
25 appropriation for costs incurred by the department in the  
26 administration and enforcement of this chapter.

27 **Sec. 79.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to  
28 read as follows:

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

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

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

36 (b) Suspend or revoke licenses for:

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

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

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

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

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

12 (i) Any violations of RCW 19.146.0201 (1) through (9) or (13),  
13 19.146.030 through 19.146.090, 19.146.200, 19.146.205(3), or  
14 19.146.265; or

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

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

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

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

21 (e) Issue orders removing from office or prohibiting from  
22 participation in the conduct of the affairs of a licensed mortgage  
23 broker, or both, any officer, principal, employee, or loan originator  
24 of any licensed mortgage broker or any person subject to licensing  
25 under this chapter for:

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

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

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

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

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

38 (4) The director shall establish by rule standards for licensure of  
39 applicants licensed in other jurisdictions. Every licensed mortgage

1 broker that does not maintain a physical office within the state must  
2 maintain a registered agent within the state to receive service of any  
3 lawful process in any judicial or administrative noncriminal suit,  
4 action, or proceeding, against the licensed mortgage broker which  
5 arises under this chapter or any rule or order under this chapter, with  
6 the same force and validity as if served personally on the licensed  
7 mortgage broker. Service upon the registered agent shall be effective  
8 if the plaintiff, who may be the director in a suit, action, or  
9 proceeding instituted by him or her, sends notice of the service and a  
10 copy of the process by registered mail to the defendant or respondent  
11 at the last address of the respondent or defendant on file with the  
12 director. In any judicial action, suit, or proceeding arising under  
13 this chapter or any rule or order adopted under this chapter between  
14 the department or director and a licensed mortgage broker who does not  
15 maintain a physical office in this state, venue shall be exclusively in  
16 the superior court of Thurston county.

17 (5) The director 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 or a residential or  
21 visitation order. If the person has continued to meet all other  
22 requirements for reinstatement during the suspension, reissuance of the  
23 license or certificate shall be automatic upon the director's receipt  
24 of a release issued by the department of social and health services  
25 stating that the licensee is in compliance with the order.

26 NEW SECTION. Sec. 80. A new section is added to chapter 75.25 RCW  
27 to read as follows:

28 (1) Licenses issued pursuant to this chapter shall be invalid for  
29 any period in which a person is certified by the department of social  
30 and health services or a court of competent jurisdiction as a person in  
31 noncompliance with a support order or residential or visitation order.  
32 Fisheries patrol officers, ex officio fisheries patrol officers, and  
33 authorized fisheries employees shall enforce this section through  
34 checks of the department of licensing's computer data base. A listing  
35 on the department of licensing's data base that an individual's license  
36 is currently suspended pursuant to RCW 46.20.291(7) shall be prima  
37 facie evidence that the individual is in noncompliance with a support  
38 order or residential or visitation order. Presentation of a written

1 release issued by the department of social and health services or a  
2 court stating that the person is in compliance with an order shall  
3 serve as prima facie proof of compliance with a support order,  
4 residential order, or visitation order.

5 (2) It is unlawful to purchase, obtain, or possess a license  
6 required by this chapter during any period in which a license is  
7 suspended.

8 NEW SECTION. **Sec. 81.** A new section is added to chapter 77.32 RCW  
9 to read as follows:

10 (1) Licenses, tags, and stamps issued pursuant to this chapter  
11 shall be invalid for any period in which a person is certified by the  
12 department of social and health services or a court of competent  
13 jurisdiction as a person in noncompliance with a support order or  
14 residential or visitation order. Wildlife agents and ex officio  
15 wildlife agents shall enforce this section through checks of the  
16 department of licensing's computer data base. A listing on the  
17 department of licensing's data base that an individual's license is  
18 currently suspended pursuant to RCW 46.20.291(7) shall be prima facie  
19 evidence that the individual is in noncompliance with a support order  
20 or residential or visitation order. Presentation of a written release  
21 issued by the department of social and health services stating that the  
22 person is in compliance with an order shall serve as prima facie proof  
23 of compliance with a support order, residential order, or visitation  
24 order.

25 (2) It is unlawful to purchase, obtain, or possess a license  
26 required by this chapter during any period in which a license is  
27 suspended.

28 NEW SECTION. **Sec. 82.** A new section is added to chapter 75.28 RCW  
29 to read as follows:

30 (1) The department shall immediately suspend the license of a  
31 person who has been certified pursuant to section 2 of this act by the  
32 department of social and health services as a person who is not in  
33 compliance with a support order or a residential or visitation order.

34 (2) A listing on the department of licensing's data base that an  
35 individual's license is currently suspended pursuant to RCW  
36 46.20.291(7) shall be prima facie evidence that the individual is in  
37 noncompliance with a support order or residential or visitation order.

1 Presentation of a written release issued by the department of social  
2 and health services or a court stating that the person is in compliance  
3 with an order shall serve as proof of compliance.

4 **Sec. 83.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to read  
5 as follows:

6 (1) Except as otherwise provided by this title, it is unlawful to  
7 engage in any of the following activities without a license or permit  
8 issued by the director:

9 (a) Commercially fish for or take food fish or shellfish;

10 (b) Deliver food fish or shellfish taken in offshore waters;

11 (c) Operate a charter boat or commercial fishing vessel engaged in  
12 a fishery;

13 (d) Engage in processing or wholesaling food fish or shellfish; or

14 (e) Act as a guide for salmon for personal use in freshwater rivers  
15 and streams, other than that part of the Columbia river below the  
16 bridge at Longview.

17 (2) No person may engage in the activities described in subsection  
18 (1) of this section unless the licenses or permits required by this  
19 title are in the person's possession, and the person is the named  
20 license holder or an alternate operator designated on the license and  
21 the person's license is not suspended.

22 (3) A valid Oregon license that is equivalent to a license under  
23 this title is valid in the concurrent waters of the Columbia river if  
24 the state of Oregon recognizes as valid the equivalent Washington  
25 license. The director may identify by rule what Oregon licenses are  
26 equivalent.

27 (4) No license or permit is required for the production or  
28 harvesting of private sector cultured aquatic products as defined in  
29 RCW 15.85.020 or for the delivery, processing, or wholesaling of such  
30 aquatic products. However, if a means of identifying such products is  
31 required by rules adopted under RCW 15.85.060, the exemption from  
32 licensing or permit requirements established by this subsection applies  
33 only if the aquatic products are identified in conformance with those  
34 rules.

35 NEW SECTION. **Sec. 84.** A new section is added to chapter 75.30 RCW  
36 to read as follows:

1 (1) A license renewed under the provisions of this chapter that has  
2 been suspended under section 82 of this act shall be subject to the  
3 following provisions:

4 (a) A license renewal fee shall be paid as a condition of  
5 maintaining a current license; and

6 (b) The department shall waive any other license requirements,  
7 unless the department determines that the license holder has had  
8 sufficient opportunity to meet these requirements.

9 (2) The provisions of subsection (1) of this section shall apply  
10 only to a license that has been suspended under section 82 of this act  
11 for a period of twelve months or less. A license holder shall forfeit  
12 a license subject to this chapter and may not recover any license  
13 renewal fees previously paid if the license holder does not meet the  
14 requirements of section 2(9) of this act within twelve months of  
15 license suspension.

16 NEW SECTION. **Sec. 85.** (1) The director of the department of fish  
17 and wildlife and the director of the department of information services  
18 shall jointly develop a comprehensive, state-wide implementation plan  
19 for the automated issuance, revocation, and general administration of  
20 hunting, fishing, and recreational licenses administered under the  
21 authority of the department of fish and wildlife to ensure compliance  
22 with the license suspension requirements in section 2 of this act.

23 (2) The plan shall detail the implementation steps necessary to  
24 effectuate the automated administration of hunting, fishing, and  
25 recreational licenses and shall include recommendations regarding all  
26 costs and equipment associated with the plan.

27 (3) The plan shall be submitted to the legislature for review by  
28 September 1, 1997.

29 NEW SECTION. **Sec. 86.** A new section is added to chapter 26.09 RCW  
30 to read as follows:

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

33 (a) "License" means a license, certificate, registration, permit,  
34 approval, or other similar document issued by a licensing entity  
35 evidencing admission to or granting authority to engage in a  
36 profession, occupation, business, or industry. "License" does not mean

1 the tax registration or certification issued under Title 82 RCW by the  
2 department of revenue.

3 (b) "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, or industry.

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

12 (d) "Noncompliance with a residential or visitation order" means  
13 that a court has found the parent in contempt of court, under RCW  
14 26.09.160 for failure to comply with a residential provision of a  
15 court-ordered parenting plan on two occasions within three years.

16 (e) "Residential or visitation order" means the residential  
17 schedule or visitation schedule contained in a court-ordered parenting  
18 plan.

19 (2) If a court determines under RCW 26.09.160 that a parent is not  
20 in compliance with a provision of a residential or visitation order  
21 under RCW 26.09.160, the court shall enter an order directed to the  
22 department of social and health services to certify the parent as in  
23 noncompliance with a residential or visitation order. The order shall  
24 contain the noncomplying parent's name, address, and social security  
25 number, and shall indicate whether the obligor is believed to be a  
26 licensee of any licensing entity. The court clerk shall forward the  
27 order to the department of social and health services.

28 (3) Once the parent whose license is suspended has complied with  
29 the requirements of the court's order under RCW 26.09.160, or at an  
30 earlier date if the court deems it appropriate, the parent whose  
31 license is suspended may petition the court to set a review hearing to  
32 determine whether the noncomplying parent is in compliance with the  
33 residential or visitation order. If the court determines that the  
34 parent is in compliance with the residential or visitation order, the  
35 court shall enter an order directing the department of social and  
36 health services to issue a release to the parent and to the appropriate  
37 license entities.

1       **Sec. 87.** RCW 26.09.160 and 1991 c 367 s 4 are each amended to read  
2 as follows:

3       (1) The performance of parental functions and the duty to provide  
4 child support are distinct responsibilities in the care of a child. If  
5 a party fails to comply with a provision of a decree or temporary order  
6 of injunction, the obligation of the other party to make payments for  
7 support or maintenance or to permit contact with children is not  
8 suspended. An attempt by a parent, in either the negotiation or the  
9 performance of a parenting plan, to condition one aspect of the  
10 parenting plan upon another, to condition payment of child support upon  
11 an aspect of the parenting plan, to refuse to pay ordered child  
12 support, to refuse to perform the duties provided in the parenting  
13 plan, or to hinder the performance by the other parent of duties  
14 provided in the parenting plan, shall be deemed bad faith and shall be  
15 punished by the court by holding the party in contempt of court and by  
16 awarding to the aggrieved party reasonable attorneys' fees and costs  
17 incidental in bringing a motion for contempt of court.

18       (2)(a) A motion may be filed to initiate a contempt action to  
19 coerce a parent to comply with an order establishing residential  
20 provisions for a child. If the court finds there is reasonable cause  
21 to believe the parent has not complied with the order, the court may  
22 issue an order to show cause why the relief requested should not be  
23 granted.

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

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

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

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

38       The court may also order the parent to be imprisoned in the county  
39 jail, if the parent is presently able to comply with the provisions of



1 the court-ordered parenting plan and is presently unwilling to comply.  
2 The parent may be imprisoned until he or she agrees to comply with the  
3 order, but in no event for more than one hundred eighty days.

4 (3) On a second failure within three years to comply with a  
5 residential provision of a court-ordered parenting plan, a motion may  
6 be filed to initiate contempt of court proceedings according to the  
7 procedure set forth in subsection (2) (a) and (b) of this section. On  
8 a finding of contempt under this subsection, the court shall ~~((order))~~  
9 enter any combination of the following orders:

10 (a) Order the noncomplying parent to provide the other parent or  
11 party additional time with the child. The additional time shall be  
12 twice the amount of the time missed with the child, due to the parent's  
13 noncompliance;

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

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

20 (d) Enter an order under section 86 of this act directed to the  
21 department of social and health services to certify the parent as in  
22 noncompliance for the purposes of section 2 of this act.

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

28 (4) For purposes of subsections (1), (2), and (3) of this section,  
29 the parent shall be deemed to have the present ability to comply with  
30 the order establishing residential provisions unless he or she  
31 establishes otherwise by a preponderance of the evidence. The parent  
32 shall establish a reasonable excuse for failure to comply with the  
33 residential provision of a court-ordered parenting plan by a  
34 preponderance of the evidence.

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

38 (6) Subsections (1), (2), and (3) of this section authorize the  
39 exercise of the court's power to impose remedial sanctions for contempt

1 of court and is in addition to any other contempt power the court may  
2 possess.

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

8 **Sec. 88.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to read  
9 as follows:

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

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

18 (b) A statement that (~~a notice of payroll deduction may be issued,~~  
19 ~~or other income withholding action under chapter 26.18 or 74.20A RCW~~  
20 ~~may be taken~~) withholding action may be taken against wages, earnings,  
21 assets, or benefits, and liens enforced against real and personal  
22 property under the child support statutes of this or any other state,  
23 without further notice to the responsible parent at any time after  
24 entry of the court order, unless:

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

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

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

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

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

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

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

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

11 (i) A statement that (~~a notice of payroll deduction may be issued~~  
12 ~~or other income~~) withholding action (~~under chapter 26.18 or 74.20A~~  
13 ~~RCW~~) may be taken against wages, earnings, assets, or benefits, and  
14 liens enforced against real and personal property under the child  
15 support statutes of this or any other state, without further notice to  
16 the responsible parent at any time after entry of the court order,  
17 unless:

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

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

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

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

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

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

38 (ii) If immediate income withholding is not ordered, the court  
39 shall require that income withholding be delayed until a payment is

1 past due. The support order shall contain a statement that (~~a notice~~  
2 ~~of payroll deduction may be issued, or other income withholding action~~  
3 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may  
4 be taken against wages, earnings, assets, or benefits, and liens  
5 enforced against real and personal property under the child support  
6 statutes of this or any other state, without further notice to the  
7 responsible parent, after a payment is past due.

8 (c) If a mandatory wage withholding order under chapter 26.18 RCW  
9 is issued under this subsection and the (~~office of support~~  
10 ~~enforcement~~) division of child support provides support enforcement  
11 services under RCW 26.23.045, the existing wage withholding assignment  
12 is prospectively superseded upon the (~~office of support~~  
13 ~~enforcement's~~) division of child support's subsequent service of an  
14 income withholding notice.

15 (3) The office of administrative hearings and the department of  
16 social and health services shall require that all support obligations  
17 established as administrative orders include a provision which orders  
18 and directs that the responsible parent shall make all support payments  
19 to the Washington state support registry. All administrative orders  
20 shall also state that the responsible parent's privileges to obtain and  
21 maintain a license, as defined in section 2 of this act, may not be  
22 renewed, or may be suspended if the parent is not in compliance with a  
23 support order as provided in section 2 of this act. All administrative  
24 orders shall also state that (~~a notice of payroll deduction may be~~  
25 ~~issued, or other income withholding action taken~~) withholding action  
26 may be taken against wages, earnings, assets, or benefits, and liens  
27 enforced against real and personal property under the child support  
28 statutes of this or any other state without further notice to the  
29 responsible parent at any time after entry of the order, unless:

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

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

35 (4) If the support order does not include the provision ordering  
36 and directing that all payments be made to the Washington state support  
37 registry and a statement that (~~a notice of payroll deduction may be~~  
38 ~~issued~~) withholding action may be taken against wages, earnings,  
39 assets, or benefits if a support payment is past due or at any time

1 after the entry of the order, or that a parent's licensing privileges  
2 may not be renewed, or may be suspended, the ~~((office of support~~  
3 ~~enforcement))~~ division of child support may serve a notice on the  
4 responsible parent stating such requirements and authorizations.  
5 Service may be by personal service or any form of mail requiring a  
6 return receipt.

7 (5) Every support order shall state:

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

9 (b) That ~~((a notice of payroll deduction may be issued or other~~  
10 ~~income withholding action under chapter 26.18 or 74.20A RCW may be~~  
11 ~~taken))~~ withholding action may be taken against wages, earnings,  
12 assets, or benefits, and liens enforced against real and personal  
13 property under the child support statutes of this or any other state,  
14 without further notice to the responsible parent at any time after  
15 entry of ~~((an order by the court))~~ a support order, 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, date of birth,  
25 telephone number, driver's license number, and name and address of the  
26 employer of the responsible parent;

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

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

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

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

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

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

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

17 (6) The physical custodian's address:

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

22 (b) A responsible parent may request the physical custodian's  
23 residence address by submission of a request for disclosure under RCW  
24 26.23.120 to the ((office of support enforcement)) division of child  
25 support.

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

1 registry at the reimbursement rate provided in Title IV-D of the social  
2 security act.

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

8 (9)) After the responsible parent has been ordered or notified to  
9 make payments to the Washington state support registry under this  
10 section, the responsible parent shall be fully responsible for making  
11 all payments to the Washington state support registry and shall be  
12 subject to payroll deduction or other income-withholding action. The  
13 responsible parent shall not be entitled to credit against a support  
14 obligation for any payments made to a person or agency other than to  
15 the Washington state support registry except as provided under RCW  
16 74.20.101. A civil action may be brought by the payor to recover  
17 payments made to persons or agencies who have received and retained  
18 support moneys paid contrary to the provisions of this section.

19 **Sec. 89.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to read  
20 as follows:

21 The wage assignment order shall be substantially in the following  
22 form:

23 IN THE SUPERIOR COURT OF THE  
24 STATE OF WASHINGTON IN AND FOR THE  
25 COUNTY OF . . . . .

26 . . . . . ,  
27 Obligee No. . . . .  
28 vs.  
29 . . . . . , WAGE ASSIGNMENT  
30 Obligor ORDER  
31 . . . . . ,  
32 Employer

33 THE STATE OF WASHINGTON TO: . . . . .  
34 Employer

35 AND TO: . . . . .  
36 Obligor

1       The above-named obligee claims that the above-named obligor is  
2 subject to a support order requiring immediate income withholding or is  
3 more than fifteen days past due in either child support or spousal  
4 maintenance payments, or both, in an amount equal to or greater than  
5 the child support or spousal maintenance payable for one month. The  
6 amount of the accrued child support or spousal maintenance debt as of  
7 this date is . . . . . dollars, the amount of arrearage payments  
8 specified in the support or spousal maintenance order (if applicable)  
9 is . . . . . dollars per . . . . ., and the amount of the current  
10 and continuing support or spousal maintenance obligation under the  
11 order is . . . . . dollars per . . . . .

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

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

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

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

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

26       (c) Fifty percent of the disposable earnings or remuneration of the  
27 obligor.

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

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

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

36       (a) The court that the wage assignment has been modified or  
37 terminated; or



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

4 You shall promptly notify the court and the addressee specified in  
5 the wage assignment order under this section if and when the employee  
6 is no longer employed by you, or if the obligor no longer receives  
7 earnings or remuneration from you. If you no longer employ the  
8 employee, the wage assignment order shall remain in effect for one year  
9 after the employee has left your employment or you are no longer in  
10 possession of any earnings or remuneration owed to the employee,  
11 whichever is later. You shall continue to hold the wage assignment  
12 order during that period. If the employee returns to your employment  
13 during the one-year period you shall immediately begin to withhold the  
14 employee's earnings according to the terms of the wage assignment  
15 order. If the employee has not returned to your employment within one  
16 year, the wage assignment will cease to have effect at the expiration  
17 of the one-year period, unless you still owe the employee earnings or  
18 other remuneration.

19 You shall deliver the withheld earnings or remuneration to the  
20 Washington state support registry or other address stated below at each  
21 regular pay interval.

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

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

31 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
32 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
33 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.  
34 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO  
35 THIS ORDER, YOU MAY HAVE SUSPENDED OR NOT RENEWED A PROFESSIONAL,  
36 DRIVER'S, OR OTHER LICENSE IF YOU ACCRUE CHILD SUPPORT ARREARAGES  
37 TOTALING MORE THAN SIX MONTHS OF CHILD SUPPORT PAYMENTS OR FAIL TO MAKE

1 PAYMENTS TOWARDS A SUPPORT ARREARAGE IN AN AMOUNT THAT EXCEEDS SIX  
2 MONTHS OF PAYMENTS.

3 DATED THIS . . . . day of . . . ., 19. . .

4 . . . . .

5 Obligee, Judge/Court Commissioner

6 or obligee's attorney

7 Send withheld payments to: . . . . .

8 . . . . .

9 . . . . .

10 . . . . .

11 **Sec. 90.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to  
12 read as follows:

13 (1) The (~~office of support enforcement~~) division of child support  
14 may issue a notice of payroll deduction:

15 (a) As authorized by a support order that contains (~~the income~~  
16 ~~withholding notice provisions in RCW 26.23.050 or a substantially~~  
17 ~~similar notice)) a notice clearly stating that child support may be  
18 collected by withholding from earnings, wages, or benefits without  
19 further notice to the obligated parent; or~~

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

22 (2) The (~~office of support enforcement~~) division of child support  
23 shall serve a notice of payroll deduction upon a responsible parent's  
24 employer or upon the employment security department for the state in  
25 possession of or owing any benefits from the unemployment compensation  
26 fund to the responsible parent pursuant to Title 50 RCW (~~by personal~~  
27 ~~service or by any form of mail requiring a return receipt)):~~

28 (a) In the manner prescribed for the service of a summons in a  
29 civil action;

30 (b) By certified mail, return receipt requested; or

31 (c) By electronic means if there is an agreement between the  
32 secretary and the person, firm, corporation, association, political  
33 subdivision, department of the state, or agency, subdivision, or  
34 instrumentality of the United States to accept service by electronic  
35 means.

36 (3) Service of a notice of payroll deduction upon an employer or  
37 employment security department requires the employer or employment

1 security department to immediately make a mandatory payroll deduction  
2 from the responsible parent's unpaid disposable earnings or  
3 unemployment compensation benefits. The employer or employment  
4 security department shall thereafter deduct each pay period the amount  
5 stated in the notice divided by the number of pay periods per month.  
6 The payroll deduction each pay period shall not exceed fifty percent of  
7 the responsible parent's disposable earnings.

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

11 (5) The notice of payroll deduction shall be in writing and  
12 include:

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

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

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

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

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

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

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

34 (8) An employer, or the employment security department, upon whom  
35 a notice of payroll deduction is served, shall make an answer to the  
36 ~~((office of support enforcement))~~ division of child support within  
37 twenty days after the date of service. The answer shall confirm  
38 compliance and institution of the payroll deduction or explain the  
39 circumstances if no payroll deduction is in effect. The answer shall

1 also state whether the responsible parent is employed by or receives  
2 earnings from the employer or receives unemployment compensation  
3 benefits from the employment security department, whether the employer  
4 or employment security department anticipates paying earnings or  
5 unemployment compensation benefits and the amount of earnings. If the  
6 responsible parent is no longer employed, or receiving earnings from  
7 the employer, the answer shall state the present employer's name and  
8 address, if known. If the responsible parent is no longer receiving  
9 unemployment compensation benefits from the employment security  
10 department, the answer shall state the present employer's name and  
11 address, if known.

12 (9) The employer or employment security department may deduct a  
13 processing fee from the remainder of the responsible parent's earnings  
14 after withholding under the notice of payroll deduction, even if the  
15 remainder is exempt under RCW 26.18.090. The processing fee may not  
16 exceed: (a) Ten dollars for the first disbursement made to the  
17 Washington state support registry; and (b) one dollar for each  
18 subsequent disbursement to the registry.

19 (10) The notice of payroll deduction shall remain in effect until  
20 released by the (~~office of support enforcement~~) division of child  
21 support, the court enters an order terminating the notice and approving  
22 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has  
23 expired since the employer has employed the responsible parent or has  
24 been in possession of or owing any earnings to the responsible parent  
25 or the employment security department has been in possession of or  
26 owing any unemployment compensation benefits to the responsible parent.

27 (11) The division of child support may use uniform interstate  
28 withholding forms adopted by the United States department of health and  
29 human services to take withholding actions under this section when the  
30 responsible parent is receiving earnings or unemployment compensation  
31 in another state.

32 **Sec. 91.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to  
33 read as follows:

34 (1) Whenever the department (~~of social and health services~~)  
35 receives an application for public assistance on behalf of a child, the  
36 department shall take appropriate action under the provisions of this  
37 chapter, chapter 74.20A RCW, or other appropriate statutes of this

1 state to establish or enforce support obligations against the parent or  
2 other persons owing a duty to pay support moneys.

3 (2) The secretary may accept a request for support enforcement  
4 services on behalf of persons who are not recipients of public  
5 assistance and may take appropriate action to establish or enforce  
6 support obligations against the parent or other persons owing a duty to  
7 pay moneys. Requests accepted under this subsection may be conditioned  
8 upon the payment of a fee as required through regulation issued by the  
9 secretary. (~~Action may be taken under the provisions of chapter 74.20~~  
10 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~  
11 ~~statutes of this state, including but not limited to remedies~~  
12 ~~established in chapter 74.20A RCW, to establish and enforce said~~  
13 ~~support obligations.)) The secretary may establish by regulation,  
14 reasonable standards and qualifications for support enforcement  
15 services under this subsection.~~

16 (3) The secretary may accept requests for support enforcement  
17 services from child support enforcement agencies in other states  
18 operating child support programs under Title IV-D of the social  
19 security act or from foreign countries, and may take appropriate action  
20 to establish and enforce support obligations, or to enforce subpoenas,  
21 information requests, orders for genetic testing, and collection  
22 actions issued by the other agency against the parent or other person  
23 owing a duty to pay support moneys, the parent or other person's  
24 employer, or any other person or entity properly subject to child  
25 support collection or information-gathering processes. The request  
26 shall contain and be accompanied by such information and documentation  
27 as the secretary may by rule require, and be signed by an authorized  
28 representative of the agency. The secretary may adopt rules setting  
29 forth the duration and nature of services provided under this  
30 subsection.

31 (4) The department may take action to establish, enforce, and  
32 collect a support obligation, including performing related services,  
33 under this chapter and chapter 74.20A RCW, or through the attorney  
34 general or prosecuting attorney for action under chapter 26.09, 26.18,  
35 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common  
36 law of this state.

37 (5) Whenever a support order is filed with the Washington state  
38 support registry under chapter 26.23 RCW, the department may take  
39 appropriate action under the provisions of this chapter, chapter 26.23

1 or 74.20A RCW, or other appropriate law of this state to establish or  
2 enforce the support obligations contained in that order against the  
3 responsible parent or other persons owing a duty to pay support moneys.

4 (6) The secretary may charge and collect a fee from the person  
5 obligated to pay support to compensate the department for services  
6 rendered in establishment of or enforcement of support obligations.  
7 This fee shall be limited to not more than ten percent of any support  
8 money collected as a result of action taken by the secretary. The fee  
9 charged shall be in addition to the support obligation. In no event  
10 may any moneys collected by the department (~~of social and health~~  
11 ~~services~~) from the person obligated to pay support be retained as  
12 satisfaction of fees charged until all current support obligations have  
13 been satisfied. The secretary shall by regulation establish reasonable  
14 fees for support enforcement services and said schedule of fees shall  
15 be made available to any person obligated to pay support. The  
16 secretary may, on showing of necessity, waive or defer any such fee.

17 (7) Fees, due and owing, may be collected as delinquent support  
18 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter  
19 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity  
20 available to the department or any agencies with whom it has a  
21 cooperative or contractual arrangement to establish, enforce, or  
22 collect support moneys or support obligations.

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

28 (9) The secretary shall adopt rules conforming to federal laws,  
29 rules, and regulations required to be observed in maintaining the state  
30 child support enforcement program required under Title IV-D of the  
31 federal social security act. The adoption of these rules shall be  
32 calculated to promote the cost-effective use of the agency's resources  
33 and not otherwise cause the agency to divert its resources from its  
34 essential functions.

35 NEW SECTION. Sec. 92. A new section is added to chapter 74.20A  
36 RCW to read as follows:

37 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--  
38 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to

1 child support payments wrongfully or negligently retains child support  
2 payments owed to another or to the Washington state support registry,  
3 those payments retain their character as child support payments and may  
4 be collected by the division of child support using any remedy  
5 available to the division of child support under Washington law for the  
6 collection of child support.

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

11 (3) This section applies to the following:

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

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

19 (c) Cases in which child support recipients have retained child  
20 support payments in violation of a child support assignment executed or  
21 arising by operation of law in exchange for the receipt of public  
22 assistance; and

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

25 (4) This section does not apply to fines levied under section  
26 93(3)(b) of this act.

27 NEW SECTION. **Sec. 93.** A new section is added to chapter 74.20A  
28 RCW to read as follows:

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

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

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

36 (c) Any other wage assignment, garnishment, attachment, or  
37 withholding instrument properly served by the agency or firm providing

1 child support enforcement services for another state, under Title IV-D  
2 of the federal social security act;

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

6 (e) An information request issued by the division of child support,  
7 or the agency or firm providing child support enforcement for another  
8 state under Title IV-D of the federal social security act, to an  
9 employer or entity required to respond to such requests under section  
10 97 of this act; or

11 (f) The duty to report newly hired employees imposed by RCW  
12 26.23.040.

13 (2) Liability for noncompliance with a wage withholding,  
14 garnishment, order to withhold and deliver, or any other lien or  
15 attachment issued to secure payment of child support is governed by RCW  
16 26.23.090 and 74.20A.100, except that liability for noncompliance with  
17 remittance time frames is governed by subsection (3) of this section.

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

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

24 (b) Noncompliance with the required time frames for remitting  
25 withheld support moneys to the Washington state support registry, or  
26 the agency or firm providing child support enforcement services for  
27 another state, except that no liability shall be established for  
28 failure to make timely remittance unless the division of child support  
29 has provided the person, firm, entity, or agency of state or federal  
30 government with written warning:

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

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

33 (iii) Providing a contact person within the division of child  
34 support with whom the person, firm, entity, or agency of state or  
35 federal government may seek assistance with child support withholding  
36 issues.

37 (4) The division of child support may assess fines according to RCW  
38 26.23.040 for failure to comply with employer reporting requirements.



1 (5) The division of child support may suspend licenses for failure  
2 to comply with a subpoena issued under section 98 of this act.

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

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

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

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

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

19 (8) The notice of noncompliance shall contain:

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

22 (b) Identification of the:

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

25 (ii) State child support enforcement agency issuing the original  
26 child support process.

27 (9) In an administrative hearing convened under subsection (7)(b)  
28 of this section, the presiding officer shall determine whether or not,  
29 and to what extent, liability for noncompliance exists under this  
30 section, and shall enter an order containing these findings. If  
31 liability does exist, the presiding officer shall include language in  
32 the order advising the parties to the proceeding that the liability may  
33 be collected by any means available to the division of child support  
34 under subsection (12) of this section without further notice to the  
35 liable party.

36 (10) Hearings under this section are governed by the administrative  
37 procedure act, chapter 34.05 RCW.

38 (11) After the twenty days following service of the notice, the  
39 person, firm, entity, or agency of state or federal government may

1 petition for a late hearing. A petition for a late hearing does not  
2 stay any collection action to recover the debt. A late hearing is  
3 available upon a showing of any of the grounds stated in civil rule 60  
4 for the vacation of orders.

5 (12) The division of child support may collect any obligation  
6 established under this section using any of the remedies available  
7 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the  
8 collection of child support.

9 (13) The division of child support may enter agreements for the  
10 repayment of obligations under this section. Agreements may:

11 (a) Suspend the obligation imposed by this section conditioned on  
12 future compliance with child support processes. Such suspension shall  
13 end automatically upon any failure to comply with a child support  
14 process. Amounts suspended become fully collectible without further  
15 notice automatically upon failure to comply with a child support  
16 process;

17 (b) Resolve amounts due under this section and provide for  
18 repayment.

19 (14) The secretary may adopt rules to implement this section.

20 **Sec. 94.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to read  
21 as follows:

22 (1) The employer shall be liable to the Washington state support  
23 registry, or to the agency or firm providing child support enforcement  
24 for another state, under Title IV-D of the federal social security act  
25 and issuing a notice, garnishment, or wage assignment attaching wages  
26 or earnings in satisfaction of a support obligation, for one hundred  
27 percent of the amount of the support debt, or the amount of support  
28 moneys which should have been withheld from the employee's earnings,  
29 whichever is the lesser amount, if the employer:

30 (a) Fails or refuses, after being served with a notice of payroll  
31 deduction, or substantially similar action issued by the agency or firm  
32 providing child support enforcement for another state, under Title IV-D  
33 of the federal social security act, to deduct and promptly remit from  
34 unpaid earnings the amounts of money required in the notice;

35 (b) Fails or refuses to submit an answer to the notice of payroll  
36 deduction, or substantially similar action issued by the agency or firm  
37 providing child support enforcement for another state, under Title IV-D  
38 of the federal social security act, after being served; or

1 (c) Is unwilling to comply with the other requirements of RCW  
2 26.23.060.

3 (2) Liability may be established in superior court or may be  
4 established pursuant to (~~RCW 74.20A.270~~) section 93 of this act.  
5 Awards in superior court and in actions pursuant to (~~RCW 74.20A.270~~)  
6 section 93 of this act shall include costs, interest under RCW  
7 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs  
8 as a part of the award. Debts established pursuant to this section may  
9 be collected (~~pursuant to chapter 74.20A RCW utilizing any of the~~  
10 ~~remedies contained in that chapter~~) by the division of child support  
11 using any of the remedies available under chapter 26.09, 26.18, 26.21,  
12 26.23, 74.20, or 74.20A RCW for the collection of child support.

13 **Sec. 95.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to  
14 read as follows:

15 (1) Any person, firm, corporation, association, political  
16 subdivision or department of the state shall be liable to the  
17 department, or to the agency or firm providing child support  
18 enforcement for another state, under Title IV-D of the federal social  
19 security act and issuing a notice, garnishment, or wage assignment  
20 attaching wages or earnings in satisfaction of a support obligation, in  
21 an amount equal to one hundred percent of the value of the debt which  
22 is the basis of the lien, order to withhold and deliver, distraint, or  
23 assignment of earnings, or the amount that should have been withheld,  
24 whichever amount is less, together with costs, interest, and reasonable  
25 attorney fees if that person or entity:

26 (a) Fails to answer an order to withhold and deliver, or  
27 substantially similar action issued by the agency or firm providing  
28 child support enforcement for another state, under Title IV-D of the  
29 federal social security act, within the time prescribed herein;

30 (b) Fails or refuses to deliver property pursuant to said order;

31 (c) After actual notice of filing of a support lien, pays over,  
32 releases, sells, transfers, or conveys real or personal property  
33 subject to a support lien to or for the benefit of the debtor or any  
34 other person;

35 (d) Fails or refuses to surrender property distrained under RCW  
36 74.20A.130 upon demand; or

37 (e) Fails or refuses to honor an assignment of earnings presented  
38 by the secretary.

1 (2) The secretary is authorized to issue a notice of ((debt  
2 pursuant to RCW 74.20A.040 and to take appropriate action to collect  
3 the debt under this chapter if:

4 (a) A judgment has been entered as the result of an action in  
5 superior court against a person, firm, corporation, association,  
6 political subdivision, or department of the state based on a violation  
7 of this section; or

8 (b) Liability has been established under RCW 74.20A.270)  
9 noncompliance under section 93 of this act or to proceed in superior  
10 court to obtain a judgment for noncompliance under this section.

11 **Sec. 96.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156  
12 are each reenacted and amended to read as follows:

13 (1) The secretary may issue a notice of ((noncompliance)) retained  
14 support or notice to recover a support payment to any person((, firm,  
15 corporation, association, or political subdivision of the state of  
16 Washington or any officer or agent thereof who has violated chapter  
17 26.18 RCW, RCW 74.20A.100, or 26.23.040,))):

18 (a) Who is in possession of support moneys, or who has had support  
19 moneys in his or her possession at some time in the past, which support  
20 moneys were or are claimed by the department as the property of the  
21 department by assignment, subrogation, or by operation of law or legal  
22 process under chapter 74.20A RCW((, if the support moneys have not been  
23 remitted to the department as required by law))):

24 (b) Who has received a support payment erroneously directed to the  
25 wrong payee, or issued by the department in error; or

26 (c) Who is in possession of a support payment obtained through the  
27 internal revenue service tax refund offset process, which payment was  
28 later reclaimed from the department by the internal revenue service as  
29 a result of an amended tax return filed by the obligor or the obligor's  
30 spouse.

31 (2) The notice shall ((describe the claim of the department,  
32 stating)) state the legal basis for the claim and shall provide  
33 sufficient detail to enable the person((, firm, corporation,  
34 association, or political subdivision or officer or agent thereof upon  
35 whom service is made)) to identify the support moneys in issue ((or the  
36 specific violation of RCW 74.20A.100 that has occurred. The notice may  
37 also make inquiry as to relevant facts necessary to the resolution of  
38 the issue)).

1       (3) The department shall serve the notice (~~((may be served))~~) by  
2 certified mail, return receipt requested, or in the manner of a summons  
3 in a civil action. (~~((Upon service of the notice all moneys not yet~~  
4 ~~disbursed or spent or like moneys to be received in the future are~~  
5 ~~deemed to be impounded and shall be held in trust pending answer to the~~  
6 ~~notice and any adjudicative proceeding.))~~)

7       (4) The amounts claimed in the notice (~~((shall be answered under~~  
8 ~~oath and in writing within twenty days of the date of service, which~~  
9 ~~answer shall include true answers to the matters inquired of in the~~  
10 ~~notice. The answer shall also either acknowledge))~~) shall become  
11 assessed, determined, and subject to collection twenty days from the  
12 date of service of the notice unless within those twenty days the  
13 person in possession of the support moneys:

14       (a) Acknowledges the department's right to the moneys (~~((or~~  
15 ~~application for))~~) and executes an agreed settlement providing for  
16 repayment of the moneys; or

17       (b) Requests an adjudicative proceeding to (~~((contest the allegation~~  
18 ~~that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been~~  
19 ~~violated, or))~~) determine the rights to ownership of the support moneys  
20 in issue. The hearing shall be held pursuant to this section, chapter  
21 34.05 RCW, the Administrative Procedure Act, and the rules of the  
22 department. The burden of proof to establish ownership of the support  
23 moneys claimed(~~((, including but not limited to moneys not yet disbursed~~  
24 ~~or spent,))~~) is on the department.

25       (~~((If no answer is made within the twenty days, the department's~~  
26 ~~claim shall be assessed and determined and subject to collection action~~  
27 ~~as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW~~  
28 ~~26.23.040. Any such debtor))~~)

29       (5) After the twenty-day period, a person served with a notice  
30 under this section may, at any time within one year from the date of  
31 service of the notice of support debt, petition the secretary or the  
32 secretary's designee for an adjudicative proceeding upon a showing of  
33 any of the grounds enumerated in RCW 4.72.010 or superior court civil  
34 rule 60. A copy of the petition shall also be served on the  
35 department. The filing of the petition shall not stay any collection  
36 action being taken, but the debtor may petition the secretary or the  
37 secretary's designee for an order staying collection action pending the  
38 final administrative order. Any such moneys held and/or taken by  
39 collection action (~~((prior to))~~) after the date of any such stay (~~((and~~

1 ~~any support moneys claimed by the department, including moneys to be~~  
2 ~~received in the future to which the department may have a claim,))~~  
3 ~~shall be held ((in trust)) by the department pending the final order,~~  
4 ~~to be disbursed in accordance with the final order. ((The secretary or~~  
5 ~~the secretary's designee shall condition the stay to provide for the~~  
6 ~~trust.~~

7 ~~If the petition is granted the issue in the proceeding is limited~~  
8 ~~to the determination of the ownership of the moneys claimed in the~~  
9 ~~notice of debt. The right to an adjudicative proceeding is conditioned~~  
10 ~~upon holding of any funds not yet disbursed or expended or to be~~  
11 ~~received in the future in trust pending the final order in these~~  
12 ~~proceedings. The presiding or reviewing officer shall enter an~~  
13 ~~appropriate order providing for the terms of the trust.))~~

14 ~~(6) If the debtor fails to attend or participate in the hearing or~~  
15 ~~other stage of an adjudicative proceeding, the presiding officer shall,~~  
16 ~~upon showing of valid service, enter an order declaring the amount of~~  
17 ~~support moneys, as claimed in the notice, to be assessed and determined~~  
18 ~~and subject to collection action.~~

19 ~~(7) The department may take action to collect an obligation~~  
20 ~~established under this section using any remedy available under this~~  
21 ~~chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection~~  
22 ~~of child support.~~

23 ~~(8) If, at any time, the superior court enters judgment for an~~  
24 ~~amount of debt at variance with the amount determined by the final~~  
25 ~~order in an adjudicative proceeding, the judgment shall supersede the~~  
26 ~~final administrative order. ((Any debt determined by the superior~~  
27 ~~court in excess of the amount determined by the final administrative~~  
28 ~~order shall be the property of the department as assigned under 42~~  
29 ~~U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or~~  
30 ~~74.20.330.)) The department may((, despite any final administrative~~  
31 ~~order,)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain~~  
32 ~~such a judgment or to collect moneys determined by such a judgment to~~  
33 ~~be due and owing.~~

34 ~~((If public assistance moneys have been paid to a parent for the~~  
35 ~~benefit of that parent's minor dependent children, debt under this~~  
36 ~~chapter shall not be incurred by nor at any time be collected from that~~  
37 ~~parent because of that payment of assistance. Nothing in this section~~  
38 ~~prohibits or limits the department from acting pursuant to RCW~~  
39 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~

1 recipient for receipt of support moneys paid in satisfaction of the  
2 debt assigned under RCW 74.20.330 which have been assigned to the  
3 department but were received by a recipient or ex-recipient from  
4 another responsible parent and not remitted to the department. To  
5 collect these wrongfully retained funds from the recipient, the  
6 department may not take collection action in excess of ten percent of  
7 the grant payment standard during any month the public assistance  
8 recipient remains in that status unless required by federal law.)) (9)  
9 If a person owing a debt established under this section is receiving  
10 public assistance, the department may collect the debt by offsetting up  
11 to ten percent of the grant payment received by the person. No  
12 collection action may be taken against the earnings of a person  
13 receiving cash public assistance to collect a debt assessed under this  
14 section.

15 (10) Payments not credited against the department's debt pursuant  
16 to RCW 74.20.101 may not be assessed or collected under this section.

17 NEW SECTION. Sec. 97. A new section is added to chapter 74.20A  
18 RCW to read as follows:

19 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)  
20 Notwithstanding any other provision of Washington law, the division of  
21 child support, the Washington state support registry, or the agency or  
22 firm providing child support enforcement services for another state  
23 under Title IV-D of the federal social security act may access records  
24 of the following nature, in the possession of any agency or entity  
25 listed in this section:

26 (a) Records of state and local agencies, including but not limited  
27 to:

28 (i) The state registrar, including but not limited to records of  
29 birth, marriage, and death;

30 (ii) Tax and revenue records, including, but not limited to,  
31 information on residence addresses, employers, and assets;

32 (iii) Records concerning real and titled personal property;

33 (iv) Records of occupational, professional, and recreational  
34 licenses and records concerning the ownership and control of  
35 corporations, partnerships, and other business entities;

36 (v) Employment security records;

37 (vi) Records of agencies administering public assistance programs;

38 and

1 (vii) Records of the department of corrections, and of county and  
2 municipal correction or confinement facilities;

3 (b) Records of public utilities and cable television companies  
4 relating to persons who owe or are owed support, or against whom a  
5 support obligation is sought, including names and addresses of the  
6 individuals, and employers' names and addresses pursuant to section 98  
7 of this act and RCW 74.20A.120; and

8 (c) Records held by financial institutions, pursuant to section 99  
9 of this act.

10 (2) Upon the request of the division of child support, the  
11 Washington state support registry, or the agency or firm providing  
12 child support enforcement services for another state under Title IV-D  
13 of the social security act, any employer shall provide information as  
14 to the employment, earnings, benefits, and residential address and  
15 phone number of any employee.

16 (3) Entities in possession of records described in subsection  
17 (1)(a) and (c) of this section must provide information and records  
18 upon the request of the division of child support, the Washington state  
19 support registry, or the agency or firm providing child support  
20 enforcement services for another state under Title IV-D of the federal  
21 social security act. The division of child support may enter into  
22 agreements providing for electronic access to these records.

23 (4) Public utilities and cable television companies must provide  
24 the information in response to a judicial or administrative subpoena  
25 issued by the division of child support, the Washington state support  
26 registry, or the agency or firm providing child support enforcement  
27 services for another state under Title IV-D of the federal social  
28 security act.

29 (5) Entities responding to information requests and subpoenas under  
30 this section are not liable for disclosing information pursuant to the  
31 request or subpoena.

32 (6) The division of child support shall maintain all information  
33 gathered under this section confidential and shall only disclose this  
34 information as provided under RCW 26.23.120.

35 (7) The division of child support may impose fines for  
36 noncompliance with this section using the notice of noncompliance under  
37 section 93 of this act.



1        NEW SECTION.    **Sec. 98.**    A new section is added to chapter 74.20 RCW  
2 to read as follows:

3        SUBPOENA AUTHORITY--ENFORCEMENT.    In carrying out the provisions of  
4 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the  
5 secretary and other duly authorized officers of the department may  
6 subpoena witnesses, take testimony, and compel the production of such  
7 papers, books, records, and documents as they may deem relevant to the  
8 performance of their duties.    The division of child support may enforce  
9 subpoenas issued under this power according to section 93 of this act.

10       NEW SECTION.    **Sec. 99.**    A new section is added to chapter 74.20A  
11 RCW to read as follows:

12        FINANCIAL INSTITUTION DATA MATCHES.    (1) Each calendar quarter  
13 financial institutions doing business in the state of Washington shall  
14 report to the department the name, record address, social security  
15 number or other taxpayer identification number, and other information  
16 determined necessary by the department for each individual who  
17 maintains an account at such institution and is identified by the  
18 department as owing a support debt.

19        (2) The department and financial institutions shall enter into  
20 agreements to develop and operate a data match system, using automated  
21 data exchanges to the extent feasible, to minimize the cost of  
22 providing information required under subsection (1) of this section.

23        (3) The department may pay a reasonable fee to a financial  
24 institution for conducting the data match not to exceed the actual  
25 costs incurred.

26        (4) A financial institution is not liable for any disclosure of  
27 information to the department under this section.

28        (5) The division of child support shall maintain all information  
29 gathered under this section confidential and shall only disclose this  
30 information as provided under RCW 26.23.120.

31        **Sec. 100.**    RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996  
32 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as  
33 follows:

34        (1) The following are exempt from public inspection and copying:

35        (a) Personal information in any files maintained for students in  
36 public schools, patients or clients of public institutions or public  
37 health agencies, or welfare recipients.

1 (b) Personal information in files maintained for employees,  
2 appointees, or elected officials of any public agency to the extent  
3 that disclosure would violate their right to privacy.

4 (c) Information required of any taxpayer in connection with the  
5 assessment or collection of any tax if the disclosure of the  
6 information to other persons would (i) be prohibited to such persons by  
7 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
8 in unfair competitive disadvantage to the taxpayer.

9 (d) Specific intelligence information and specific investigative  
10 records compiled by investigative, law enforcement, and penology  
11 agencies, and state agencies vested with the responsibility to  
12 discipline members of any profession, the nondisclosure of which is  
13 essential to effective law enforcement or for the protection of any  
14 person's right to privacy.

15 (e) Information revealing the identity of persons who are witnesses  
16 to or victims of crime or who file complaints with investigative, law  
17 enforcement, or penology agencies, other than the public disclosure  
18 commission, if disclosure would endanger any person's life, physical  
19 safety, or property. If at the time a complaint is filed the  
20 complainant, victim or witness indicates a desire for disclosure or  
21 nondisclosure, such desire shall govern. However, all complaints filed  
22 with the public disclosure commission about any elected official or  
23 candidate for public office must be made in writing and signed by the  
24 complainant under oath.

25 (f) Test questions, scoring keys, and other examination data used  
26 to administer a license, employment, or academic examination.

27 (g) Except as provided by chapter 8.26 RCW, the contents of real  
28 estate appraisals, made for or by any agency relative to the  
29 acquisition or sale of property, until the project or prospective sale  
30 is abandoned or until such time as all of the property has been  
31 acquired or the property to which the sale appraisal relates is sold,  
32 but in no event shall disclosure be denied for more than three years  
33 after the appraisal.

34 (h) Valuable formulae, designs, drawings, and research data  
35 obtained by any agency within five years of the request for disclosure  
36 when disclosure would produce private gain and public loss.

37 (i) Preliminary drafts, notes, recommendations, and intra-agency  
38 memorandums in which opinions are expressed or policies formulated or

1 recommended except that a specific record shall not be exempt when  
2 publicly cited by an agency in connection with any agency action.

3 (j) Records which are relevant to a controversy to which an agency  
4 is a party but which records would not be available to another party  
5 under the rules of pretrial discovery for causes pending in the  
6 superior courts.

7 (k) Records, maps, or other information identifying the location of  
8 archaeological sites in order to avoid the looting or depredation of  
9 such sites.

10 (l) Any library record, the primary purpose of which is to maintain  
11 control of library materials, or to gain access to information, which  
12 discloses or could be used to disclose the identity of a library user.

13 (m) Financial information supplied by or on behalf of a person,  
14 firm, or corporation for the purpose of qualifying to submit a bid or  
15 proposal for (i) a ferry system construction or repair contract as  
16 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
17 construction or improvement as required by RCW 47.28.070.

18 (n) Railroad company contracts filed prior to July 28, 1991, with  
19 the utilities and transportation commission under RCW 81.34.070, except  
20 that the summaries of the contracts are open to public inspection and  
21 copying as otherwise provided by this chapter.

22 (o) Financial and commercial information and records supplied by  
23 private persons pertaining to export services provided pursuant to  
24 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
25 export projects pursuant to RCW 43.23.035.

26 (p) Financial disclosures filed by private vocational schools under  
27 chapters 28B.85 and 28C.10 RCW.

28 (q) Records filed with the utilities and transportation commission  
29 or attorney general under RCW 80.04.095 that a court has determined are  
30 confidential under RCW 80.04.095.

31 (r) Financial and commercial information and records supplied by  
32 businesses or individuals during application for loans or program  
33 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
34 or during application for economic development loans or program  
35 services provided by any local agency.

36 (s) Membership lists or lists of members or owners of interests of  
37 units in timeshare projects, subdivisions, camping resorts,  
38 condominiums, land developments, or common-interest communities

1 affiliated with such projects, regulated by the department of  
2 licensing, in the files or possession of the department.

3 (t) All applications for public employment, including the names of  
4 applicants, resumes, and other related materials submitted with respect  
5 to an applicant.

6 (u) The residential addresses and residential telephone numbers of  
7 employees or volunteers of a public agency which are held by the agency  
8 in personnel records, employment or volunteer rosters, or mailing lists  
9 of employees or volunteers.

10 (v) The residential addresses and residential telephone numbers of  
11 the customers of a public utility contained in the records or lists  
12 held by the public utility of which they are customers, except that  
13 this information may be released to the division of child support or  
14 the agency or firm providing child support enforcement for another  
15 state under Title IV-D of the federal social security act, for the  
16 establishment, enforcement, or modification of a support order.

17 (w)(i) The federal social security number of individuals governed  
18 under chapter 18.130 RCW maintained in the files of the department of  
19 health, except this exemption does not apply to requests made directly  
20 to the department from federal, state, and local agencies of  
21 government, and national and state licensing, credentialing,  
22 investigatory, disciplinary, and examination organizations; (ii) the  
23 current residential address and current residential telephone number of  
24 a health care provider governed under chapter 18.130 RCW maintained in  
25 the files of the department, if the provider requests that this  
26 information be withheld from public inspection and copying, and  
27 provides to the department an accurate alternate or business address  
28 and business telephone number. On or after January 1, 1995, the  
29 current residential address and residential telephone number of a  
30 health care provider governed under RCW 18.130.140 maintained in the  
31 files of the department shall automatically be withheld from public  
32 inspection and copying unless the provider specifically requests the  
33 information be released, and except as provided for under RCW  
34 42.17.260(9).

35 (x) Information obtained by the board of pharmacy as provided in  
36 RCW 69.45.090.

37 (y) Information obtained by the board of pharmacy or the department  
38 of health and its representatives as provided in RCW 69.41.044,  
39 69.41.280, and 18.64.420.

1 (z) Financial information, business plans, examination reports, and  
2 any information produced or obtained in evaluating or examining a  
3 business and industrial development corporation organized or seeking  
4 certification under chapter 31.24 RCW.

5 (aa) Financial and commercial information supplied to the state  
6 investment board by any person when the information relates to the  
7 investment of public trust or retirement funds and when disclosure  
8 would result in loss to such funds or in private loss to the providers  
9 of this information.

10 (bb) Financial and valuable trade information under RCW 51.36.120.

11 (cc) Client records maintained by an agency that is a domestic  
12 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
13 crisis center as defined in RCW 70.125.030.

14 (dd) Information that identifies a person who, while an agency  
15 employee: (i) Seeks advice, under an informal process established by  
16 the employing agency, in order to ascertain his or her rights in  
17 connection with a possible unfair practice under chapter 49.60 RCW  
18 against the person; and (ii) requests his or her identity or any  
19 identifying information not be disclosed.

20 (ee) Investigative records compiled by an employing agency  
21 conducting a current investigation of a possible unfair practice under  
22 chapter 49.60 RCW or of a possible violation of other federal, state,  
23 or local laws prohibiting discrimination in employment.

24 (ff) Business related information protected from public inspection  
25 and copying under RCW 15.86.110.

26 (gg) Financial, commercial, operations, and technical and research  
27 information and data submitted to or obtained by the clean Washington  
28 center in applications for, or delivery of, program services under  
29 chapter 70.95H RCW.

30 (hh) Information and documents created specifically for, and  
31 collected and maintained by a quality improvement committee pursuant to  
32 RCW 43.70.510, regardless of which agency is in possession of the  
33 information and documents.

34 (ii) Personal information in files maintained in a data base  
35 created under RCW 43.07.360.

36 (2) Except for information described in subsection (1)(c)(i) of  
37 this section and confidential income data exempted from public  
38 inspection pursuant to RCW 84.40.020, the exemptions of this section  
39 are inapplicable to the extent that information, the disclosure of

1 which would violate personal privacy or vital governmental interests,  
2 can be deleted from the specific records sought. No exemption may be  
3 construed to permit the nondisclosure of statistical information not  
4 descriptive of any readily identifiable person or persons.

5 (3) Inspection or copying of any specific records exempt under the  
6 provisions of this section may be permitted if the superior court in  
7 the county in which the record is maintained finds, after a hearing  
8 with notice thereof to every person in interest and the agency, that  
9 the exemption of such records is clearly unnecessary to protect any  
10 individual's right of privacy or any vital governmental function.

11 (4) Agency responses refusing, in whole or in part, inspection of  
12 any public record shall include a statement of the specific exemption  
13 authorizing the withholding of the record (or part) and a brief  
14 explanation of how the exemption applies to the record withheld.

15 NEW SECTION. **Sec. 101.** A new section is added to chapter 74.20  
16 RCW to read as follows:

17 **ORDERS FOR GENETIC TESTING.** (1) The division of child support may  
18 issue an order for genetic testing when providing services under this  
19 chapter and Title IV-D of the federal social security act if genetic  
20 testing:

21 (a) Is appropriate in an action under chapter 26.26 RCW, the  
22 uniform parentage act;

23 (b) Is appropriate in an action to establish support under RCW  
24 74.20A.056; or

25 (c) Would assist the parties or the division of child support in  
26 determining whether it is appropriate to proceed with an action to  
27 establish or disestablish paternity.

28 (2) The order for genetic testing shall be served on the alleged  
29 parent or parents and the legal parent by personal service or by any  
30 form of mail requiring a return receipt.

31 (3) Within twenty days of the date of service of an order for  
32 genetic testing, any party required to appear for genetic testing, the  
33 child, or a guardian on the child's behalf, may petition in superior  
34 court under chapter 26.26 RCW to bar or postpone genetic testing.

35 (4) The order for genetic testing shall contain:

36 (a) An explanation of the right to proceed in superior court under  
37 subsection (3) of this section;

1 (b) Notice that if no one proceeds under subsection (3) of this  
2 section, the agency issuing the order will schedule genetic testing and  
3 will notify the parties of the time and place of testing by regular  
4 mail;

5 (c) Notice that the parties must keep the agency issuing the order  
6 for genetic testing informed of their residence address and that  
7 mailing a notice of time and place for genetic testing to the last  
8 known address of the parties by regular mail constitutes valid service  
9 of the notice of time and place;

10 (d) Notice that the order for genetic testing may be enforced  
11 through:

12 (i) Public assistance grant reduction for noncooperation, pursuant  
13 to agency rule, if the child and custodian are receiving public  
14 assistance;

15 (ii) Termination of support enforcement services under Title IV-D  
16 of the federal social security act if the child and custodian are not  
17 receiving public assistance;

18 (iii) A referral to superior court for an appropriate action under  
19 chapter 26.26 RCW; or

20 (iv) A referral to superior court for remedial sanctions under RCW  
21 7.21.060.

22 (5) The department may advance the costs of genetic testing under  
23 this section.

24 (6) If an action is pending under chapter 26.26 RCW, a judgment for  
25 reimbursement of the cost of genetic testing may be awarded under RCW  
26 26.26.100.

27 (7) If no action is pending in superior court, the department may  
28 impose an obligation to reimburse costs of genetic testing according to  
29 rules adopted by the department to implement RCW 74.20A.056.

30 **Sec. 102.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to  
31 read as follows:

32 (1) The ~~((office of support enforcement))~~ division of child  
33 support, Washington state support registry, shall provide support  
34 enforcement services under the following circumstances:

35 (a) Whenever public assistance under RCW 74.20.330 is paid;

36 (b) ~~((Whenever a request for nonassistance support enforcement~~  
37 ~~services under RCW 74.20.040(2) is received;~~

1       ~~(e))~~ Whenever a request for support enforcement services under RCW  
2 74.20.040(~~(+3))~~) is received;

3       ~~((d))~~ (c) When a support order which contains language directing  
4 a responsible parent to make support payments to the Washington state  
5 support registry under RCW 26.23.050 is submitted and the division of  
6 child support receives a written application for services or is already  
7 providing services;

8       ~~((e) When a support order is forwarded to the Washington state~~  
9 ~~support registry by the clerk of a superior court under RCW~~  
10 ~~26.23.050(5);~~

11       ~~(f))~~ (d) When the obligor submits a support order or support  
12 payment, and an application, to the Washington state support registry.

13       (2) The ~~((office of support enforcement))~~ division of child support  
14 shall continue to provide support enforcement services for so long as  
15 and under such conditions as the department shall establish by  
16 regulation or until the superior court enters an order removing the  
17 requirement that the obligor make support payments to the Washington  
18 state support registry as provided for in RCW 26.23.050(~~(+2))~~).

19       NEW SECTION. Sec. 103. A new section is added to chapter 26.23  
20 RCW to read as follows:

21       STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of  
22 child support, Washington state support registry shall operate a state  
23 case registry containing records of all orders establishing or  
24 modifying a support order that are entered after October 1, 1998.

25       (2) The superior court clerk, the office of administrative  
26 hearings, and the department of social and health services shall,  
27 within five days of entry, forward to the Washington state support  
28 registry, a true and correct copy of all superior court orders or  
29 administrative orders establishing or modifying a support obligation  
30 that provide that support payments shall be made to the support  
31 registry.

32       (3) The division of child support shall reimburse the clerk for the  
33 reasonable costs of copying and sending copies of court orders to the  
34 registry at the reimbursement rate provided in Title IV-D of the  
35 federal social security act.

36       (4) Effective October 1, 1998, the superior court clerk, the office  
37 of administrative hearings, and the department of social and health  
38 services shall, within five days of entry, forward to the Washington



1 state support registry a true and correct copy of all superior court  
2 orders or administrative orders establishing or modifying a support  
3 obligation.

4 (5) Receipt of a support order by the registry or other action  
5 under this section on behalf of a person or persons who have not made  
6 a written application for support enforcement services to the division  
7 of child support and who are not recipients of public assistance is  
8 deemed to be:

9 (a) A request for payment services only if the order requires  
10 payment to the Washington state support registry;

11 (b) A submission for inclusion in the state case registry if the  
12 order does not require that support payments be made to the Washington  
13 state support registry.

14 NEW SECTION. **Sec. 104.** A new section is added to chapter 26.23  
15 RCW to read as follows:

16 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO  
17 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or  
18 child support proceeding must provide the court and the Washington  
19 state child support registry with his or her:

20 (a) Social security number;

21 (b) Current residential address;

22 (c) Date of birth;

23 (d) Telephone number;

24 (e) Driver's license number; and

25 (f) Employer's name, address, and telephone number.

26 (2) Each party to an order entered in a child support or paternity  
27 proceeding shall update the information required under subsection (1)  
28 of this section promptly after any change in the information. The duty  
29 established under this section continues as long as any monthly support  
30 or support debt remains due under the support order.

31 (3) In any proceeding to establish, enforce, or modify the child  
32 support order between the parties, a party may demonstrate to the  
33 presiding officer that he or she has diligently attempted to locate the  
34 other party. Upon a showing of diligent efforts to locate, the  
35 presiding officer may allow, or accept as adequate, service of process  
36 for the action by delivery of written notice to the address most  
37 recently provided by the party under this section.

1 (4) All support orders shall contain notice to the parties of the  
2 obligations established by this section and possibility of service of  
3 process according to subsection (3) of this section.

4 **Sec. 105.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to  
5 read as follows:

6 (1) There is created a Washington state support registry within the  
7 (~~office of support enforcement~~) division of child support as the  
8 agency designated in Washington state to administer the child support  
9 program under Title IV-D of the federal social security act. The  
10 registry shall:

11 (a) Provide a central unit for collection of support payments made  
12 to the registry;

13 (b) Account for and disburse all support payments received by the  
14 registry;

15 (~~(b)~~) (c) Maintain the necessary records including, but not  
16 limited to, information on support orders, support debts, the date and  
17 amount of support due; the date and amount of payments; and the names,  
18 social security numbers, and addresses of the parties;

19 (~~(e)~~) (d) Develop procedures for providing information to the  
20 parties regarding action taken by, and support payments collected and  
21 distributed by the registry; and

22 (e) Maintain a state child support case registry to compile and  
23 maintain records on all child support orders entered in the state of  
24 Washington.

25 (2) The (~~office of support enforcement~~) division of child support  
26 may assess and collect interest at the rate of twelve percent per year  
27 on unpaid child support that has accrued under any support order  
28 entered into the registry. This interest rate shall not apply to those  
29 support orders already specifying an interest assessment at a different  
30 rate.

31 (3) The secretary of social and health services shall adopt rules  
32 for the maintenance and retention of records of support payments and  
33 for the archiving and destruction of such records when the support  
34 obligation terminates or is satisfied. When a support obligation  
35 established under court order entered in a superior court of this state  
36 has been satisfied, a satisfaction of judgment form shall be prepared  
37 by the registry and filed with the clerk of the court in which the  
38 order was entered.

1       **Sec. 106.** RCW 74.20A.060 and 1989 c 360 s 9 and 1989 c 175 s 153  
2 are each reenacted and amended to read as follows:

3       (1) The secretary may assert a lien upon the real or personal  
4 property of a responsible parent:

5       (a) When a support payment is past due, if the parent's support  
6 order (~~was entered in accordance with RCW 26.23.050(1)~~) contains  
7 notice that liens may be enforced against real and personal property,  
8 or notice that action may be taken under this chapter;

9       (b) Twenty-one days after service of a notice of support debt under  
10 RCW 74.20A.040;

11       (c) Twenty-one days after service of a notice and finding of  
12 financial responsibility under RCW 74.20A.055;

13       (d) Twenty-one days after service of a notice and finding of  
14 parental responsibility;

15       (e) Twenty-one days after service of a notice of support owed under  
16 RCW 26.23.110; or

17       (f) When appropriate under RCW 74.20A.270.

18       (2) The division of child support may use uniform interstate lien  
19 forms adopted by the United States department of health and human  
20 services to assert liens on a responsible parent's real and personal  
21 property located in another state.

22       (3) The claim of the department for a support debt, not paid when  
23 due, shall be a lien against all property of the debtor with priority  
24 of a secured creditor. This lien shall be separate and apart from, and  
25 in addition to, any other lien created by, or provided for, in this  
26 title. The lien shall attach to all real and personal property of the  
27 debtor on the date of filing of such statement with the county auditor  
28 of the county in which such property is located.

29       (~~(3)~~) (4) Whenever a support lien has been filed and there is in  
30 the possession of any person, firm, corporation, association, political  
31 subdivision or department of the state having notice of said lien any  
32 property which may be subject to the support lien, such property shall  
33 not be paid over, released, sold, transferred, encumbered or conveyed,  
34 except as provided for by the exemptions contained in RCW 74.20A.090  
35 and 74.20A.130, unless:

36       (a) A written release or waiver signed by the secretary has been  
37 delivered to said person, firm, corporation, association, political  
38 subdivision or department of the state; or

1 (b) A determination has been made in an adjudicative proceeding  
2 pursuant to RCW 74.20A.055 or by a superior court ordering release of  
3 said support lien on the basis that no debt exists or that the debt has  
4 been satisfied.

5 **Sec. 107.** RCW 74.20A.080 and 1994 c 230 s 20 are each amended to  
6 read as follows:

7 (1) The secretary may issue to any person, firm, corporation,  
8 association, political subdivision, department of the state, or agency,  
9 subdivision, or instrumentality of the United States, an order to  
10 withhold and deliver property of any kind, including but not restricted  
11 to earnings which are or might become due, owing, or belonging to the  
12 debtor, when the secretary has reason to believe that there is in the  
13 possession of such person, firm, corporation, association, political  
14 subdivision, department of the state, or agency, subdivision, or  
15 instrumentality of the United States property which is or might become  
16 due, owing, or belonging to said debtor. Such order to withhold and  
17 deliver may be issued:

18 (a) (~~When a support payment is past due~~) At any time, if a  
19 responsible parent's support order:

20 (i) Contains (~~language directing the parent to make support~~  
21 ~~payments to the Washington state support registry; and~~) notice that  
22 withholding action may be taken against earnings, wages, or assets  
23 without further notice to the parent; or

24 (ii) Includes a statement that other income-withholding action  
25 under this chapter may be taken without further notice to the  
26 responsible parent(~~, as provided for in RCW 26.23.050(1)~~);

27 (b) Twenty-one days after service of a notice of support debt under  
28 RCW 74.20A.040;

29 (c) Twenty-one days after service of a notice and finding of  
30 parental responsibility under RCW 74.20A.056;

31 (d) Twenty-one days after service of a notice of support owed under  
32 RCW 26.23.110;

33 (e) Twenty-one days after service of a notice and finding of  
34 financial responsibility under RCW 74.20A.055; or

35 (f) When appropriate under RCW 74.20A.270.

36 (2) The order to withhold and deliver shall:

1       (a) State the amount to be withheld on a periodic basis if the  
2 order to withhold and deliver is being served to secure payment of  
3 monthly current support;

4       (b) State the amount of the support debt accrued;

5       (~~(b)~~) (c) State in summary the terms of RCW 74.20A.090 and  
6 74.20A.100;

7       (~~(e)~~) (d) Be served in the manner prescribed for the service of  
8 a summons in a civil action or by certified mail, return receipt  
9 requested.

10       (3) The division of child support may use uniform interstate  
11 withholding forms adopted by the United States department of health and  
12 human services to take withholding actions under this section when the  
13 responsible parent is owed money or property that is located in another  
14 state.

15       (4) Any person, firm, corporation, association, political  
16 subdivision, department of the state, or agency, subdivision, or  
17 instrumentality of the United States upon whom service has been made is  
18 hereby required to:

19       (a) Answer said order to withhold and deliver within twenty days,  
20 exclusive of the day of service, under oath and in writing, and shall  
21 make true answers to the matters inquired of therein; and

22       (b) Provide further and additional answers when requested by the  
23 secretary.

24       (~~(4)~~) (5) Any such person, firm, corporation, association,  
25 political subdivision, department of the state, or agency, subdivision,  
26 or instrumentality of the United States in possession of any property  
27 which may be subject to the claim of the department (~~(of social and~~  
28 ~~health services)~~) shall:

29       (a)(i) Immediately withhold such property upon receipt of the order  
30 to withhold and deliver; and

31       (ii) Immediately deliver the property to the secretary as soon as  
32 the twenty-day answer period expires;

33       (iii) Continue to withhold earnings payable to the debtor at each  
34 succeeding disbursement interval as provided for in RCW 74.20A.090, and  
35 deliver amounts withheld from earnings to the secretary on the date  
36 earnings are payable to the debtor;

37       (iv) Deliver amounts withheld from periodic payments to the  
38 secretary on the date the payments are payable to the debtor;

1        (v) Inform the secretary of the date the amounts were withheld as  
2 requested under this section; or

3        (b) Furnish to the secretary a good and sufficient bond,  
4 satisfactory to the secretary, conditioned upon final determination of  
5 liability.

6        ~~((+5))~~ (6) An order to withhold and deliver served under this  
7 section shall not expire until:

8        (a) Released in writing by the ~~((office of support enforcement))~~  
9 division of child support;

10        (b) Terminated by court order; or

11        (c) The person or entity receiving the order to withhold and  
12 deliver does not possess property of or owe money to the debtor for any  
13 period of twelve consecutive months following the date of service of  
14 the order to withhold and deliver.

15        ~~((+6))~~ (7) Where money is due and owing under any contract of  
16 employment, express or implied, or is held by any person, firm,  
17 corporation, or association, political subdivision, or department of  
18 the state, or agency, subdivision, or instrumentality of the United  
19 States subject to withdrawal by the debtor, such money shall be  
20 delivered by remittance payable to the order of the secretary.

21        ~~((+7))~~ (8) Delivery to the secretary of the money or other  
22 property held or claimed shall satisfy the requirement and serve as  
23 full acquittance of the order to withhold and deliver.

24        ~~((+8))~~ (9) A person, firm, corporation, or association, political  
25 subdivision, department of the state, or agency, subdivision, or  
26 instrumentality of the United States that complies with the order to  
27 withhold and deliver under this chapter is not civilly liable to the  
28 debtor for complying with the order to withhold and deliver under this  
29 chapter.

30        ~~((+9))~~ (10) The secretary may hold the money or property delivered  
31 under this section in trust for application on the indebtedness  
32 involved or for return, without interest, in accordance with final  
33 determination of liability or nonliability.

34        ~~((+10))~~ (11) Exemptions contained in RCW 74.20A.090 apply to  
35 orders to withhold and deliver issued under this section.

36        ~~((+11))~~ (12) The secretary shall also, on or before the date of  
37 service of the order to withhold and deliver, mail or cause to be  
38 mailed a copy of the order to withhold and deliver to the debtor at the  
39 debtor's last known post office address, or, in the alternative, a copy

1 of the order to withhold and deliver shall be served on the debtor in  
2 the same manner as a summons in a civil action on or before the date of  
3 service of the order or within two days thereafter. The copy of the  
4 order shall be mailed or served together with a concise explanation of  
5 the right to petition for judicial review. This requirement is not  
6 jurisdictional, but, if the copy is not mailed or served as in this  
7 section provided, or if any irregularity appears with respect to the  
8 mailing or service, the superior court, in its discretion on motion of  
9 the debtor promptly made and supported by affidavit showing that the  
10 debtor has suffered substantial injury due to the failure to mail the  
11 copy, may set aside the order to withhold and deliver and award to the  
12 debtor an amount equal to the damages resulting from the secretary's  
13 failure to serve on or mail to the debtor the copy.

14 ~~((12))~~ (13) An order to withhold and deliver issued in accordance  
15 with this section has priority over any other wage assignment,  
16 garnishment, attachment, or other legal process ~~(, except for another  
17 wage assignment, garnishment, attachment, or other legal process for  
18 child support))~~.

19 ~~((13))~~ (14) The ~~((office of support enforcement))~~ division of  
20 child support shall notify any person, firm, corporation, association,  
21 or political subdivision, department of the state, or agency,  
22 subdivision, or instrumentality of the United States required to  
23 withhold and deliver the earnings of a debtor under this action that  
24 they may deduct a processing fee from the remainder of the debtor's  
25 earnings, even if the remainder would otherwise be exempt under RCW  
26 74.20A.090. The processing fee shall not exceed ten dollars for the  
27 first disbursement to the department and one dollar for each subsequent  
28 disbursement under the order to withhold and deliver.

29 **Sec. 108.** RCW 26.23.120 and 1994 c 230 s 12 are each amended to  
30 read as follows:

31 (1) Any information or records concerning individuals who owe a  
32 support obligation or for whom support enforcement services are being  
33 provided which are obtained or maintained by the Washington state  
34 support registry, the ~~((office of support enforcement))~~ division of  
35 child support, or under chapter 74.20 RCW shall be private and  
36 confidential and shall only be subject to public disclosure as provided  
37 in subsection (2) of this section.

1 (2) The secretary of the department of social and health services  
2 (~~shall~~) may adopt rules (~~which~~):

3 (a) That specify what information is confidential;

4 (b) That specify the individuals or agencies to whom this  
5 information and these records may be disclosed( ( ) );

6 (c) Limiting the purposes for which the information may be  
7 disclosed( ( , and the ) );

8 (d) Establishing procedures to obtain the information or records;  
9 or

10 (e) Establishing safeguards necessary to comply with federal law  
11 requiring safeguarding of information.

12 (3) The rules adopted under subsection (2) of this section shall  
13 provide for disclosure of the information and records, under  
14 appropriate circumstances, which shall include, but not be limited to:

15 (a) When authorized or required by federal statute or regulation  
16 governing the support enforcement program;

17 (b) To the person the subject of the records or information, unless  
18 the information is exempt from disclosure under RCW 42.17.310;

19 (c) To government agencies, whether state, local, or federal, and  
20 including federally recognized tribes, law enforcement agencies,  
21 prosecuting agencies, and the executive branch, if the disclosure is  
22 necessary for child support enforcement purposes or required under  
23 Title IV-D of the federal social security act;

24 (d) To the parties in a judicial or adjudicative proceeding upon a  
25 specific written finding by the presiding officer that the need for the  
26 information outweighs any reason for maintaining the privacy and  
27 confidentiality of the information or records;

28 (e) To private persons, federally recognized tribes, or  
29 organizations if the disclosure is necessary to permit private  
30 contracting parties to assist in the management and operation of the  
31 department;

32 (f) Disclosure of address and employment information to the parties  
33 to an action for purposes relating to a child support order, subject to  
34 the limitations in subsections (4) and (5) of this section;

35 (g) Disclosure of information or records when necessary to the  
36 efficient administration of the support enforcement program or to the  
37 performance of functions and responsibilities of the support registry  
38 and the (~~office of support enforcement~~) division of child support as  
39 set forth in state and federal statutes; or



1 (h) Disclosure of the information or records when authorized under  
2 RCW 74.04.060.

3 ~~((+3))~~ (4) Prior to disclosing the ~~((physical custodian's address~~  
4 ~~under subsection (2)(f) of this section))~~ whereabouts of a parent or a  
5 party to a support order to the other parent or party, a notice shall  
6 be mailed, if appropriate under the circumstances, to the ((physical  
7 custodian)) parent or other party whose whereabouts are to be  
8 disclosed, at ((the physical custodian's)) that person's last known  
9 address. The notice shall advise the ((physical custodian)) parent or  
10 party that a request for disclosure has been made and will be complied  
11 with unless the department:

12 (a) Receives a copy of a court order within thirty days which  
13 enjoins the disclosure of the information or restricts or limits the  
14 requesting party's right to contact or visit the ((physical custodian))  
15 parent or party whose address is to be disclosed or the child((, or the  
16 custodial parent requests a hearing to contest the disclosure));

17 (b) Receives a hearing request within thirty days under subsection  
18 (5) of this section; or

19 (c) Has reason to believe that the release of the information may  
20 result in physical or emotional harm to the party whose whereabouts are  
21 to be released, or to the child.

22 (5) A person receiving notice under subsection (4) of this section  
23 may request an adjudicative proceeding under chapter 34.05 RCW, at  
24 which the person may show that there is reason to believe that release  
25 of the information may result in physical or emotional harm to the  
26 person or the child. The administrative law judge shall determine  
27 whether the ((address)) whereabouts of the ((custodial parent)) person  
28 should be disclosed based on ((the same standard as a claim of "good  
29 cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c)) subsection (4)(c)  
30 of this section, however no hearing is necessary if the department has  
31 in its possession a protective order or an order limiting visitation or  
32 contact.

33 ~~((+4))~~ (6) Nothing in this section shall be construed as limiting  
34 or restricting the effect of RCW 42.17.260~~((+6))~~ (9). Nothing in this  
35 section shall be construed to prevent the disclosure of information and  
36 records if all details identifying an individual are deleted or the  
37 individual consents to the disclosure.

38 ~~((+5))~~ (7) It shall be unlawful for any person or agency in  
39 violation of this section to solicit, publish, disclose, receive, make

1 use of, or to authorize, knowingly permit, participate in or acquiesce  
2 in the use of any lists of names for commercial or political purposes  
3 or the use of any information for purposes other than those purposes  
4 specified in this section. A violation of this section shall be a  
5 gross misdemeanor as provided in chapter 9A.20 RCW.

6 **Sec. 109.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to  
7 read as follows:

8 (1) Application for a marriage license must be made and filed with  
9 the appropriate county auditor upon blanks to be provided by the county  
10 auditor for that purpose, which application shall be under the oath of  
11 each of the applicants, and each application shall state the name,  
12 address at the time of execution of application, age, social security  
13 number, birthplace, whether single, widowed or divorced, and whether  
14 under control of a guardian, residence during the past six months:  
15 PROVIDED, That each county may require such other and further  
16 information on said application as it shall deem necessary.

17 (2) The county legislative authority may impose an additional fee  
18 up to fifteen dollars on a marriage license for the purpose of funding  
19 family services such as family support centers.

20 **Sec. 110.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to  
21 read as follows:

22 (1) Except as otherwise provided in subsection (7) of RCW  
23 26.09.070, the provisions of any decree respecting maintenance or  
24 support may be modified: (a) Only as to installments accruing  
25 subsequent to the petition for modification or motion for adjustment  
26 except motions to compel court-ordered adjustments, which shall be  
27 effective as of the first date specified in the decree for implementing  
28 the adjustment; and, (b) except as otherwise provided in subsections  
29 (4), (5), (8), and (9) of this section, only upon a showing of a  
30 substantial change of circumstances. The provisions as to property  
31 disposition may not be revoked or modified, unless the court finds the  
32 existence of conditions that justify the reopening of a judgment under  
33 the laws of this state.

34 (2) Unless otherwise agreed in writing or expressly provided in the  
35 decree the obligation to pay future maintenance is terminated upon the  
36 death of either party or the remarriage of the party receiving  
37 maintenance.

1 (3) Unless otherwise agreed in writing or expressly provided in the  
2 decree, provisions for the support of a child are terminated by  
3 emancipation of the child or by the death of the parent obligated to  
4 support the child.

5 (4) An order of child support may be modified one year or more  
6 after it has been entered without showing a substantial change of  
7 circumstances:

8 (a) If the order in practice works a severe economic hardship on  
9 either party or the child;

10 (b) If a party requests an adjustment in an order for child support  
11 which was based on guidelines which determined the amount of support  
12 according to the child's age, and the child is no longer in the age  
13 category on which the current support amount was based;

14 (c) If a child is still in high school, upon a finding that there  
15 is a need to extend support beyond the eighteenth birthday to complete  
16 high school; or

17 (d) To add an automatic adjustment of support provision consistent  
18 with RCW 26.09.100.

19 (5) An order or decree entered prior to June 7, 1984, may be  
20 modified without showing a substantial change of circumstances if the  
21 requested modification is to:

22 (a) Require health insurance coverage for a child named therein; or

23 (b) Modify an existing order for health insurance coverage.

24 (6) An obligor's voluntary unemployment or voluntary  
25 underemployment, by itself, is not a substantial change of  
26 circumstances.

27 (7) The department of social and health services may file an action  
28 to modify an order of child support if public assistance money is being  
29 paid to or for the benefit of the child and the child support order is  
30 twenty-five percent or more below the appropriate child support amount  
31 set forth in the standard calculation as defined in RCW 26.19.011 and  
32 reasons for the deviation are not set forth in the findings of fact or  
33 order. The determination of twenty-five percent or more shall be based  
34 on the current income of the parties and the department shall not be  
35 required to show a substantial change of circumstances if the reasons  
36 for the deviations were not set forth in the findings of fact or order.

37 (8)(a) All child support decrees may be adjusted once every twenty-  
38 four months based upon changes in the income of the parents without a  
39 showing of substantially changed circumstances. Either party may

1 initiate the adjustment by filing a motion and child support  
2 worksheets.

3 (b) A party may petition for modification in cases of substantially  
4 changed circumstances under subsection (1) of this section at any time.  
5 However, if relief is granted under subsection (1) of this section,  
6 twenty-four months must pass before a motion for an adjustment under  
7 (a) of this subsection may be filed.

8 (c) If, pursuant to (a) of this subsection or subsection (9) of  
9 this section, the court adjusts or modifies a child support obligation  
10 by more than thirty percent and the change would cause significant  
11 hardship, the court may implement the change in two equal increments,  
12 one at the time of the entry of the order and the second six months  
13 from the entry of the order. Twenty-four months must pass following  
14 the second change before a motion for an adjustment under (a) of this  
15 subsection may be filed.

16 (d) A parent who is receiving transfer payments who receives a wage  
17 or salary increase may not bring a modification action pursuant to  
18 subsection (1) of this section alleging that increase constitutes a  
19 substantial change of circumstances.

20 (e) The department of social and health services may file an action  
21 at any time to modify an order of child support in cases of  
22 substantially changed circumstances if public assistance money is being  
23 paid to or for the benefit of the child. The determination of the  
24 existence of substantially changed circumstances by the department that  
25 lead to the filing of an action to modify the order of child support is  
26 not binding upon the court.

27 (9) An order of child support may be adjusted twenty-four months  
28 from the date of the entry of the decree or the last adjustment or  
29 modification, whichever is later, based upon changes in the economic  
30 table or standards in chapter 26.19 RCW.

31 **Sec. 111.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to  
32 read as follows:

33 In this chapter:

34 (1) "Child" means an individual, whether over or under the age of  
35 majority, who is or is alleged to be owed a duty of support by the  
36 individual's parent or who is or is alleged to be the beneficiary of a  
37 support order directed to the parent.

1 (2) "Child support order" means a support order for a child,  
2 including a child who has attained the age of majority under the law of  
3 the issuing state.

4 (3) "Duty of support" means an obligation imposed or imposable by  
5 law to provide support for a child, spouse, or former spouse, including  
6 an unsatisfied obligation to provide support.

7 (4) "Home state" means the state in which a child lived with a  
8 parent or a person acting as parent for at least six consecutive months  
9 immediately preceding the time of filing of a petition or comparable  
10 pleading for support and, if a child is less than six months old, the  
11 state in which the child lived from birth with any of them. A period  
12 of temporary absence of any of them is counted as part of the six-month  
13 or other period.

14 (5) "Income" includes earnings or other periodic entitlements to  
15 money from any source and any other property subject to withholding for  
16 support under the law of this state.

17 (6) "Income-withholding order" means an order or other legal  
18 process directed to an obligor's employer or other debtor, as defined  
19 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income  
20 of the obligor.

21 (7) "Initiating state" means a state (~~in~~) from which a proceeding  
22 is forwarded or in which a proceeding is filed for forwarding to a  
23 responding state under this chapter or a law or procedure substantially  
24 similar to this chapter, the Uniform Reciprocal Enforcement of Support  
25 Act, or the Revised Uniform Reciprocal Enforcement of Support Act (~~is~~  
26 ~~filed for forwarding to a responding state~~)).

27 (8) "Initiating tribunal" means the authorized tribunal in an  
28 initiating state.

29 (9) "Issuing state" means the state in which a tribunal issues a  
30 support order or renders a judgment determining parentage.

31 (10) "Issuing tribunal" means the tribunal that issues a support  
32 order or renders a judgment determining parentage.

33 (11) "Law" includes decisional and statutory law and rules and  
34 regulations having the force of law.

35 (12) "Obligee" means:

36 (a) An individual to whom a duty of support is or is alleged to be  
37 owed or in whose favor a support order has been issued or a judgment  
38 determining parentage has been rendered;

1 (b) A state or political subdivision to which the rights under a  
2 duty of support or support order have been assigned or which has  
3 independent claims based on financial assistance provided to an  
4 individual obligee; or

5 (c) An individual seeking a judgment determining parentage of the  
6 individual's child.

7 (13) "Obligor" means an individual, or the estate of a decedent:

8 (a) Who owes or is alleged to owe a duty of support;

9 (b) Who is alleged but has not been adjudicated to be a parent of  
10 a child; or

11 (c) Who is liable under a support order.

12 (14) "Register" means to record or file in the appropriate location  
13 for the recording or filing of foreign judgments generally or foreign  
14 support orders specifically, a support order or judgment determining  
15 parentage.

16 (15) "Registering tribunal" means a tribunal in which a support  
17 order is registered.

18 (16) "Responding state" means a state ~~((to))~~ in which a proceeding  
19 is filed or to which a proceeding is forwarded for filing from an  
20 initiating state under this chapter or a law or procedure substantially  
21 similar to this chapter, the Uniform Reciprocal Enforcement of Support  
22 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

23 (17) "Responding tribunal" means the authorized tribunal in a  
24 responding state.

25 (18) "Spousal support order" means a support order for a spouse or  
26 former spouse of the obligor.

27 (19) "State" means a state of the United States, the District of  
28 Columbia, ~~((the Commonwealth of))~~ Puerto Rico, the United States Virgin  
29 Islands, or any territory or insular possession subject to the  
30 jurisdiction of the United States. The term ~~(("state"))~~ includes:

31 (i) An Indian tribe ((and includes)); and

32 (ii) A foreign jurisdiction that has enacted a law or established  
33 procedures for issuance and enforcement of support orders ((that))  
34 which are substantially similar to the procedures under this chapter,  
35 the Uniform Reciprocal Enforcement of Support Act, or the Revised  
36 Uniform Reciprocal Enforcement of Support Act.

37 (20) "Support enforcement agency" means a public official or agency  
38 authorized to seek:

1 (a) Enforcement of support orders or laws relating to the duty of  
2 support;

3 (b) Establishment or modification of child support;

4 (c) Determination of parentage; or

5 (d) Location of obligors or their assets.

6 (21) "Support order" means a judgment, decree, or order, whether  
7 temporary, final, or subject to modification, for the benefit of a  
8 child, a spouse, or a former spouse, that provides for monetary  
9 support, health care, arrearages, or reimbursement, and may include  
10 related costs and fees, interest, income withholding, attorneys' fees,  
11 and other relief.

12 (22) "Tribunal" means a court, administrative agency, or quasi-  
13 judicial entity authorized to establish, enforce, or modify support  
14 orders or to determine parentage.

15 **Sec. 112.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to  
16 read as follows:

17 (1) A tribunal of this state issuing a support order consistent  
18 with the law of this state has continuing, exclusive jurisdiction over  
19 a child support order:

20 (a) As long as this state remains the residence of the obligor, the  
21 individual obligee, or the child for whose benefit the support order is  
22 issued; or

23 (b) Until ~~((each individual party has))~~ all of the parties who are  
24 individuals have filed written consents with the tribunal of this state  
25 for a tribunal of another state to modify the order and assume  
26 continuing, exclusive jurisdiction.

27 (2) A tribunal of this state issuing a child support order  
28 consistent with the law of this state may not exercise its continuing  
29 jurisdiction to modify the order if the order has been modified by a  
30 tribunal of another state pursuant to this chapter or a law  
31 substantially similar to this chapter.

32 (3) If a child support order of this state is modified by a  
33 tribunal of another state pursuant to this chapter or a law  
34 substantially similar to this chapter, a tribunal of this state loses  
35 its continuing, exclusive jurisdiction with regard to prospective  
36 enforcement of the order issued in this state, and may only:

37 (a) Enforce the order that was modified as to amounts accruing  
38 before the modification;

1 (b) Enforce nonmodifiable aspects of that order; and  
2 (c) Provide other appropriate relief for violations of that order  
3 which occurred before the effective date of the modification.

4 (4) A tribunal of this state shall recognize the continuing,  
5 exclusive jurisdiction of a tribunal of another state that has issued  
6 a child support order pursuant to this chapter or a law substantially  
7 similar to this chapter.

8 (5) A temporary support order issued ex parte or pending resolution  
9 of a jurisdictional conflict does not create continuing, exclusive  
10 jurisdiction in the issuing tribunal.

11 (6) A tribunal of this state issuing a support order consistent  
12 with the law of this state has continuing, exclusive jurisdiction over  
13 a spousal support order throughout the existence of the support  
14 obligation. A tribunal of this state may not modify a spousal support  
15 order issued by a tribunal of another state having continuing,  
16 exclusive jurisdiction over that order under the law of that state.

17 **Sec. 113.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to  
18 read as follows:

19 (1) If a proceeding is brought under this chapter and only one  
20 tribunal has issued a child support order, the order of that tribunal  
21 controls and must be so recognized.

22 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two  
23 or more child support orders have been issued ~~((in))~~ by tribunals of  
24 this state or another state with regard to ~~((an))~~ the same obligor and  
25 ~~((a))~~ child, a tribunal of this state shall apply the following rules  
26 in determining which order to recognize for purposes of continuing,  
27 exclusive jurisdiction:

28 (a) If only one of the tribunals ~~((has issued a child support~~  
29 ~~order))~~ would have continuing, exclusive jurisdiction under this  
30 chapter, the order of that tribunal controls and must be so recognized.

31 (b) ~~((If two or more tribunals have issued child support orders for~~  
32 ~~the same obligor and child, and only one of the tribunals would have~~  
33 ~~continuing, exclusive jurisdiction under this chapter, the order of~~  
34 ~~that tribunal must be recognized.~~

35 (c) If ~~((two or more tribunals have issued child support orders~~  
36 ~~for the same obligor and child, and))~~ more than one of the tribunals  
37 would have continuing, exclusive jurisdiction under this chapter, an  
38 order issued by a tribunal in the current home state of the child



1 controls and must be so recognized, but if an order has not been issued  
2 in the current home state of the child, the order most recently issued  
3 controls and must be so recognized.

4 ~~((d) If two or more tribunals have issued child support orders for~~  
5 ~~the same obligor and child, and none of the tribunals would have~~  
6 ~~continuing, exclusive jurisdiction under this chapter, the tribunal of~~  
7 ~~this state may issue a child support order, which must be recognized.~~

8 ~~(2) The tribunal that has issued an order recognized under~~  
9 ~~subsection (1) of this section is the tribunal having continuing,~~  
10 ~~exclusive jurisdiction.))~~

11 (c) If none of the tribunals would have continuing, exclusive  
12 jurisdiction under this chapter, the tribunal of this state having  
13 jurisdiction over the parties shall issue a child support order, which  
14 controls and must be so recognized.

15 (3) If two or more child support orders have been issued for the  
16 same obligor and child and if the obligor or the individual obligee  
17 resides in this state, a party may request a tribunal of this state to  
18 determine which order controls and must be so recognized under  
19 subsection (2) of this section. The request must be accompanied by a  
20 certified copy of every support order in effect. The requesting party  
21 shall give notice of the request to each party whose rights may be  
22 affected by the determination.

23 (4) The tribunal that issued the controlling order under subsection  
24 (1), (2), or (3) of this section is the tribunal that has continuing,  
25 exclusive jurisdiction under RCW 26.21.115.

26 (5) A tribunal of this state which determines by order the identity  
27 of the controlling order under subsection (2)(a) or (b) of this section  
28 or which issues a new controlling order under subsection (2)(c) of this  
29 section shall state in that order the basis upon which the tribunal  
30 made its determination.

31 (6) Within thirty days after issuance of an order determining the  
32 identity of the controlling order, the party obtaining the order shall  
33 file a certified copy of it with each tribunal that issued or  
34 registered an earlier order of child support. A party who obtains the  
35 order and fails to file a certified copy is subject to appropriate  
36 sanctions by a tribunal in which the issue of failure to file arises.  
37 The failure to file does not affect the validity or enforceability of  
38 the controlling order.

1       **Sec. 114.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to  
2 read as follows:

3       (1) Upon the filing of a petition authorized by this chapter, an  
4 initiating tribunal of this state shall forward three copies of the  
5 petition and its accompanying documents:

6       (~~(1)~~) (a) To the responding tribunal or appropriate support  
7 enforcement agency in the responding state; or

8       (~~(2)~~) (b) If the identity of the responding tribunal is unknown,  
9 to the state information agency of the responding state with a request  
10 that they be forwarded to the appropriate tribunal and that receipt be  
11 acknowledged.

12       (2) If a responding state has not enacted the Uniform Interstate  
13 Family Support Act or a law or procedure substantially similar to the  
14 Uniform Interstate Family Support Act, a tribunal of this state may  
15 issue a certificate or other document and make findings required by the  
16 law of the responding state. If the responding state is a foreign  
17 jurisdiction, the tribunal may specify the amount of support sought and  
18 provide other documents necessary to satisfy the requirements of the  
19 responding state.

20       **Sec. 115.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to  
21 read as follows:

22       (1) When a responding tribunal of this state receives a petition or  
23 comparable pleading from an initiating tribunal or directly pursuant to  
24 RCW 26.21.205(3), it shall cause the petition or pleading to be filed  
25 and notify the petitioner (~~by first class mail~~) where and when it was  
26 filed.

27       (2) A responding tribunal of this state, to the extent otherwise  
28 authorized by law, may do one or more of the following:

29       (a) Issue or enforce a support order, modify a child support order,  
30 or render a judgment to determine parentage;

31       (b) Order an obligor to comply with a support order, specifying the  
32 amount and the manner of compliance;

33       (c) Order income withholding;

34       (d) Determine the amount of any arrearages, and specify a method of  
35 payment;

36       (e) Enforce orders by civil or criminal contempt, or both;

37       (f) Set aside property for satisfaction of the support order;

38       (g) Place liens and order execution on the obligor's property;

1 (h) Order an obligor to keep the tribunal informed of the obligor's  
2 current residential address, telephone number, employer, address of  
3 employment, and telephone number at the place of employment;

4 (i) Issue a bench warrant or writ of arrest for an obligor who has  
5 failed after proper notice to appear at a hearing ordered by the  
6 tribunal and enter the bench warrant or writ of arrest in any local and  
7 state computer systems for criminal warrants;

8 (j) Order the obligor to seek appropriate employment by specified  
9 methods;

10 (k) Award reasonable attorneys' fees and other fees and costs; and

11 (l) Grant any other available remedy.

12 (3) A responding tribunal of this state shall include in a support  
13 order issued under this chapter, or in the documents accompanying the  
14 order, the calculations on which the support order is based.

15 (4) A responding tribunal of this state may not condition the  
16 payment of a support order issued under this chapter upon compliance by  
17 a party with provisions for visitation.

18 (5) If a responding tribunal of this state issues an order under  
19 this chapter, the tribunal shall send a copy of the order ((~~by first~~  
20 ~~class mail~~)) to the petitioner and the respondent and to the initiating  
21 tribunal, if any.

22 **Sec. 116.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to  
23 read as follows:

24 If a petition or comparable pleading is received by an  
25 inappropriate tribunal of this state, it shall forward the pleading and  
26 accompanying documents to an appropriate tribunal in this state or  
27 another state and notify the petitioner ((~~by first class mail~~)) where  
28 and when the pleading was sent.

29 **Sec. 117.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to  
30 read as follows:

31 (1) A support enforcement agency of this state, upon request, shall  
32 provide services to a petitioner in a proceeding under this chapter.

33 (2) A support enforcement agency that is providing services to the  
34 petitioner as appropriate shall:

35 (a) Take all steps necessary to enable an appropriate tribunal in  
36 this state or another state to obtain jurisdiction over the respondent;

1 (b) Request an appropriate tribunal to set a date, time, and place  
2 for a hearing;

3 (c) Make a reasonable effort to obtain all relevant information,  
4 including information as to income and property of the parties;

5 (d) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and  
6 legal holidays, after receipt of a written notice from an initiating,  
7 responding, or registering tribunal, send a copy of the notice ~~((by~~  
8 ~~first-class mail))~~ to the petitioner;

9 (e) Within ~~((two))~~ five days, exclusive of Saturdays, Sundays, and  
10 legal holidays, after receipt of a written communication from the  
11 respondent or the respondent's attorney, send a copy of the  
12 communication ~~((by first-class mail))~~ to the petitioner; and

13 (f) Notify the petitioner if jurisdiction over the respondent  
14 cannot be obtained.

15 (3) This chapter does not create or negate a relationship of  
16 attorney and client or other fiduciary relationship between a support  
17 enforcement agency or the attorney for the agency and the individual  
18 being assisted by the agency.

19 **Sec. 118.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to  
20 read as follows:

21 ~~((1))~~ An income-withholding order issued in another state may be  
22 sent ~~((by first-class mail))~~ to the person or entity defined as the  
23 obligor's employer under ~~((chapter 6.27))~~ RCW 50.04.080 without first  
24 filing a petition or comparable pleading or registering the order with  
25 a tribunal of this state. ~~((Upon receipt of the order, the employer~~  
26 ~~shall:~~

27 ~~(a) Treat an income-withholding order issued in another state that~~  
28 ~~appears regular on its face as if it had been issued by a tribunal of~~  
29 ~~this state;~~

30 ~~(b) Immediately provide a copy of the order to the obligor; and~~

31 ~~(c) Distribute the funds as directed in the income-withholding~~  
32 ~~order.~~

33 ~~(2) An obligor may contest the validity or enforcement of an~~  
34 ~~income-withholding order issued in another state in the same manner as~~  
35 ~~if the order had been issued by a tribunal of this state. RCW~~  
36 ~~26.21.510 applies to the contest. The obligor shall give notice of the~~  
37 ~~contest to any support enforcement agency providing services to the~~  
38 ~~obligee and to:~~

1       ~~(a) The person or agency designated to receive payments in the~~  
2 ~~income withholding order; or~~

3       ~~(b) If no person or agency is designated, the obligee.))~~

4       NEW SECTION. Sec. 119. A new section is added to chapter 26.21  
5 RCW to read as follows:

6       EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER  
7 STATE. (1) Upon receipt of an income-withholding order, the obligor's  
8 employer shall immediately provide a copy of the order to the obligor.

9       (2) The employer shall treat an income-withholding order issued in  
10 another state that appears regular on its face as if it had been issued  
11 by a tribunal of this state.

12       (3) Except as provided in subsection (4) of this section and  
13 section 120 of this act, the employer shall withhold and distribute the  
14 funds as directed in the withholding order by complying with the terms  
15 of the order which specify:

16       (a) The duration and amount of periodic payments of current child  
17 support, stated as a sum certain;

18       (b) The person or agency designated to receive payments and the  
19 address to which the payments are to be forwarded;

20       (c) Medical support, whether in the form of periodic cash payment,  
21 stated as sum certain, or ordering the obligor to provide health  
22 insurance coverage for the child under a policy available through the  
23 obligor's employment;

24       (d) The amount of periodic payments of fees and costs for a support  
25 enforcement agency, the issuing tribunal, and the obligee's attorney,  
26 stated as sum certain; and

27       (e) The amount of periodic payments of arrearages and interest on  
28 arrearages, stated as sum certain.

29       (4) The employer shall comply with the law of the state of the  
30 obligor's principal place of employment for withholding from income  
31 with respect to:

32       (a) The employer's fee for processing an income withholding order;

33       (b) The maximum amount permitted to be withheld from the obligor's  
34 income; and

35       (c) The times within which the employer must implement the  
36 withholding order and forward the child support payment.

1        NEW SECTION.    **Sec. 120.**    A new section is added to chapter 26.21  
2    RCW to read as follows:

3        COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS.    If an  
4    obligor's employer receives multiple income-withholding orders with  
5    respect to the earnings of the same obligor, the employer satisfies the  
6    terms of the multiple orders if the employer complies with the law of  
7    the state of the obligor's principal place of employment to establish  
8    the priorities for withholding and allocating income withheld for  
9    multiple child support obligees.

10       NEW SECTION.    **Sec. 121.**    A new section is added to chapter 26.21  
11    RCW to read as follows:

12       IMMUNITY FROM CIVIL LIABILITY.    An employer who complies with an  
13    income-withholding order issued in another state in accordance with  
14    this article is not subject to civil liability to an individual or  
15    agency with regard to the employer's withholding of child support from  
16    the obligor's income.

17       NEW SECTION.    **Sec. 122.**    A new section is added to chapter 26.21  
18    RCW to read as follows:

19       PENALTIES FOR NONCOMPLIANCE.    An employer who willfully fails to  
20    comply with an income-withholding order issued by another state and  
21    received for enforcement is subject to the same penalties that may be  
22    imposed for noncompliance with an order issued by a tribunal of this  
23    state.

24       NEW SECTION.    **Sec. 123.**    A new section is added to chapter 26.21  
25    RCW to read as follows:

26       CONTEST BY OBLIGOR.    (1) An obligor may contest the validity or  
27    enforcement of an income-withholding order issued in another state and  
28    received directly by an employer in this state in the same manner as if  
29    the order had been issued by a tribunal of this state.    RCW 26.21.510  
30    applies to the contest.

31       (2) The obligor shall give notice of the contest to:

32       (a) A support enforcement agency providing services to the obligee;

33       (b) Each employer that has directly received an income-withholding  
34    order; and

1 (c) The person or agency designated to receive payments in the  
2 income-withholding order, or if no person or agency is designated, to  
3 the obligee.

4 **Sec. 124.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to  
5 read as follows:

6 (1) A support order or income-withholding order of another state  
7 may be registered in this state by sending the following documents and  
8 information to the support enforcement agency of this state or to the  
9 superior court of any county in this state where the obligor resides,  
10 works, or has property:

11 (a) A letter of transmittal to the tribunal requesting registration  
12 and enforcement;

13 (b) Two copies, including one certified copy, of all orders to be  
14 registered, including any modification of an order;

15 (c) A sworn statement by the party seeking registration or a  
16 certified statement by the custodian of the records showing the amount  
17 of any arrearage;

18 (d) The name of the obligor and, if known:

19 (i) The obligor's address and social security number;

20 (ii) The name and address of the obligor's employer and any other  
21 source of income of the obligor; and

22 (iii) A description and the location of property of the obligor in  
23 this state not exempt from execution; and

24 (e) The name and address of the obligee and, if applicable, the  
25 agency or person to whom support payments are to be remitted.

26 (2) On receipt of a request for registration, the registering  
27 tribunal shall cause the order to be filed as a foreign judgment,  
28 together with one copy of the documents and information, regardless of  
29 their form.

30 (3) A petition or comparable pleading seeking a remedy that must be  
31 affirmatively sought under other law of this state may be filed at the  
32 same time as the request for registration or later. The pleading must  
33 specify the grounds for the remedy sought.

34 **Sec. 125.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to  
35 read as follows:

36 (1) When a support order or income-withholding order issued in  
37 another state is registered, the registering tribunal shall notify the

1 nonregistering party. (~~Notice must be given by certified or~~  
2 ~~registered mail or by any means of personal service authorized by the~~  
3 ~~law of this state.~~) The notice must be accompanied by a copy of the  
4 registered order and the documents and relevant information  
5 accompanying the order.

6 (2) The notice must inform the nonregistering party:

7 (a) That a registered order is enforceable as of the date of  
8 registration in the same manner as an order issued by a tribunal of  
9 this state;

10 (b) That a hearing to contest the validity or enforcement of the  
11 registered order must be requested within twenty days after the date of  
12 receipt by certified or registered mail or personal service of the  
13 notice given to a nonregistering party within the state and within  
14 sixty days after the date of receipt by certified or registered mail or  
15 personal service of the notice on a nonregistering party outside of the  
16 state;

17 (c) That failure to contest the validity or enforcement of the  
18 registered order in a timely manner will result in confirmation of the  
19 order and enforcement of the order and the alleged arrearages and  
20 precludes further contest of that order with respect to any matter that  
21 could have been asserted; and

22 (d) Of the amount of any alleged arrearages.

23 (3) Upon registration of an income-withholding order for  
24 enforcement, the registering tribunal shall notify the obligor's  
25 employer pursuant to the income-withholding law of this state.

26 **Sec. 126.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to  
27 read as follows:

28 (1) A nonregistering party seeking to contest the validity or  
29 enforcement of a registered order in this state shall request a hearing  
30 within twenty days after the date of receipt of certified or registered  
31 mail or the date of personal service of notice of the registration on  
32 the nonmoving party within this state, or, within sixty days after the  
33 receipt of certified or registered mail or personal service of the  
34 notice on the nonmoving party outside of the state. The nonregistering  
35 party may seek to vacate the registration, to assert any defense to an  
36 allegation of noncompliance with the registered order, or to contest  
37 the remedies being sought or the amount of any alleged arrearages  
38 pursuant to RCW 26.21.540.



1 (2) If the nonregistering party fails to contest the validity or  
2 enforcement of the registered order in a timely manner, the order is  
3 confirmed by operation of law.

4 (3) If a nonregistering party requests a hearing to contest the  
5 validity or enforcement of the registered order, the registering  
6 tribunal shall schedule the matter for hearing and give notice to the  
7 parties (~~by first class mail~~) of the date, time, and place of the  
8 hearing.

9 **Sec. 127.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to  
10 read as follows:

11 (1) After a child support order issued in another state has been  
12 registered in this state, the responding tribunal of this state may  
13 modify that order only if() section 129 of this act does not apply  
14 and after notice and hearing() it finds that:

15 (a) The following requirements are met:

16 (i) The child, the individual obligee, and the obligor do not  
17 reside in the issuing state;

18 (ii) A petitioner who is a nonresident of this state seeks  
19 modification; and

20 (iii) The respondent is subject to the personal jurisdiction of the  
21 tribunal of this state; or

22 (b) (~~An individual party or~~) The child, or a party who is an  
23 individual, is subject to the personal jurisdiction of the tribunal of  
24 this state and all of the (~~individual~~) parties who are individuals  
25 have filed (~~a~~) written consents in the issuing tribunal (~~providing~~  
26 that)) for a tribunal of this state (~~may~~) to modify the support order  
27 and assume continuing, exclusive jurisdiction over the order. However,  
28 if the issuing state is a foreign jurisdiction that has not enacted a  
29 law or established procedures substantially similar to the procedures  
30 under the Uniform Interstate Family Support Act, the consent otherwise  
31 required of an individual residing in this state is not required for  
32 the tribunal to assume jurisdiction to modify the child support order.

33 (2) Modification of a registered child support order is subject to  
34 the same requirements, procedures, and defenses that apply to the  
35 modification of an order issued by a tribunal of this state and the  
36 order may be enforced and satisfied in the same manner.

37 (3) A tribunal of this state may not modify any aspect of a child  
38 support order that may not be modified under the law of the issuing

1 state. If two or more tribunals have issued child support orders for  
2 the same obligor and child, the order that controls and must be so  
3 recognized under RCW 26.21.135 establishes the aspects of the support  
4 order that are nonmodifiable.

5 (4) On issuance of an order modifying a child support order issued  
6 in another state, a tribunal of this state becomes the tribunal ((of))  
7 having continuing, exclusive jurisdiction.

8 ~~((5) Within thirty days after issuance of a modified child support  
9 order, the party obtaining the modification shall file a certified copy  
10 of the order with the issuing tribunal which had continuing, exclusive  
11 jurisdiction over the earlier order, and in each tribunal in which the  
12 party knows that earlier order has been registered.))~~

13 **Sec. 128.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to  
14 read as follows:

15 A tribunal of this state shall recognize a modification of its  
16 earlier child support order by a tribunal of another state that assumed  
17 jurisdiction pursuant to the Uniform Interstate Family Support Act or  
18 a law substantially similar to this chapter and, upon request, except  
19 as otherwise provided in this chapter, shall:

20 (1) Enforce the order that was modified only as to amounts accruing  
21 before the modification;

22 (2) Enforce only nonmodifiable aspects of that order;

23 (3) Provide other appropriate relief only for violations of that  
24 order which occurred before the effective date of the modification;  
25 and

26 (4) Recognize the modifying order of the other state, upon  
27 registration, for the purpose of enforcement.

28 NEW SECTION. **Sec. 129.** A new section is added to chapter 26.21  
29 RCW to read as follows:

30 JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF  
31 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who  
32 are individuals reside in this state and the child does not reside in  
33 the issuing state, a tribunal of this state has jurisdiction to enforce  
34 and to modify the issuing state's child support order in a proceeding  
35 to register that order.

36 (2) A tribunal of this state exercising jurisdiction under this  
37 section shall apply the provisions of Articles 1 and 2, this article,

1 and the procedural and substantive law of this state to the proceeding  
2 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this  
3 chapter do not apply.

4 NEW SECTION. **Sec. 130.** A new section is added to chapter 26.21  
5 RCW to read as follows:

6 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days  
7 after issuance of a modified child support order, the party obtaining  
8 the modification shall file a certified copy of the order with the  
9 issuing tribunal that had continuing, exclusive jurisdiction over the  
10 earlier order, and in each tribunal in which the party knows the  
11 earlier order has been registered. A party who obtains the order and  
12 fails to file a certified copy is subject to appropriate sanctions by  
13 a tribunal in which the issue of failure to file arises. The failure  
14 to file does not affect the validity or enforceability of the modified  
15 order of the new tribunal having continuing, exclusive jurisdiction.

16 **Sec. 131.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to  
17 read as follows:

18 (1) A tribunal of this state may serve as an initiating or  
19 responding tribunal in a proceeding brought under this chapter or a law  
20 or procedure substantially similar to this chapter, the Uniform  
21 Reciprocal Enforcement of Support Act, or the Revised Uniform  
22 Reciprocal Enforcement of Support Act to determine that the petitioner  
23 is a parent of a particular child or to determine that a respondent is  
24 a parent of that child.

25 (2) In a proceeding to determine parentage, a responding tribunal  
26 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,  
27 procedural and substantive law of this state, and the rules of this  
28 state on choice of law.

29 NEW SECTION. **Sec. 132.** A new section is added to chapter 26.21  
30 RCW to read as follows:

31 ADOPTION OF RULES. The secretary of the department of social and  
32 health services shall issue such rules as necessary to act as the  
33 administrative tribunal pursuant to RCW 26.21.015.

34 **Sec. 133.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to  
35 read as follows:

1 (1) The department of social and health services shall adopt rules  
2 for the distribution of support money collected by the (~~office of~~  
3 ~~support enforcement~~) division of child support. These rules shall:

4 (a) Comply with (~~42 U.S.C. Sec. 657~~) Title IV-D of the federal  
5 social security act as amended by the personal responsibility and work  
6 opportunity reconciliation act of 1996;

7 (b) Direct the (~~office of support enforcement~~) division of child  
8 support to distribute support money within eight days of receipt,  
9 unless one of the following circumstances, or similar circumstances  
10 specified in the rules, prevents prompt distribution:

11 (i) The location of the custodial parent is unknown;

12 (ii) The support debt is in litigation;

13 (iii) The (~~office of support enforcement~~) division of child  
14 support cannot identify the responsible parent or the custodian;

15 (c) Provide for proportionate distribution of support payments if  
16 the responsible parent owes a support obligation or a support debt for  
17 two or more Title IV-D cases; and

18 (d) Authorize the distribution of support money, except money  
19 collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to  
20 the IV-D custodian before the debt owed to the state when the custodian  
21 stops receiving a public assistance grant.

22 (2) The (~~office of support enforcement~~) division of child support  
23 may distribute support payments to the payee under the support order or  
24 to another person who has lawful physical custody of the child or  
25 custody with the payee's consent. The payee may file an application  
26 for an adjudicative proceeding to challenge distribution to such other  
27 person. Prior to distributing support payments to any person other  
28 than the payee, the registry shall:

29 (a) Obtain a written statement from the child's physical custodian,  
30 under penalty of perjury, that the custodian has lawful custody of the  
31 child or custody with the payee's consent;

32 (b) Mail to the responsible parent and to the payee at the payee's  
33 last known address a copy of the physical custodian's statement and a  
34 notice which states that support payments will be sent to the physical  
35 custodian; and

36 (c) File a copy of the notice with the clerk of the court that  
37 entered the original support order.

38 (3) If the Washington state support registry distributes a support  
39 payment to a person in error, the registry may obtain restitution by

1 means of a set-off against future payments received on behalf of the  
2 person receiving the erroneous payment, or may act according to RCW  
3 74.20A.270 as deemed appropriate. Any set-off against future support  
4 payments shall be limited to amounts collected on the support debt and  
5 ten percent of amounts collected as current support.

6 (4) The division of child support shall ensure that the fifty  
7 dollar pass through payment, as required by 42 U.S.C. Sec. 657 before  
8 the adoption of P.L. 104-193, is terminated immediately upon the  
9 effective date of this section and all rules to the contrary adopted  
10 before the effective date of this section are without force and effect.

11 **Sec. 134.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each  
12 amended to read as follows:

13 (1) The department shall be subrogated to the right of any  
14 dependent child or children or person having the care, custody, and  
15 control of said child or children, if public assistance money is paid  
16 to or for the benefit of the child under a state program funded under  
17 Title IV-A of the federal social security act as amended by the  
18 personal responsibility and work opportunity reconciliation act of  
19 1996, to prosecute or maintain any support action or execute any  
20 administrative remedy existing under the laws of the state of  
21 Washington to obtain reimbursement of moneys expended, based on the  
22 support obligation of the responsible parent established by a superior  
23 court order or RCW 74.20A.055. Distribution of any support moneys  
24 shall be made in accordance with (~~42 U.S.C. Sec. 657~~) RCW 26.23.035.

25 (2) The department may initiate, continue, maintain, or execute an  
26 action to establish, enforce, and collect a support obligation,  
27 including establishing paternity and performing related services, under  
28 this chapter and chapter 74.20 RCW, or through the attorney general or  
29 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,  
30 or 26.26 RCW or other appropriate statutes or the common law of this  
31 state, for so long as and under such conditions as the department may  
32 establish by regulation.

33 (3) Public assistance moneys shall be exempt from collection action  
34 under this chapter except as provided in RCW 74.20A.270.

35 (4) No collection action shall be taken against parents of children  
36 eligible for admission to, or children who have been discharged from a  
37 residential habilitation center as defined by RCW 71A.10.020(7). For  
38 the period July 1, 1993, through June 30, 1995, a collection action may

1 be taken against parents of children with developmental disabilities  
2 who are placed in community-based residential care. The amount of  
3 support the department may collect from the parents shall not exceed  
4 one-half of the parents' support obligation accrued while the child was  
5 in community-based residential care. The child support obligation  
6 shall be calculated pursuant to chapter 26.19 RCW.

7 **Sec. 135.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended  
8 to read as follows:

9 Whenever a custodian of children, or other person, receives support  
10 moneys paid to them which moneys are paid in whole or in part in  
11 satisfaction of a support obligation which has been assigned to the  
12 department pursuant to (~~(42 U.S.C. Sec. 602(A)(26)(a))~~) Title IV-A of  
13 the federal social security act as amended by the personal  
14 responsibility and work opportunity reconciliation act of 1996 or RCW  
15 74.20.330 or to which the department is owed a debt pursuant to RCW  
16 74.20A.030, the moneys shall be remitted to the department within eight  
17 days of receipt by the custodian or other person. If not so remitted  
18 the custodian or other person shall be indebted to the department as a  
19 support debt in an amount equal to the amount of the support money  
20 received and not remitted.

21 By not paying over the moneys to the department, a custodial parent  
22 or other person is deemed, without the necessity of signing any  
23 document, to have made an irrevocable assignment to the department of  
24 any support delinquency owed which is not already assigned to the  
25 department or to any support delinquency which may accrue in the future  
26 in an amount equal to the amount of support money retained. The  
27 department may utilize the collection procedures in chapter 74.20A RCW  
28 to collect the assigned delinquency to effect recoupment and  
29 satisfaction of the debt incurred by reason of the failure of the  
30 custodial parent or other person to remit. The department is also  
31 authorized to make a set-off to effect satisfaction of the debt by  
32 deduction from support moneys in its possession or in the possession of  
33 any clerk of the court or other forwarding agent which are paid to the  
34 custodial parent or other person for the satisfaction of any support  
35 delinquency. Nothing in this section authorizes the department to make  
36 set-off as to current support paid during the month for which the  
37 payment is due and owing.

1       **Sec. 136.** 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. 137.** 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)~~) state registrar of  
31 (~~(the district in which the birth occurred)~~) vital statistics.

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)~~) registrar of vital statistics shall make  
37 available to the (~~(office of support enforcement)~~) division of child

1 support the birth certificates, the mother's and father's social  
2 security numbers and paternity affidavits.

3 (4) Upon the birth of a child to an unmarried woman, the attending  
4 physician, midwife, or his or her agent shall:

5 (a) Provide an opportunity for the child's mother and natural  
6 father to complete an affidavit acknowledging paternity. The completed  
7 affidavit shall be filed with the (~~local~~) state registrar of vital  
8 statistics. The affidavit shall contain or have attached:

9 (i) A sworn statement by the mother consenting to the assertion of  
10 paternity and stating that this is the only possible father;

11 (ii) A statement by the father that he is the natural father of the  
12 child;

13 (iii) A sworn statement signed by the mother and the putative  
14 father that each has been given notice, both orally and in writing, of  
15 the alternatives to, the legal consequences of, and the rights,  
16 including, if one parent is a minor, any rights afforded due to  
17 minority status, and responsibilities that arise from, signing the  
18 affidavit acknowledging paternity;

19 (iv) Written information, furnished by the department of social and  
20 health services, explaining the implications of signing, including  
21 parental rights and responsibilities; and

22 (~~(iv)~~) (v) The social security numbers of both parents.

23 (b) Provide written information and oral information, furnished by  
24 the department of social and health services, to the mother and the  
25 father regarding the benefits of having (~~her~~) the child's paternity  
26 established and of the availability of paternity establishment  
27 services, including a request for support enforcement services. The  
28 oral and written information shall also include information regarding  
29 the alternatives to, the legal consequences of, and the rights,  
30 including, if one parent is a minor any rights afforded due to minority  
31 status, and responsibilities that arise from, signing the affidavit  
32 acknowledging paternity.

33 (5) The physician or midwife or his or her agent is entitled to  
34 reimbursement for reasonable costs, which the department shall  
35 establish by rule, when an affidavit acknowledging paternity is filed  
36 with the state (~~office~~) registrar of vital statistics.

37 (6) If there is no attending physician or midwife, the father or  
38 mother of the child, householder or owner of the premises, manager or  
39 superintendent of the public or private institution in which the birth



1 occurred, shall notify the local registrar, within ten days after the  
2 birth, of the fact of the birth, and the local registrar shall secure  
3 the necessary information and signature to make a proper certificate of  
4 birth.

5 (7) When an infant is found for whom no certificate of birth is  
6 known to be on file, a birth certificate shall be filed within the time  
7 and in the form prescribed by the state board of health.

8 (8) When no putative father is named on a birth certificate of a  
9 child born to an unwed mother the mother may give any surname she so  
10 desires to her child but shall designate in space provided for father's  
11 name on the birth certificate "None Named".

12 **Sec. 138.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to  
13 read as follows:

14 (1) A man is presumed to be the natural father of a child for all  
15 intents and purposes if:

16 (a) He and the child's natural mother are or have been married to  
17 each other and the child is born during the marriage, or within three  
18 hundred days after the marriage is terminated by death, annulment,  
19 declaration of invalidity, divorce, or dissolution, or after a decree  
20 of separation is entered by a court; or

21 (b) Before the child's birth, he and the child's natural mother  
22 have attempted to marry each other by a marriage solemnized in apparent  
23 compliance with law, although the attempted marriage is or could be  
24 declared invalid, and the child is born within three hundred days after  
25 the termination of cohabitation;

26 (c) After the child's birth, he and the child's natural mother have  
27 married, or attempted to marry, each other by a marriage solemnized in  
28 apparent compliance with law, although the attempted marriage is or  
29 could be declared invalid, and

30 (i) He has acknowledged his paternity of the child in writing filed  
31 with the state registrar of vital statistics,

32 (ii) With his consent, he is named as the child's father on the  
33 child's birth certificate, or

34 (iii) He is obligated to support the child under a written  
35 voluntary promise or by court order;

36 (d) While the child is under the age of majority, he receives the  
37 child into his home and openly holds out the child as his child;

1 (e) He acknowledges his paternity of the child pursuant to RCW  
2 70.58.080 or in a writing filed with the state ((office)) registrar of  
3 vital statistics, which shall promptly inform the mother of the filing  
4 of the acknowledgment, if she does not dispute the acknowledgment  
5 within a reasonable time after being informed thereof, in a writing  
6 filed with the state registrar of vital statistics. An acknowledgment  
7 of paternity under RCW 70.58.080 shall be a legal finding of paternity  
8 of the child sixty days after the acknowledgment is filed with the  
9 center for health statistics unless the acknowledgment is sooner  
10 rescinded or challenged. After the sixty-day period has passed, the  
11 acknowledgment may be challenged in court only on the basis of fraud,  
12 duress, or material mistake of fact, with the burden of proof upon the  
13 challenger. Legal responsibilities of the challenger, including child  
14 support obligations, may not be suspended during the challenge, except  
15 for good cause shown. 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. In order  
18 to enforce rights of residential time, custody, and visitation, a man  
19 presumed to be the father as a result of filing a written  
20 acknowledgment must seek appropriate judicial orders under this title;

21 (f) The United States immigration and naturalization service made  
22 or accepted a determination that he was the father of the child at the  
23 time of the child's entry into the United States and he had the  
24 opportunity at the time of the child's entry into the United States to  
25 admit or deny the paternal relationship; or

26 (g) Genetic testing indicates a ninety-eight percent or greater  
27 probability of paternity.

28 (2) A presumption under this section may be rebutted in an  
29 appropriate action only by clear, cogent, and convincing evidence. If  
30 two or more presumptions arise which conflict with each other, the  
31 presumption which on the facts is founded on the weightier  
32 considerations of policy and logic controls. The presumption is  
33 rebutted by a court decree establishing paternity of the child by  
34 another man.

35 NEW SECTION. Sec. 139. A new section is added to chapter 26.26  
36 RCW to read as follows:

1 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all  
2 actions brought under this chapter, bills for pregnancy, childbirth,  
3 and genetic testing shall:

4 (1) Be admissible as evidence without requiring third-party  
5 foundation testimony; and

6 (2) Constitute prima facie evidence of amounts incurred for such  
7 services or for testing on behalf of the child.

8 **Sec. 140.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to  
9 read as follows:

10 (1) The secretary may, in the absence of a superior court order, or  
11 pursuant to an establishment of paternity under chapter 26.26 RCW,  
12 serve on the responsible parent or parents a notice and finding of  
13 financial responsibility requiring a responsible parent or parents to  
14 appear and show cause in an adjudicative proceeding why the finding of  
15 responsibility and/or the amount thereof is incorrect, should not be  
16 finally ordered, but should be rescinded or modified. This notice and  
17 finding shall relate to the support debt accrued and/or accruing under  
18 this chapter and/or RCW 26.16.205, including periodic payments to be  
19 made in the future. The hearing shall be held pursuant to this  
20 section, chapter 34.05 RCW, the Administrative Procedure Act, and the  
21 rules of the department.

22 (2) The notice and finding of financial responsibility shall be  
23 served in the same manner prescribed for the service of a summons in a  
24 civil action or may be served on the responsible parent by certified  
25 mail, return receipt requested. The receipt shall be prima facie  
26 evidence of service. The notice shall be served upon the debtor within  
27 sixty days from the date the state assumes responsibility for the  
28 support of the dependent child or children on whose behalf support is  
29 sought. If the notice is not served within sixty days from such date,  
30 the department shall lose the right to reimbursement of payments made  
31 after the sixty-day period and before the date of notification:  
32 PROVIDED, That if the department exercises reasonable efforts to locate  
33 the debtor and is unable to do so the entire sixty-day period is tolled  
34 until such time as the debtor can be located.

35 (3) The notice and finding of financial responsibility shall set  
36 forth the amount the department has determined the responsible parent  
37 owes, the support debt accrued and/or accruing, and periodic payments  
38 to be made in the future. The notice and finding shall also include:

1 (a) A statement of the name of the recipient or custodian and the  
2 name of the child or children for whom support is sought;

3 (b) A statement of the amount of periodic future support payments  
4 as to which financial responsibility is alleged;

5 (c) A statement that the responsible parent may object to all or  
6 any part of the notice and finding, and file an application for an  
7 adjudicative proceeding to show cause why said responsible parent  
8 should not be determined to be liable for any or all of the debt, past  
9 and future;

10 ~~(d) ((A statement that the alleged responsible parent may challenge  
11 the presumption of paternity;~~

12 ~~(e))~~ A statement that, if the responsible parent fails in timely  
13 fashion to file an application for an adjudicative proceeding, the  
14 support debt and payments stated in the notice and finding, including  
15 periodic support payments in the future, shall be assessed and  
16 determined and ordered by the department and that this debt and amounts  
17 due under the notice shall be subject to collection action;

18 ~~((f))~~ (e) A statement that the property of the debtor, without  
19 further advance notice or hearing, will be subject to lien and  
20 foreclosure, distraint, seizure and sale, order to withhold and  
21 deliver, notice of payroll deduction or other collection action to  
22 satisfy the debt and enforce the support obligation established under  
23 the notice.

24 (4) A responsible parent who objects to the notice and finding of  
25 financial responsibility may file an application for an adjudicative  
26 proceeding within twenty days of the date of service of the notice or  
27 thereafter as provided under this subsection. An adjudicative  
28 proceeding shall be held in the county of residence or other place  
29 convenient to the responsible parent.

30 (a) If the responsible parent files the application within twenty  
31 days, the department shall schedule an adjudicative proceeding to hear  
32 the parent's objection and determine the parents' support obligation  
33 for the entire period covered by the notice and finding of financial  
34 responsibility. The filing of the application stays collection action  
35 pending the entry of a final administrative order;

36 (b) If the responsible parent fails to file an application within  
37 twenty days, the notice and finding shall become a final administrative  
38 order. The amounts for current and future support and the support debt

1 stated in the notice are final and subject to collection, except as  
2 provided under (c) and (d) of this subsection;

3 (c) If the responsible parent files the application more than  
4 twenty days after, but within one year of the date of service, the  
5 department shall schedule an adjudicative proceeding to hear the  
6 parents' objection and determine the parent's support obligation for  
7 the entire period covered by the notice and finding of financial  
8 responsibility. The filing of the application does not stay further  
9 collection action, pending the entry of a final administrative order,  
10 and does not affect any prior collection action;

11 (d) If the responsible parent files the application more than one  
12 year after the date of service, the department shall schedule an  
13 adjudicative proceeding at which the responsible parent must show good  
14 cause for failure to file a timely application. The filing of the  
15 application does not stay future collection action and does not affect  
16 prior collection action:

17 (i) If the presiding officer finds that good cause exists, the  
18 presiding officer shall proceed to hear the parent's objection to the  
19 notice and determine the parent's support obligation;

20 (ii) If the presiding officer finds that good cause does not exist,  
21 the presiding officer shall treat the application as a petition for  
22 prospective modification of the amount for current and future support  
23 established under the notice and finding. In the modification  
24 proceeding, the presiding officer shall set current and future support  
25 under chapter 26.19 RCW. The responsible parent need show neither good  
26 cause nor a substantial change of circumstances to justify modification  
27 of current and future support;

28 (e) The department shall retain and/or shall not refund support  
29 money collected more than twenty days after the date of service of the  
30 notice. Money withheld as the result of collection action shall be  
31 delivered to the department. The department shall distribute such  
32 money, as provided in published rules.

33 (5)((+a)) If an application for an adjudicative proceeding is  
34 filed, the presiding or reviewing officer shall determine the past  
35 liability and responsibility, if any, of the alleged responsible parent  
36 and shall also determine the amount of periodic payments to be made in  
37 the future, which amount is not limited by the amount of any public  
38 assistance payment made to or for the benefit of the child. If  
39 deviating from the child support schedule in making these

1 determinations, the presiding or reviewing officer shall apply the  
2 standards contained in the child support schedule and enter written  
3 findings of fact supporting the deviation.

4 ~~((b) If a responsible parent provides credible evidence at an  
5 adjudicative proceeding that would rebut the presumption of paternity  
6 set forth in RCW 26.26.040, the presiding officer shall direct the  
7 department to refer the issue for scheduling of an appropriate hearing  
8 in superior court to determine whether the presumption should be  
9 rebutted.))~~

10 (6) If the responsible parent fails to attend or participate in the  
11 hearing or other stage of an adjudicative proceeding, upon a showing of  
12 valid service, the presiding officer shall enter an administrative  
13 order declaring the support debt and payment provisions stated in the  
14 notice and finding of financial responsibility to be assessed and  
15 determined and subject to collection action.

16 (7) The final administrative order establishing liability and/or  
17 future periodic support payments shall be superseded upon entry of a  
18 superior court order for support to the extent the superior court order  
19 is inconsistent with the administrative order.

20 (8) Debts determined pursuant to this section, accrued and not  
21 paid, are subject to collection action under this chapter without  
22 further necessity of action by a presiding or reviewing officer.

23 **Sec. 141.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5  
24 are each reenacted and amended to read as follows:

25 (1) If an alleged father has signed an affidavit acknowledging  
26 paternity which has been filed with the state ~~((office))~~ registrar of  
27 vital statistics before July 1, 1997, the ~~((office of support  
28 enforcement))~~ division of child support may serve a notice and finding  
29 of parental responsibility on him. Procedures for and responsibility  
30 resulting from acknowledgments filed after July 1, 1997, are in  
31 subsections (8) and (9) of this section. Service of the notice shall be  
32 in the same manner as a summons in a civil action or by certified mail,  
33 return receipt requested. The notice shall have attached to it a copy  
34 of the affidavit or certification of birth record information advising  
35 of the existence of a filed affidavit, provided by the ~~((center for  
36 health))~~ state registrar of vital statistics, and shall state that:

37 (a) The alleged father may file an application for an adjudicative  
38 proceeding at which he will be required to appear and show cause why

1 the amount stated in the finding of financial responsibility as to  
2 support is incorrect and should not be ordered;

3 (b) An alleged father may request that a blood or genetic test be  
4 administered to determine whether such test would exclude him from  
5 being a natural parent and, if not excluded, may subsequently request  
6 that the ((office of support enforcement)) division of child support  
7 initiate an action in superior court to determine the existence of the  
8 parent-child relationship; and

9 (c) If the alleged father does not request that a blood or genetic  
10 test be administered or file an application for an adjudicative  
11 proceeding, the amount of support stated in the notice and finding of  
12 parental responsibility shall become final, subject only to a  
13 subsequent determination under RCW 26.26.060 that the parent-child  
14 relationship does not exist.

15 (2) An alleged father who objects to the amount of support  
16 requested in the notice may file an application for an adjudicative  
17 proceeding up to twenty days after the date the notice was served. An  
18 application for an adjudicative proceeding may be filed within one year  
19 of service of the notice and finding of parental responsibility without  
20 the necessity for a showing of good cause or upon a showing of good  
21 cause thereafter. An adjudicative proceeding under this section shall  
22 be pursuant to RCW 74.20A.055. The only issues shall be the amount of  
23 the accrued debt, the amount of the current and future support  
24 obligation, and the reimbursement of the costs of blood or genetic  
25 tests if advanced by the department.

26 (3) If the application for an adjudicative proceeding is filed  
27 within twenty days of service of the notice, collection action shall be  
28 stayed pending a final decision by the department. If no application  
29 is filed within twenty days:

30 (a) The amounts in the notice shall become final and the debt  
31 created therein shall be subject to collection action; and

32 (b) Any amounts so collected shall neither be refunded nor returned  
33 if the alleged father is later found not to be a responsible parent.

34 (4) An alleged father who denies being a responsible parent may  
35 request that a blood or genetic test be administered at any time. The  
36 request for testing shall be in writing and served on the ((office of  
37 support enforcement)) division of child support personally or by  
38 registered or certified mail. If a request for testing is made, the  
39 department shall arrange for the test and, pursuant to rules adopted by

1 the department, may advance the cost of such testing. The department  
2 shall mail a copy of the test results by certified mail, return receipt  
3 requested, to the alleged father's last known address.

4 (5) If the test excludes the alleged father from being a natural  
5 parent, the ~~((office of support enforcement))~~ division of child support  
6 shall file a copy of the results with the state ~~((office))~~ registrar of  
7 vital statistics and shall dismiss any pending administrative  
8 collection proceedings based upon the affidavit in issue. The state  
9 ~~((office))~~ registrar of vital statistics shall remove the alleged  
10 father's name from the birth certificate and change the child's surname  
11 to be the same as the mother's maiden name as stated on the birth  
12 certificate, or any other name which the mother may select.

13 (6) The alleged father may, within twenty days after the date of  
14 receipt of the test results, request the ~~((office of support~~  
15 ~~enforcement))~~ division of child support to initiate an action under RCW  
16 26.26.060 to determine the existence of the parent-child relationship.  
17 If the ~~((office of support enforcement))~~ division of child support  
18 initiates a superior court action at the request of the alleged father  
19 and the decision of the court is that the alleged father is a natural  
20 parent, the alleged father shall be liable for court costs incurred.

21 (7) If the alleged father does not request the ~~((office of support~~  
22 ~~enforcement))~~ division of child support to initiate a superior court  
23 action, or if the alleged father fails to appear and cooperate with  
24 blood or genetic testing, the notice of parental responsibility shall  
25 become final for all intents and purposes and may be overturned only by  
26 a subsequent superior court order entered under RCW 26.26.060.

27 (8)(a) If an alleged father has signed an affidavit acknowledging  
28 paternity that has been filed with the state registrar of vital  
29 statistics after July 1, 1997, within sixty days from the date of  
30 filing of the acknowledgment:

31 (i) The division of child support may serve a notice and finding of  
32 parental responsibility on him as set forth under this section; and

33 (ii) The alleged father or any other signatory may rescind his  
34 acknowledgment of paternity. The rescission shall be notarized and  
35 delivered to the state registrar of vital statistics personally or by  
36 registered or certified mail. The state registrar shall remove the  
37 father's name from the birth certificate and change the child's surname  
38 to be the same as the mother's maiden name as stated on the birth  
39 certificate or any other name that the mother may select. The state



1 registrar shall file rescission notices in a sealed file. All future  
2 paternity actions on behalf of the child in question shall be performed  
3 under court order.

4 (b) If the alleged father does not file an application for an  
5 adjudicative proceeding or rescind his acknowledgment of paternity, the  
6 amount of support stated in the notice and finding of parental  
7 responsibility becomes final, subject only to a subsequent  
8 determination under RCW 26.26.060 that the parent-child relationship  
9 does not exist.

10 (c) An alleged father who objects to the amount of support  
11 requested in the notice may file an application for an adjudicative  
12 proceeding up to twenty days after the date the notice was served. An  
13 application for an adjudicative proceeding may be filed within one year  
14 of service of the notice and finding of parental responsibility without  
15 the necessity for a showing of good cause or upon a showing of good  
16 cause thereafter. An adjudicative proceeding under this section shall  
17 be pursuant to RCW 74.20A.055. The only issues shall be the amount of  
18 the accrued debt and the amount of the current and future support  
19 obligation.

20 (i) If the application for an adjudicative proceeding is filed  
21 within twenty days of service of the notice, collection action shall be  
22 stayed pending a final decision by the department.

23 (ii) If the application for an adjudicative proceeding is not filed  
24 within twenty days of the service of the notice, any amounts collected  
25 under the notice shall be neither refunded nor returned if the alleged  
26 father is later found not to be a responsible parent.

27 (d) If an alleged father makes a request for genetic testing, the  
28 department shall proceed as set forth under section 101 of this act.

29 (e) If the alleged father does not request an adjudicative  
30 proceeding, or if the alleged father fails to rescind his filed  
31 acknowledgment of paternity, the notice of parental responsibility  
32 becomes final for all intents and purposes and may be overturned only  
33 by a subsequent superior court order entered under RCW 26.26.060.

34 (9) Affidavits acknowledging paternity that are filed after July 1,  
35 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

36 (10) The department and the department of health may adopt rules to  
37 implement the requirements under this section.

1        NEW SECTION.    **Sec. 142.**    A new section is added to chapter 26.18  
2    RCW to read as follows:

3        CHILD SUPPORT LIENS--CREATION--ATTACHMENT.    Child support debts,  
4    not paid when due, become liens by operation of law against all  
5    property of the debtor with priority of a secured creditor. This lien  
6    shall be separate and apart from, and in addition to, any other lien  
7    created by, or provided for, in this title. The lien attaches to all  
8    real and personal property of the debtor on the date of filing with the  
9    county auditor of the county in which the property is located.

10        **Sec. 143.**    RCW 26.23.040 and 1994 c 127 s 1 are each amended to  
11    read as follows:

12        (1) Except as provided in subsection (3) of this section, all  
13    employers doing business in the state of Washington, and to whom the  
14    department of employment security has assigned the standard industrial  
15    classification sic codes listed in subsection (2) of this section,  
16    shall report to the Washington state support registry:

17        (a) The hiring of any person who resides or works in this state to  
18    whom the employer anticipates paying earnings; and

19        (b) The rehiring or return to work of any employee who was laid  
20    off, furloughed, separated, granted a leave without pay, or terminated  
21    from employment.

22        (2) Employers in the standard industrial classifications that shall  
23    report to the Washington state support registry include:

24        (a) Construction industry sic codes: 15, general building; 16,  
25    heavy construction; and 17, special trades;

26        (b) Manufacturing industry sic code 37, transportation equipment;

27        (c) Business services sic codes: 73, except sic code 7363  
28    (temporary help supply services); and health services sic code 80.

29        (3) Employers are not required to report the hiring of any person  
30    who:

31        (a) Will be employed for less than one months duration;

32        (b) Will be employed sporadically so that the employee will be paid  
33    for less than three hundred fifty hours during a continuous six-month  
34    period; or

35        (c) Will have gross earnings less than three hundred dollars in  
36    every month.

1 The secretary of the department of social and health services may  
2 adopt rules to establish additional exemptions if needed to reduce  
3 unnecessary or burdensome reporting.

4 (4) Employers may report by mailing the employee's copy of the W-4  
5 form, or other means authorized by the registry which will result in  
6 timely reporting.

7 (5) Employers shall submit reports within thirty-five days of the  
8 hiring, rehiring, or return to work of the employee. The report shall  
9 contain:

10 (a) The employee's name, address, social security number, and date  
11 of birth; and

12 (b) The employer's name, address, and employment security reference  
13 number or unified business identifier number.

14 (6) An employer who fails to report as required under this section  
15 shall be given a written warning for the first violation and shall be  
16 subject to a civil penalty of up to two hundred dollars per month for  
17 each subsequent violation after the warning has been given. All  
18 violations within a single month shall be considered a single violation  
19 for purposes of assessing the penalty. The penalty may be imposed and  
20 collected by the ~~((office of support enforcement))~~ division of child  
21 support under ~~((RCW 74.20A.270))~~ section 93 of this act.

22 ~~((The registry shall retain the information for a particular  
23 employee only if the registry is responsible for establishing,  
24 enforcing, or collecting a support obligation or debt of the employee.  
25 If the employee does not owe such an obligation or a debt, the registry  
26 shall not create a record regarding the employee and the information  
27 contained in the notice shall be promptly destroyed. Prior to the  
28 destruction of the notice, the department of social and health services  
29 shall make the information contained in the notice available to other  
30 state agencies, based upon the written request of an agency's director  
31 or chief executive, specifically for comparison with records or  
32 information possessed by the requesting agency to detect improper or  
33 fraudulent claims. If, after comparison, no such situation is found or  
34 reasonably suspected to exist, the information shall be promptly  
35 destroyed by the requesting agency. Requesting agencies that obtain  
36 information from the department of social and health services under  
37 this section shall maintain the confidentiality of the information  
38 received, except as necessary to implement the agencies'  
39 responsibilities.))~~ The registry shall retain the information for a

1 particular employee only if the registry is responsible for  
2 establishing, enforcing, or collecting a support debt of the employee.  
3 The registry may, however, retain information for a particular employee  
4 for as long as may be necessary to:

5 (a) Transmit the information to the national directory of new hires  
6 as required under federal law; or

7 (b) Provide the information to other state agencies for comparison  
8 with records or information possessed by those agencies as required by  
9 law.

10 Information that is not permitted to be retained shall be promptly  
11 destroyed. Agencies that obtain information from the department of  
12 social and health services under this section shall maintain the  
13 confidentiality of the information received, except as necessary to  
14 implement the agencies' responsibilities.

15 **Sec. 144.** RCW 26.23.040 and 1997 c ... s 143 (section 143 of this  
16 act) are each amended to read as follows:

17 ~~((Except as provided in subsection (3) of this section,))~~ All  
18 employers doing business in the state of Washington, and to whom the  
19 department of employment security has assigned ~~((the))~~ a standard  
20 industrial classification sic code ~~((s listed in subsection (2) of this~~  
21 ~~section,))~~ shall report to the Washington state support registry:

22 (a) The hiring of any person who resides or works in this state to  
23 whom the employer anticipates paying earnings; and

24 (b) The rehiring or return to work of any employee who was laid  
25 off, furloughed, separated, granted a leave without pay, or terminated  
26 from employment.

27 ~~((2) Employers in the standard industrial classifications that~~  
28 ~~shall report to the Washington state support registry include:~~

29 ~~(a) Construction industry sic codes: 15, general building; 16,~~  
30 ~~heavy construction; and 17, special trades;~~

31 ~~(b) Manufacturing industry sic code 37, transportation equipment;~~

32 ~~(c) Business services sic codes: 73, except sic code 7363~~  
33 ~~(temporary help supply services); and health services sic code 80.~~

34 ~~(3) Employers are not required to report the hiring of any person~~  
35 ~~who:~~

36 ~~(a) Will be employed for less than one months duration;~~

1       ~~(b) Will be employed sporadically so that the employee will be paid~~  
2 ~~for less than three hundred fifty hours during a continuous six month~~  
3 ~~period; or~~

4       ~~(c) Will have gross earnings less than three hundred dollars in~~  
5 ~~every month.)~~

6       The secretary of the department of social and health services may  
7 adopt rules to establish additional exemptions if needed to reduce  
8 unnecessary or burdensome reporting.

9       ~~((4))~~ (2) Employers may report by mailing the employee's copy of  
10 the W-4 form, or other means authorized by the registry which will  
11 result in timely reporting.

12       ~~((5))~~ (3) Employers shall submit reports within ~~((thirty-five))~~  
13 twenty days of the hiring, rehiring, or return to work of the employee,  
14 except as provided in subsection (4) of this section. The report shall  
15 contain:

16       (a) The employee's name, address, social security number, and date  
17 of birth; and

18       (b) The employer's name, address, ~~((and))~~ employment security  
19 reference number ~~((or))~~, unified business identifier number and  
20 identifying number assigned under section 6109 of the internal revenue  
21 code of 1986.

22       ~~((6))~~ (4) In the case of an employer transmitting reports  
23 magnetically or electronically, the employer shall report newly hired  
24 employees by two monthly transmissions, if necessary, not less than  
25 twelve days nor more than sixteen days apart.

26       (5) An employer who fails to report as required under this section  
27 shall be given a written warning for the first violation and shall be  
28 subject to a civil penalty of up to two hundred dollars per month for  
29 each subsequent violation after the warning has been given. All  
30 violations within a single month shall be considered a single violation  
31 for purposes of assessing the penalty. The penalty may be imposed and  
32 collected by the division of child support under RCW 74.20A.---  
33 (section 93 of this act).

34       ~~((7))~~ (6) The registry shall retain the information for a  
35 particular employee only if the registry is responsible for  
36 establishing, enforcing, or collecting a support debt of the employee.  
37 The registry may, however, retain information for a particular employee  
38 for as long as may be necessary to:

1 (a) Transmit the information to the national directory of new hires  
2 as required under federal law; or

3 (b) Provide the information to other state agencies for comparison  
4 with records or information possessed by those agencies as required by  
5 law.

6 Information that is not permitted to be retained shall be promptly  
7 destroyed. Agencies that obtain information from the department of  
8 social and health services under this section shall maintain the  
9 confidentiality of the information received, except as necessary to  
10 implement the agencies' responsibilities.

11 **Sec. 145.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c  
12 375 s 3 are each reenacted and amended to read as follows:

13 (1) A petition in a proceeding for dissolution of marriage, legal  
14 separation, or for a declaration concerning the validity of a marriage,  
15 shall allege the following:

16 (a) The last known residence of each party;

17 (b) The social security number of each party;

18 (c) The date and place of the marriage;

19 ~~((e))~~ (d) If the parties are separated the date on which the  
20 separation occurred;

21 ~~((d))~~ (e) The names, ages, and addresses of any child dependent  
22 upon either or both spouses and whether the wife is pregnant;

23 ~~((e))~~ (f) Any arrangements as to the residential schedule of,  
24 decision making for, dispute resolution for, and support of the  
25 children and the maintenance of a spouse;

26 ~~((f))~~ (g) A statement specifying whether there is community or  
27 separate property owned by the parties to be disposed of;

28 ~~((g))~~ (h) The relief sought.

29 (2) Either or both parties to the marriage may initiate the  
30 proceeding.

31 (3) The petitioner shall complete and file with the petition a  
32 certificate under RCW 70.58.200 on the form provided by the department  
33 of health.

34 **Sec. 146.** RCW 26.26.100 and 1994 c 230 s 15 and 1994 c 146 s 1 are  
35 each reenacted and amended to read as follows:

36 (1) The court may, and upon request of a party shall, require the  
37 child, mother, and any alleged or presumed father who has been made a

1 party to submit to blood tests or genetic tests of blood, tissues, or  
2 other bodily fluids. If (~~(an alleged father)~~) a party objects to a  
3 proposed order requiring (~~(him to submit to paternity)~~) blood or  
4 genetic tests, the court (~~(may)~~) shall require the party making the  
5 allegation of possible paternity to provide sworn testimony, by  
6 affidavit or otherwise, stating the facts upon which the allegation is  
7 based. The court shall order blood or genetic tests if it appears that  
8 a reasonable possibility exists that the requisite sexual contact  
9 occurred or where nonpaternity is alleged, that the requisite sexual  
10 contact did not occur. The tests shall be performed by an expert in  
11 paternity blood or genetic testing appointed by the court. The  
12 expert's verified report identifying the blood or genetic  
13 characteristics observed is admissible in evidence in any hearing or  
14 trial in the parentage action, if (a) the alleged or presumed father  
15 has had the opportunity to gain information about the security,  
16 validity, and interpretation of the tests and the qualifications of any  
17 experts, and (b) the report is accompanied by an affidavit from the  
18 expert which describes the expert's qualifications as an expert and  
19 analyzes and interprets the results. Verified documentation of the  
20 chain of custody of the blood or genetic samples tested is admissible  
21 to establish the chain of custody. The court may consider published  
22 sources as aids to interpretation of the test results.

23 (2)(a) Any objection to genetic testing results must be made in  
24 writing and served upon the opposing party, within twenty days before  
25 any hearing at which such results may be introduced into evidence.

26 (b) If an objection is not made as provided in this subsection, the  
27 test results are admissible as evidence of paternity without the need  
28 for foundation testimony or other proof of authenticity or accuracy.

29 (3) The court, upon request by a party, shall order that additional  
30 blood or genetic tests be performed by the same or other experts  
31 qualified in paternity blood or genetic testing, if the party  
32 requesting additional tests advances the full costs of the additional  
33 testing within a reasonable time. The court may order additional  
34 testing without requiring that the requesting party advance the costs  
35 only if another party agrees to advance the costs or if the court  
36 finds, after hearing, that (a) the requesting party is indigent, and  
37 (b) the laboratory performing the initial tests recommends additional  
38 testing or there is substantial evidence to support a finding as to  
39 paternity contrary to the initial blood or genetic test results. The

1 court may later order any other party to reimburse the party who  
2 advanced the costs of additional testing for all or a portion of the  
3 costs.

4 (4) In all cases, the court shall determine the number and  
5 qualifications of the experts.

6 **Sec. 147.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to  
7 read as follows:

8 (1) The judgment and order of the court determining the existence  
9 or nonexistence of the parent and child relationship shall be  
10 determinative for all purposes.

11 (2) If the judgment and order of the court is at variance with the  
12 child's birth certificate, the court shall order that an amended birth  
13 certificate be issued.

14 (3) The judgment and order shall contain other appropriate  
15 provisions directed to the appropriate parties to the proceeding,  
16 concerning the duty of current and future support, the extent of any  
17 liability for past support furnished to the child if that issue is  
18 before the court, the furnishing of bond or other security for the  
19 payment of the judgment, or any other matter in the best interest of  
20 the child. The judgment and order may direct the father to pay the  
21 reasonable expenses of the mother's pregnancy and confinement. The  
22 judgment and order may include a continuing restraining order or  
23 injunction. In issuing the order, the court shall consider the  
24 provisions of RCW 9.41.800.

25 (4) The judgment and order shall contain the social security  
26 numbers of all parties to the order.

27 (5) Support judgment and orders shall be for periodic payments  
28 which may vary in amount. The court may limit the father's liability  
29 for the past support to the child to the proportion of the expenses  
30 already incurred as the court deems just. The court shall not limit or  
31 affect in any manner the right of nonparties including the state of  
32 Washington to seek reimbursement for support and other services  
33 previously furnished to the child.

34 ((+5)) (6) After considering all relevant factors, the court shall  
35 order either or both parents to pay an amount determined pursuant to  
36 the schedule and standards contained in chapter 26.19 RCW.

37 ((+6)) (7) On the same basis as provided in chapter 26.09 RCW, the  
38 court shall make residential provisions with regard to minor children



1 of the parties, except that a parenting plan shall not be required  
2 unless requested by a party.

3 ~~((+7))~~ (8) In any dispute between the natural parents of a child  
4 and a person or persons who have (a) commenced adoption proceedings or  
5 who have been granted an order of adoption, and (b) pursuant to a court  
6 order, or placement by the department of social and health services or  
7 by a licensed agency, have had actual custody of the child for a period  
8 of one year or more before court action is commenced by the natural  
9 parent or parents, the court shall consider the best welfare and  
10 interests of the child, including the child's need for situation  
11 stability, in determining the matter of custody, and the parent or  
12 person who is more fit shall have the superior right to custody.

13 ~~((+8))~~ (9) In entering an order under this chapter, the court may  
14 issue any necessary continuing restraining orders, including the  
15 restraint provisions of domestic violence protection orders under  
16 chapter 26.50 RCW or antiharassment protection orders under chapter  
17 10.14 RCW.

18 ~~((+9))~~ (10) Restraining orders issued under this section  
19 restraining the person from molesting or disturbing another party or  
20 from going onto the grounds of or entering the home, workplace, or  
21 school of the other party or the day care or school of any child shall  
22 prominently bear on the front page of the order the legend: VIOLATION  
23 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE  
24 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

25 ~~((+10))~~ (11) The court shall order that any restraining order  
26 bearing a criminal offense legend, any domestic violence protection  
27 order, or any antiharassment protection order granted under this  
28 section be forwarded by the clerk of the court on or before the next  
29 judicial day to the appropriate law enforcement agency specified in the  
30 order. Upon receipt of the order, the law enforcement agency shall  
31 forthwith enter the order into any computer-based criminal intelligence  
32 information system available in this state used by law enforcement  
33 agencies to list outstanding warrants. The order is fully enforceable  
34 in any county in the state.

35 **Sec. 148.** RCW 70.58.055 and 1991 c 96 s 1 are each amended to read  
36 as follows:

37 (1) To promote and maintain nation-wide uniformity in the system of  
38 vital statistics, the certificates required by this chapter or by the

1 rules adopted under this chapter shall include, as a minimum, the items  
2 recommended by the federal agency responsible for national vital  
3 statistics including social security numbers.

4 (2) The state board of health by rule may require additional  
5 pertinent information relative to the birth and manner of delivery as  
6 it may deem necessary for statistical study. This information shall be  
7 placed in a confidential section of the birth certificate form and  
8 shall not be subject to the view of the public or for certification  
9 purposes except upon order of the court. The state board of health may  
10 eliminate from the forms items that it determines are not necessary for  
11 statistical study.

12 (3) Each certificate or other document required by this chapter  
13 shall be on a form or in a format prescribed by the state registrar.

14 (4) All vital records shall contain the data required for  
15 registration. No certificate may be held to be complete and correct  
16 that does not supply all items of information called for or that does  
17 not satisfactorily account for the omission of required items.

18 (5) Information required in certificates or documents authorized by  
19 this chapter may be filed and registered by photographic, electronic,  
20 or other means as prescribed by the state registrar.

21 NEW SECTION. **Sec. 149.** CAPTIONS NOT LAW. Captions used in this  
22 act are not any part of the law.

23 NEW SECTION. **Sec. 150.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 151.** (1) Sections 88, 91 through 143, and 145  
28 through 148 of this act are necessary for the immediate preservation of  
29 the public peace, health, or safety, or support of the state government  
30 and its existing public institutions, and take effect immediately.

31 (2) Sections 1 through 87, 89, and 90 of this act are necessary for  
32 the immediate preservation of the public peace, health, or safety, or  
33 support of the state government and its existing public institutions,  
34 and take effect July 1, 1997.

1 (3) Section 144 of this act takes effect October 1, 1998.

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