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**SENATE BILL 5677**

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

**By** Senators Deccio, Wood, Long, Rossi, Zarelli, Sellar, Stevens, Swecker, Anderson, Hale, Oke, Finkbeiner, Benton, Johnson, Winsley, Horn, McCaslin, Newhouse, Strannigan, Morton, Roach, Hochstatter, McDonald, Schow, Prince, West, Wojahn and Haugen

Read first time 02/06/97. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to implementing the federal personal responsibility  
2 and work opportunity reconciliation act of 1996; amending RCW  
3 74.08.025, 74.08.340, 74.09.510, 74.04.515, 74.09.800, 74.08.331,  
4 28A.630.876, 50.16.030, 41.06.380, 74.12.255, 74.04.0052, 26.16.205,  
5 74.12.410, 74.20A.020, 46.20.291, 46.20.311, 18.04.335, 18.08.350,  
6 18.08.350, 18.11.160, 18.16.100, 18.27.060, 18.28.060, 18.39.181,  
7 18.46.050, 18.96.120, 18.104.110, 18.106.070, 18.130.150, 18.160.080,  
8 18.165.160, 18.170.170, 43.20A.205, 43.70.115, 19.28.310, 19.28.580,  
9 19.30.060, 19.16.120, 19.31.130, 19.32.060, 19.105.380, 19.105.440,  
10 19.138.130, 19.158.050, 19.166.040, 21.20.110, 66.20.320, 67.08.040,  
11 67.08.100, 19.02.100, 43.24.080, 43.24.110, 43.24.120, 70.74.110,  
12 70.74.130, 70.74.370, 66.24.010, 43.63B.040, 70.95D.040, 17.21.130,  
13 64.44.060, 19.146.220, 75.25.150, 75.28.010, 26.23.050, 26.18.100,  
14 26.23.060, 74.20.040, 26.23.090, 74.20A.100, 26.23.045, 26.23.050,  
15 26.23.030, 26.23.060, 74.20A.080, 26.23.120, 26.04.160, 26.09.170,  
16 26.21.005, 26.21.115, 26.21.135, 26.21.235, 26.21.245, 26.21.255,  
17 26.21.265, 26.21.450, 26.21.490, 26.21.520, 26.21.530, 26.21.580,  
18 26.21.590, 26.21.620, 26.23.035, 74.20A.030, 74.20.320, 74.20.330,  
19 70.58.080, 26.26.040, 26.26.060, 74.20A.055, 26.23.040, 26.23.040,  
20 26.26.130, 70.58.055, and 74.04.050; reenacting and amending RCW  
21 74.04.005, 18.145.080, 74.20A.270, 42.17.310, 74.20A.060, 74.20A.056,

1 and 26.09.020; adding a new section to chapter 28A.630 RCW; adding a  
2 new section to chapter 43.30 RCW; adding a new section to chapter 50.62  
3 RCW; adding a new section to chapter 43.330 RCW; adding a new section  
4 to chapter 50.08 RCW; adding a new section to chapter 28B.50 RCW;  
5 adding a new section to chapter 28C.18 RCW; adding new sections to  
6 chapter 74.20A RCW; adding a new section to chapter 48.22 RCW; adding  
7 a new section to chapter 2.48 RCW; adding a new section to chapter  
8 18.04 RCW; adding a new section to chapter 18.08 RCW; adding a new  
9 section to chapter 18.16 RCW; adding a new section to chapter 18.20  
10 RCW; adding a new section to chapter 18.28 RCW; adding a new section to  
11 chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a  
12 new section to chapter 18.44 RCW; adding a new section to chapter 18.51  
13 RCW; adding a new section to chapter 18.76 RCW; adding a new section to  
14 chapter 18.85 RCW; adding a new section to chapter 18.106 RCW; adding  
15 a new section to chapter 18.130 RCW; adding a new section to chapter  
16 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new  
17 section to chapter 18.165 RCW; adding a new section to chapter 18.170  
18 RCW; adding a new section to chapter 18.175 RCW; adding a new section  
19 to chapter 18.185 RCW; adding a new section to chapter 28A.410 RCW;  
20 adding a new section to chapter 20.01 RCW; adding a new section to  
21 chapter 48.17 RCW; adding a new section to chapter 74.15 RCW; adding a  
22 new section to chapter 47.68 RCW; adding a new section to chapter 71.12  
23 RCW; adding a new section to chapter 66.20 RCW; adding a new section to  
24 chapter 66.24 RCW; adding a new section to chapter 88.02 RCW; adding a  
25 new section to chapter 43.24 RCW; adding a new section to chapter  
26 70.95B RCW; adding new sections to chapter 75.25 RCW; adding new  
27 sections to chapter 77.32 RCW; adding a new section to chapter 75.28  
28 RCW; adding new sections to chapter 74.20 RCW; adding new sections to  
29 chapter 26.23 RCW; adding new sections to chapter 26.21 RCW; adding a  
30 new section to chapter 26.26 RCW; adding a new section to chapter 26.18  
31 RCW; adding a new chapter to Title 74 RCW; creating new sections;  
32 repealing RCW 74.12.420, 74.12.425, 74.25.010, 74.25.020, 74.25.030,  
33 74.25.040, 74.25.900, 74.25.901, 74.12.340, 74.04.770, 74.08.120, and  
34 74.08.125; providing effective dates; providing expiration dates; and  
35 declaring an emergency.

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

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14       NEW SECTION.   **Sec. 1.** FINDINGS. The legislature finds that the  
15 federal personal responsibility and work opportunity reconciliation act  
16 of 1996 presents both opportunities and challenges for the states as  
17 they develop methods of moving families in poverty from welfare to  
18 work. The legislature further finds that, although many of the goals  
19 of the federal act coincide with Washington state's vision for enabling  
20 families to achieve eventual economic self-sufficiency through private,  
21 unsubsidized employment, the treatment of legal immigrants under the  
22 federal act does not reflect Washington's commitment to those legal  
23 immigrants within Washington's borders who have played by the rules,  
24 and who live in our communities and participate in the American way of  
25 life, providing economic and cultural enrichment to Washington state's  
26 population.

27       The legislature finds that legal immigrants who obey the laws of  
28 Washington, and who were granted permission to immigrate by the federal

1 government, should be treated as equitably as possible under the  
2 state's enactment and implementation of public assistance programs.

3 In addition to protection of legal immigrants, the legislature  
4 finds that Washington state's goals in implementing the federal act  
5 include promoting the American values of work, education, and  
6 responsibility, including responsible childbearing and dedication by  
7 both parents to protecting, supporting, and bringing up children to  
8 become responsible, productive Americans. This has been the goal and  
9 the dream of generations of Americans, whether native born or  
10 naturalized citizens.

11 The legislature finds that it is necessary, in pursuance of these  
12 American goals, to encourage a new alliance of state and local  
13 government, business, nonprofit organizations, and individuals to  
14 dedicate themselves, within the letter and the spirit of the law, to  
15 helping families in poverty overcome barriers, obtain support,  
16 direction, and encouragement, and become contributors to the American  
17 way of life.

18 The legislature reaffirms its commitment to provide medical  
19 services to eligible legal immigrants under the children's health  
20 program established under RCW 74.04.405. The legislature affirms its  
21 commitment to provide the benefits of the maternity care access program  
22 under RCW 74.09.800 to documented and undocumented immigrants who  
23 qualify.

24 NEW SECTION. **Sec. 2.** SHORT TITLE. This act may be known and  
25 cited as the Washington welfare-to-work temporary assistance for needy  
26 families act.

27 **I. GENERAL PROVISIONS**

28 **Sec. 101.** RCW 74.08.025 and 1981 1st ex.s. c 6 s 9 are each  
29 amended to read as follows:

- 30 (1) Public assistance (~~(shall)~~) may be awarded to any applicant:  
31 ~~((+1))~~ (a) Who is in need and otherwise meets the eligibility  
32 requirements of department assistance programs; and  
33 ~~((+2))~~ (b) Who has not made a voluntary assignment of property or  
34 cash for the purpose of qualifying for an assistance grant; and  
35 ~~((+3))~~ (c) Who is not an inmate of a public institution except as  
36 a patient in a medical institution or except as an inmate in a public

1 institution who could qualify for federal aid assistance: PROVIDED,  
2 That the assistance paid by the department to recipients in nursing  
3 homes, or receiving nursing home care, may cover the cost of clothing  
4 and incidentals and general maintenance exclusive of medical care and  
5 health services. The department may pay a grant to cover the cost of  
6 clothing and personal incidentals in public or private medical  
7 institutions and institutions for tuberculosis. The department shall  
8 allow recipients in nursing homes to retain, in addition to the grant  
9 to cover the cost of clothing and incidentals, wages received for work  
10 as a part of a training or rehabilitative program designed to prepare  
11 the recipient for less restrictive placement to the extent permitted  
12 under Title XIX of the federal social security act.

13 (2) Any person otherwise qualified for temporary assistance for  
14 needy families under this title who has resided in the state of  
15 Washington for fewer than twelve consecutive months immediately  
16 preceding application for assistance is limited to the benefit level in  
17 the state in which the person resided immediately before Washington,  
18 that was obtainable on the date of application in Washington state, if  
19 the benefit level of the prior state is lower than the level provided  
20 to similarly situated applicants in Washington state.

21 **Sec. 102.** RCW 74.08.340 and 1959 c 26 s 74.08.340 are each amended  
22 to read as follows:

23 All assistance granted under this title shall be deemed to be  
24 granted and to be held subject to the provisions of any amending or  
25 repealing act that may hereafter be enacted, and no recipient shall  
26 have any claim for compensation, or otherwise, by reason of his  
27 assistance being affected in any way by such amending or repealing act.  
28 There is no legal entitlement to public assistance.

29 NEW SECTION. **Sec. 103.** TIME LIMITS OF TEMPORARY ASSISTANCE FOR  
30 NEEDED FAMILIES BENEFITS. An adult head of household in a temporary  
31 assistance for needy families assistance unit, who is in compliance  
32 with the responsibilities required of participants in temporary  
33 assistance for needy families programs may qualify for a maximum of  
34 sixty months of cash assistance, absent a determination of bona fide  
35 exemption to the sixty-month time limit. The sixty-month time limit  
36 commences, for those receiving temporary cash assistance, as of the

1 effective date of this section, or the date of the acceptance of the  
2 Washington state plan by the federal government, whichever is sooner.

3 The department may exempt no more than twenty percent of the  
4 temporary assistance for needy families caseload from the sixty-month  
5 time limit, upon substantive proof of disability. Disability for  
6 purposes of this section may only be established after the fifty-second  
7 month as an adult recipient of temporary assistance for needy families.  
8 Before the fifty-second month, all recipients of temporary assistance  
9 for needy families shall be presumed to be active participants in the  
10 continuous job search requirements of the Washington welfare-to-work  
11 program, allowing market forces to determine their employability unless  
12 otherwise directed to alternative programs.

13 NEW SECTION. **Sec. 104.** SANCTIONS FOR NONCOOPERATION. Cooperation  
14 with the requirements of the temporary assistance for needy families  
15 program in this state, including the continuous job search requirement,  
16 and participation in work activities under the Washington welfare-to-  
17 work program by a recipient who is a teen or adult head of an  
18 assistance unit is a condition of benefit receipt, unless exempt under  
19 this chapter. Failure to cooperate, absent good cause, may result in  
20 sanctions, which may include a reduction or elimination of part or all  
21 of the cash assistance grant for members of the assistant unit.

22 NEW SECTION. **Sec. 105.** CHILDREN RECEIVING SUPPLEMENTAL SECURITY  
23 INCOME. It is the intent of the legislature that all disabled children  
24 who received supplemental security income benefits before August 22,  
25 1996, and who lost their supplemental security income benefits as a  
26 result of P.L. 104-193 have benefits paid to them through alternative  
27 programs.

28 NEW SECTION. **Sec. 106.** DISABLED CHILD STATE ASSISTANCE PROGRAM.  
29 (1) Upon termination of eligibility from supplemental security income,  
30 the department shall place disabled children into the appropriate  
31 program, in the following manner:

32 (a) If the child is residing in a foster or group home licensed  
33 through the children and family services administration, the child  
34 shall be placed in the foster care program;

1 (b) If the child's family qualifies for the temporary assistance  
2 for needy families program, the child shall be added to the family's  
3 case; and

4 (c) If the child does not fall into a category in (a) or (b) of  
5 this subsection, the child shall be placed into the disabled child  
6 state assistance program.

7 (2) The disabled child state assistance program is created. The  
8 program shall be administered by the department. The program shall pay  
9 cash benefits equal to the monthly benefit provided in the general  
10 assistance-unemployable program for a period not to exceed one year.

11 (3) Persons eligible for the disabled child state assistance  
12 program are those disabled children who received supplemental security  
13 income benefits before August 22, 1996, and who lost their supplemental  
14 security income eligibility as a result of P.L. 104-193. Children may  
15 not enter the disabled child state assistance program if they are:

16 (a) Residing in foster or group care; or

17 (b) A member of an assistance unit that is eligible for the  
18 temporary assistance for needy families program.

19 (4) Children in the disabled child state assistance program may not  
20 receive benefits for more than twelve months beginning with the month  
21 in which their supplemental security income eligibility is terminated.

22 NEW SECTION. **Sec. 107.** STUDY OF DISABLED CHILDREN. (1) The  
23 department of social and health services shall conduct a study of the  
24 circumstances of disabled children who lose their supplemental security  
25 income benefits as a result of P.L. 104-193, and their families  
26 including:

27 (a) Medical diagnoses of disability;

28 (b) Demographic characteristics;

29 (c) Economic circumstances including support arrangements and  
30 living conditions; and

31 (d) Cross-service by other public assistance and human services  
32 programs.

33 (2) The department of social and health services shall complete the  
34 study and report to the health care committees of the legislature no  
35 later than January 15, 1998.

36 NEW SECTION. **Sec. 108.** ELECTRONIC BENEFIT TRANSFER. By October  
37 2002, the department shall develop and implement an electronic benefit

1 transfer system to be used for the delivery of public assistance  
2 benefits, including without limitation, food assistance.

3 The department shall comply with P.L. 104-193, and shall cooperate  
4 with relevant federal agencies in the design and implementation of the  
5 electronic benefit transfer system.

6 NEW SECTION. **Sec. 109.** The following acts or parts of acts are  
7 each repealed:

8 (1) RCW 74.12.420 and 1994 c 299 s 9; and

9 (2) RCW 74.12.425 and 1994 c 299 s 10.

## 10 **II. IMMIGRANT PROTECTION**

11 **Sec. 201.** RCW 74.09.510 and 1991 sp.s. c 8 s 8 are each amended to  
12 read as follows:

13 Medical assistance may be provided in accordance with eligibility  
14 requirements established by the department of social and health  
15 services, as defined in the social security Title XIX state plan for  
16 mandatory categorically needy persons and: (1) Individuals who would  
17 be eligible for cash assistance except for their institutional status;  
18 (2) individuals who are under twenty-one years of age, who would be  
19 eligible for aid to families with dependent children, but do not  
20 qualify as dependent children and who are in (a) foster care, (b)  
21 subsidized adoption, (c) a nursing facility or an intermediate care  
22 facility for the mentally retarded, or (d) inpatient psychiatric  
23 facilities; (3) the aged, blind, and disabled who: (a) Receive only a  
24 state supplement, or (b) would not be eligible for cash assistance if  
25 they were not institutionalized; (4) individuals who (~~would be~~  
26 ~~eligible for but choose not to receive cash assistance~~) meet the  
27 income and resource requirements of the cash assistance programs; (5)  
28 individuals who are enrolled in managed health care systems, who have  
29 otherwise lost eligibility for medical assistance, but who have not  
30 completed a current six-month enrollment in a managed health care  
31 system, and who are eligible for federal financial participation under  
32 Title XIX of the social security act; (6) children and pregnant women  
33 allowed by federal statute for whom funding is appropriated; and (7)  
34 other individuals eligible for medical services under RCW 74.09.035 and  
35 74.09.700 for whom federal financial participation is available under  
36 Title XIX of the social security act.



1        NEW SECTION.    **Sec. 202.**    IMMIGRANTS--ELIGIBILITY.    It is the intent  
2 of the legislature that all legal immigrants who resided in the United  
3 States before August 21, 1996, retain eligibility for assistance  
4 programs the same as or similar to those from which they lost benefits  
5 as a result of P.L. 104-193.

6        Accordingly, the state shall exercise its option under P.L. 104-193  
7 to continue services to legal immigrants under temporary assistance for  
8 needy families, medicaid, and social services block grant programs.  
9 Legal immigrants who lose benefits under the supplemental security  
10 income program as a result of P.L. 104-193 are immediately eligible for  
11 benefits under the state's general assistance-unemployable program.  
12 The department shall redetermine income and resource eligibility at  
13 least annually, in accordance with existing state policy.

14        NEW SECTION.    **Sec. 203.**    INCOME AVERAGING--BENEFIT DETERMINATION.  
15 In determining eligibility for temporary assistance for needy families,  
16 the department shall consider retrospectively the applicant's earned  
17 income for the twelve months before application for assistance. If the  
18 earned income is from seasonal employment, it shall be prorated on an  
19 annual basis, and the prorated amount used to determine qualification  
20 for assistance in the prospective month. Assistance shall be denied  
21 until the applicant's prorated prior twelve months of income equals a  
22 monthly amount at or below the eligibility level. The intent of the  
23 legislature is to ensure that persons with seasonal earned income that,  
24 if prorated on an annual basis, would have exceeded the level  
25 qualifying them for assistance will be denied assistance until such  
26 time as they qualify on a prorated basis.

27        NEW SECTION.    **Sec. 204.**    FOOD ASSISTANCE.    (1) The department may  
28 establish a food assistance program for persons whose immigrant status  
29 meets the eligibility requirements of the federal food stamp program as  
30 of August 21, 1996, but who are no longer eligible solely due to their  
31 immigrant status under P.L. 104-193.

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

36        (3) The benefit under the state food assistance program shall be  
37 the same as the benefit amount under the federal food stamp program had

1 the person met the eligibility requirements pertaining to immigrant  
2 status of P.L. 104-193.

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

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

11 **Sec. 205.** RCW 74.04.515 and 1991 c 126 s 4 are each amended to  
12 read as follows:

13 In administering the food stamp program, there shall be no  
14 discrimination against any applicant or recipient by reason of age,  
15 sex, handicap, religious creed, political beliefs, race, color, ((or))  
16 national origin, or alienage.

17 NEW SECTION. **Sec. 206.** NATURALIZATION FACILITATION. The  
18 department shall make an affirmative effort to identify and proactively  
19 contact legal immigrants receiving public assistance to facilitate  
20 their applications for naturalization. The department shall inform  
21 immigrants regarding how citizenship may be attained. In order to  
22 facilitate the citizenship process, the department shall coordinate  
23 with existing resources in local government, schools, community  
24 colleges, and community organizations, and shall, within available  
25 funds, ensure that those immigrants who qualify to apply for  
26 naturalization are referred to or otherwise offered classes. The  
27 department shall assist eligible immigrants in obtaining appropriate  
28 test exemptions, and other exemptions in the naturalization process, to  
29 the extent permitted under federal law. The department shall report to  
30 the legislature regarding the progress and barriers of the immigrant  
31 naturalization facilitation effort. It is the intent of the  
32 legislature that persons receiving naturalization assistance be  
33 facilitated in obtaining citizenship within two years of their  
34 eligibility to apply.

35 NEW SECTION. **Sec. 207.** SPONSOR DEEMING. (1) Except as provided  
36 in subsection (2) of this section, in determining the eligibility and

1 the amount of benefits of an alien for any state public benefits as  
2 defined in P.L. 104-193 Sec. 412(c), the state or political subdivision  
3 that offers the benefit may provide that the income and resources of  
4 the alien shall be deemed to include the following:

5 (a) The income and resources of any individual who executed an  
6 affidavit of support under section 213A of the federal immigration and  
7 nationality act on behalf of the alien; and

8 (b) The income and resources of the spouse, if any, of the  
9 individual.

10 (2) Subsection (1) of this section does not apply with respect to  
11 the following state public benefits:

12 (a) Assistance described in P.L. 104-193 Sec. 411(b)(1);

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

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

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

18 (e) Public health assistance for immunizations with respect to  
19 immunizable diseases and for testing and treatment of symptoms of  
20 communicable diseases whether or not the symptoms are caused by a  
21 communicable disease;

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

23 (g) Programs, services, or assistance such as meals from a soup  
24 kitchen, crisis counseling and intervention, and short-term shelter,  
25 specified by the attorney general, after consultation with appropriate  
26 agencies and departments, that:

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

29 (ii) Do not condition the provision of assistance, the amount of  
30 assistance provided, or the cost of assistance provided on the  
31 individual recipient's income or resources; and

32 (iii) Are necessary for the protection of life or safety.

33 **Sec. 208.** RCW 74.09.800 and 1993 c 407 s 10 are each amended to  
34 read as follows:

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

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

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

8 (3) By January 1, 1990, have the following procedures in place to  
9 improve access to maternity care services and eligibility  
10 determinations for pregnant women applying for maternity care services  
11 under the medical assistance program, Title XIX of the federal social  
12 security act:

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

14 (b) Outstationing department staff to make eligibility  
15 determinations;

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

18 (d) Conducting an interview for the purpose of determining medical  
19 assistance eligibility within five working days of the date of an  
20 application by a pregnant woman and making an eligibility determination  
21 within fifteen working days of the date of application by a pregnant  
22 woman;

23 (4) Establish a maternity care case management system that shall  
24 assist at-risk eligible persons with obtaining medical assistance  
25 benefits and receiving maternity care services, including  
26 transportation and child care services;

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

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

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

35 (8) Provide family planning services including information about  
36 the synthetic progestin capsule implant form of contraception, for  
37 twelve months immediately following a pregnancy to women who were  
38 eligible for medical assistance under the maternity care access program

1 during that pregnancy or who were eligible only for emergency labor and  
2 delivery services during that pregnancy; and

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

6 The legislature reaffirms its commitment to provide health care  
7 services under this section to eligible immigrants, regardless of  
8 documented or undocumented status.

9 **III. WASHINGTON WELFARE-TO-WORK PROGRAMS**

10 NEW SECTION. **Sec. 301.** It is the intent of the legislature that  
11 all applicants to the Washington welfare-to-work program shall be  
12 focused on obtaining paid, unsubsidized employment. The focus of the  
13 Washington welfare-to-work program shall be work for all recipients.

14 NEW SECTION. **Sec. 302.** ASSISTANCE. In order to prevent some  
15 families from developing dependency on temporary assistance for needy  
16 families, the department shall make available to qualifying applicants  
17 a diversion program designed to provide brief, emergency assistance for  
18 families in crisis whose income and assets would otherwise qualify them  
19 for temporary assistance for needy families. The funding for diversion  
20 assistance shall not be from the temporary assistance for needy  
21 families block grant. Diversion assistance may include emergency loans  
22 not to exceed five hundred dollars, provision of medicaid benefits for  
23 recipients' children, child care resource and referral assistance with  
24 up to one month of subsidized child care, facilitation in obtaining  
25 housing subsidies, one-time mortgage or rental assistance, and other  
26 brief, one-time emergency assistance for low-income families in crisis.

27 An adult applicant may receive diversion assistance of any type no  
28 more than once per twenty-four-month period. If the diversion  
29 assistance does not result in diverting the recipient from temporary  
30 assistance for needy families, the prorated dollar value of the  
31 assistance may be treated as a loan from the state, and recovered by  
32 deduction from the recipient's cash grant.

33 **Sec. 303.** RCW 74.08.331 and 1992 c 7 s 59 are each amended to read  
34 as follows:

1 Any person who by means of a willfully false statement, or  
2 representation, or impersonation, or a willful failure to reveal any  
3 material fact, condition or circumstance affecting eligibility ((of  
4 ~~for~~)) or need for assistance, including medical care, surplus  
5 commodities and food stamps, as required by law, or a willful failure  
6 to promptly notify the county office in writing as required by law or  
7 any change in status in respect to resources, or income, or need, or  
8 family composition, money contribution and other support, from whatever  
9 source derived, including unemployment insurance, or any other change  
10 in circumstances affecting the person's eligibility or need for  
11 assistance, or other fraudulent device, obtains, or attempts to obtain,  
12 or aids or abets any person to obtain any public assistance to which  
13 the person is not entitled or greater public assistance than that to  
14 which he or she is justly entitled shall be guilty of grand larceny and  
15 upon conviction thereof shall be punished by imprisonment in a state  
16 correctional facility for not more than fifteen years.

17 Any person who by means of a willfully false statement or  
18 representation or by impersonation or other fraudulent device aids or  
19 abets in buying, selling, or in any other way disposing of the real  
20 property of a recipient of public assistance without the consent of the  
21 secretary shall be guilty of a gross misdemeanor and upon conviction  
22 thereof shall be punished by imprisonment for not more than one year in  
23 the county jail or a fine of not to exceed one thousand dollars or by  
24 both.

25 NEW SECTION. **Sec. 304.** MAINTENANCE OF EFFORT. (1) The state  
26 biennial appropriations act shall provide at least eighty percent of  
27 the qualified state expenditures under the temporary assistance for  
28 needy families program as defined in P.L. 104-193 Sec. 409(a)(7)(B) to  
29 the department for expenditure in accordance with chapter . . . , Laws  
30 of 1997 (this act).

31 (2) The department shall maximize receipt of federal funds and  
32 shall take necessary and appropriate action to preserve state funding  
33 at the maximum level. The department may make changes in program  
34 design if changes are necessary to implement this subsection (2).

35 NEW SECTION. **Sec. 305.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES  
36 FUND SHIFT. (1) The legislature may transfer up to thirty percent of  
37 the block grant awarded under the temporary assistance for needy

1 families program to the child care program authorized in section 402 of  
2 this act through the biennial appropriations act. Of this amount, up  
3 to thirty percent may be transferred to programs funded under the  
4 social services block grant, but only if the funds transferred directly  
5 serve children and families whose income is less than two hundred  
6 percent of the federal poverty level.

7 (2) In the biennial appropriations act, the legislature may  
8 delegate the authority for the transfer authorized in subsection (1) of  
9 this section to the department. If a delegation is made, the  
10 department shall report on an annual basis to the fiscal committees of  
11 the legislature what transfers were made and how transferred funds were  
12 expended. The report shall be due no later than August 31st of each  
13 year.

14 NEW SECTION. **Sec. 306.** WELFARE-TO-WORK ACTIVITY EXPENDITURES.  
15 The department shall operate the Washington welfare-to-work program  
16 authorized under sections 301, 302, 304 through 307, 309, 310, 312, 314  
17 through 317, 324, and 325 of this act within the following constraints:

18 (1) The full amount of the temporary assistance for needy families  
19 block grant shall be appropriated to the department each year in the  
20 biennial appropriations act to carry out the provisions of the program  
21 authorized in sections 301, 302, 304 through 307, 309, 310, 312, 314  
22 through 317, 324, and 325 of this act.

23 (2) Eighty percent of the qualified state expenditures under the  
24 temporary assistance for needy families program as defined in P.L. 104-  
25 193 Sec. 409(a)(7)(B) shall be appropriated to the department each year  
26 in the biennial appropriations act to carry out the provisions of the  
27 program authorized in sections 301, 302, 304 through 307, 309, 310,  
28 312, 314 through 317, 324, and 325 of this act.

29 (3) The department may expend funds defined in subsections (1) and  
30 (2) of this section in any manner that will effectively accomplish the  
31 outcome measures defined in section 702 of this act. No more than  
32 fifteen percent of the amount provided in subsections (1) and (2) of  
33 this section may be spent for administrative purposes. For the purpose  
34 of this subsection, "administrative purposes" does not include  
35 expenditures for information technology and computerization needed for  
36 tracking and monitoring required by P.L. 104-193. The department shall  
37 not increase grant levels to recipients of the program authorized in

1 sections 301, 302, 304 through 307, 309, 310, 312, 314 through 317,  
2 324, and 325 of this act.

3 (4) The department shall implement strategies that accomplish the  
4 outcome measures identified in section 702 of this act that are within  
5 the funding constraints in this section. Specifically, the department  
6 shall implement strategies that will cause the number of cases in the  
7 program authorized in sections 301, 302, 304 through 307, 309, 310,  
8 312, 314 through 317, 324, and 325 of this act to decrease by at least  
9 fifteen percent during the 1997-99 biennium and by at least five  
10 percent in the subsequent biennium. The department may transfer  
11 appropriation authority between funding categories within the economic  
12 services program in order to carry out the requirements of this  
13 subsection.

14 (5) The department shall monitor expenditures against the  
15 appropriation levels provided for in subsections (1) and (2) of this  
16 section. The department shall quarterly make a determination as to  
17 whether expenditure levels will exceed available funding. If the  
18 determination indicates that expenditures will exceed funding at the  
19 end of the fiscal year, the department shall take the following action  
20 as appropriate:

21 (a) If expenditures will exceed funding provided in subsections (1)  
22 and (2) of this section by less than ten percent of available funding,  
23 the department shall identify and implement changes in process and  
24 administration or through streamlining that will cause expenditures to  
25 equal or be less than available funding provided in subsections (1) and  
26 (2) of this section;

27 (b) If expenditures will exceed funding provided in subsections (1)  
28 and (2) of this section by equal to or more than ten percent of  
29 available funding, the department shall reduce recipient grants in the  
30 program authorized in sections 301, 302, 304 through 307, 309, 310,  
31 312, 314 through 317, 324, and 325 of this act by an amount sufficient  
32 to cause expenditures to equal or be less than funding provided in  
33 subsections (1) and (2) of this section.

34 NEW SECTION. **Sec. 307.** A new section is added to chapter 28A.630  
35 RCW to read as follows:

36 SCHOOL-TO-WORK TRANSITIONS. (1) The legislature finds that  
37 noncollege-bound and at-risk youth are more likely than college-bound  
38 youth to become dependent on state assistance programs and that long-



1 term employment and earning outcomes for noncollege-bound and at-risk  
2 youth can be significantly improved through school-to-work efforts,  
3 particularly through work-based learning. The legislature intends that  
4 every effort be made by school-to-work programs in the state to involve  
5 school drop-outs, noncollege-bound youth, and at-risk youth.

6 (2) All school-to-work transition projects in the state, whether  
7 funded with state or federal funds, shall contain an outreach component  
8 directed toward school age youth not currently enrolled in school,  
9 noncollege-bound youth, and at-risk youth. At the time a school-to-  
10 work grant is made, the superintendent of public instruction shall  
11 withhold twenty percent of the grant award and release the funds upon  
12 a showing that the project has satisfactorily included drop-outs,  
13 noncollege-bound youth, and at-risk youth.

14 (3) The office of the superintendent of public instruction shall  
15 provide technical assistance to school-to-work transition projects to  
16 help establish and operate outreach efforts under this section, and to  
17 include drop-outs, noncollege-bound youth, and at-risk youth in school-  
18 to-work efforts.

19 **Sec. 308.** RCW 28A.630.876 and 1993 c 335 s 8 are each amended to  
20 read as follows:

21 (1) The superintendent of public instruction shall report to the  
22 education committees of the legislature and committees of the  
23 legislature handling economic development and social welfare issues on  
24 the progress of the schools for the school-to-work transitions program  
25 by December 15 of each odd-numbered year.

26 (2) Each school district selected to participate in the ((~~academic~~  
27 ~~and vocational integration development~~)) school-to-work transitions  
28 program shall submit an annual report to the superintendent of public  
29 instruction on the progress of the project as a condition of receipt of  
30 continued funding.

31 NEW SECTION. **Sec. 309.** A new section is added to chapter 43.30  
32 RCW to read as follows:

33 JOBS FOR THE ENVIRONMENT PROGRAMS. In any jobs for the environment  
34 program designed to train and employ displaced natural resource workers  
35 and operated by the department of natural resources, recipients of  
36 temporary assistance for needy families from natural resource areas who

1 are engaged in work search activities are eligible for training and  
2 employment on the same basis as displaced natural resource workers.

3 NEW SECTION. **Sec. 310.** A new section is added to chapter 50.62  
4 RCW to read as follows:

5 SELF-EMPLOYMENT ASSISTANCE. (1) The legislature finds that  
6 individuals who exhaust their unemployment insurance benefits may  
7 become dependent on state assistance programs. The federal government  
8 has authorized states that pass enabling legislation to provide self-  
9 employment assistance to those individuals profiled as likely to  
10 exhaust their unemployment insurance benefits. The legislature further  
11 finds that the establishment of a self-employment assistance program  
12 for individuals who are likely to exhaust their unemployment insurance  
13 benefits and have an interest in starting a business would create new  
14 businesses and job opportunities in Washington state. The legislature  
15 intends that every effort be made by the state to support self-  
16 employment by individuals who are profiled as likely to exhaust their  
17 unemployment insurance benefits.

18 (2) An unemployed individual is eligible to participate in a self-  
19 employment assistance program if it has been determined that the  
20 individual:

21 (a) Is otherwise eligible for regular unemployment benefits as  
22 defined in RCW 50.22.010(5);

23 (b) Has been identified as likely to exhaust regular unemployment  
24 benefits under a profiling system established by the commissioner as  
25 defined in P.L. 103-152;

26 (c) Is enrolled in a self-employment assistance program that is  
27 approved by the commissioner, and that includes entrepreneurial  
28 training, business counseling, and technical assistance; and

29 (d) Is actively engaged on a full-time basis in activities relating  
30 to the establishment of a business and becoming self-employed. The  
31 self-employment assistance program administrators shall determine  
32 whether the claimant is engaged on a full-time basis.

33 (3) Individuals participating in a self-employment assistance  
34 program approved by the commissioner are eligible to receive a self-  
35 employment allowance in lieu of regular benefits, payable in the same  
36 weekly benefit amount, at the same interval, on the same terms, and  
37 subject to the same conditions as regular unemployment benefits, except  
38 that:

1 (a) The requirements of RCW 50.20.010(3) and 50.20.080 relating to  
2 availability for work, active search for work, and refusal to accept  
3 suitable work are not applicable to such individuals;

4 (b) Income earned from self-employment shall not be considered  
5 remuneration and is not deductible from the weekly benefit amount by  
6 reason of the application of RCW 50.20.130; and

7 (c) An individual who meets the requirements of this chapter is  
8 considered to be unemployed under RCW 50.04.310 and 50.20.010.

9 (4) An individual who fails to participate in his or her approved  
10 self-employment assistance program or who fails to actively engage on  
11 a full-time basis in activities relating to establishing a business is  
12 disqualified from self-employment allowances for the week the failure  
13 occurs. An individual who is disqualified from self-employment  
14 allowances due to a failure under this subsection may be eligible for  
15 regular benefits for that week if the individual meets all eligibility  
16 requirements for regular benefits.

17 (5) The commissioner shall take all steps necessary in carrying out  
18 this section to assure collaborative involvement of interested parties  
19 in program development and to ensure that the self-employment  
20 assistance programs and self-employment allowances meet all federal  
21 criteria for withdrawal from the unemployment fund. The commissioner  
22 may approve, as self-employment assistance programs, existing self-  
23 employment training programs available through community colleges,  
24 private industry councils, or other organizations and is not obligated  
25 by this section to expend any departmental funds for the operation of  
26 self-employment assistance programs, unless specific funding is  
27 provided to the department for that purpose through federal or state  
28 appropriations. No payments to individuals may be made under this  
29 section until such time as a plan for such payments is approved by the  
30 United States department of labor.

31 (6) The commissioner may adopt rules as necessary to address the  
32 relationship of this section to eligibility for conventional  
33 unemployment insurance benefits, definitions, program eligibility,  
34 program review, and compliance with applicable federal laws and  
35 regulations.

36 (7) If any part of this section is found to be in conflict with  
37 federal requirements that are a prescribed condition to the allocation  
38 of federal funds to the state or the eligibility of employers in this  
39 state for federal unemployment tax credits, the conflicting part of

1 this section is hereby declared to be inoperative solely to the extent  
2 of the conflict, and such finding or determination shall not affect the  
3 operation of the remainder of this section. The rules under this  
4 section shall meet federal requirements that are a necessary condition  
5 to the receipt of federal funds by the state or the granting of federal  
6 unemployment tax credits to employers in this state.

7 **Sec. 311.** RCW 50.16.030 and 1983 1st ex.s. c 7 s 1 are each  
8 amended to read as follows:

9 (1) Moneys shall be requisitioned from this state's account in the  
10 unemployment trust fund solely for the payment of benefits, self-  
11 employment allowances, and repayment of loans from the federal  
12 government to guarantee solvency of the unemployment compensation fund  
13 in accordance with regulations prescribed by the commissioner, except  
14 that money credited to this state's account pursuant to section 903 of  
15 the social security act, as amended, shall be used exclusively as  
16 provided in RCW 50.16.030(5). The commissioner shall from time to time  
17 requisition from the unemployment trust fund such amounts, not  
18 exceeding the amounts standing to its account therein, as he deems  
19 necessary for the payment of benefits for a reasonable future period.  
20 Upon receipt thereof the treasurer shall deposit such moneys in the  
21 benefit account and shall issue his warrants for the payment of  
22 benefits solely from such benefits account.

23 (2) Expenditures of such moneys in the benefit account and refunds  
24 from the clearing account shall not be subject to any provisions of law  
25 requiring specific appropriations or other formal release by state  
26 officers of money in their custody, and RCW 43.01.050, as amended,  
27 shall not apply. All warrants issued by the treasurer for the payment  
28 of benefits, self-employment allowances, and refunds shall bear the  
29 signature of the treasurer and the countersignature of the  
30 commissioner, or his duly authorized agent for that purpose.

31 (3) Any balance of moneys requisitioned from the unemployment trust  
32 fund which remains unclaimed or unpaid in the benefit account after the  
33 expiration of the period for which sums were requisitioned shall either  
34 be deducted from estimates for, and may be utilized for the payment of,  
35 benefits and self-employment allowances during succeeding periods, or  
36 in the discretion of the commissioner, shall be redeposited with the  
37 secretary of the treasury of the United States of America to the credit  
38 of this state's account in the unemployment trust fund.

1 (4) Money credited to the account of this state in the unemployment  
2 trust fund by the secretary of the treasury of the United States of  
3 America pursuant to section 903 of the social security act, as amended,  
4 may be requisitioned and used for the payment of expenses incurred for  
5 the administration of this title pursuant to a specific appropriation  
6 by the legislature, provided that the expenses are incurred and the  
7 money is requisitioned after the enactment of an appropriation law  
8 which:

9 (a) specifies the purposes for which such money is appropriated and  
10 the amounts appropriated therefor,

11 (b) limits the period within which such money may be obligated to  
12 a period ending not more than two years after the date of the enactment  
13 of the appropriation law, and

14 (c) limits the amount which may be obligated during a twelve-month  
15 period beginning on July 1st and ending on the next June 30th to an  
16 amount which does not exceed the amount by which (i) the aggregate of  
17 the amounts credited to the account of this state pursuant to section  
18 903 of the social security act, as amended, during the same twelve-  
19 month period and the thirty-four preceding twelve-month periods,  
20 exceeds (ii) the aggregate of the amounts obligated pursuant to RCW  
21 50.16.030 (4), (5) and (6) and charged against the amounts credited to  
22 the account of this state during any of such thirty-five twelve-month  
23 periods. For the purposes of RCW 50.16.030 (4), (5) and (6), amounts  
24 obligated during any such twelve-month period shall be charged against  
25 equivalent amounts which were first credited and which are not already  
26 so charged; except that no amount obligated for administration during  
27 any such twelve-month period may be charged against any amount credited  
28 during such a twelve-month period earlier than the thirty-fourth  
29 twelve-month period preceding such period: PROVIDED, That any amount  
30 credited to this state's account under section 903 of the social  
31 security act, as amended, which has been appropriated for expenses of  
32 administration, whether or not withdrawn from the trust fund shall be  
33 excluded from the unemployment compensation fund balance for the  
34 purpose of experience rating credit determination.

35 (5) Money credited to the account of this state pursuant to section  
36 903 of the social security act, as amended, may not be withdrawn or  
37 used except for the payment of benefits and self-employment allowances  
38 and for the payment of expenses of administration and of public  
39 employment offices pursuant to RCW 50.16.030 (4), (5) and (6).

1 (6) Money requisitioned as provided in RCW 50.16.030 (4), (5) and  
2 (6) for the payment of expenses of administration shall be deposited in  
3 the unemployment compensation fund, but until expended, shall remain a  
4 part of the unemployment compensation fund. The commissioner shall  
5 maintain a separate record of the deposit, obligation, expenditure and  
6 return of funds so deposited. Any money so deposited which either will  
7 not be obligated within the period specified by the appropriation law  
8 or remains unobligated at the end of the period, and any money which  
9 has been obligated within the period but will not be expended, shall be  
10 returned promptly to the account of this state in the unemployment  
11 trust fund.

12 NEW SECTION. **Sec. 312.** EMPLOYMENT INCENTIVES. In addition to  
13 their monthly benefit payment, caretakers may earn and keep one hundred  
14 twenty dollars and one-third of the remainder of their earnings during  
15 every month they are eligible to receive assistance under this chapter.

16 **Sec. 313.** RCW 74.04.005 and 1992 c 165 s 1 and 1992 c 136 s 1 are  
17 each reenacted and amended to read as follows:

18 For the purposes of this title, unless the context indicates  
19 otherwise, the following definitions shall apply:

20 (1) "Public assistance" or "assistance"«Public aid to persons in  
21 need thereof for any cause, including services, medical care,  
22 assistance grants, disbursing orders, work relief, general assistance  
23 and federal-aid assistance.

24 (2) "Department"«The department of social and health services.

25 (3) "County or local office"«The administrative office for one or  
26 more counties or designated service areas.

27 (4) "Director" or "secretary" means the secretary of social and  
28 health services.

29 (5) "Federal-aid assistance"«The specific categories of assistance  
30 for which provision is made in any federal law existing or hereafter  
31 passed by which payments are made from the federal government to the  
32 state in aid or in respect to payment by the state for public  
33 assistance rendered to any category of needy persons for which  
34 provision for federal funds or aid may from time to time be made, or a  
35 federally administered needs-based program.

36 (6)(a) "General assistance"«Aid to persons in need who:

1 (i) Are not eligible to receive federal-aid assistance, other than  
2 food stamps and medical assistance; however, an individual who refuses  
3 or fails to cooperate in obtaining federal-aid assistance, without good  
4 cause, is not eligible for general assistance;

5 (ii) Meet one of the following conditions:

6 (A) Pregnant: PROVIDED, That need is based on the current income  
7 and resource requirements of the federal (~~aid to families with~~  
8 ~~dependent children~~) temporary assistance for needy families program(~~(~~  
9 ~~PROVIDED FURTHER, That during any period in which an aid for dependent~~  
10 ~~children employable program is not in operation, only those pregnant~~  
11 ~~women who are categorically eligible for medicaid are eligible for~~  
12 ~~general assistance~~)); or

13 (B) Subject to chapter 165, Laws of 1992, incapacitated from  
14 gainful employment by reason of bodily or mental infirmity that will  
15 likely continue for a minimum of ninety days as determined by the  
16 department.

17 (C) Persons who are unemployable due to alcohol or drug addiction  
18 are not eligible for general assistance. Persons receiving general  
19 assistance on July 26, 1987, or becoming eligible for such assistance  
20 thereafter, due to an alcohol or drug-related incapacity, shall be  
21 referred to appropriate assessment, treatment, shelter, or supplemental  
22 security income referral services as authorized under chapter 74.50  
23 RCW. Referrals shall be made at the time of application or at the time  
24 of eligibility review. Alcoholic and drug addicted clients who are  
25 receiving general assistance on July 26, 1987, may remain on general  
26 assistance if they otherwise retain their eligibility until they are  
27 assessed for services under chapter 74.50 RCW. Subsection  
28 (6)(a)(ii)(B) of this section shall not be construed to prohibit the  
29 department from granting general assistance benefits to alcoholics and  
30 drug addicts who are incapacitated due to other physical or mental  
31 conditions that meet the eligibility criteria for the general  
32 assistance program;

33 (iii) Are citizens or aliens lawfully admitted for permanent  
34 residence or otherwise residing in the United States under color of  
35 law; and

36 (iv) Have furnished the department their social security account  
37 number. If the social security account number cannot be furnished  
38 because it has not been issued or is not known, an application for a  
39 number shall be made prior to authorization of assistance, and the

1 social security number shall be provided to the department upon  
2 receipt.

3 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),  
4 and (c) of this section, general assistance shall be provided to the  
5 following recipients of federal-aid assistance:

6 (i) Recipients of supplemental security income whose need, as  
7 defined in this section, is not met by such supplemental security  
8 income grant because of separation from a spouse; or

9 (ii) To the extent authorized by the legislature in the biennial  
10 appropriations act, to recipients of (~~aid to families with dependent~~  
11 ~~children~~) temporary assistance for needy families whose needs are not  
12 being met because of a temporary reduction in monthly income below the  
13 entitled benefit payment level caused by loss or reduction of wages or  
14 unemployment compensation benefits or some other unforeseen  
15 circumstances. The amount of general assistance authorized shall not  
16 exceed the difference between the entitled benefit payment level and  
17 the amount of income actually received.

18 (c) General assistance shall be provided only to persons who are  
19 not members of assistance units receiving federal aid assistance,  
20 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,  
21 and will accept available services which can reasonably be expected to  
22 enable the person to work or reduce the need for assistance unless  
23 there is good cause to refuse. Failure to accept such services shall  
24 result in termination until the person agrees to cooperate in accepting  
25 such services and subject to the following maximum periods of  
26 ineligibility after reapplication:

27 (i) First failure: One week;

28 (ii) Second failure within six months: One month;

29 (iii) Third and subsequent failure within one year: Two months.

30 (d) Persons found eligible for general assistance based on  
31 incapacity from gainful employment may, if otherwise eligible, receive  
32 general assistance pending application for federal supplemental  
33 security income benefits. Any general assistance that is subsequently  
34 duplicated by the person's receipt of supplemental security income for  
35 the same period shall be considered a debt due the state and shall by  
36 operation of law be subject to recovery through all available legal  
37 remedies.

38 (e) The department shall adopt by rule medical criteria for general  
39 assistance eligibility to ensure that eligibility decisions are



1 consistent with statutory requirements and are based on clear,  
2 objective medical information.

3 (f) The process implementing the medical criteria shall involve  
4 consideration of opinions of the treating or consulting physicians or  
5 health care professionals regarding incapacity, and any eligibility  
6 decision which rejects uncontroverted medical opinion must set forth  
7 clear and convincing reasons for doing so.

8 (g) Recipients of general assistance based upon a finding of  
9 incapacity from gainful employment who remain otherwise eligible shall  
10 not have their benefits terminated absent a clear showing of material  
11 improvement in their medical or mental condition or specific error in  
12 the prior determination that found the recipient eligible by reason of  
13 incapacitation. Recipients of general assistance based upon pregnancy  
14 who relinquish their child for adoption, remain otherwise eligible, and  
15 are not eligible to receive benefits under the federal (~~aid to~~  
16 ~~families with dependent children~~) temporary assistance for needy  
17 families program shall not have their benefits terminated until the end  
18 of the month in which the period of six weeks following the birth of  
19 the recipient's child falls. Recipients of the federal (~~aid to~~  
20 ~~families with dependent children~~) temporary assistance for needy  
21 families program who lose their eligibility solely because of the birth  
22 and relinquishment of the qualifying child may receive general  
23 assistance through the end of the month in which the period of six  
24 weeks following the birth of the child falls.

25 (7) "Applicant"«Any person who has made a request, or on behalf of  
26 whom a request has been made, to any county or local office for  
27 assistance.

28 (8) "Recipient"«Any person receiving assistance and in addition  
29 those dependents whose needs are included in the recipient's  
30 assistance.

31 (9) "Standards of assistance"«The level of income required by an  
32 applicant or recipient to maintain a level of living specified by the  
33 department.

34 (10) "Resource"«Any asset, tangible or intangible, owned by or  
35 available to the applicant at the time of application, which can be  
36 applied toward meeting the applicant's need, either directly or by  
37 conversion into money or its equivalent: PROVIDED, That an applicant  
38 may retain the following described resources and not be ineligible for  
39 public assistance because of such resources.

1 (a) A home, which is defined as real property owned and used by an  
2 applicant or recipient as a place of residence, together with a  
3 reasonable amount of property surrounding and contiguous thereto, which  
4 is used by and useful to the applicant. Whenever a recipient shall  
5 cease to use such property for residential purposes, either for himself  
6 or his dependents, the property shall be considered as a resource which  
7 can be made available to meet need, and if the recipient or his  
8 dependents absent themselves from the home for a period of ninety  
9 consecutive days such absence, unless due to hospitalization or health  
10 reasons or a natural disaster, shall raise a rebuttable presumption of  
11 abandonment: PROVIDED, That if in the opinion of three physicians the  
12 recipient will be unable to return to the home during his lifetime, and  
13 the home is not occupied by a spouse or dependent children or disabled  
14 sons or daughters, such property shall be considered as a resource  
15 which can be made available to meet need.

16 (b) Household furnishings and personal effects and other personal  
17 property having great sentimental value to the applicant or recipient,  
18 as limited by the department consistent with limitations on resources  
19 and exemptions for federal aid assistance.

20 (c) A motor vehicle, other than a motor home, used and useful  
21 having an equity value not to exceed (~~one~~) five thousand (~~five~~  
22 ~~hundred~~) dollars.

23 (d) All other resources, including any excess of values exempted,  
24 not to exceed one thousand dollars or other limit as set by the  
25 department, to be consistent with limitations on resources and  
26 exemptions necessary for federal aid assistance. The department shall  
27 also allow recipients of temporary assistance for needy families to  
28 exempt savings accounts with combined balances of up to an additional  
29 three thousand dollars.

30 (e) Applicants for or recipients of general assistance shall have  
31 their eligibility based on resource limitations consistent with the  
32 (~~aid to families with dependent children~~) temporary assistance for  
33 needy families program rules adopted by the department.

34 (f) If an applicant for or recipient of public assistance possesses  
35 property and belongings in excess of the ceiling value, such value  
36 shall be used in determining the need of the applicant or recipient,  
37 except that: (i) The department may exempt resources or income when  
38 the income and resources are determined necessary to the applicant's or  
39 recipient's restoration to independence, to decrease the need for

1 public assistance, or to aid in rehabilitating the applicant or  
2 recipient or a dependent of the applicant or recipient; and (ii) the  
3 department may provide grant assistance for a period not to exceed nine  
4 months from the date the agreement is signed pursuant to this section  
5 to persons who are otherwise ineligible because of excess real property  
6 owned by such persons when they are making a good faith effort to  
7 dispose of that property: PROVIDED, That:

8 (A) The applicant or recipient signs an agreement to repay the  
9 lesser of the amount of aid received or the net proceeds of such sale;

10 (B) If the owner of the excess property ceases to make good faith  
11 efforts to sell the property, the entire amount of assistance may  
12 become an overpayment and a debt due the state and may be recovered  
13 pursuant to RCW 43.20B.630;

14 (C) Applicants and recipients are advised of their right to a fair  
15 hearing and afforded the opportunity to challenge a decision that good  
16 faith efforts to sell have ceased, prior to assessment of an  
17 overpayment under this section; and

18 (D) At the time assistance is authorized, the department files a  
19 lien without a sum certain on the specific property.

20 (11) "Income"«(a) All appreciable gains in real or personal  
21 property (cash or kind) or other assets, which are received by or  
22 become available for use and enjoyment by an applicant or recipient  
23 during the month of application or after applying for or receiving  
24 public assistance. The department may by rule and regulation exempt  
25 income received by an applicant for or recipient of public assistance  
26 which can be used by him to decrease his need for public assistance or  
27 to aid in rehabilitating him or his dependents, but such exemption  
28 shall not, unless otherwise provided in this title, exceed the  
29 exemptions of resources granted under this chapter to an applicant for  
30 public assistance. In determining the amount of assistance to which an  
31 applicant or recipient of ((aid to families with dependent children))  
32 temporary assistance for needy families is entitled, the department is  
33 hereby authorized to disregard as a resource or income the earned  
34 income exemptions consistent with federal requirements. The department  
35 may permit the above exemption of earnings of a child to be retained by  
36 such child to cover the cost of special future identifiable needs even  
37 though the total exceeds the exemptions or resources granted to  
38 applicants and recipients of public assistance, but consistent with  
39 federal requirements. In formulating rules and regulations pursuant to

1 this chapter, the department shall define income and resources and the  
2 availability thereof, consistent with federal requirements. All  
3 resources and income not specifically exempted, and any income or other  
4 economic benefit derived from the use of, or appreciation in value of,  
5 exempt resources, shall be considered in determining the need of an  
6 applicant or recipient of public assistance.

7 (b) If, under applicable federal requirements, the state has the  
8 option of considering property in the form of lump sum compensatory  
9 awards or related settlements received by an applicant or recipient as  
10 income or as a resource, the department shall consider such property to  
11 be a resource.

12 (12) "Need"«The difference between the applicant's or recipient's  
13 standards of assistance for himself and the dependent members of his  
14 family, as measured by the standards of the department, and value of  
15 all nonexempt resources and nonexempt income received by or available  
16 to the applicant or recipient and the dependent members of his family.

17 (13) For purposes of determining eligibility for public assistance  
18 and participation levels in the cost of medical care, the department  
19 shall exempt restitution payments made to people of Japanese and Aleut  
20 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian  
21 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,  
22 including all income and resources derived therefrom.

23 (14) In the construction of words and phrases used in this title,  
24 the singular number shall include the plural, the masculine gender  
25 shall include both the feminine and neuter genders and the present  
26 tense shall include the past and future tenses, unless the context  
27 thereof shall clearly indicate to the contrary.

28 NEW SECTION. **Sec. 314.** NONCUSTODIAL PARENTS IN WORK PROGRAMS.  
29 The department may provide Washington welfare-to-work activities or  
30 make cross-referrals to existing programs to qualifying noncustodial  
31 parents of children receiving temporary assistance for needy families  
32 who are unable to meet their child support obligations. Services  
33 authorized under this section shall be provided within available funds.

34 NEW SECTION. **Sec. 315.** DEFINITIONS. Unless the context clearly  
35 requires otherwise, as used in this chapter, "work activity" means:

- 36 (1) Unsubsidized paid employment in the private or public sector;  
37 (2) Subsidized paid employment in the private or public sector;

- 1 (3) Work experience, including work associated with the
- 2 refurbishing of publicly assisted housing, if sufficient paid
- 3 employment is not available;
- 4 (4) On-the-job training;
- 5 (5) Job search and job readiness assistance;
- 6 (6) Community service programs;
- 7 (7) Vocational educational training, not to exceed twelve months
- 8 with respect to any individual;
- 9 (8) Job skills training directly related to employment;
- 10 (9) Education directly related to employment, in the case of a
- 11 recipient who has not received a high school diploma or a GED;
- 12 (10) Satisfactory attendance at secondary school or in a course of
- 13 study leading to a GED, in the case of a recipient who has not
- 14 completed secondary school or received such a certificate; and
- 15 (11) The provision of child care services to an individual who is
- 16 participating in a community service program.

17 NEW SECTION. **Sec. 316.** JOB SEARCH OR WORK ACTIVITY. (1) The

18 department shall administer a temporary assistance for needy families

19 program consistent with the requirements of P.L. 104-193. The

20 department shall meet the minimum work participation rates specified in

21 federal law, and shall require recipients of assistance to engage in

22 job search and work activities as an ongoing condition of eligibility.

23 (2) The department shall require any recipient of temporary

24 assistance for needy families who has engaged in a job search for six

25 weeks to begin work activity. If a recipient refuses to engage in job

26 search or work activity, the department shall reduce the amount of

27 assistance received and may terminate assistance for continued refusal.

28 (3) The department may waive the sanctions of subsection (2) of

29 this section if good cause for refusal to engage in job search or work

30 activity is shown. The department shall adopt rules under chapter

31 34.05 RCW establishing criteria constituting circumstances of good

32 cause for an individual failing or refusing to engage in job search or

33 work activity. These criteria shall include the following

34 circumstances: (a) If the individual is a parent or other relative

35 personally providing care for a child under the age of six years, and

36 child care or day care for an incapacitated individual living in the

37 same home as a dependent child is necessary for an individual to

38 participate or continue participation in the program or accept

1 employment, and such care is not available, and the department of  
2 social and health services fails to provide such care; or (b) if the  
3 individual is a parent with a child under three months of age.

4 (4) The department may waive the sanctions of subsection (2) of  
5 this section for a maximum of twelve months, which may be consecutive  
6 or nonconsecutive.

7 (5) As used in this section, "job search component" means a daily  
8 activity in which nonexempt recipients engage to satisfy their  
9 assessment upon entering the Washington welfare-to-work program. The  
10 component shall provide at least three hours per weekday of job-related  
11 instruction in a classroom setting and at least three hours per day of  
12 individual job search activities.

13 NEW SECTION. **Sec. 317.** VOUCHERS--PLACEMENT BONUSES. (1) The  
14 department shall, unless specifically prohibited by federal law,  
15 provide vouchers to temporary assistance for needy families recipients  
16 for all employment, training, education, and related services required  
17 by such recipients to reenter gainful employment. Upon providing  
18 recipients with vouchers, the department shall also provide sufficient  
19 information about the providers of available services so that  
20 recipients can make informed choices.

21 (2) Initial placement bonuses of no greater than five hundred  
22 dollars shall be provided by the department for service entities  
23 responsible for placing recipients in a job for a minimum of twelve  
24 weeks, and the following additional bonuses shall also be provided:

25 (a) A percent of the initial bonus if the job pays double the  
26 minimum wage;

27 (b) A percent of the initial bonus if the job provides health care;

28 (c) A percent of the initial bonus if the job includes employer-  
29 provided child care needed by the recipient; and

30 (d) A percent of the initial bonus if the recipient is still  
31 employed after one year.

32 (3) A voucher received by the department for reimbursement from any  
33 service provider currently licensed or certified by the higher  
34 education coordinating board or the work force training and education  
35 coordinating board shall be honored. Other service providers must be  
36 certified by the work force training and education coordinating board  
37 before their vouchers will be honored. Such certification shall be

1 consistent with criteria the board establishes through consultation  
2 with the department.

3 **Sec. 318.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended  
4 to read as follows:

5 (1) Nothing contained in this chapter shall prohibit any  
6 department, as defined in RCW 41.06.020, from purchasing services by  
7 contract with individuals or business entities if such services were  
8 regularly purchased by valid contract by such department prior to April  
9 23, 1979: PROVIDED, That no such contract may be executed or renewed  
10 if it would have the effect of terminating classified employees or  
11 classified employee positions existing at the time of the execution or  
12 renewal of the contract.

13 (2) Nothing in this chapter shall be construed to prohibit the  
14 department of social and health services from carrying out the  
15 provisions of section 317 of this act.

16 NEW SECTION. **Sec. 319.** The following acts or parts of acts are  
17 each repealed:

- 18 (1) RCW 74.25.010 and 1994 c 299 s 6 & 1991 c 126 s 5;  
19 (2) RCW 74.25.020 and 1993 c 312 s 7, 1992 c 165 s 3, & 1991 c 126  
20 s 6;  
21 (3) RCW 74.25.030 and 1991 c 126 s 7;  
22 (4) RCW 74.25.040 and 1994 c 299 s 8;  
23 (5) RCW 74.25.900 and 1991 c 126 s 8; and  
24 (6) RCW 74.25.901 and 1991 c 126 s 9.

25 NEW SECTION. **Sec. 320.** A new section is added to chapter 43.330  
26 RCW to read as follows:

27 ENTREPRENEURIAL ASSISTANCE--DEPARTMENT OF COMMUNITY, TRADE, AND  
28 ECONOMIC DEVELOPMENT. (1) The department shall ensure that none of its  
29 rules or practices act to exclude recipients of temporary assistance  
30 for needy families from any small business loan opportunities or  
31 entrepreneurial assistance it makes available through its community  
32 development block grant program or otherwise provides using state or  
33 federal resources. The department shall encourage local administrators  
34 of microlending programs using public funds to conduct outreach  
35 activities to encourage recipients of temporary assistance for needy  
36 families to explore self-employment as an option. The department shall

1 compile information on private and public sources of entrepreneurial  
2 assistance and loans for start-up businesses and provide the department  
3 of social and health services with the information for dissemination to  
4 recipients of temporary assistance for needy families.

5 (2) The department shall, as part of its industrial recruitment  
6 efforts, work with the work force training and education coordinating  
7 board to identify the skill sets needed by companies locating in the  
8 state. The department shall provide the department of social and  
9 health services with the information about the companies' needs in  
10 order that recipients of public assistance and service providers  
11 assisting such recipients through training and placement programs may  
12 be informed and respond accordingly. The department shall work with  
13 the state board for community and technical colleges, the job skills  
14 program, the employment security department, and other employment and  
15 training programs to facilitate the inclusion of recipients of  
16 temporary assistance for needy families in relevant training that would  
17 make them good employees for recruited firms.

18 NEW SECTION. **Sec. 321.** A new section is added to chapter 50.08  
19 RCW to read as follows:

20 **ENTREPRENEURIAL ASSISTANCE--EMPLOYMENT SECURITY DEPARTMENT.** The  
21 employment security department shall work with the department of social  
22 and health services to integrate the employment security department's  
23 entrepreneurial training and assistance programs with employment and  
24 training programs targeted to recipients of temporary assistance for  
25 needy families.

26 NEW SECTION. **Sec. 322.** A new section is added to chapter 28B.50  
27 RCW to read as follows:

28 **INDUSTRY SKILL STANDARDS.** The college board shall develop industry  
29 skill standards for targeted industrial sectors in conjunction with  
30 employers, employees, the department of community, trade, and economic  
31 development, and the work force training and education coordinating  
32 board. The college board shall inform the department of social and  
33 health services of the industry skill standards and any accompanying  
34 curriculum developed to meet these standards so that trainers of  
35 recipients of temporary assistance for needy families may offer  
36 training and use curriculum consistent with the skill standards.



1        NEW SECTION.    **Sec. 323.**    A new section is added to chapter 28C.18  
2    RCW to read as follows:

3        WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD.    The board  
4    shall:

5        (1) Identify potential for job creation by industries in targeted  
6    industrial sectors and work with industry associations in those sectors  
7    to identify the skill sets needed by workers within the sector;

8        (2) Require as part of its comprehensive plan that school-to-work  
9    transition efforts and community and technical colleges are offering  
10   training that meet the industries' skill set needs, and work with the  
11   department of social and health services to ensure that welfare  
12   recipients are focusing their training and job search efforts on those  
13   industries with the best potential for job growth; and

14       (3) Conduct a net impact evaluation of the results of training  
15   programs available to recipients of temporary assistance for needy  
16   families and report the findings to the appropriate policy committees  
17   of the legislature by January 1, 2001.

18       NEW SECTION.    **Sec. 324.**    JOB ASSISTANCE--DEPARTMENT OF SOCIAL AND  
19   HEALTH SERVICES.    The department shall:

20       (1) Notify recipients of temporary assistance for needy families  
21   that self-employment is one method of leaving state assistance.    The  
22   department shall provide its regional offices, recipients of temporary  
23   assistance for needy families, and any contractors providing job  
24   search, training, or placement services notification of programs  
25   available in the state for entrepreneurial training, technical  
26   assistance, and loans available for start-up businesses;

27       (2) Provide recipients of temporary assistance for needy families  
28   and service providers assisting such recipients through training and  
29   placement programs with information it receives about the skills and  
30   training required by firms locating in the state;

31       (3) Provide industry skill standards and accompanying curriculum  
32   developed by the state board for community and technical colleges to  
33   service providers offering training to recipients of temporary  
34   assistance for needy families;

35       (4) Encourage recipients of temporary assistance for needy families  
36   that are in need of basic skills to seek out programs that integrate  
37   basic skills training with occupational training and workplace  
38   experience.

1        NEW SECTION. Sec. 325. WAGE SUBSIDY PROGRAM. The department may  
2 establish a wage subsidy program for recipients of temporary assistance  
3 for needy families who have received such assistance or other public  
4 assistance for two years and have not found paid employment. The  
5 department shall give preference in job placements to private sector  
6 employers that have agreed to participate in the wage subsidy program.  
7 The department shall adopt rules establishing the criteria for employer  
8 participation, and the participation of recipients of temporary  
9 assistance for needy families, in the wage subsidy program. The  
10 department shall ensure that the prohibitions of P.L. 104-193 against  
11 displacement of employees are complied with and enforced. The  
12 department shall establish such local and state-wide advisory boards,  
13 including business and labor representatives, as it deems appropriate  
14 to assist in the implementation of the wage subsidy program.

15    **IV. CHILD CARE**

16        NEW SECTION. Sec. 401. The legislature finds that informed choice  
17 is consistent with individual responsibility and that recipients of  
18 public assistance should be able to choose job training, education, job  
19 placement, and employment support service providers and that parents  
20 should be given a range of options for available child care while  
21 participating in the program.

22        NEW SECTION. Sec. 402. CHILD CARE. (1) The department shall  
23 administer a child care program designed to serve families on the  
24 Washington welfare-to-work program and those families who are at or  
25 below one hundred fifty percent of the federal poverty level. The  
26 child care program shall be administered by the economic services  
27 administration according to policies set by the children and family  
28 services administration.

29        (2) All families participating in the child care program shall have  
30 equal access to the child care of their choice. However, the child  
31 care providers must comply with applicable licensing rules set by the  
32 children and family services administration if they are required by law  
33 to comply with those rules.

34        (3) Child care for families in the welfare-to-work program shall be  
35 provided with a copay of not more than fifty dollars per month per  
36 child payable by the family to the child care provider.

1 (4) Child care for families not in the welfare-to-work program but  
2 who are at or below one hundred fifty percent of the federal poverty  
3 level on an annual income basis shall provide a copay equal to forty  
4 percent of the family's income over eighty-seven percent of the federal  
5 poverty level. Child care shall be provided on this sliding scale  
6 until the family's income equals or exceeds one hundred fifty percent  
7 of the federal poverty level on an annual income basis.

8 (5) The department shall pay child care subsidies using a voucher  
9 system. The system shall be designed and implemented during the 1998  
10 fiscal year and shall be operative by July 1, 1998.

11 NEW SECTION. **Sec. 403.** RCW 74.12.340 and 1973 1st ex.s. c 154 s  
12 111 & 1963 c 228 s 30 are each repealed.

## 13 V. TEEN PARENTS

### 14 A. PERMISSIBLE LIVING SITUATIONS

15 **Sec. 501.** RCW 74.12.255 and 1994 c 299 s 33 are each amended to  
16 read as follows:

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

33 (2) ~~((An applicant under eighteen years of age who is either~~  
34 ~~pregnant or has a dependent child and is not living in a situation~~  
35 ~~described in subsection (1) of this section shall be))~~ A minor parent  
36 or pregnant minor residing in the most appropriate living situation, as

1 provided under subsection (1) of this section, is presumed to be unable  
2 to manage adequately the funds paid to the minor or on behalf of the  
3 dependent child or children and, unless the ((teenage custodial parent  
4 demonstrates otherwise)) minor provides sufficient evidence to rebut  
5 the presumption, shall be subject to the protective payee requirements  
6 provided for under RCW 74.12.250 and 74.08.280.

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

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

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

32 **Sec. 502.** RCW 74.04.0052 and 1994 c 299 s 34 are each amended to  
33 read as follows:

34 (1) The department shall determine, after consideration of all  
35 relevant factors and in consultation with the applicant, the most  
36 appropriate living situation for applicants under eighteen years of  
37 age, unmarried, and pregnant who are eligible for general assistance as  
38 defined in RCW 74.04.005(6)(a)(ii)(A). An appropriate living

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

13 (2) (~~(An applicant under eighteen years of age who is pregnant and~~  
14 ~~is not living in a situation described in subsection (1) of this~~  
15 ~~section shall be)) A pregnant minor residing in the most appropriate  
16 living situation, as provided under subsection (1) of this section, is  
17 presumed to be unable to manage adequately the funds paid to the minor  
18 or on behalf of the dependent child or children and, unless the  
19 (~~teenage custodial parent demonstrates otherwise~~) minor provides  
20 sufficient evidence to rebut the presumption, shall be subject to the  
21 protective payee requirements provided for under RCW 74.12.250 and  
22 74.08.280.~~

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

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

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

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

9 NEW SECTION. Sec. 503. TEEN PARENT REQUIREMENTS. All applicants  
10 under the age of eighteen years who are approved for assistance and,  
11 within one hundred eighty days after the date of federal certification  
12 of the Washington temporary assistance for needy families program, all  
13 recipients who are under the age of eighteen and are unmarried shall,  
14 as a condition of receiving benefits, actively progress toward the  
15 completion of a high school diploma or a GED.

16 **B. GRANDPARENT LIABILITY**

17 **Sec. 504.** RCW 26.16.205 and 1990 1st ex.s. c 2 s 13 are each  
18 amended to read as follows:

19 The expenses of the family and the education of the children,  
20 including stepchildren and any child of whom their minor child is a  
21 biological parent, are chargeable upon the property of both husband and  
22 wife, or either of them, and they may be sued jointly or separately.  
23 When a petition for dissolution of marriage or a petition for legal  
24 separation is filed, the court may, upon motion of the stepparent,  
25 terminate the obligation to support the stepchildren or children of the  
26 stepchildren. The obligation to support stepchildren and children of  
27 stepchildren shall cease upon the entry of a decree of dissolution,  
28 decree of legal separation, or death. The obligation of a husband and  
29 wife to support a child of their minor child terminates when their  
30 minor child reaches eighteen years of age. However, a stepparent's  
31 support obligation may be terminated earlier as provided in this  
32 section.

33 **VI. ILLEGITIMACY PREVENTION AND ABSTINENCE PROMOTION**

1       **Sec. 601.** RCW 74.12.410 and 1994 c 299 s 3 are each amended to  
2 read as follows:

3       (1) At time of application or reassessment under this chapter the  
4 department shall offer or contract for family planning information and  
5 assistance, including alternatives to abortion, and any other available  
6 locally based teen pregnancy prevention programs, to prospective and  
7 current recipients of aid to families with dependent children.

8       (2) The department shall apply for federal funds under P.L. 104-193  
9 by working in cooperation with the department of health and the  
10 superintendent of public instruction to reduce the rate of illegitimate  
11 births in Washington state without increasing the abortion rate. The  
12 department of health shall maximize federal funding by timely  
13 application for federal funds available under Title V of the federal  
14 social security act, 42 U.S.C. Sec. 701 et seq., as amended, for the  
15 establishment of a qualifying abstinence education and motivation  
16 program.

17       **VII. DEPARTMENT OF SOCIAL AND HEALTH SERVICES ACCOUNTABILITY**

18       NEW SECTION. **Sec. 701.** It is the intent of the legislature that  
19 the Washington welfare-to-work program focus on work and on personal  
20 responsibility for recipients. The program shall be evaluated among  
21 other evaluations, through a limited number of outcome measures  
22 designed to hold each community service office and economic services  
23 region accountable for program success.

24       NEW SECTION. **Sec. 702.** OUTCOME MEASURES. The welfare-to-work  
25 program shall have the following as outcome measures:

- 26       (1) Caseload reduction;  
27       (2) Recidivism to caseload after two years;  
28       (3) Reduction in average grant through increased recipient  
29 earnings; and  
30       (4) Placement of recipients into private sector, unsubsidized jobs.

31       NEW SECTION. **Sec. 703.** EVALUATION. Every welfare-to-work office,  
32 region, contract, employee, and contractor shall be evaluated using the  
33 criteria in section 702 of this act. The department shall award  
34 contracts to the highest performing entities according to the criteria  
35 in section 702 of this act. The department may provide for bonuses to

1 offices, regions, and employees with the best outcomes according to  
2 measures in section 702 of this act.

3 NEW SECTION. **Sec. 704.** OUTCOME MEASURES--REPORT. The department  
4 shall provide a report to the appropriate committees of the legislature  
5 on achievement of the outcome measures by region and contract on an  
6 annual basis, no later than January 15th of each year, beginning in  
7 1999. The report shall include how the department is using the outcome  
8 measure information obtained under section 702 of this act to manage  
9 the welfare-to-work program.

10 NEW SECTION. **Sec. 705.** OUTCOME AND PERFORMANCE MEASURE STUDY.  
11 (1) The institute for public policy shall conduct an ongoing,  
12 contemporaneous evaluation of the effectiveness of the welfare-to-work  
13 programs described in chapter . . . , Laws of 1997 (this act),  
14 commencing on the effective date of this section, and including an  
15 evaluation of the effectiveness of the approved temporary assistance  
16 for needy families work activities, and any approved private, county,  
17 local, or state government welfare-to-work program. The evaluation  
18 shall assess the success of the programs in assisting clients to become  
19 employed, to maintain longevity in private employment, and to reduce  
20 reliance upon temporary assistance for needy families. The study shall  
21 include without limitation the following elements:

22 (a) An assessment of employment outcomes, including hourly wage  
23 rates, hours worked, employment longevity, and total earnings for  
24 clients;

25 (b) A comparison of temporary assistance for needy families  
26 dynamics, including grant amounts and program entries and exits for  
27 clients;

28 (c) A cost-benefit analysis of the use of public and private  
29 contractors;

30 (d) An audit of the performance-based contract for each private and  
31 public contractor for temporary assistance for needy families approved  
32 work activity; and

33 (e) Data regarding the twenty-four-month public assistance  
34 recidivism rate for those who had obtained or been placed in private,  
35 unsubsidized employment.

36 (2) Administrative data shall be provided by the department of  
37 social and health services, the employment security department, the



1 state board for community and technical colleges, local governments,  
2 and private contractors. The department of social and health services  
3 shall require contractors to provide administrative and outcome data  
4 needed for this study as a condition of contract compliance.

5 (3) Additional data may be collected directly from clients if  
6 unavailable from administrative records.

7 (4) The institute for public policy shall present an evaluation  
8 plan to the legislature. The plan shall be designed to maximize  
9 federal funding for evaluation of temporary assistance for needy  
10 families programs.

11 (5) The institute for public policy shall submit annual reports to  
12 the legislature, beginning in December 1997, with a final report due in  
13 December 2001.

14 NEW SECTION. **Sec. 706.** EXEMPTION CHARACTERISTICS STUDY. (1) The  
15 legislature recognizes that not all adult recipients of temporary  
16 assistance for needy families can realistically be expected to attain  
17 self-sufficiency within the five-year lifetime benefit limit. Although  
18 the market for paid employment is the ultimate determiner of  
19 employability and no one should be prejudged as unemployable, the  
20 legislature finds that there will be some recipients with severe or  
21 multiple barriers to employment, for whom the five-year time limit is  
22 unrealistic. It is the intent of the legislature to study carefully  
23 the characteristics of adult recipients of temporary assistance for  
24 needy families in order to determine the profile of those recipients  
25 for whom a bona fide short or long-term exemption to time limits should  
26 apply, in light of the federal limitation on allowable exemptions.

27 (2) The institute for public policy shall conduct a study,  
28 commencing on the effective date of this section, to determine the  
29 extent and the nature of disabilities and barriers to independence  
30 based upon personal characteristics existing in the adult temporary  
31 assistance for needy families caseload. The study shall address,  
32 without limitation, the following elements of assessment:

33 (a) An assessment of the extent to which adult recipients may be  
34 affected by a learning disability that prevents high school or GED  
35 completion or impairs employability. For the purposes of this study,  
36 "learning disabilities" means a disorder in one or more of the basic  
37 psychological processes involved in understanding or using spoken or  
38 written language that prevents the person from achieving commensurate

1 with his or her age and ability levels in one or more of the areas  
2 listed in this subsection, if provided with appropriate learning or  
3 training experiences. Such disorders may include problems in visual or  
4 auditory perception and integration and may be manifest in an impaired  
5 ability to listen, think, speak, or communicate clearly, read with  
6 comprehension, write legibly and with meaning, spell, and perform  
7 mathematical calculations accurately, including those involving  
8 reading. The presence of a specific learning disability is indicated  
9 by intellectual function above that specified by the Washington  
10 Administrative Code for special education for eligibility as mentally  
11 retarded, and by a severe discrepancy between the person's intellectual  
12 ability and academic or career achievement in one or more of the  
13 following areas:

- 14 (i) Oral expression;
- 15 (ii) Listening comprehension;
- 16 (iii) Written expression;
- 17 (iv) Basic reading skills;
- 18 (v) Reading comprehension;
- 19 (vi) Mathematics calculations; and
- 20 (vii) Mathematics reasoning.

21 Such performance deficit cannot be explained by visual, hearing, or  
22 motor disabilities, mental retardation, behavioral disability or  
23 environmental, cultural, or economic disadvantage. A specific learning  
24 disability includes conditions described as perceptual disabilities,  
25 brain injury, minimal brain dysfunction, dyslexia, dysgraphia, and  
26 developmental aphasia;

27 (b) An assessment of the extent to which adult recipients are, or  
28 have recently been, victims of domestic violence;

29 (c) An assessment of the physical disabilities, including chronic  
30 health conditions, evident in the population of adult recipients;

31 (d) An assessment of the mental disabilities, including subnormal  
32 intelligence as measured by standard clinical tests, evident in the  
33 population of adult recipients;

34 (e) An assessment of the extent to which adult recipients have been  
35 defendants in civil and criminal legal actions;

36 (f) An assessment of the extent to which adult recipients exhibit  
37 interaction among multiple impairments; and

38 (g) An assessment of the extent of alcohol and substance abuse  
39 experienced by adult recipients.

1 (3) Administrative data shall be provided by the departments of  
2 social and health services and health, the employment security  
3 department, the state board for community and technical colleges, local  
4 government providers, and private contractors. The department of  
5 social and health services shall require contractors to provide  
6 administrative and outcome data needed for the study in this section as  
7 a condition of contract. Confidentiality of individual recipients'  
8 identities must be maintained.

9 (4) Additional data may be collected directly from recipients, if  
10 unavailable from administrative records.

11 (5) The institute for public policy shall submit periodic reports  
12 of its findings to the legislature, beginning in December 1997, with a  
13 final report due in December 2001. It is the intent of the legislature  
14 that the final report include a complete evaluation of the  
15 characteristics of adult recipients, including an objective estimate of  
16 the prevalence of serious disability that may prevent full employment,  
17 as well as recommendations regarding a method of establishing proof of  
18 individual disability that may qualify a recipient for a short or long-  
19 term exemption to time limits.

20 NEW SECTION. **Sec. 707.** PATERNITY ESTABLISHMENT. In order to be  
21 eligible for temporary assistance for needy families, applicants shall,  
22 at the time of application for assistance, provide the names of both  
23 parents of their child or children, whether born or unborn, unless the  
24 applicant meets good cause criteria for refusing such identification.

25 NEW SECTION. **Sec. 708.** RCW 74.04.770 and 1983 1st ex.s. c 41 s 38  
26 & 1981 2nd ex.s. c 10 s 4 are each repealed.

## 27 **VIII. LICENSE SUSPENSION AND CHILD SUPPORT ENFORCEMENT**

### 28 **A. LICENSE SUSPENSION**

29 NEW SECTION. **Sec. 801.** It is the intent of the legislature to  
30 provide a strong incentive for persons owing child support to make  
31 timely payments, and to cooperate with the department of social and  
32 health services to establish an appropriate schedule for the payment of  
33 any arrears. To further ensure that child support obligations are met,  
34 sections 801 through 898 of this act establish a program by which

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

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

14 NEW SECTION. **Sec. 802.** A new section is added to chapter 74.20A  
15 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (h) If after receiving the notice of noncompliance with a child  
19 support order, the responsible parent files a motion to modify support  
20 with the court or requests the department to amend a support obligation  
21 established by an administrative decision, the department or the court  
22 may stay action to certify the parent to the department of licensing  
23 and any licensing entity for noncompliance with a child support order.  
24 The responsible parent has the obligation to notify the department that  
25 a modification proceeding is pending and provide a copy of the motion  
26 or request for modification; and

27 (i) If the responsible parent subsequently becomes in compliance  
28 with the child support order, the department will promptly provide the  
29 parent with a release stating that the parent is in compliance with the  
30 order, and the parent may request that the licensing entity or the  
31 department of licensing reinstate the suspended license.

32 (4) A responsible parent may request an adjudicative proceeding  
33 upon service of the notice described in subsection (2) of this section.  
34 The request for an adjudicative proceeding must be received by the  
35 department within twenty days of service. The request must be in  
36 writing and indicate the current mailing address and daytime phone  
37 number, if available, of the responsible parent. The proceedings under  
38 this subsection shall be conducted in accordance with the requirements  
39 of chapter 34.05 RCW. The issues that may be considered at the

1 adjudicative proceeding are limited to whether the responsible parent  
2 is required to pay child support under a child support order and  
3 whether the responsible parent is in compliance with the order.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (12) Nothing in this section prohibits a responsible parent from  
24 filing a motion to modify support with the court or from requesting the  
25 department to amend a support obligation established by an  
26 administrative decision. If there is a reasonable likelihood that the  
27 motion or request will significantly change the amount of the child  
28 support obligation, the department or the court may stay action to  
29 certify the responsible parent to the department of licensing and any  
30 licensing entity for noncompliance with a child support order. The  
31 responsible parent has the obligation to notify the department that a  
32 modification proceeding is pending and provide a copy of the motion or  
33 request for modification.

34 (13) The department of licensing and a licensing entity may issue,  
35 renew, reinstate, or otherwise extend a license in accordance with the  
36 licensing entity's or the department of licensing's rules after the  
37 licensing entity or the department of licensing receives a copy of the  
38 release specified in subsection (10) of this section. The department  
39 of licensing and a licensing entity may waive any applicable



1 requirement for reissuance, renewal, or other extension if it  
2 determines that the imposition of that requirement places an undue  
3 burden on the person and that waiver of the requirement is consistent  
4 with the public interest.

5 NEW SECTION. **Sec. 803.** A new section is added to chapter 74.20A  
6 RCW to read as follows:

7 (1) The department of social and health services and all of the  
8 various licensing entities subject to section 802 of this act shall  
9 enter into such agreements as are necessary to carry out the  
10 requirements of the license suspension program established in section  
11 802 of this act.

12 (2) The department of social and health services and all licensing  
13 entities subject to section 802 of this act shall compare data to  
14 identify responsible parents who may be subject to the provisions of  
15 chapter . . . , Laws of 1997 (this act). The comparison may be  
16 conducted electronically, or by any other means that is jointly  
17 agreeable between the department and the particular licensing entity.  
18 The data shared shall be limited to those items necessary to  
19 implementation of chapter . . . , Laws of 1997 (this act). The purpose  
20 of the comparison shall be to identify current licensees who are not in  
21 compliance with a child support order, and to provide to the department  
22 of social and health services the following information regarding those  
23 licensees:

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

33 NEW SECTION. **Sec. 804.** A new section is added to chapter 74.20A  
34 RCW to read as follows:

35 In furtherance of the public policy of increasing collection of  
36 child support and to assist in evaluation of the program established in  
37 section 802 of this act, the department shall report the following to

1 the legislature and the governor on December 1, 1998, and annually  
2 thereafter:

3 (1) The number of responsible parents identified as licensees  
4 subject to section 802 of this act;

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

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

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

11 (5) The number of adjudicative proceedings held, and the results of  
12 the adjudicative proceedings;

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

16 (7) The costs incurred in the implementation and enforcement of  
17 section 802 of this act and an estimate of the amount of child support  
18 collected due to the departments under section 802 of this act;

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

21 (9) Recommendations for the addition of specific licenses in the  
22 program or exclusion of specific licenses from the program, and reasons  
23 for such recommendations; and

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

26 **Sec. 805.** RCW 74.20A.020 and 1990 1st ex.s. c 2 s 15 are each  
27 amended to read as follows:

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

31 (1) "Department" means the state department of social and health  
32 services.

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

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

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

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

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

7 (5) "Child support order" means a superior court order or an  
8 administrative order.

9 (6) "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)~~) (7) "Administrative order" means any determination,  
19 finding, decree, or order for support pursuant to RCW 74.20A.055, or by  
20 an 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)~~) (8) "Responsible parent" means a natural parent, adoptive  
25 parent, or stepparent of a dependent child or a person who has signed  
26 an affidavit acknowledging paternity which has been filed with the  
27 state office of vital statistics and includes the parent of an  
28 unmarried minor with a child.

29 (~~(8)~~) (9) "Stepparent" means the present spouse of the person who  
30 is either the mother, father, or adoptive parent of a dependent child,  
31 and such status shall exist until terminated as provided for in RCW  
32 26.16.205.

33 (~~(9)~~) (10) "Support moneys" means any moneys or in-kind  
34 providings paid to satisfy a support obligation whether denominated as  
35 child support, spouse support, alimony, maintenance, or any other such  
36 moneys intended to satisfy an obligation for support of any person or  
37 satisfaction in whole or in part of arrears or delinquency on such an  
38 obligation.

1       (~~(10)~~) (11) "Support debt" means any delinquent amount of support  
2 moneys which is due, owing, and unpaid under a superior court order or  
3 an administrative order, a debt for the payment of expenses for the  
4 reasonable or necessary care, support, and maintenance, including  
5 medical expenses, of a dependent child or other person for whom a  
6 support obligation is owed; or a debt under RCW 74.20A.100 or  
7 74.20A.270. Support debt also includes any accrued interest, fees, or  
8 penalties charged on a support debt, and attorneys fees and other costs  
9 of litigation awarded in an action to establish and enforce a support  
10 obligation or debt.

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

14       (13) "Financial institution" means:

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

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

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

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

25       (14) "Account" means a demand deposit account, checking or  
26 negotiable withdrawal order account, savings account, time deposit  
27 account, or money-market mutual fund account.

28       **Sec. 806.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to  
29 read as follows:

30       The department is authorized to suspend the license of a driver  
31 upon a showing by its records or other sufficient evidence that the  
32 licensee:

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

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

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

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

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

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

14 (7) Has been certified by the department of social and health  
15 services as a person who is not in compliance with a child support  
16 order as provided in section 802 of this act.

17 **Sec. 807.** RCW 46.20.311 and 1995 c 332 s 11 are each amended to  
18 read as follows:

19 (1) The department shall not suspend a driver's license or  
20 privilege to drive a motor vehicle on the public highways for a fixed  
21 period of more than one year, except as specifically permitted under  
22 RCW 46.20.342 or other provision of law. Except for a suspension under  
23 RCW 46.20.289 ((and)), 46.20.291(5), or section 802 of this act,  
24 whenever the license or driving privilege of any person is suspended by  
25 reason of a conviction, a finding that a traffic infraction has been  
26 committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291  
27 or 46.20.308, the suspension shall remain in effect until the person  
28 gives and thereafter maintains proof of financial responsibility for  
29 the future as provided in chapter 46.29 RCW. If the suspension is the  
30 result of a violation of RCW 46.61.502 or 46.61.504, the department  
31 shall determine the person's eligibility for licensing based upon the  
32 reports provided by the alcoholism agency or probation department  
33 designated under RCW 46.61.5056 and shall deny reinstatement until  
34 enrollment and participation in an approved program has been  
35 established and the person is otherwise qualified. Whenever the  
36 license or driving privilege of any person is suspended as a result of  
37 certification of noncompliance with a child support order under chapter  
38 74.20A RCW, the suspension shall remain in effect until the person

1 provides a release issued by the department of social and health  
2 services stating that the person is in compliance with the order. The  
3 department shall not issue to the person a new, duplicate, or renewal  
4 license until the person pays a reissue fee of twenty dollars. If the  
5 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,  
6 or is the result of administrative action under RCW 46.20.308, the  
7 reissue fee shall be fifty dollars.

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

38 (3) Whenever the driver's license of any person is suspended  
39 pursuant to Article IV of the nonresident violators compact or RCW

1 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
2 to the person any new or renewal license until the person pays a  
3 reissue fee of twenty dollars. If the suspension is the result of a  
4 violation of the laws of this or any other state, province, or other  
5 jurisdiction involving (a) the operation or physical control of a motor  
6 vehicle upon the public highways while under the influence of  
7 intoxicating liquor or drugs, or (b) the refusal to submit to a  
8 chemical test of the driver's blood alcohol content, the reissue fee  
9 shall be fifty dollars.

10 NEW SECTION. **Sec. 808.** A new section is added to chapter 48.22  
11 RCW to read as follows:

12 If a motor vehicle liability insurance policy contains any  
13 provision excluding insurance coverage for an unlicensed driver, such  
14 provision shall not apply for ninety days from the date of suspension  
15 in the event that the department of licensing suspends a driver's  
16 license solely for the nonpayment of child support as provided in  
17 chapter 74.20A RCW.

18 NEW SECTION. **Sec. 809.** ATTORNEYS. The legislature intends that  
19 the license suspension program established in chapter 74.20A RCW be  
20 implemented fairly to ensure that child support obligations are met.  
21 However, being mindful of the separations of powers and  
22 responsibilities among the branches of government, the legislature  
23 strongly encourages the state supreme court to adopt rules providing  
24 for suspension and denial of licenses related to the practice of law to  
25 those individuals who are in noncompliance with a support order.

26 NEW SECTION. **Sec. 810.** A new section is added to chapter 2.48 RCW  
27 to read as follows:

28 ATTORNEYS. The Washington state supreme court may provide by rule  
29 that no person who has been certified by the department of social and  
30 health services as a person who is in noncompliance with a support  
31 order as provided in section 802 of this act may be admitted to the  
32 practice of law in this state, and that any member of the Washington  
33 state bar association who has been certified by the department of  
34 social and health services as a person who is in noncompliance with a  
35 support order as provided in section 802 of this act shall be  
36 immediately suspended from membership. The court's rules may provide

1 for review of an application for admission or reinstatement of  
2 membership after the department of social and health services has  
3 issued a release stating that the person is in compliance with the  
4 order.

5 NEW SECTION. **Sec. 811.** A new section is added to chapter 18.04  
6 RCW to read as follows:

7 The board shall immediately suspend the certificate or license of  
8 a person who has been certified pursuant to section 802 of this act by  
9 the department of social and health services as a person who is not in  
10 compliance with a support order. If the person has continued to meet  
11 all other requirements for reinstatement during the suspension,  
12 reissuance of the license or certificate shall be automatic upon the  
13 board's receipt of a release issued by the department of social and  
14 health services stating that the licensee is in compliance with the  
15 order.

16 **Sec. 812.** RCW 18.04.335 and 1992 c 103 s 13 are each amended to  
17 read as follows:

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

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

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

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

32 **Sec. 813.** RCW 18.08.350 and 1993 c 475 s 1 are each amended to  
33 read as follows:

34 (1) Except as provided in section 815 of this act, a certificate of  
35 registration shall be granted by the director to all qualified  
36 applicants who are certified by the board as having passed the required



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

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

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

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

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

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

31 **Sec. 814.** RCW 18.08.350 and 1993 c 475 s 2 are each amended to  
32 read as follows:

33 (1) Except as provided in section 815 of this act, a certificate of  
34 registration shall be granted by the director to all qualified  
35 applicants who are certified by the board as having passed the required  
36 examination and as having given satisfactory proof of completion of the  
37 required experience.

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

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

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

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

17 NEW SECTION. **Sec. 815.** A new section is added to chapter 18.08  
18 RCW to read as follows:

19 The board shall immediately suspend the certificate of registration  
20 or certificate of authorization to practice architecture of a person  
21 who has been certified pursuant to section 802 of this act by the  
22 department of social and health services as a person who is not in  
23 compliance with a support order. If the person has continued to meet  
24 other requirements for reinstatement during the suspension, reissuance  
25 of the certificate shall be automatic upon the board's receipt of a  
26 release issued by the department of social and health services stating  
27 that the individual is in compliance with the order.

28 **Sec. 816.** RCW 18.11.160 and 1986 c 324 s 12 are each amended to  
29 read as follows:

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

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

4 (a) Misrepresentation or concealment of material facts in obtaining  
5 a license;

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

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

10 (d) Misleading or false advertising;

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

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

15 (g) Nonpayment of an administrative fine prior to renewal of a  
16 license;

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

19 (i) Any other violations of this chapter.

20 (3) The department shall immediately suspend the license of a  
21 person who has been certified pursuant to section 802 of this act by  
22 the department of social and health services as a person who is not in  
23 compliance with a support order. If the person has continued to meet  
24 all other requirements for reinstatement during the suspension,  
25 reissuance of the license shall be automatic upon the department's  
26 receipt of a release issued by the department of social and health  
27 services stating that the licensee is in compliance with the order.

28 **Sec. 817.** RCW 18.16.100 and 1991 c 324 s 6 are each amended to  
29 read as follows:

30 (1) Upon payment of the proper fee, except as provided in section  
31 818 of this act, the director shall issue the appropriate license to  
32 any person who:

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

34 (b) Has completed and graduated from a course approved by the  
35 director of sixteen hundred hours of training in cosmetology, one  
36 thousand hours of training in barbering, five hundred hours of training  
37 in manicuring, five hundred hours of training in esthetics, and/or five  
38 hundred hours of training as an instructor-trainee; and

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

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

7 (3) Upon payment of the proper fee, the director shall issue a  
8 salon/shop license to the operator of a salon/shop if the salon/shop  
9 meets the other requirements of this chapter as demonstrated by  
10 information submitted by the operator.

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

14 NEW SECTION. **Sec. 818.** A new section is added to chapter 18.16  
15 RCW to read as follows:

16 The department shall immediately suspend the license of a person  
17 who has been certified pursuant to section 802 of this act by the  
18 department of social and health services as a person who is not in  
19 compliance with a support order. If the person has continued to meet  
20 all other requirements for reinstatement during the suspension,  
21 reissuance of the license shall be automatic upon the department's  
22 receipt of a release issued by the department of social and health  
23 services stating that the licensee is in compliance with the order.

24 NEW SECTION. **Sec. 819.** A new section is added to chapter 18.20  
25 RCW to read as follows:

26 The department shall immediately suspend the license of a person  
27 who has been certified pursuant to section 802 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. If the person has continued to meet  
30 all other requirements for reinstatement during the suspension,  
31 reissuance of the license shall be automatic upon the department's  
32 receipt of a release issued by the department of social and health  
33 services stating that the licensee is in compliance with the order.

34 **Sec. 820.** RCW 18.27.060 and 1983 1st ex.s. c 2 s 19 are each  
35 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 as provided in section 802 of this act. The  
24 certificate of registration shall not be reissued or renewed unless the  
25 person provides to the department a release from the department of  
26 social and health services stating that he or she is in compliance with  
27 the order and the person has continued to meet all other requirements  
28 for certification during the suspension.

29 **Sec. 821.** RCW 18.28.060 and 1979 c 156 s 3 are each amended to  
30 read as follows:

31 Except as provided in section 822 of this act, the director shall  
32 issue a license to an applicant if the following requirements are met:

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

35 (2) Neither an individual applicant, nor any of the applicant's  
36 members if the applicant is a partnership or association, nor any of  
37 the applicant's officers or directors if the applicant is a  
38 corporation: (a) Has ever been convicted of forgery, embezzlement,

1 obtaining money under false pretenses, larceny, extortion, conspiracy  
2 to defraud or any other like offense, or has been disbarred from the  
3 practice of law; (b) has participated in a violation of this chapter or  
4 of any valid rules, orders or decisions of the director promulgated  
5 under this chapter; (c) has had a license to engage in the business of  
6 debt adjusting revoked or removed for any reason other than for failure  
7 to pay licensing fees in this or any other state; or (d) is an employee  
8 or owner of a collection agency, or process serving business.

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

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

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

22 NEW SECTION. **Sec. 822.** A new section is added to chapter 18.28  
23 RCW to read as follows:

24 The department shall immediately suspend the license of a person  
25 who has been certified pursuant to section 802 of this act by the  
26 department of social and health services as a person who is not in  
27 compliance with a support order. If the person has continued to meet  
28 all other requirements for reinstatement during the suspension,  
29 reissuance of the license shall be automatic upon the department's  
30 receipt of a release issued by the department of social and health  
31 services stating that the licensee is in compliance with the order.

32 **Sec. 823.** RCW 18.39.181 and 1996 c 217 s 7 are each amended to  
33 read as follows:

34 The director shall have the following powers and duties:

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

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

3 (4) To immediately suspend the license of a person who has been  
4 certified pursuant to section 802 of this act by the department of  
5 social and health services as a person who is not in compliance with a  
6 support order; and

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

10 NEW SECTION. Sec. 824. A new section is added to chapter 18.39  
11 RCW to read as follows:

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

18 NEW SECTION. Sec. 825. A new section is added to chapter 18.43  
19 RCW to read as follows:

20 The board shall immediately suspend the registration of a person  
21 who has been certified pursuant to section 802 of this act by the  
22 department of social and health services as a person who is not in  
23 compliance with a support order. If the person has continued to meet  
24 all other requirements for membership during the suspension, reissuance  
25 of the certificate of registration shall be automatic upon the board's  
26 receipt of a release issued by the department of social and health  
27 services stating that the person is in compliance with the order.

28 NEW SECTION. Sec. 826. A new section is added to chapter 18.44  
29 RCW to read as follows:

30 The department shall immediately suspend the certificate of  
31 registration of a person who has been certified pursuant to section 802  
32 of this act by the department of social and health services as a person  
33 who is not in compliance with a support order. If the person has  
34 continued to meet all other requirements for certification during the  
35 suspension, reissuance of the certificate shall be automatic upon the  
36 department's receipt of a release issued by the department of social

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

3 **Sec. 827.** RCW 18.46.050 and 1991 c 3 s 101 are each amended to  
4 read as follows:

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

9 (2) The department shall immediately suspend the license of a  
10 person who has been certified pursuant to section 802 of this act by  
11 the department of social and health services as a person who is not in  
12 compliance with a support order. If the person has continued to meet  
13 all other requirements for reinstatement during the suspension,  
14 reissuance of the license shall be automatic upon the department's  
15 receipt of a release issued by the department of social and health  
16 services stating that the person is in compliance with the order.

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

21 NEW SECTION. **Sec. 828.** A new section is added to chapter 18.51  
22 RCW to read as follows:

23 The department shall immediately suspend the license of a person  
24 who has been certified pursuant to section 802 of this act by the  
25 department of social and health services, division of support, as a  
26 person who is not in compliance with a child support order. If the  
27 person has continued to meet all other requirements for reinstatement  
28 during the suspension, reissuance of the license shall be automatic  
29 upon the department's receipt of a release issued by the division of  
30 child support stating that the person is in compliance with the order.

31 NEW SECTION. **Sec. 829.** A new section is added to chapter 18.76  
32 RCW to read as follows:

33 The department shall immediately suspend the certification of a  
34 poison center medical director or a poison information specialist who  
35 has been certified pursuant to section 802 of this act by the  
36 department of social and health services as a person who is not in



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

7 NEW SECTION. **Sec. 830.** A new section is added to chapter 18.85  
8 RCW to read as follows:

9 The director shall immediately suspend the license of a broker or  
10 salesperson who has been certified pursuant to section 802 of this act  
11 by the department of social and health services as a person who is not  
12 in compliance with a support order. If the person has continued to  
13 meet all other requirements for reinstatement during the suspension,  
14 reissuance of the license shall be automatic upon the director's  
15 receipt of a release issued by the department of social and health  
16 services stating that the person is in compliance with the order.

17 **Sec. 831.** RCW 18.96.120 and 1969 ex.s. c 158 s 12 are each amended  
18 to read as follows:

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

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

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

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

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

34 (2) The director shall immediately suspend the certificate of  
35 registration of a landscape architect who has been certified pursuant  
36 to section 802 of this act by the department of social and health  
37 services as a person who is not in compliance with a support order. If

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

6 **Sec. 832.** RCW 18.104.110 and 1993 c 387 s 18 are each amended to  
7 read as follows:

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

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

12 ~~((2))~~ (b) For fraud or deception in reporting under RCW  
13 18.104.050;

14 ~~((3))~~ (c) For violating the provisions of this chapter, or of any  
15 lawful rule or regulation of the department or the department of  
16 health.

17 (2) The director shall immediately suspend any license issued under  
18 this chapter if the holder of the license has been certified pursuant  
19 to section 802 of this act by the department of social and health  
20 services as a person who is not in compliance with a support order. If  
21 the person has continued to meet all other requirements for  
22 reinstatement during the suspension, reissuance of the license shall be  
23 automatic upon the director's receipt of a release issued by the  
24 department of social and health services stating that the person is in  
25 compliance with the order.

26 (3) No license shall be suspended for more than six months, except  
27 that a suspension under section 802 of this act shall continue until  
28 the department receives a release issued by the department of social  
29 and health services stating that the person is in compliance with the  
30 order.

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

34 **Sec. 833.** RCW 18.106.070 and 1985 c 465 s 1 are each amended to  
35 read as follows:

36 (1) Except as provided in section 834 of this act, the department  
37 shall issue a certificate of competency to all applicants who have

1 passed the examination and have paid the fee for the certificate. The  
2 certificate shall bear the date of issuance, and shall expire on the  
3 birthdate of the holder immediately following the date of issuance.  
4 The certificate shall be renewable every other year, upon application,  
5 on or before the birthdate of the holder. A renewal fee shall be  
6 assessed for each certificate. If a person fails to renew the  
7 certificate by the renewal date, he or she must pay a doubled fee. If  
8 the person does not renew the certificate within ninety days of the  
9 renewal date, he or she must retake the examination and pay the  
10 examination fee.

11 The certificate of competency and the temporary permit provided for  
12 in this chapter grant the holder the right to engage in the work of  
13 plumbing as a journeyman plumber or specialty plumber in accordance  
14 with their provisions throughout the state and within any of its  
15 political subdivisions on any job or any employment without additional  
16 proof of competency or any other license or permit or fee to engage in  
17 the work. This section does not preclude employees from adhering to a  
18 union security clause in any employment where such a requirement  
19 exists.

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

1 certificates in their possession at all times that they are performing  
2 plumbing work. They shall show their certificates to an authorized  
3 representative of the department at the representative's request.

4 (3) Any person who has been issued a plumbing training certificate  
5 under this chapter may work if that person is under supervision.  
6 Supervision shall consist of a person being on the same job site and  
7 under the control of either a journeyman plumber or an appropriate  
8 specialty plumber who has an applicable certificate of competency  
9 issued under this chapter. Either a journeyman plumber or an  
10 appropriate specialty plumber shall be on the same job site as the  
11 noncertified individual for a minimum of seventy-five percent of each  
12 working day unless otherwise provided in this chapter. The ratio of  
13 noncertified individuals to certified journeymen or specialty plumbers  
14 working on a job site shall be: (a) From July 28, 1985, through June  
15 30, 1988, not more than three noncertified plumbers working on any one  
16 job site for every certified journeyman or specialty plumber; (b)  
17 effective July 1, 1988, not more than two noncertified plumbers working  
18 on any one job site for every certified specialty plumber or journeyman  
19 plumber working as a specialty plumber; and (c) effective July 1, 1988,  
20 not more than one noncertified plumber working on any one job site for  
21 every certified journeyman plumber working as a journeyman plumber.

22 An individual who has a current training certificate and who has  
23 successfully completed or is currently enrolled in an approved  
24 apprenticeship program or in a technical school program in the plumbing  
25 construction trade in a school approved by the (~~commission for~~  
26 ~~vocational education~~) work force training and education coordinating  
27 board, may work without direct on-site supervision during the last six  
28 months of meeting the practical experience requirements of this  
29 chapter.

30 NEW SECTION. Sec. 834. A new section is added to chapter 18.106  
31 RCW to read as follows:

32 The department shall immediately suspend any certificate of  
33 competency issued under this chapter if the holder of the certificate  
34 has been certified pursuant to section 802 of this act by the  
35 department of social and health services as a person who is not in  
36 compliance with a support order. If the person has continued to meet  
37 all other requirements for certification during the suspension,  
38 reissuance of the certificate of competency shall be automatic upon the

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

4 NEW SECTION. **Sec. 835.** A new section is added to chapter 18.130  
5 RCW to read as follows:

6 The secretary shall immediately suspend the license of any person  
7 subject to this chapter who has been certified by the department of  
8 social and health services as a person who is not in compliance with a  
9 support order as provided in section 802 of this act.

10 **Sec. 836.** RCW 18.130.150 and 1984 c 279 s 15 are each amended to  
11 read as follows:

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

20 A person whose license has been suspended for noncompliance with a  
21 support order under section 802 of this act may petition for  
22 reinstatement at any time by providing the secretary a release issued  
23 by the department of social and health services stating that the person  
24 is in compliance with the order. If the person has continued to meet  
25 all other requirements for reinstatement during the suspension, the  
26 secretary shall automatically reissue the person's license upon receipt  
27 of the release, and payment of a reinstatement fee, if any.

28 NEW SECTION. **Sec. 837.** A new section is added to chapter 18.140  
29 RCW to read as follows:

30 The director shall immediately suspend any license or certificate  
31 issued under this chapter if the holder has been certified pursuant to  
32 section 802 of this act by the department of social and health services  
33 as a person who is not in compliance with a support order. If the  
34 person has continued to meet all other requirements for reinstatement  
35 during the suspension, reissuance of the license or certificate shall  
36 be automatic upon the director's receipt of a release issued by the

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

3 **Sec. 838.** RCW 18.145.080 and 1995 c 269 s 504 and 1995 c 27 s 8  
4 are each reenacted and amended to read as follows:

5 Except as provided in section 839 of this act, the department  
6 shall issue a certificate to any applicant who meets the standards  
7 established under this chapter and who:

8 (1) Is holding one of the following:

9 (a) Certificate of proficiency, registered professional reporter,  
10 registered merit reporter, or registered diplomate reporter from  
11 (~~the~~) the national court reporters association;

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

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

15 (2) Has passed an examination approved by the director or an  
16 examination that meets or exceeds the standards established by the  
17 director.

18 NEW SECTION. **Sec. 839.** A new section is added to chapter 18.145  
19 RCW to read as follows:

20 The director shall immediately suspend any certificate issued under  
21 this chapter if the holder has been certified pursuant to section 802  
22 of this act by the department of social and health services as a person  
23 who is not in compliance with a support order. If the person has  
24 continued to meet all other requirements for certification during the  
25 suspension, reissuance of the certificate shall be automatic upon the  
26 director's receipt of a release issued by the department of social and  
27 health services stating that the person is in compliance with the  
28 order.

29 **Sec. 840.** RCW 18.160.080 and 1990 c 177 s 10 are each amended to  
30 read as follows:

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

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

4 (b) Conviction of a felony;

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

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

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

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

15 (2) The state director of fire protection shall revoke the license  
16 of a licensed fire protection sprinkler system contractor or the  
17 certificate of a certificate of competency holder who engages in the  
18 fire protection sprinkler system business while the license or  
19 certificate of competency is suspended.

20 (3) The state director of fire protection shall immediately suspend  
21 any license or certificate issued under this chapter if the holder has  
22 been certified pursuant to section 802 of this act by the department of  
23 social and health services as a person who is not in compliance with a  
24 support order. If the person has continued to meet all other  
25 requirements for issuance or reinstatement during the suspension,  
26 issuance or reissuance of the license or certificate shall be automatic  
27 upon the director's receipt of a release issued by the department of  
28 social and health services stating that the person is in compliance  
29 with the order.

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

36 **Sec. 841.** RCW 18.165.160 and 1995 c 277 s 34 are each amended to  
37 read as follows:

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

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

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

10 (3) Not meeting the qualifications set forth in RCW 18.165.030,  
11 18.165.040, or 18.165.050;

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

14 (5) Carrying a firearm in the performance of his or her duties if  
15 not the holder of a valid armed private investigator license, or  
16 carrying a firearm not meeting the provisions of this chapter while in  
17 the performance of his or her duties;

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

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

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

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

29 (10) Conviction of a gross misdemeanor or felony or the commission  
30 of any act involving moral turpitude, dishonesty, or corruption whether  
31 the act constitutes a crime or not. If the act constitutes a crime,  
32 conviction in a criminal proceeding is not a condition precedent to  
33 disciplinary action. Upon such a conviction, however, the judgment and  
34 sentence is conclusive evidence at the ensuing disciplinary hearing of  
35 the guilt of the license holder or applicant of the crime described in  
36 the indictment or information, and of the person's violation of the  
37 statute on which it is based. For the purposes of this section,  
38 conviction includes all instances in which a plea of guilty or nolo



1    contendere is the basis for the conviction and all proceedings in which  
2    the sentence has been deferred or suspended;

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

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

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

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

12       (a) Not furnishing any necessary papers or documents requested by  
13    the director for purposes of conducting an investigation for  
14    disciplinary action, denial, suspension, or revocation of a license  
15    under this chapter;

16       (b) Not furnishing in writing a full and complete explanation  
17    covering the matter contained in a complaint filed with the department;  
18    or

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

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

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

25       (17) Misrepresentation or fraud in any aspect of the conduct of the  
26    business or profession;

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

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

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

36       (21) Assisting a client to locate, trace, or contact a person when  
37    the investigator knows that the client is prohibited by any court order  
38    from harassing or contacting the person whom the investigator is being

1 asked to locate, trace, or contact, as it pertains to domestic  
2 violence, stalking, or minor children;

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

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

5 (24) Being certified as not in compliance with a support order as  
6 provided in section 802 of this act.

7 NEW SECTION. **Sec. 842.** A new section is added to chapter 18.165  
8 RCW to read as follows:

9 The director shall immediately suspend a license issued under this  
10 chapter if the holder has been certified pursuant to section 802 of  
11 this act by the department of social and health services as a person  
12 who is not in compliance with a support order. If the person has  
13 continued to meet all other requirements for reinstatement during the  
14 suspension, reissuance of the license shall be automatic upon the  
15 director's receipt of a release issued by the department of social and  
16 health services stating that the person is in compliance with the  
17 order.

18 **Sec. 843.** RCW 18.170.170 and 1995 c 277 s 12 are each amended to  
19 read as follows:

20 In addition to the provisions of section 844 of this act, the  
21 following acts are prohibited and constitute grounds for disciplinary  
22 action, assessing administrative penalties, or denial, suspension, or  
23 revocation of any license under this chapter, as deemed appropriate by  
24 the director:

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

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

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

31 (4) Not meeting the qualifications set forth in RCW 18.170.030,  
32 18.170.040, or 18.170.060;

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

35 (6) Carrying a firearm in the performance of his or her duties if  
36 not the holder of a valid armed private security guard license, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (18) Misrepresentation or fraud in any aspect of the conduct of the  
12 business or profession;

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

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

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

22 (22) Failure to maintain insurance; and

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

24 NEW SECTION. **Sec. 844.** A new section is added to chapter 18.170  
25 RCW to read as follows:

26 The director shall immediately suspend any license issued under  
27 this chapter if the holder has been certified pursuant to section 802  
28 of this act by the department of social and health services as a person  
29 who is not in compliance with a support order. If the person has  
30 continued to meet all other requirements for reinstatement during the  
31 suspension, reissuance of the license shall be automatic upon the  
32 director's receipt of a release issued by the department of social and  
33 health services stating that the person is in compliance with the  
34 order.

35 NEW SECTION. **Sec. 845.** A new section is added to chapter 18.175  
36 RCW to read as follows:

1 The director shall immediately suspend a certificate of  
2 registration issued under this chapter if the holder has been certified  
3 pursuant to section 802 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. If the person has continued to meet all other requirements for  
6 certification during the suspension, reissuance of the certificate  
7 shall be automatic upon the director's receipt of a release issued by  
8 the department of social and health services stating that the person is  
9 in compliance with the order.

10 NEW SECTION. **Sec. 846.** A new section is added to chapter 18.185  
11 RCW to read as follows:

12 The director shall immediately suspend any license issued under  
13 this chapter if the holder has been certified pursuant to section 802  
14 of this act by the department of social and health services as a person  
15 who is not in compliance with a support order. If the person has  
16 continued to meet all other requirements for reinstatement during the  
17 suspension, reissuance of the license shall be automatic upon the  
18 director's receipt of a release issued by the department of social and  
19 health services stating that the person is in compliance with the  
20 order.

21 **Sec. 847.** RCW 43.20A.205 and 1989 c 175 s 95 are each amended to  
22 read as follows:

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

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

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

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

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

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

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

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

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

1 proceedings are pending if staying implementation is in the public  
2 interest or for other good cause.

3 NEW SECTION. **Sec. 848.** A new section is added to chapter 28A.410  
4 RCW to read as follows:

5 Any certificate or permit authorized under this chapter or chapter  
6 28A.405 RCW shall be suspended by the authority authorized to grant the  
7 certificate or permit if the department of social and health services  
8 certifies that the person is not in compliance with a support order as  
9 provided in section 802 of this act. If the person continues to meet  
10 other requirements for reinstatement during the suspension, reissuance  
11 of the certificate or permit shall be automatic after the person  
12 provides the authority a release issued by the department of social and  
13 health services stating that the person is in compliance with the  
14 order.

15 **Sec. 849.** RCW 43.70.115 and 1991 c 3 s 377 are each amended to  
16 read as follows:

17 This section governs the denial of an application for a license or  
18 the suspension, revocation, or modification of a license by the  
19 department. This section does not govern actions taken under chapter  
20 18.130 RCW.

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

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

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

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

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

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

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

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



1       **Sec. 850.** RCW 19.28.310 and 1996 c 241 s 5 are each amended to  
2 read as follows:

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

26       (2) The department shall immediately suspend the license or  
27 certificate of a person who has been certified pursuant to section 802  
28 of this act by the department of social and health services as a person  
29 who is not in compliance with a support order. If the person has  
30 continued to meet all other requirements for reinstatement during the  
31 suspension, reissuance of the license or certificate shall be automatic  
32 upon the department's receipt of a release issued by the department of  
33 social and health services stating that the licensee is in compliance  
34 with the order.

35       **Sec. 851.** RCW 19.28.580 and 1988 c 81 s 15 are each amended to  
36 read as follows:

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

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

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

5 (c) The holder thereof has violated any of the provisions of RCW  
6 19.28.510 through 19.28.620 or any rule adopted under this chapter.

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

19 (3) The department shall immediately suspend the license or  
20 certificate of a person who has been certified pursuant to section 802  
21 of this act by the department of social and health services as a person  
22 who is not in compliance with a support order. If the person has  
23 continued to meet all other requirements for reinstatement during the  
24 suspension, reissuance of the license or certificate shall be automatic  
25 upon the department's receipt of a release issued by the department of  
26 social and health services stating that the licensee is in compliance  
27 with the order.

28 **Sec. 852.** RCW 19.30.060 and 1985 c 280 s 6 are each amended to  
29 read as follows:

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

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

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

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

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

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

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

17 The director shall immediately suspend the license or certificate  
18 of a person who has been certified pursuant to section 802 of this act  
19 by the department of social and health services as a person who is not  
20 in compliance with a support order. If the person has continued to  
21 meet all other requirements for reinstatement during the suspension,  
22 reissuance of the license or certificate shall be automatic upon the  
23 director's receipt of a release issued by the department of social and  
24 health services stating that the licensee is in compliance with the  
25 order.

26 **Sec. 853.** RCW 19.16.120 and 1994 c 195 s 3 are each amended to  
27 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 The director shall immediately suspend the license or certificate  
30 of a person who has been certified pursuant to section 802 of this act  
31 by the department of social and health services as a person who is not  
32 in compliance with a support order. If the person has continued to  
33 meet all other requirements for reinstatement during the suspension,  
34 reissuance of the license or certificate shall be automatic upon the  
35 director's receipt of a release issued by the department of social and  
36 health services stating that the licensee is in compliance with the  
37 order.

1       **Sec. 854.** RCW 19.31.130 and 1969 ex.s. c 228 s 13 are each amended  
2 to read as follows:

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

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

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

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

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

20       (2) The director shall immediately suspend the license or  
21 certificate of a person who has been certified pursuant to section 802  
22 of this act by the department of social and health services as a person  
23 who is not in compliance with a support order. If the person has  
24 continued to meet all other requirements for reinstatement during the  
25 suspension, reissuance of the license or certificate shall be automatic  
26 upon the director's receipt of a release issued by the department of  
27 social and health services stating that the licensee is in compliance  
28 with the order.

29       **Sec. 855.** RCW 19.32.060 and 1943 c 117 s 5 are each amended to  
30 read as follows:

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

1 an unsanitary condition and the licensee has failed or refused to  
2 remedy the same within ten days after receipt from the director of  
3 agriculture of written notice to do so.

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

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

13 (4) The director shall immediately suspend the license or  
14 certificate of a person who has been certified pursuant to section 802  
15 of this act by the department of social and health services as a person  
16 who is not in compliance with a support order. If the person has  
17 continued to meet all other requirements for reinstatement during the  
18 suspension, reissuance of the license or certificate shall be automatic  
19 upon the director's receipt of a release issued by the department of  
20 social and health services stating that the licensee is in compliance  
21 with the order.

22 **Sec. 856.** RCW 19.105.380 and 1988 c 159 s 14 are each amended to  
23 read as follows:

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

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

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

32 (c) The applicant, registrant, or affiliate has failed to comply  
33 with any provision of this chapter, the rules adopted or the conditions  
34 of a permit granted under this chapter, or a stipulation or final order  
35 previously entered into by the operator or issued by the department  
36 under this chapter;

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

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

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

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

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

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

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

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

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



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

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

7 (ii) Employ any device, scheme, or artifice to defraud purchasers  
8 or members;

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

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

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

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

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

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

34 (ii) The property is withdrawn because, despite good faith efforts  
35 by the camping resort operator, a nonaffiliate of the camping resort  
36 has exercised a right of withdrawal from use by the camping resort  
37 (such as withdrawal following expiration of a lease of the property to  
38 the camping resort) and the terms of the withdrawal right have been  
39 disclosed in writing to all purchasers at or prior to the time of any

1 sales of camping resort contracts after the camping resort has  
2 represented to purchasers that the property is or will be available for  
3 camping or recreation purposes;

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

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

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

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

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

26 (u) The applicant or registrant has filed voluntarily or been  
27 placed involuntarily into a federal bankruptcy or is proposing to do  
28 so; or

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

33 (2) Any applicant or registrant who has violated subsection (1)(a),  
34 (b), (c), (f), (h), (i), (j), (l), (m), or (n) of this section may be  
35 fined by the director in an amount not to exceed one thousand dollars  
36 for each such violation. Proceedings seeking such fines shall be held  
37 in accordance with chapter 34.05 RCW and may be filed either separately  
38 or in conjunction with other administrative proceedings to deny,  
39 suspend, or revoke registrations authorized under this chapter. Fines

1 collected from such proceedings shall be deposited in the state general  
2 fund.

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

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

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

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

31 (7) The director shall immediately suspend the license or  
32 certificate of a person who has been certified pursuant to section 802  
33 of this act by the department of social and health services as a person  
34 who is not in compliance with a support order. If the person has  
35 continued to meet all other requirements for reinstatement during the  
36 suspension, reissuance of the license or certificate shall be automatic  
37 upon the director's receipt of a release issued by the department of  
38 social and health services stating that the licensee is in compliance  
39 with the order.

1       **Sec. 857.** RCW 19.105.440 and 1988 c 159 s 21 are each amended to  
2 read as follows:

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

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

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

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

19       (d) Required filing fees.

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

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

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

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

38       (d) Making, printing, publishing, distributing, or causing,  
39 authorizing, or knowingly permitting the making, printing, publication,

1 or distribution of false statements, descriptions, or promises of such  
2 character as to reasonably induce any person to act thereon, if the  
3 statements, descriptions, or promises purport to be made or to be  
4 performed by either the applicant or registrant and the applicant or  
5 registrant then knew or, by the exercise of reasonable care and  
6 inquiry, could have known, of the falsity of the statements,  
7 descriptions, or promises;

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

12 (f) Failing, upon demand, to disclose to the director or the  
13 director's authorized representatives acting by authority of law any  
14 information within his or her knowledge or to produce for inspection  
15 any document, book or record in his or her possession, which is  
16 material to the salesperson's registration or application for  
17 registration;

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

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

25 (i) Misrepresentation of membership in any state or national  
26 association; or

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

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

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

38 (5) The director, subsequent to any complaint filed against a  
39 salesperson or pursuant to an investigation to determine violations,

1 may enter into stipulated assurances of discontinuances in lieu of  
2 issuing a statement of charges or a cease and desist order or  
3 conducting a hearing. The assurance shall consist of a statement of  
4 the law in question and an agreement not to violate the stated  
5 provision. The salesperson shall not be required to admit to any  
6 violation of the law, nor shall the assurance be construed as such an  
7 admission. Violation of an assurance under this subsection is grounds  
8 for a disciplinary action, a suspension of registration, or a fine not  
9 to exceed one thousand dollars.

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

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

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

30 (9) The director shall immediately suspend the license or  
31 certificate of a person who has been certified pursuant to section 802  
32 of this act by the department of social and health services as a person  
33 who is not in compliance with a support order. If the person has  
34 continued to meet all other requirements for reinstatement during the  
35 suspension, reissuance of the license or certificate shall be automatic  
36 upon the director's receipt of a release issued by the department of  
37 social and health services stating that the licensee is in compliance  
38 with the order.

1       **Sec. 858.** RCW 19.138.130 and 1996 c 180 s 6 are each amended to  
2 read as follows:

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

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

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

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

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

17       (e) Has failed to display the registration as provided in this  
18 chapter;

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

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

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

29       (3) The director shall immediately suspend the license or  
30 certificate of a person who has been certified pursuant to section 802  
31 of this act by the department of social and health services as a person  
32 who is not in compliance with a support order. If the person has  
33 continued to meet all other requirements for reinstatement during the  
34 suspension, reissuance of the license or certificate shall be automatic  
35 upon the director's receipt of a release issued by the department of  
36 social and health services stating that the licensee is in compliance  
37 with the order.

1       **Sec. 859.** RCW 19.158.050 and 1989 c 20 s 5 are each amended to  
2 read as follows:

3       (1) In order to maintain or defend a lawsuit or do any business in  
4 this state, a commercial telephone solicitor must be registered with  
5 the department of licensing. Prior to doing business in this state, a  
6 commercial telephone solicitor shall register with the department of  
7 licensing. Doing business in this state includes both commercial  
8 telephone solicitation from a location in Washington and solicitation  
9 of purchasers located in Washington.

10       (2) The department of licensing, in registering commercial  
11 telephone solicitors, shall have the authority to require the  
12 submission of information necessary to assist in identifying and  
13 locating a commercial telephone solicitor, including past business  
14 history, prior judgments, and such other information as may be useful  
15 to purchasers.

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

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

20       (a) Fail to maintain a valid registration;

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

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

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

28       (5) An annual registration fee shall be assessed by the department  
29 of licensing, the amount of which shall be determined at the discretion  
30 of the director of the department of licensing, and which shall be  
31 reasonably related to the cost of administering the provisions of this  
32 chapter.

33       (6) The department shall immediately suspend the license or  
34 certificate of a person who has been certified pursuant to section 802  
35 of this act by the department of social and health services as a person  
36 who is not in compliance with a support order. If the person has  
37 continued to meet all other requirements for reinstatement during the  
38 suspension, reissuance of the license or certificate shall be automatic  
39 upon the department's receipt of a release issued by the department of



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

3 **Sec. 860.** RCW 19.166.040 and 1995 c 60 s 2 are each amended to  
4 read as follows:

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

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

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

13 (c) The organization's unified business identification number, if  
14 any;

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

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

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

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

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

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

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

36 (5) The office of the secretary of state shall immediately suspend  
37 the license or certificate of a person who has been certified pursuant  
38 to section 802 of this act by the department of social and health

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

8 NEW SECTION. Sec. 861. A new section is added to chapter 20.01  
9 RCW to read as follows:

10 The director shall immediately suspend the license or certificate  
11 of a person who has been certified pursuant to section 802 of this act  
12 by the department of social and health services as a person who is not  
13 in compliance with a support order. If the person has continued to  
14 meet all other requirements for reinstatement during the suspension,  
15 reissuance of the license or certificate shall be automatic upon the  
16 director's receipt of a release issued by the department of social and  
17 health services stating that the licensee is in compliance with the  
18 order.

19 **Sec. 862.** RCW 21.20.110 and 1994 c 256 s 10 are each amended to  
20 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 The director shall immediately suspend the license or certificate  
23 of a person who has been certified pursuant to section 802 of this act  
24 by the department of social and health services as a person who is not  
25 in compliance with a support order. If the person has continued to  
26 meet all other requirements for reinstatement during the suspension,  
27 reissuance of the license or certificate shall be automatic upon the  
28 director's receipt of a release issued by the department of social and  
29 health services stating that the licensee is in compliance with the  
30 order.

31 NEW SECTION. Sec. 863. A new section is added to chapter 48.17  
32 RCW to read as follows:

33 The commissioner shall immediately suspend the license or  
34 certificate of a person who has been certified pursuant to section 802  
35 of this act by the department of social and health services as a person  
36 who is not in compliance with a support order. If the person has  
37 continued to meet all other requirements for reinstatement during the  
38 suspension, reissuance of the license or certificate shall be automatic

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

4 NEW SECTION. **Sec. 864.** A new section is added to chapter 74.15  
5 RCW to read as follows:

6 The secretary shall immediately suspend the license or certificate  
7 of a person who has been certified pursuant to section 802 of this act  
8 by the department of social and health services as a person who is not  
9 in compliance with a support order. If the person has continued to  
10 meet all other requirements for reinstatement during the suspension,  
11 reissuance of the license or certificate shall be automatic upon the  
12 secretary's receipt of a release issued by the department of social and  
13 health services stating that the licensee is in compliance with the  
14 order.

15 NEW SECTION. **Sec. 865.** A new section is added to chapter 47.68  
16 RCW to read as follows:

17 The department shall immediately suspend the license or certificate  
18 of a person who has been certified pursuant to section 802 of this act  
19 by the department of social and health services as a person who is not  
20 in compliance with a support order. If the person has continued to  
21 meet all other requirements for reinstatement during the suspension,  
22 reissuance of the license or certificate shall be automatic upon the  
23 department's receipt of a release issued by the department of social  
24 and health services stating that the licensee is in compliance with the  
25 order.

26 NEW SECTION. **Sec. 866.** A new section is added to chapter 71.12  
27 RCW to read as follows:

28 The department of health shall immediately suspend the license or  
29 certificate of a person who has been certified pursuant to section 802  
30 of this act by the department of social and health services as a person  
31 who is not in compliance with a support order. If the person has  
32 continued to meet all other requirements for reinstatement during the  
33 suspension, reissuance of the license or certificate shall be automatic  
34 upon the department of health's receipt of a release issued by the  
35 department of social and health services stating that the licensee is  
36 in compliance with the order.

1       **Sec. 867.** RCW 66.20.320 and 1996 c 311 s 2 are each amended to  
2 read as follows:

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

5       (a) Development of the curriculum and materials for the education  
6 program;

7       (b) Examination and examination procedures;

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

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

12       (i) The physiological effects of alcohol including the effects of  
13 alcohol in combination with drugs;

14       (ii) Liability and legal information;

15       (iii) Driving while intoxicated;

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

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

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

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

27       (3) Except as provided in section 869 of this act, each training  
28 entity shall provide a class 12 permit to the manager or bartender who  
29 has successfully completed a course the board has certified. A list of  
30 the individuals receiving the class 12 permit shall be forwarded to the  
31 board on the completion of each course given by the training entity.

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

36       (5) When requested by a retail liquor licensee, the board shall  
37 provide copies of videotaped training programs that have been produced  
38 by private vendors and make them available for a nominal fee to cover

1 the cost of purchasing and shipment, with the fees being deposited in  
2 the liquor revolving fund for distribution to the board as needed.

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

7 (7) Except as provided in section 869 of this act, applicants shall  
8 be given a class 13 permit upon the successful completion of the  
9 program.

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

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

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

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

24 NEW SECTION. Sec. 868. A new section is added to chapter 66.20  
25 RCW to read as follows:

26 The board shall immediately suspend the license of a person who has  
27 been certified pursuant to section 802 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. If the person has continued to meet all other  
30 requirements for reinstatement during the suspension, reissuance of the  
31 license shall be automatic upon the board's receipt of a release issued  
32 by the department of social and health services stating that the  
33 licensee is in compliance with the order.

34 NEW SECTION. Sec. 869. A new section is added to chapter 66.24  
35 RCW to read as follows:

36 The board shall immediately suspend the license of a person who has  
37 been certified pursuant to section 802 of this act by the department of

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

7 NEW SECTION. **Sec. 870.** A new section is added to chapter 88.02  
8 RCW to read as follows:

9 The department shall immediately suspend the vessel registration or  
10 vessel dealer's registration of a person who has been certified  
11 pursuant to section 802 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. If the person has continued to meet all other requirements for  
14 reinstatement during the suspension, reissuance of the registration  
15 shall be automatic upon the department's receipt of a release issued by  
16 the department of social and health services stating that the licensee  
17 is in compliance with the order.

18 **Sec. 871.** RCW 67.08.040 and 1993 c 278 s 14 are each amended to  
19 read as follows:

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

24 **Sec. 872.** RCW 67.08.100 and 1993 c 278 s 20 are each amended to  
25 read as follows:

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



1 the United States, holding and promoting athletic contests and where  
2 all funds are used primarily for the benefit of their members.

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

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

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

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

11 (6) The department shall immediately suspend the license or  
12 certificate of a person who has been certified pursuant to section 802  
13 of this act by the department of social and health services as a person  
14 who is not in compliance with a support order. If the person has  
15 continued to meet all other requirements for reinstatement during the  
16 suspension, reissuance of the license or certificate shall be automatic  
17 upon the department's receipt of a release issued by the department of  
18 social and health services stating that the licensee is in compliance  
19 with the order.

20 **Sec. 873.** RCW 19.02.100 and 1991 c 72 s 8 are each amended to read  
21 as follows:

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

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

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

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

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

37 (3) The department shall immediately suspend the license or  
38 certificate of a person who has been certified pursuant to section 802

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

8       **Sec. 874.** RCW 43.24.080 and 1979 c 158 s 99 are each amended to  
9 read as follows:

10       Except as provided in section 877 of this act, at the close of each  
11 examination the department of licensing shall prepare the proper  
12 licenses, where no further fee is required to be paid, and issue  
13 licenses to the successful applicants signed by the director and notify  
14 all successful applicants, where a further fee is required, of the fact  
15 that they are entitled to receive such license upon the payment of such  
16 further fee to the department of licensing and notify all applicants  
17 who have failed to pass the examination of that fact.

18       **Sec. 875.** RCW 43.24.110 and 1986 c 259 s 149 are each amended to  
19 read as follows:

20       Except as provided in section 877 of this act, whenever there is  
21 filed in a matter under the jurisdiction of the director of licensing  
22 any complaint charging that the holder of a license has been guilty of  
23 any act or omission which by the provisions of the law under which the  
24 license was issued would warrant the revocation thereof, verified in  
25 the manner provided by law, the director of licensing shall request the  
26 governor to appoint, and the governor shall appoint within thirty days  
27 of the request, two qualified practitioners of the profession or  
28 calling of the person charged, who, with the director or his duly  
29 appointed representative, shall constitute a committee to hear and  
30 determine the charges and, in case the charges are sustained, impose  
31 the penalty provided by law. In addition, the governor shall appoint  
32 a consumer member of the committee.

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

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

1       **Sec. 876.** RCW 43.24.120 and 1987 c 202 s 212 are each amended to  
2 read as follows:

3       Except as provided in section 877 of this act, any person feeling  
4 aggrieved by the refusal of the director to issue a license, or to  
5 renew one, or by the revocation or suspension of a license shall have  
6 a right of appeal to superior court from the decision of the director  
7 of licensing, which shall be taken, prosecuted, heard, and determined  
8 in the manner provided in chapter 34.05 RCW.

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

11       NEW SECTION. **Sec. 877.** A new section is added to chapter 43.24  
12 RCW to read as follows:

13       The department shall immediately suspend any license issued by the  
14 department of licensing of a person who has been certified pursuant to  
15 section 802 of this act by the department of social and health services  
16 as a person who is not in compliance with a support order. If the  
17 person has continued to meet all other requirements for reinstatement  
18 during the suspension, reissuance of the license shall be automatic  
19 upon the department's receipt of a release issued by the department of  
20 social and health services stating that the licensee is in compliance  
21 with the order.

22       **Sec. 878.** RCW 70.74.110 and 1988 c 198 s 5 are each amended to  
23 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

1       **Sec. 879.** RCW 70.74.130 and 1988 c 198 s 7 are each amended to  
2 read as follows:

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

6       (1) The name and address of applicant;

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

9       (3) Citizenship, if an individual applicant;

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

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

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

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

24       **Sec. 880.** RCW 70.74.370 and 1988 c 198 s 4 are each amended to  
25 read as follows:

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

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

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

35       (c) A crime involving bomb threats;

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

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

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

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

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

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

24 (5) The department of labor and industries shall immediately  
25 suspend the license or certificate of a person who has been certified  
26 pursuant to section 802 of this act by the department of social and  
27 health services as a person who is not in compliance with a support  
28 order. If the person has continued to meet all other requirements for  
29 reinstatement during the suspension, reissuance of the license or  
30 certificate shall be automatic upon the department of labor and  
31 industries' receipt of a release issued by the department of social and  
32 health services stating that the licensee is in compliance with the  
33 order.

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

1       **Sec. 881.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to  
2 read as follows:

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

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

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

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

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

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

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

33       (b) The board shall immediately suspend the license or certificate  
34 of a person who has been certified pursuant to section 802 of this act  
35 by the department of social and health services as a person who is not  
36 in compliance with a support order. If the person has continued to  
37 meet all other requirements for reinstatement during the suspension,  
38 reissuance of the license or certificate shall be automatic upon the  
39 board's receipt of a release issued by the department of social and

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 **Sec. 882.** RCW 43.63B.040 and 1994 c 284 s 19 are each amended to  
32 read as follows:

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

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

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

9 (3) The department shall immediately suspend the license or  
10 certificate of a person who has been certified pursuant to section 802  
11 of this act by the department of social and health services as a person  
12 who is not in compliance with a support order. If the person has  
13 continued to meet all other requirements for reinstatement during the  
14 suspension, reissuance of the license or certificate shall be automatic  
15 upon the department's receipt of a release issued by the department of  
16 social and health services stating that the licensee is in compliance  
17 with the order.

18 **Sec. 883.** RCW 70.95D.040 and 1989 c 431 s 68 are each amended to  
19 read as follows:

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

24 (2) Operators shall be certified if they:

25 (a) Attend the required training sessions;

26 (b) Successfully complete required examinations; and

27 (c) Pay the prescribed fee.

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

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

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

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

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

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

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

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

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

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

19 (c) Have successfully completed any required examinations.

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

23 (9) The department shall immediately suspend the license or  
24 certificate of a person who has been certified pursuant to section 802  
25 of this act by the department of social and health services as a person  
26 who is not in compliance with a support order. If the person has  
27 continued to meet all other requirements for reinstatement during the  
28 suspension, reissuance of the license or certificate shall be automatic  
29 upon the department's receipt of a release issued by the department of  
30 social and health services stating that the licensee is in compliance  
31 with the order.

32 NEW SECTION. Sec. 884. A new section is added to chapter 70.95B  
33 RCW to read as follows:

34 The director shall immediately suspend the license or certificate  
35 of a person who has been certified pursuant to section 802 of this act  
36 by the department of social and health services as a person who is not  
37 in compliance with a support order. If the person has continued to  
38 meet all other requirements for reinstatement during the suspension,

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

5 **Sec. 885.** RCW 17.21.130 and 1994 c 283 s 15 are each amended to  
6 read as follows:

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

16 The director shall immediately suspend the license or certificate  
17 of a person who has been certified pursuant to section 802 of this act  
18 by the department of social and health services as a person who is not  
19 in compliance with a support order. If the person has continued to  
20 meet all other requirements for reinstatement during the suspension,  
21 reissuance of the license or certificate shall be automatic upon the  
22 director's receipt of a release issued by the department of social and  
23 health services stating that the licensee is in compliance with the  
24 order.

25 **Sec. 886.** RCW 64.44.060 and 1990 c 213 s 7 are each amended to  
26 read as follows:

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

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

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

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

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

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

19 (b) Failing to file a work plan;

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

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

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

25 (f) If the person has been certified pursuant to section 802 of  
26 this act by the department of social and health services as a person  
27 who is not in compliance with a support order. If the person has  
28 continued to meet all other requirements for reinstatement during the  
29 suspension, reissuance of the license or certificate shall be automatic  
30 upon the department's receipt of a release issued by the department of  
31 social and health services stating that the person is in compliance  
32 with the order.

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

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

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

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

4 **Sec. 887.** RCW 19.146.220 and 1996 c 103 s 1 are each amended to  
5 read as follows:

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

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

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

13 (b) Suspend or revoke licenses for:

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

31 (5) The director shall immediately suspend the license or  
32 certificate of a person who has been certified pursuant to section 802  
33 of this act by the department of social and health services as a person  
34 who is not in compliance with a support order. If the person has  
35 continued to meet all other requirements for reinstatement during the  
36 suspension, reissuance of the license or certificate shall be automatic  
37 upon the director's receipt of a release issued by the department of  
38 social and health services stating that the licensee is in compliance  
39 with the order.

1        NEW SECTION.    **Sec. 888.**    A new section is added to chapter 75.25  
2 RCW to read as follows:

3        The director shall immediately suspend the license or certificate  
4 of a person who has been certified pursuant to section 802 of this act  
5 by the department of social and health services as a person who is not  
6 in compliance with a support order.    If the person has continued to  
7 meet all other requirements for reinstatement during the suspension,  
8 reissuance of the license or certificate shall be automatic upon the  
9 director's receipt of a release issued by the department of social and  
10 health services stating that the licensee is in compliance with the  
11 order.

12        NEW SECTION.    **Sec. 889.**    A new section is added to chapter 77.32  
13 RCW to read as follows:

14        The director shall immediately suspend the license or certificate  
15 of a person who has been certified pursuant to section 802 of this act  
16 by the department of social and health services as a person who is not  
17 in compliance with a support order.    If the person has continued to  
18 meet all other requirements for reinstatement during the suspension,  
19 reissuance of the license or certificate shall be automatic upon the  
20 director's receipt of a release issued by the department of social and  
21 health services stating that the licensee is in compliance with the  
22 order.

23        **Sec. 890.**    RCW 75.25.150 and 1994 c 255 s 7 are each amended to  
24 read as follows:

25        It is unlawful to dig for, fish for, harvest, or possess shellfish,  
26 food fish, or seaweed without the licenses required by this chapter or  
27 with a suspended license pursuant to section 802 of this act.

28        NEW SECTION.    **Sec. 891.**    A new section is added to chapter 75.25  
29 RCW to read as follows:

30        Licenses issued pursuant to this chapter shall be invalid for any  
31 period in which a person is certified by the department of social and  
32 health services as a person in noncompliance with a support order.  
33 Fisheries patrol officers, ex officio fisheries patrol officers, and  
34 authorized fisheries employees shall enforce this section through  
35 checks of the department of licensing's computer data base.  
36 Presentation of a release issued by the department of social and health

1 services stating that the person is in compliance with an order shall  
2 serve as prima facie proof of compliance with a support order.

3 NEW SECTION. **Sec. 892.** A new section is added to chapter 77.32  
4 RCW to read as follows:

5 Licenses issued pursuant to this chapter shall be invalid for any  
6 period in which a person is certified by the department of social and  
7 health services as a person in noncompliance with a support order.  
8 Wildlife agents and ex officio wildlife agents shall enforce this  
9 section through checks of the department of licensing's computer data  
10 base. Presentation of a release issued by the department of social and  
11 health services stating that the person is in compliance with an order  
12 shall serve as prima facie proof of compliance with a support order.

13 **Sec. 893.** RCW 75.28.010 and 1993 c 340 s 2 are each amended to  
14 read as follows:

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

- 18 (a) Commercially fish for or take food fish or shellfish;
- 19 (b) Deliver food fish or shellfish taken in offshore waters;
- 20 (c) Operate a charter boat or commercial fishing vessel engaged in  
21 a fishery;
- 22 (d) Engage in processing or wholesaling food fish or shellfish; or
- 23 (e) Act as a guide for salmon for personal use in freshwater rivers  
24 and streams, other than that part of the Columbia river below the  
25 bridge at Longview.

26 (2) No person may engage in the activities described in subsection  
27 (1) of this section unless the licenses or permits required by this  
28 title are in the person's possession, (~~and~~) the person is the named  
29 license holder or an alternate operator designated on the license, and  
30 the person's license is not suspended pursuant to section 894 of this  
31 act.

32 (3) A valid Oregon license that is equivalent to a license under  
33 this title is valid in the concurrent waters of the Columbia river if  
34 the state of Oregon recognizes as valid the equivalent Washington  
35 license. The director may identify by rule what Oregon licenses are  
36 equivalent.

1 (4) No license or permit is required for the production or  
2 harvesting of private sector cultured aquatic products as defined in  
3 RCW 15.85.020 or for the delivery, processing, or wholesaling of such  
4 aquatic products. However, if a means of identifying such products is  
5 required by rules adopted under RCW 15.85.060, the exemption from  
6 licensing or permit requirements established by this subsection applies  
7 only if the aquatic products are identified in conformance with those  
8 rules.

9 NEW SECTION. **Sec. 894.** A new section is added to chapter 75.28  
10 RCW to read as follows:

11 The department shall immediately suspend the license of a person  
12 who has been certified pursuant to section 802 of this act by the  
13 department of social and health services as a person who is not in  
14 compliance with a support order. If the person has continued to meet  
15 all other requirements for reinstatement during the suspension,  
16 reissuance of the license shall be automatic upon the department's  
17 receipt of a release issued by the department of social and health  
18 services stating that the licensee is in compliance with the order.

19 NEW SECTION. **Sec. 895.** (1) The director of the department of fish  
20 and wildlife and the director of the department of information services  
21 shall jointly develop a comprehensive, state-wide implementation plan  
22 for the automated issuance, revocation, and general administration of  
23 hunting, fishing, and recreational licenses administered under the  
24 authority of the department of fish and wildlife to ensure compliance  
25 with the license suspension requirements for failure to pay child  
26 support in section 802 of this act.

27 (2) The plan shall detail the implementation steps necessary to  
28 effectuate the automated administration of hunting, fishing, and  
29 recreational licenses and shall include recommendations regarding all  
30 costs and equipment associated with the plan.

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

33 **Sec. 896.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to  
34 read as follows:

35 (1) If the office of support enforcement is providing support  
36 enforcement services under RCW 26.23.045, or if a party is applying for

1 support enforcement services by signing the application form on the  
2 bottom of the support order, the superior court shall include in all  
3 court orders that establish or modify a support obligation:

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

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

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

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

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

18 (d) A statement that the responsible parent's privileges to obtain  
19 and maintain a license, as defined in section 802 of this act, may be  
20 denied, not renewed, or suspended if the parent is not in compliance  
21 with a support order as defined in section 802 of this act.

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

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

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

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

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

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

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

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

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

13 (i) Immediate income withholding may be ordered if the responsible  
14 parent has earnings. If immediate income withholding is ordered under  
15 this subsection, all support payments shall be paid to the Washington  
16 state support registry. The superior court shall issue a mandatory  
17 wage assignment order as set forth in chapter 26.18 RCW when the  
18 support order is signed by the court. The parent entitled to receive  
19 the transfer payment is responsible for serving the employer with the  
20 order and for its enforcement as set forth in chapter 26.18 RCW.

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

27 (c) If a mandatory wage withholding order under chapter 26.18 RCW  
28 is issued under this subsection and the office of support enforcement  
29 provides support enforcement services under RCW 26.23.045, the existing  
30 wage withholding assignment is prospectively superseded upon the office  
31 of support enforcement's subsequent service of an income withholding  
32 notice.

33 (3) The office of administrative hearings and the department of  
34 social and health services shall require that all support obligations  
35 established as administrative orders include a provision which orders  
36 and directs that the responsible parent shall make all support payments  
37 to the Washington state support registry. All administrative orders  
38 shall also state that the responsible parent's privileges to obtain and  
39 maintain a license, as defined in section 802 of this act, may be

1 denied, not renewed, or suspended if the parent is not in compliance  
2 with a support order as defined in section 802 of this act. All  
3 administrative orders shall also state that a notice of payroll  
4 deduction may be issued, or other income withholding action taken  
5 without further notice to the responsible parent at any time after  
6 entry of the order, unless:

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

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

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

21 (5) Every support order shall state:

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

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

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

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

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

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

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

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

37 (g) The social security number and residence address of the  
38 physical custodian except as provided in subsection (6) of this  
39 section;

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

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

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

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

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

21 (m) That the responsible parent's privileges to obtain and maintain  
22 a license, as defined in section 802 of this act, may be denied, not  
23 renewed, or suspended if the parent is not in compliance with a support  
24 order as defined in section 802 of this act.

25 (6) The physical custodian's address:

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

30 (b) A responsible parent may request the physical custodian's  
31 residence address by submission of a request for disclosure under RCW  
32 26.23.120 to the office of support enforcement.

33 (7) The superior court clerk, the office of administrative  
34 hearings, and the department of social and health services shall,  
35 within five days of entry, forward to the Washington state support  
36 registry, a true and correct copy of all superior court orders or  
37 administrative orders establishing or modifying a support obligation  
38 which provide that support payments shall be made to the support  
39 registry. If a superior court order entered prior to January 1, 1988,



1 directs the responsible parent to make support payments to the clerk,  
2 the clerk shall send a true and correct copy of the support order and  
3 the payment record to the registry for enforcement action when the  
4 clerk identifies that a payment is more than fifteen days past due.  
5 The office of support enforcement shall reimburse the clerk for the  
6 reasonable costs of copying and sending copies of court orders to the  
7 registry at the reimbursement rate provided in Title IV-D of the social  
8 security act.

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

14 (9) After the responsible parent has been ordered or notified to  
15 make payments to the Washington state support registry under this  
16 section, the responsible parent shall be fully responsible for making  
17 all payments to the Washington state support registry and shall be  
18 subject to payroll deduction or other income withholding action. The  
19 responsible parent shall not be entitled to credit against a support  
20 obligation for any payments made to a person or agency other than to  
21 the Washington state support registry except as provided under RCW  
22 74.20.101. A civil action may be brought by the payor to recover  
23 payments made to persons or agencies who have received and retained  
24 support moneys paid contrary to the provisions of this section.

25 **Sec. 897.** RCW 26.18.100 and 1994 c 230 s 4 are each amended to  
26 read as follows:

27 The wage assignment order shall be substantially in the following  
28 form:

29 IN THE SUPERIOR COURT OF THE  
30 STATE OF WASHINGTON IN AND FOR THE  
31 COUNTY OF . . . . .  
32 . . . . . ,  
33 Obligee No. . . . .  
34 vs.  
35 . . . . . , WAGE ASSIGNMENT  
36 Obligor ORDER  
37 . . . . . ,  
38 Employer

1 THE STATE OF WASHINGTON TO: . . . . .

2 Employer

3 AND TO: . . . . .

4 Obligor

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

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

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

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

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

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

30 (c) Fifty percent of the disposable earnings or remuneration of the  
31 obligor.

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

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

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

3 (a) The court that the wage assignment has been modified or  
4 terminated; or

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

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

23 You shall deliver the withheld earnings or remuneration to the  
24 Washington state support registry or other address stated below at each  
25 regular pay interval.

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

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

35 NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE  
36 SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT  
37 THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.  
38 REGARDLESS OF THE FACT THAT YOUR WAGES ARE BEING WITHHELD PURSUANT TO



1 The payroll deduction each pay period shall not exceed fifty percent of  
2 the responsible parent's disposable earnings.

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

6 (5) The notice of payroll deduction shall be in writing and  
7 include:

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

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

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

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

16 (e) A notice to the responsible parent warning the responsible  
17 parent that, despite the payroll deduction, the responsible parent's  
18 privileges to obtain and maintain a license, as defined in section 802  
19 of this act, may be denied, not renewed, or suspended if the parent is  
20 not in compliance with a support order as defined in section 802 of  
21 this act.

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

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

30 (8) An employer, or the employment security department, upon whom  
31 a notice of payroll deduction is served, shall make an answer to the  
32 office of support enforcement within twenty days after the date of  
33 service. The answer shall confirm compliance and institution of the  
34 payroll deduction or explain the circumstances if no payroll deduction  
35 is in effect. The answer shall also state whether the responsible  
36 parent is employed by or receives earnings from the employer or  
37 receives unemployment compensation benefits from the employment  
38 security department, whether the employer or employment security  
39 department anticipates paying earnings or unemployment compensation

1 benefits and the amount of earnings. If the responsible parent is no  
2 longer employed, or receiving earnings from the employer, the answer  
3 shall state the present employer's name and address, if known. If the  
4 responsible parent is no longer receiving unemployment compensation  
5 benefits from the employment security department, the answer shall  
6 state the present employer's name and address, if known.

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

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

## 22 B. CHILD SUPPORT ENFORCEMENT

23 **Sec. 899.** RCW 74.20.040 and 1989 c 360 s 12 are each amended to  
24 read as follows:

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

31 (2) The secretary may accept a request for support enforcement  
32 services on behalf of persons who are not recipients of public  
33 assistance and may take appropriate action to establish or enforce  
34 support obligations against the parent or other persons owing a duty to  
35 pay moneys. Requests accepted under this subsection may be conditioned  
36 upon the payment of a fee as required through regulation issued by the  
37 secretary. (~~Action may be taken under the provisions of chapter 74.20~~

1 ~~RCW, the abandonment or nonsupport statutes, or other appropriate~~  
2 ~~statutes of this state, including but not limited to remedies~~  
3 ~~established in chapter 74.20A RCW, to establish and enforce said~~  
4 ~~support obligations.))~~ The secretary may establish by regulation,  
5 reasonable standards and qualifications for support enforcement  
6 services under this subsection.

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

22 (4) The department may take action to establish, enforce, and  
23 collect a support obligation, including performing related services,  
24 under this chapter and chapter 74.20A RCW, or through the attorney  
25 general or prosecuting attorney for action under chapter 26.09, 26.18,  
26 26.20, 26.21, or 26.26 RCW or other appropriate statutes or the common  
27 law of this state.

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

34 (6) The secretary may charge and collect a fee from the person  
35 obligated to pay support to compensate the department for services  
36 rendered in establishment of or enforcement of support obligations.  
37 This fee shall be limited to not more than ten percent of any support  
38 money collected as a result of action taken by the secretary. The fee  
39 charged shall be in addition to the support obligation. In no event

1 may any moneys collected by the department of social and health  
2 services from the person obligated to pay support be retained as  
3 satisfaction of fees charged until all current support obligations have  
4 been satisfied. The secretary shall by regulation establish reasonable  
5 fees for support enforcement services and said schedule of fees shall  
6 be made available to any person obligated to pay support. The  
7 secretary may, on showing of necessity, waive or defer any such fee.

8 (7) Fees, due and owing, may be collected as delinquent support  
9 moneys utilizing any of the remedies in chapter 74.20 RCW, chapter  
10 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity  
11 available to the department or any agencies with whom it has a  
12 cooperative or contractual arrangement to establish, enforce, or  
13 collect support moneys or support obligations.

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

19 (9) The secretary shall adopt rules conforming to federal laws,  
20 rules, and regulations required to be observed in maintaining the state  
21 child support enforcement program required under Title IV-D of the  
22 federal social security act. The adoption of these rules shall be  
23 calculated to promote the cost-effective use of the agency's resources  
24 and not otherwise cause the agency to divert its resources from its  
25 essential functions.

26 NEW SECTION. Sec. 900. A new section is added to chapter 74.20A  
27 RCW to read as follows:

28 CHILD SUPPORT PAYMENTS IN THE POSSESSION OF THIRD PARTIES--  
29 COLLECTION AS CHILD SUPPORT. (1) If a person or entity not entitled to  
30 child support payments wrongfully or negligently retains child support  
31 payments owed to another or to the Washington state support registry,  
32 those payments retain their character as child support payments and may  
33 be collected by the division of child support using any remedy  
34 available to the division of child support under Washington law for the  
35 collection of child support.

36 (2) Child support moneys subject to collection under this section  
37 may be collected for the duration of the statute of limitations as it



1 applies to the support order governing the support obligations, and any  
2 legislative or judicial extensions thereto.

3 (3) This section applies to the following:

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

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

11 (c) Cases in which child support recipients have retained child  
12 support payments in violation of a child support assignment executed or  
13 arising by operation of law in exchange for the receipt of public  
14 assistance; and

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

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

19 (5) This section does not apply to fines levied under section  
20 901(3)(b) of this act.

21 NEW SECTION. **Sec. 901.** A new section is added to chapter 74.20A  
22 RCW to read as follows:

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

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

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

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

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

37 (e) An information request issued by the division of child support,  
38 or the agency or firm providing child support enforcement for another

1 state under Title IV-D of the federal social security act, to an  
2 employer or entity required to respond to such requests under section  
3 905 of this act; or

4 (f) The duty to report newly hired employees imposed by RCW  
5 26.23.040.

6 (2) Liability for noncompliance with a wage withholding,  
7 garnishment, order to withhold and deliver, or any other lien or  
8 attachment issued to secure payment of child support is governed by RCW  
9 26.23.090 and 74.20A.100, except that liability for noncompliance with  
10 remittance time frames is governed by subsection (3) of this section.

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

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

17 (b) Noncompliance with the required time frames for remitting  
18 withheld support moneys to the Washington state support registry, or  
19 the agency or firm providing child support enforcement services for  
20 another state, except that no liability shall be established for  
21 failure to make timely remittance unless the division of child support  
22 has provided the person, firm, entity, or agency of state or federal  
23 government with written warning:

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

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

26 (iii) Providing a contact person within the division of child  
27 support with whom the person, firm, entity, or agency of state or  
28 federal government may seek assistance with child support withholding  
29 issues.

30 (4) The division of child support may assess fines according to RCW  
31 26.23.040 for failure to comply with employer reporting requirements.

32 (5) The division of child support may suspend licenses for failure  
33 to comply with a subpoena issued under section 906 of this act.

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

37 (7) The liability asserted by the division of child support in the  
38 notice of noncompliance becomes final and collectible on the twenty-

1 first day after the date of service, unless within that time the  
2 person, firm, entity, or agency of state or federal government:

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

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

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

12 (8) The notice of noncompliance shall contain:

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

15 (b) Identification of the:

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

18 (ii) State child support enforcement agency issuing the original  
19 child support process.

20 (9) In an administrative hearing convened under subsection (7)(b)  
21 of this section, the presiding officer shall determine whether or not,  
22 and to what extent, liability for noncompliance exists under this  
23 section, and shall enter an order containing these findings. If  
24 liability does exist, the presiding officer shall include language in  
25 the order advising the parties to the proceeding that the liability may  
26 be collected by any means available to the division of child support  
27 under subsection (12) of this section without further notice to the  
28 liable party.

29 (10) Hearings under this section are governed by the administrative  
30 procedure act, chapter 34.05 RCW.

31 (11) After the twenty days following service of the notice, the  
32 person, firm, entity, or agency of state or federal government may  
33 petition for a late hearing. A petition for a late hearing does not  
34 stay any collection action to recover the debt. A late hearing is  
35 available upon a showing of any of the grounds stated in civil rule 60  
36 for the vacation of orders.

37 (12) The division of child support may collect any obligation  
38 established under this section using any of the remedies available

1 under chapter 26.09, 26.18, 26.21, 26.23, 74.20, or 74.20A RCW for the  
2 collection of child support.

3 (13) The division of child support may enter agreements for the  
4 repayment of obligations under this section. Agreements may:

5 (a) Suspend the obligation imposed by this section conditioned on  
6 future compliance with child support processes. Such suspension shall  
7 end automatically upon any failure to comply with a child support  
8 process. Amounts suspended become fully collectible without further  
9 notice automatically upon failure to comply with a child support  
10 process;

11 (b) Resolve amounts due under this section and provide for  
12 repayment.

13 (14) The secretary may adopt rules to implement this section.

14 **Sec. 902.** RCW 26.23.090 and 1990 c 165 s 2 are each amended to  
15 read as follows:

16 (1) The employer shall be liable to the Washington state support  
17 registry, or to the agency or firm providing child support enforcement  
18 for another state, under Title IV-D of the federal social security act  
19 and issuing a notice, garnishment, or wage assignment attaching wages  
20 or earnings in satisfaction of a support obligation, for one hundred  
21 percent of the amount of the support debt, or the amount of support  
22 moneys which should have been withheld from the employee's earnings,  
23 whichever is the lesser amount, if the employer:

24 (a) Fails or refuses, after being served with a notice of payroll  
25 deduction, or substantially similar action issued by the agency or firm  
26 providing child support enforcement for another state, under Title IV-D  
27 of the federal social security act, to deduct and promptly remit from  
28 unpaid earnings the amounts of money required in the notice;

29 (b) Fails or refuses to submit an answer to the notice of payroll  
30 deduction, or substantially similar action issued by the agency or firm  
31 providing child support enforcement for another state, under Title IV-D  
32 of the federal social security act, after being served; or

33 (c) Is unwilling to comply with the other requirements of RCW  
34 26.23.060.

35 (2) Liability may be established in superior court or may be  
36 established pursuant to ((RCW 74.20A.270)) section 901 of this act.  
37 Awards in superior court and in actions pursuant to ((RCW 74.20A.270))  
38 section 901 of this act shall include costs, interest under RCW

1 19.52.020 and 4.56.110, and reasonable attorneys' fees and staff costs  
2 as a part of the award. Debts established pursuant to this section may  
3 be collected (~~pursuant to chapter 74.20A RCW utilizing any of the~~  
4 ~~remedies contained in that chapter~~) by the division of child support  
5 using any of the remedies available under chapter 26.09, 26.18, 26.21,  
6 26.23, 74.20, or 74.20A RCW for the collection of child support.

7 **Sec. 903.** RCW 74.20A.100 and 1989 c 360 s 5 are each amended to  
8 read as follows:

9 (1) Any person, firm, corporation, association, political  
10 subdivision or department of the state shall be liable to the  
11 department, or to the agency or firm providing child support  
12 enforcement for another state, under Title IV-D of the federal social  
13 security act and issuing a notice, garnishment, or wage assignment  
14 attaching wages or earnings in satisfaction of a support obligation, in  
15 an amount equal to one hundred percent of the value of the debt which  
16 is the basis of the lien, order to withhold and deliver, distraint, or  
17 assignment of earnings, or the amount that should have been withheld,  
18 whichever amount is less, together with costs, interest, and reasonable  
19 attorney fees if that person or entity:

20 (a) Fails to answer an order to withhold and deliver, or  
21 substantially similar action issued by the agency or firm providing  
22 child support enforcement for another state, under Title IV-D of the  
23 federal social security act, within the time prescribed herein;

24 (b) Fails or refuses to deliver property pursuant to said order;

25 (c) After actual notice of filing of a support lien, pays over,  
26 releases, sells, transfers, or conveys real or personal property  
27 subject to a support lien to or for the benefit of the debtor or any  
28 other person;

29 (d) Fails or refuses to surrender property distrained under RCW  
30 74.20A.130 upon demand; or

31 (e) Fails or refuses to honor an assignment of earnings presented  
32 by the secretary.

33 (2) The secretary is authorized to issue a notice of (~~debt~~  
34 ~~pursuant to RCW 74.20A.040 and to take appropriate action to collect~~  
35 ~~the debt under this chapter if:~~

36 (~~a) A judgment has been entered as the result of an action in~~  
37 ~~superior court against a person, firm, corporation, association,~~

1 ~~political subdivision, or department of the state based on a violation~~  
2 ~~of this section; or~~

3 ~~(b) Liability has been established under RCW 74.20A.270))~~  
4 noncompliance under section 901 of this act or to proceed in superior  
5 court to obtain a judgment for noncompliance under this section.

6 **Sec. 904.** RCW 74.20A.270 and 1989 c 360 s 35 and 1989 c 175 s 156  
7 are each reenacted and amended to read as follows:

8 (1) The secretary may issue a notice of ((noncompliance)) retained  
9 support or notice to recover a support payment to any person((, firm,  
10 corporation, association, or political subdivision of the state of  
11 Washington or any officer or agent thereof who has violated chapter  
12 26.18 RCW, RCW 74.20A.100, or 26.23.040,)):

13 (a) Who is in possession of support moneys, or who has had support  
14 moneys in his or her possession at some time in the past, which support  
15 moneys were or are claimed by the department as the property of the  
16 department by assignment, subrogation, or by operation of law or legal  
17 process under chapter 74.20A RCW((, if the support moneys have not been  
18 remitted to the department as required by law)):

19 (b) Who has received a support payment erroneously directed to the  
20 wrong payee, or issued by the department in error while the recipient  
21 was receiving public assistance; or

22 (c) Who is in possession of a support payment obtained through the  
23 internal revenue service tax refund offset process, which payment was  
24 later reclaimed from the department by the internal revenue service as  
25 a result of an amended tax return filed by the obligor or the obligor's  
26 spouse.

27 (2) The notice shall ((describe the claim of the department,  
28 stating)) state the legal basis for the claim and shall provide  
29 sufficient detail to enable the person((, firm, corporation,  
30 association, or political subdivision or officer or agent thereof upon  
31 whom service is made)) to identify the support moneys in issue ((or the  
32 specific violation of RCW 74.20A.100 that has occurred. The notice may  
33 also make inquiry as to relevant facts necessary to the resolution of  
34 the issue)).

35 (3) The department shall serve the notice ((may be served)) by  
36 certified mail, return receipt requested, or in the manner of a summons  
37 in a civil action. ((Upon service of the notice all moneys not yet  
38 disbursed or spent or like moneys to be received in the future are

1 deemed to be impounded and shall be held in trust pending answer to the  
2 notice and any adjudicative proceeding.))

3 (4) The amounts claimed in the notice ((shall be answered under  
4 oath and in writing within twenty days of the date of service, which  
5 answer shall include true answers to the matters inquired of in the  
6 notice. The answer shall also either acknowledge)) shall become  
7 assessed, determined, and subject to collection twenty days from the  
8 date of service of the notice unless within twenty days the person in  
9 possession of the support moneys:

10 (a) Acknowledges the department's right to the moneys ((or  
11 application for)) and executes an agreed settlement providing for  
12 repayment of the moneys; or

13 (b) Requests an adjudicative proceeding to ((contest the allegation  
14 that chapter 26.18 RCW, RCW 74.20A.100, or 26.23.040, has been  
15 violated, or)) determine the rights to ownership of the support moneys  
16 in issue. The hearing shall be held pursuant to this section, chapter  
17 34.05 RCW, the Administrative Procedure Act, and the rules of the  
18 department. The burden of proof to establish ownership of the support  
19 moneys claimed((, including but not limited to moneys not yet disbursed  
20 or spent,)) is on the department.

21 ((If no answer is made within the twenty days, the department's  
22 claim shall be assessed and determined and subject to collection action  
23 as a support debt pursuant to chapter 26.18 or 74.20A RCW, or RCW  
24 26.23.040. Any such debtor))

25 (5) After the twenty-day period, a person served with a notice  
26 under this section may, at any time within one year from the date of  
27 service of the notice of support debt, petition the secretary or the  
28 secretary's designee for an adjudicative proceeding upon a showing of  
29 any of the grounds enumerated in RCW 4.72.010 or superior court civil  
30 rule 60. A copy of the petition shall also be served on the  
31 department. The filing of the petition shall not stay any collection  
32 action being taken, but the debtor may petition the secretary or the  
33 secretary's designee for an order staying collection action pending the  
34 final administrative order. ((Any moneys held and/or taken by  
35 collection action prior to the date of any such stay and any support  
36 moneys claimed by the department, including moneys to be received in  
37 the future to which the department may have a claim, shall be held in  
38 trust pending the final order, to be disbursed in accordance with the

1 ~~final order. The secretary or the secretary's designee shall condition~~  
2 ~~the stay to provide for the trust.~~

3 ~~If the petition is granted the issue in the proceeding is limited~~  
4 ~~to the determination of the ownership of the moneys claimed in the~~  
5 ~~notice of debt. The right to an adjudicative proceeding is conditioned~~  
6 ~~upon holding of any funds not yet disbursed or expended or to be~~  
7 ~~received in the future in trust pending the final order in these~~  
8 ~~proceedings. The presiding or reviewing officer shall enter an~~  
9 ~~appropriate order providing for the terms of the trust.)~~

10 ~~(6) If the debtor fails to attend or participate in the hearing or~~  
11 ~~other stage of an adjudicative proceeding, the presiding officer shall,~~  
12 ~~upon showing of valid service, enter an order declaring the amount of~~  
13 ~~support moneys, as claimed in the notice, to be assessed and determined~~  
14 ~~and subject to collection action.~~

15 ~~(7) The department may take action to collect an obligation~~  
16 ~~established under this section using any remedy available under this~~  
17 ~~chapter or chapter 26.09, 26.18, 26.23, or 74.20 RCW for the collection~~  
18 ~~of child support.~~

19 ~~(8) If, at any time, the superior court enters judgment for an~~  
20 ~~amount of debt at variance with the amount determined by the final~~  
21 ~~order in an adjudicative proceeding, the judgment shall supersede the~~  
22 ~~final administrative order. ((Any debt determined by the superior~~  
23 ~~court in excess of the amount determined by the final administrative~~  
24 ~~order shall be the property of the department as assigned under 42~~  
25 ~~U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or~~  
26 ~~74.20.330.)) The department may(, despite any final administrative~~  
27 ~~order,)) take action pursuant to chapter 74.20 or 74.20A RCW to obtain~~  
28 ~~such a judgment or to collect moneys determined by such a judgment to~~  
29 ~~be due and owing.~~

30 ~~((If public assistance moneys have been paid to a parent for the~~  
31 ~~benefit of that parent's minor dependent children, debt under this~~  
32 ~~chapter shall not be incurred by nor at any time be collected from that~~  
33 ~~parent because of that payment of assistance. Nothing in this section~~  
34 ~~prohibits or limits the department from acting pursuant to RCW~~  
35 ~~74.20.320 and this section to assess a debt against a recipient or ex-~~  
36 ~~recipient for receipt of support moneys paid in satisfaction of the~~  
37 ~~debt assigned under RCW 74.20.330 which have been assigned to the~~  
38 ~~department but were received by a recipient or ex-recipient from~~  
39 ~~another responsible parent and not remitted to the department. To~~



1 ~~collect these wrongfully retained funds from the recipient, the~~  
2 ~~department may not take collection action in excess of ten percent of~~  
3 ~~the grant payment standard during any month the public assistance~~  
4 ~~recipient remains in that status unless required by federal law.)) (9)~~  
5 If a person owing a debt established under this section is receiving  
6 public assistance, the department may collect the debt by offsetting up  
7 to ten percent of the grant payment received by the person. No  
8 collection action may be taken against the earnings of a person  
9 receiving cash public assistance to collect a debt assessed under this  
10 section.

11 (10) Payments not credited against the department's debt pursuant  
12 to RCW 74.20.101 may not be assessed or collected under this section.

13 NEW SECTION. Sec. 905. A new section is added to chapter 74.20A  
14 RCW to read as follows:

15 ACCESS TO INFORMATION--CONFIDENTIALITY--NONLIABILITY. (1)  
16 Notwithstanding any other provision of Washington law, the division of  
17 child support, the Washington state support registry, or the agency or  
18 firm providing child support enforcement services for another state  
19 under Title IV-D of the federal social security act may access records  
20 of the following nature, in the possession of any agency or entity  
21 listed in this section:

22 (a) Records of state and local agencies, including but not limited  
23 to:

24 (i) The center for health statistics, including but not limited to  
25 records of birth, marriage, and death;

26 (ii) Tax and revenue records, including, but not limited to,  
27 information on residence addresses, employers, and assets;

28 (iii) Records concerning real and titled personal property;

29 (iv) Records of occupational, professional, and recreational  
30 licenses and records concerning the ownership and control of  
31 corporations, partnerships, and other business entities;

32 (v) Employment security records;

33 (vi) Records of agencies administering public assistance programs;  
34 and

35 (vii) Records of the department of corrections, and of county and  
36 municipal correction or confinement facilities;

37 (b) Records of public utilities and cable television companies  
38 relating to persons who owe or are owed support, or against whom a

1 support obligation is sought, including names and addresses of the  
2 individuals, and employers' names and addresses pursuant to section 906  
3 of this act and RCW 74.20A.120; and

4 (c) Records held by financial institutions, pursuant to section 907  
5 of this act.

6 (2) Upon the request of the division of child support, the  
7 Washington state support registry, or the agency or firm providing  
8 child support enforcement services for another state under Title IV-D  
9 of the social security act, any employer shall provide information as  
10 to the employment, earnings, benefits, and residential address and  
11 phone number of any employee.

12 (3) Entities in possession of records described in subsection  
13 (1)(a) and (c) of this section must provide information and records  
14 upon the request of the division of child support, the Washington state  
15 support registry, or the agency or firm providing child support  
16 enforcement services for another state under Title IV-D of the federal  
17 social security act. The division of child support may enter into  
18 agreements providing for electronic access to these records.

19 (4) Public utilities and cable television companies must provide  
20 the information in response to a judicial or administrative subpoena  
21 issued by the division of child support, the Washington state support  
22 registry, or the agency or firm providing child support enforcement  
23 services for another state under Title IV-D of the federal social  
24 security act.

25 (5) Entities responding to information requests and subpoenas under  
26 this section are not liable for disclosing information pursuant to the  
27 request or subpoena.

28 (6) 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 (7) The division of child support may impose fines for  
32 noncompliance with this section using the notice of noncompliance under  
33 section 901 of this act.

34 NEW SECTION. **Sec. 906.** A new section is added to chapter 74.20  
35 RCW to read as follows:

36 **SUBPOENA AUTHORITY--ENFORCEMENT.** In carrying out the provisions of  
37 this chapter or chapters 26.18, 26.23, 26.26, and 74.20A RCW, the  
38 secretary and other duly authorized officers of the department may

1 subpoena witnesses, take testimony, and compel the production of such  
2 papers, books, records, and documents as they may deem relevant to the  
3 performance of their duties. The division of child support may enforce  
4 subpoenas issued under this power according to section 901 of this act.

5 NEW SECTION. **Sec. 907.** A new section is added to chapter 74.20A  
6 RCW to read as follows:

7 FINANCIAL INSTITUTION DATA MATCHES. (1) Each calendar quarter  
8 financial institutions doing business in the state of Washington shall  
9 report to the department the name, record address, social security  
10 number or other taxpayer identification number, and other information  
11 determined necessary by the department for each individual who  
12 maintains an account at such institution and is identified by the  
13 department as owing a support debt.

14 (2) The department and financial institutions shall enter into  
15 agreements to develop and operate a data match system, using automated  
16 data exchanges to the extent feasible, to minimize the cost of  
17 providing information required under subsection (1) of this section.

18 (3) The department may pay a reasonable fee to a financial  
19 institution for conducting the data match not to exceed the actual  
20 costs incurred.

21 (4) A financial institution is not liable for any disclosure of  
22 information to the department under this section.

23 **Sec. 908.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996  
24 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as  
25 follows:

26 (1) The following are exempt from public inspection and copying:

27 (a) Personal information in any files maintained for students in  
28 public schools, patients or clients of public institutions or public  
29 health agencies, or welfare recipients.

30 (b) Personal information in files maintained for employees,  
31 appointees, or elected officials of any public agency to the extent  
32 that disclosure would violate their right to privacy.

33 (c) Information required of any taxpayer in connection with the  
34 assessment or collection of any tax if the disclosure of the  
35 information to other persons would (i) be prohibited to such persons by  
36 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
37 in unfair competitive disadvantage to the taxpayer.

1 (d) Specific intelligence information and specific investigative  
2 records compiled by investigative, law enforcement, and penology  
3 agencies, and state agencies vested with the responsibility to  
4 discipline members of any profession, the nondisclosure of which is  
5 essential to effective law enforcement or for the protection of any  
6 person's right to privacy.

7 (e) Information revealing the identity of persons who are witnesses  
8 to or victims of crime or who file complaints with investigative, law  
9 enforcement, or penology agencies, other than the public disclosure  
10 commission, if disclosure would endanger any person's life, physical  
11 safety, or property. If at the time a complaint is filed the  
12 complainant, victim or witness indicates a desire for disclosure or  
13 nondisclosure, such desire shall govern. However, all complaints filed  
14 with the public disclosure commission about any elected official or  
15 candidate for public office must be made in writing and signed by the  
16 complainant under oath.

17 (f) Test questions, scoring keys, and other examination data used  
18 to administer a license, employment, or academic examination.

19 (g) Except as provided by chapter 8.26 RCW, the contents of real  
20 estate appraisals, made for or by any agency relative to the  
21 acquisition or sale of property, until the project or prospective sale  
22 is abandoned or until such time as all of the property has been  
23 acquired or the property to which the sale appraisal relates is sold,  
24 but in no event shall disclosure be denied for more than three years  
25 after the appraisal.

26 (h) Valuable formulae, designs, drawings, and research data  
27 obtained by any agency within five years of the request for disclosure  
28 when disclosure would produce private gain and public loss.

29 (i) Preliminary drafts, notes, recommendations, and intra-agency  
30 memorandums in which opinions are expressed or policies formulated or  
31 recommended except that a specific record shall not be exempt when  
32 publicly cited by an agency in connection with any agency action.

33 (j) Records which are relevant to a controversy to which an agency  
34 is a party but which records would not be available to another party  
35 under the rules of pretrial discovery for causes pending in the  
36 superior courts.

37 (k) Records, maps, or other information identifying the location of  
38 archaeological sites in order to avoid the looting or depredation of  
39 such sites.

1 (l) Any library record, the primary purpose of which is to maintain  
2 control of library materials, or to gain access to information, which  
3 discloses or could be used to disclose the identity of a library user.

4 (m) Financial information supplied by or on behalf of a person,  
5 firm, or corporation for the purpose of qualifying to submit a bid or  
6 proposal for (i) a ferry system construction or repair contract as  
7 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
8 construction or improvement as required by RCW 47.28.070.

9 (n) Railroad company contracts filed prior to July 28, 1991, with  
10 the utilities and transportation commission under RCW 81.34.070, except  
11 that the summaries of the contracts are open to public inspection and  
12 copying as otherwise provided by this chapter.

13 (o) Financial and commercial information and records supplied by  
14 private persons pertaining to export services provided pursuant to  
15 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
16 export projects pursuant to RCW 43.23.035.

17 (p) Financial disclosures filed by private vocational schools under  
18 chapters 28B.85 and 28C.10 RCW.

19 (q) Records filed with the utilities and transportation commission  
20 or attorney general under RCW 80.04.095 that a court has determined are  
21 confidential under RCW 80.04.095.

22 (r) Financial and commercial information and records supplied by  
23 businesses or individuals during application for loans or program  
24 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
25 or during application for economic development loans or program  
26 services provided by any local agency.

27 (s) Membership lists or lists of members or owners of interests of  
28 units in timeshare projects, subdivisions, camping resorts,  
29 condominiums, land developments, or common-interest communities  
30 affiliated with such projects, regulated by the department of  
31 licensing, in the files or possession of the department.

32 (t) All applications for public employment, including the names of  
33 applicants, resumes, and other related materials submitted with respect  
34 to an applicant.

35 (u) The residential addresses and residential telephone numbers of  
36 employees or volunteers of a public agency which are held by the agency  
37 in personnel records, employment or volunteer rosters, or mailing lists  
38 of employees or volunteers.

1 (v) The residential addresses and residential telephone numbers of  
2 the customers of a public utility contained in the records or lists  
3 held by the public utility of which they are customers, except that  
4 this information may be released to the division of child support or  
5 the agency or firm providing child support enforcement for another  
6 state under Title IV-D of the federal social security act, for the  
7 establishment, enforcement, or modification of a support order.

8 (w)(i) The federal social security number of individuals governed  
9 under chapter 18.130 RCW maintained in the files of the department of  
10 health, except this exemption does not apply to requests made directly  
11 to the department from federal, state, and local agencies of  
12 government, and national and state licensing, credentialing,  
13 investigatory, disciplinary, and examination organizations; (ii) the  
14 current residential address and current residential telephone number of  
15 a health care provider governed under chapter 18.130 RCW maintained in  
16 the files of the department, if the provider requests that this  
17 information be withheld from public inspection and copying, and  
18 provides to the department an accurate alternate or business address  
19 and business telephone number. On or after January 1, 1995, the  
20 current residential address and residential telephone number of a  
21 health care provider governed under RCW 18.130.140 maintained in the  
22 files of the department shall automatically be withheld from public  
23 inspection and copying unless the provider specifically requests the  
24 information be released, and except as provided for under RCW  
25 42.17.260(9).

26 (x) Information obtained by the board of pharmacy as provided in  
27 RCW 69.45.090.

28 (y) Information obtained by the board of pharmacy or the department  
29 of health and its representatives as provided in RCW 69.41.044,  
30 69.41.280, and 18.64.420.

31 (z) Financial information, business plans, examination reports, and  
32 any information produced or obtained in evaluating or examining a  
33 business and industrial development corporation organized or seeking  
34 certification under chapter 31.24 RCW.

35 (aa) Financial and commercial information supplied to the state  
36 investment board by any person when the information relates to the  
37 investment of public trust or retirement funds and when disclosure  
38 would result in loss to such funds or in private loss to the providers  
39 of this information.

1 (bb) Financial and valuable trade information under RCW 51.36.120.

2 (cc) Client records maintained by an agency that is a domestic  
3 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
4 crisis center as defined in RCW 70.125.030.

5 (dd) Information that identifies a person who, while an agency  
6 employee: (i) Seeks advice, under an informal process established by  
7 the employing agency, in order to ascertain his or her rights in  
8 connection with a possible unfair practice under chapter 49.60 RCW  
9 against the person; and (ii) requests his or her identity or any  
10 identifying information not be disclosed.

11 (ee) Investigative records compiled by an employing agency  
12 conducting a current investigation of a possible unfair practice under  
13 chapter 49.60 RCW or of a possible violation of other federal, state,  
14 or local laws prohibiting discrimination in employment.

15 (ff) Business related information protected from public inspection  
16 and copying under RCW 15.86.110.

17 (gg) Financial, commercial, operations, and technical and research  
18 information and data submitted to or obtained by the clean Washington  
19 center in applications for, or delivery of, program services under  
20 chapter 70.95H RCW.

21 (hh) Information and documents created specifically for, and  
22 collected and maintained by a quality improvement committee pursuant to  
23 RCW 43.70.510, regardless of which agency is in possession of the  
24 information and documents.

25 (ii) Personal information in files maintained in a data base  
26 created under RCW 43.07.360.

27 (2) Except for information described in subsection (1)(c)(i) of  
28 this section and confidential income data exempted from public  
29 inspection pursuant to RCW 84.40.020, the exemptions of this section  
30 are inapplicable to the extent that information, the disclosure of  
31 which would violate personal privacy or vital governmental interests,  
32 can be deleted from the specific records sought. No exemption may be  
33 construed to permit the nondisclosure of statistical information not  
34 descriptive of any readily identifiable person or persons.

35 (3) Inspection or copying of any specific records exempt under the  
36 provisions of this section may be permitted if the superior court in  
37 the county in which the record is maintained finds, after a hearing  
38 with notice thereof to every person in interest and the agency, that

1 the exemption of such records is clearly unnecessary to protect any  
2 individual's right of privacy or any vital governmental function.

3 (4) Agency responses refusing, in whole or in part, inspection of  
4 any public record shall include a statement of the specific exemption  
5 authorizing the withholding of the record (or part) and a brief  
6 explanation of how the exemption applies to the record withheld.

7 NEW SECTION. **Sec. 909.** A new section is added to chapter 74.20  
8 RCW to read as follows:

9 **ORDERS FOR GENETIC TESTING.** (1) The office of the attorney  
10 general, a prosecuting attorney, or the division of child support may  
11 issue an order for genetic testing when providing services under this  
12 chapter and Title IV-D of the federal social security act and genetic  
13 testing:

14 (a) Is appropriate in an action under chapter 26.26 RCW, the  
15 uniform parentage act;

16 (b) Is appropriate in an action to establish support under RCW  
17 74.20A.056; or

18 (c) Would assist the parties, the division of child support, the  
19 prosecuting attorney, or the office of the attorney general in  
20 determining whether it is appropriate to proceed with an action to  
21 establish or disestablish paternity.

22 (2) The order for genetic testing shall be served on the alleged  
23 parent or parents and the legal parent by personal service or by any  
24 form of mail requiring a return receipt.

25 (3) Within twenty days of the date of service of an order for  
26 genetic testing, any party required to appear for genetic testing or  
27 any other party presumptively a parent to the child under RCW  
28 26.26.040, the child, or a guardian on the child's behalf, may petition  
29 in superior court under chapter 26.26 RCW to bar, postpone, or include  
30 other parties in the order for genetic testing.

31 (4) The order for genetic testing shall contain:

32 (a) An explanation of the right to proceed in superior court under  
33 subsection (3) of this section;

34 (b) Notice that if no one proceeds under subsection (3) of this  
35 section, the agency issuing the order will schedule genetic testing and  
36 will notify the parties of the time and place of testing by regular  
37 mail;



1 (c) Notice that the parties must keep the agency issuing the order  
2 for genetic testing informed of their residence address and that  
3 mailing a notice of time and place for genetic testing to the last  
4 known address of the parties by regular mail constitutes valid service  
5 of the notice of time and place;

6 (d) Notice that the order for genetic testing may be enforced  
7 through:

8 (i) Public assistance grant reduction for noncooperation, pursuant  
9 to agency rule, if the child and custodian are receiving public  
10 assistance;

11 (ii) Termination of support enforcement services under Title IV-D  
12 of the federal social security act if the child and custodian are not  
13 receiving public assistance; or

14 (iii) A motion for contempt of court.

15 (5) The agency or attorney issuing the order for genetic testing  
16 may petition the superior court of the county where the venue exists  
17 for a parentage action under chapter 26.26 RCW for enforcement of the  
18 order for genetic testing. The petition shall be accompanied by a copy  
19 of the order for genetic testing and proof of service, shall set forth  
20 in what specific manner the order for genetic testing has not been  
21 complied with, and shall request an order of the court to compel  
22 compliance. Upon such petition, the court shall enter an order  
23 directing the person to appear before the court at a time and place  
24 fixed in the order to show cause why the person has not obeyed the  
25 order for genetic testing. A copy of the court's show cause order  
26 shall be served upon the person. If it appears to the court that the  
27 order for genetic testing was properly issued the court shall enter an  
28 order that the person appear before the agency at the time and place  
29 fixed in the order and submit to genetic testing and on failing to obey  
30 this order the person shall be dealt with as for contempt of court.

31 (6) The office of the attorney general or the prosecuting attorney  
32 may bring an action under subsection (5) of this section in superior  
33 court to compel compliance with an order for genetic testing issued by  
34 the agency or firm providing support enforcement services for another  
35 state under Title IV-D of the federal social security act if the  
36 issuing firm or agency has first applied to the division of child  
37 support for services under RCW 74.20.040(3).

38 (7) This section does not preclude any party from moving under  
39 chapter 26.26 RCW for a superior court order for genetic testing.

1 (8) The office of the attorney general, the prosecuting attorney,  
2 or the division of child support shall issue an order for genetic  
3 testing if:

4 (a) A party to a contested paternity case under chapter 26.26 RCW  
5 requests an order for genetic testing; and

6 (b) The party alleges paternity by submitting a sworn statement by  
7 the party setting forth facts establishing a reasonable possibility of  
8 the requisite sexual contact between the parties; or

9 (c) The party denies paternity by submitting a sworn statement by  
10 the party setting forth facts establishing a reasonable possibility of  
11 the nonexistence of sexual contact between the parties.

12 (9) The department may advance the following costs of genetic  
13 testing under this section.

14 (10) If an action is pending under chapter 26.26 RCW, a judgment  
15 for reimbursement of the cost of genetic testing may be awarded under  
16 RCW 26.26.100.

17 (11) If no action is pending in superior court, the department may  
18 impose an obligation to reimburse costs of genetic testing according to  
19 rules adopted by the department to implement RCW 74.20A.056.

20 **Sec. 910.** RCW 26.23.045 and 1994 c 230 s 8 are each amended to  
21 read as follows:

22 (1) The ~~((office of support enforcement))~~ division of child  
23 support, Washington state support registry, shall provide support  
24 enforcement services under the following circumstances:

25 (a) Whenever public assistance under RCW 74.20.330 is paid;

26 ~~((Whenever a request for nonassistance support enforcement~~  
27 ~~services under RCW 74.20.040(2) is received;~~

28 ~~(e))~~ Whenever a request for support enforcement services under RCW  
29 74.20.040(~~(3)~~) is received;

30 ~~((d))~~ (c) When a support order which contains language directing  
31 a responsible parent to make support payments to the Washington state  
32 support registry under RCW 26.23.050 is submitted and the division of  
33 child support receives a written application for services or is already  
34 providing services;

35 ~~((e) When a support order is forwarded to the Washington state~~  
36 ~~support registry by the clerk of a superior court under RCW~~  
37 ~~26.23.050(5);~~

1       ~~(f))~~ (d) When the obligor submits a support order or support  
2 payment, and an application, to the Washington state support registry.

3       (2) The office of support enforcement shall continue to provide  
4 support enforcement services for so long as and under such conditions  
5 as the department shall establish by regulation or until the superior  
6 court enters an order removing the requirement that the obligor make  
7 support payments to the Washington state support registry as provided  
8 for in RCW 26.23.050(~~(+2)~~).

9       **Sec. 911.** RCW 26.23.050 and 1994 c 230 s 9 are each amended to  
10 read as follows:

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

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

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

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

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

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

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

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

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

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

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

35 (ii) If immediate income withholding is not ordered, the court  
36 shall require that income withholding be delayed until a payment is  
37 past due. The support order shall contain a statement that (~~a notice~~  
38 ~~of payroll deduction may be issued, or other income withholding action~~  
39 ~~under chapter 26.18 or 74.20A RCW may be taken~~) withholding action may

1 be taken against wages, earnings, assets, or benefits, and liens  
2 enforced against real and personal property under the child support  
3 statutes of this or any other state, without further notice to the  
4 responsible parent, after a payment is past due.

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

11 (3) The office of administrative hearings and the department of  
12 social and health services shall require that all support obligations  
13 established as administrative orders include a provision which orders  
14 and directs that the responsible parent shall make all support payments  
15 to the Washington state support registry. All administrative orders  
16 shall also state that (~~a notice of payroll deduction may be issued, or~~  
17 ~~other income withholding action taken~~) withholding action may be taken  
18 against wages, earnings, assets, or benefits, and liens enforced  
19 against real and personal property under the child support statutes of  
20 this or any other state without further notice to the responsible  
21 parent at any time after entry of the order, unless:

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

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

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

36 (5) Every support order shall state:

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

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

1 taken)) withholding action may be taken against wages, earnings,  
2 assets, or benefits, and liens enforced against real and personal  
3 property under the child support statutes of this or any other state,  
4 without further notice to the responsible parent at any time after  
5 entry of (~~(an order by the court)~~) a support order, unless:

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

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

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

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

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

14 (f) The social security number, residence address, date of birth,  
15 telephone number, driver's license number, and name and address of the  
16 employer of the responsible parent;

17 (g) The social security number and residence address of the  
18 physical custodian except as provided in subsection (6) of this  
19 section;

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

22 (~~(i) ((In cases requiring payment to the Washington state support~~  
23 ~~registry, that the parties are to notify the Washington state support~~  
24 ~~registry of any change in residence address. The responsible parent~~  
25 ~~shall notify the registry of the name and address of his or her current~~  
26 ~~employer,))~~) A provision requiring the responsible parent to keep the  
27 Washington state support registry informed of whether he or she has  
28 access to health insurance coverage at reasonable cost and, if so, the  
29 health insurance policy information;

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

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

1 (1) The reasons for not ordering health insurance coverage if the  
2 order fails to require such coverage.

3 (6) The physical custodian's address:

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

8 (b) A responsible parent may request the physical custodian's  
9 residence address by submission of a request for disclosure under RCW  
10 26.23.120 to the office of support enforcement.

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

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

31 ~~(9))~~ After the responsible parent has been ordered or notified to  
32 make payments to the Washington state support registry under this  
33 section, the responsible parent shall be fully responsible for making  
34 all payments to the Washington state support registry and shall be  
35 subject to payroll deduction or other income-withholding action. The  
36 responsible parent shall not be entitled to credit against a support  
37 obligation for any payments made to a person or agency other than to  
38 the Washington state support registry except as provided under RCW  
39 74.20.101. A civil action may be brought by the payor to recover

1 payments made to persons or agencies who have received and retained  
2 support moneys paid contrary to the provisions of this section.

3 NEW SECTION. **Sec. 912.** A new section is added to chapter 26.23  
4 RCW to read as follows:

5 STATE CASE REGISTRY--SUBMISSION OF ORDERS. (1) The division of  
6 child support, Washington state support registry shall operate a state  
7 case registry containing records of all orders establishing or  
8 modifying a support order that are entered after October 1, 1998.

9 (2) The superior court clerk, the office of administrative  
10 hearings, and the department of social and health services shall,  
11 within five days of entry, forward to the Washington state support  
12 registry, a true and correct copy of all superior court orders or  
13 administrative orders establishing or modifying a support obligation  
14 that provide that support payments shall be made to the support  
15 registry.

16 (3) The division of child support shall reimburse the clerk for the  
17 reasonable costs of copying and sending copies of court orders to the  
18 registry at the reimbursement rate provided in Title IV-D of the  
19 federal social security act.

20 (4) Effective October 1, 1998, the superior court clerk, the office  
21 of administrative hearings, and the department of social and health  
22 services shall, within five days of entry, forward to the Washington  
23 state support registry a true and correct copy of all superior court  
24 orders or administrative orders establishing or modifying a support  
25 obligation.

26 (5) Receipt of a support order by the registry or other action  
27 under this section on behalf of a person or persons who have not made  
28 a written application for support enforcement services to the office of  
29 support enforcement and who are not recipients of public assistance is  
30 deemed to be:

31 (a) A request for payment services only if the order requires  
32 payment to the Washington state support registry;

33 (b) A submission for inclusion in the state case registry if the  
34 order does not require that support payments be made to the Washington  
35 state support registry.

36 NEW SECTION. **Sec. 913.** A new section is added to chapter 26.23  
37 RCW to read as follows:



1 ADDRESS AND EMPLOYER INFORMATION IN SUPPORT ORDERS--DUTY TO  
2 UPDATE--PROVISIONS REGARDING SERVICE. (1) Each party to a paternity or  
3 child support proceeding must provide the court and the Washington  
4 state child support registry with his or her:

5 (a) Social security number;

6 (b) Current residential address;

7 (c) Date of birth;

8 (d) Telephone number;

9 (e) Driver's license number; and

10 (f) Employer's name, address, and telephone number.

11 (2) Each party to an order entered in a child support or paternity  
12 proceeding shall update the information required under subsection (1)  
13 of this section promptly after any change in the information. The duty  
14 established under this section continues as long as any monthly support  
15 or support debt remains due under the support order.

16 (3) In any proceeding to establish, enforce, or modify the child  
17 support order between the parties, a party may demonstrate to the  
18 presiding officer that he or she has diligently attempted to locate the  
19 other party. Upon a showing of diligent efforts to locate, the  
20 presiding officer may allow, or accept as adequate, service of process  
21 for the action by delivery of written notice to the address most  
22 recently provided by the party under this section.

23 (4) All support orders shall contain notice to the parties of the  
24 obligations established by this section and possibility of service of  
25 process according to subsection (3) of this section.

26 **Sec. 914.** RCW 26.23.030 and 1989 c 360 s 6 are each amended to  
27 read as follows:

28 (1) There is created a Washington state support registry within the  
29 (~~office of support enforcement~~) division of child support as the  
30 agency designated in Washington state to administer the child support  
31 program under Title IV-D of the federal social security act. The  
32 registry shall:

33 (a) Provide a central unit for collection of support payments made  
34 to the registry;

35 (b) Account for and disburse all support payments received by the  
36 registry;

37 (~~(b)~~) (c) Maintain the necessary records including, but not  
38 limited to, information on support orders, support debts, the date and

1 amount of support due; the date and amount of payments; and the names,  
2 social security numbers, and addresses of the parties;

3 ~~((e))~~ (d) Develop procedures for providing information to the  
4 parties regarding action taken by, and support payments collected and  
5 distributed by the registry; and

6 (e) Maintain a state child support case registry to compile and  
7 maintain records on all child support orders entered in the state of  
8 Washington.

9 (2) The ~~((office of support enforcement))~~ division of child support  
10 may assess and collect interest at the rate of twelve percent per year  
11 on unpaid child support that has accrued under any support order  
12 entered into the registry. This interest rate shall not apply to those  
13 support orders already specifying an interest assessment at a different  
14 rate.

15 (3) The secretary of social and health services shall adopt rules  
16 for the maintenance and retention of records of support payments and  
17 for the archiving and destruction of such records when the support  
18 obligation terminates or is satisfied. When a support obligation  
19 established under court order entered in a superior court of this state  
20 has been satisfied, a satisfaction of judgment form shall be prepared  
21 by the registry and filed with the clerk of the court in which the  
22 order was entered.

23 **Sec. 915.** RCW 26.23.060 and 1994 c 230 s 10 are each amended to  
24 read as follows:

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

27 (a) As authorized by a support order that contains ~~((the income~~  
28 ~~withholding notice provisions in RCW 26.23.050 or a substantially~~  
29 ~~similar notice))~~ a notice clearly stating that child support may be  
30 collected by withholding from earnings, wages, or benefits without  
31 further notice to the obligated parent; or

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

34 (2) The ~~((office of support enforcement))~~ division of child support  
35 shall serve a notice of payroll deduction upon a responsible parent's  
36 employer or upon the employment security department for the state in  
37 possession of or owing any benefits from the unemployment compensation

1 fund to the responsible parent pursuant to Title 50 RCW (~~by personal~~  
2 ~~service or by any form of mail requiring a return receipt~~):

3 (a) In the manner prescribed for the service of a summons in a  
4 civil action;

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

6 (c) By electronic means if there is an agreement between the  
7 secretary and the person, firm, corporation, association, political  
8 subdivision, department of the state, or agency, subdivision, or  
9 instrumentality of the United States to accept service by electronic  
10 means.

11 (3) Service of a notice of payroll deduction upon an employer or  
12 employment security department requires the employer or employment  
13 security department to immediately make a mandatory payroll deduction  
14 from the responsible parent's unpaid disposable earnings or  
15 unemployment compensation benefits. The employer or employment  
16 security department shall thereafter deduct each pay period the amount  
17 stated in the notice divided by the number of pay periods per month.  
18 The payroll deduction each pay period shall not exceed fifty percent of  
19 the responsible parent's disposable earnings.

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

23 (5) The notice of payroll deduction shall be in writing and  
24 include:

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

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

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

31 (d) The address to which the payments are to be mailed or  
32 delivered.

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

36 (7) An employer or employment security department that receives a  
37 notice of payroll deduction shall make immediate deductions from the  
38 responsible parent's unpaid disposable earnings and remit proper

1 amounts to the Washington state support registry on each date the  
2 responsible parent is due to be paid.

3 (8) An employer, or the employment security department, upon whom  
4 a notice of payroll deduction is served, shall make an answer to the  
5 (~~office of support enforcement~~) division of child support within  
6 twenty days after the date of service. The answer shall confirm  
7 compliance and institution of the payroll deduction or explain the  
8 circumstances if no payroll deduction is in effect. The answer shall  
9 also state whether the responsible parent is employed by or receives  
10 earnings from the employer or receives unemployment compensation  
11 benefits from the employment security department, whether the employer  
12 or employment security department anticipates paying earnings or  
13 unemployment compensation benefits and the amount of earnings. If the  
14 responsible parent is no longer employed, or receiving earnings from  
15 the employer, the answer shall state the present employer's name and  
16 address, if known. If the responsible parent is no longer receiving  
17 unemployment compensation benefits from the employment security  
18 department, the answer shall state the present employer's name and  
19 address, if known.

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

27 (10) The notice of payroll deduction shall remain in effect until  
28 released by the (~~office of support enforcement~~) division of child  
29 support, the court enters an order terminating the notice and approving  
30 an alternate arrangement under RCW 26.23.050(~~(+2)~~), or one year has  
31 expired since the employer has employed the responsible parent or has  
32 been in possession of or owing any earnings to the responsible parent  
33 or the employment security department has been in possession of or  
34 owing any unemployment compensation benefits to the responsible parent.

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

1       **Sec. 916.** 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. 917.** 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. 918.** 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, or under chapter  
35 74.20 RCW shall be private and confidential and shall only be subject  
36 to public disclosure as provided in subsection (2) of this section.

37 (2) The secretary of the department of social and health services  
38 ~~((shall))~~ may adopt rules ~~((which))~~:

1        (a) That specify what information is confidential;

2        (b) That specify the individuals or agencies to whom this  
3 information and these records may be disclosed((~~7~~))i

4        (c) Limiting the purposes for which the information may be  
5 disclosed((~~7~~ and the))i

6        (d) Establishing procedures to obtain the information or records;  
7 or

8        (e) Establishing safeguards necessary to comply with federal law  
9 requiring safeguarding of information.

10       (3) The rules adopted under subsection (2) of this section shall  
11 provide for disclosure of the information and records, under  
12 appropriate circumstances, which shall include, but not be limited to:

13       (a) When authorized or required by federal statute or regulation  
14 governing the support enforcement program;

15       (b) To the person the subject of the records or information, unless  
16 the information is exempt from disclosure under RCW 42.17.310;

17       (c) To government agencies, whether state, local, or federal, and  
18 including federally recognized tribes, law enforcement agencies,  
19 prosecuting agencies, and the executive branch, if the disclosure is  
20 necessary for child support enforcement purposes or required under  
21 Title IV-D of the federal social security act;

22       (d) To the parties in a judicial or adjudicative proceeding upon a  
23 specific written finding by the presiding officer that the need for the  
24 information outweighs any reason for maintaining the privacy and  
25 confidentiality of the information or records;

26       (e) To private persons, federally recognized tribes, or  
27 organizations if the disclosure is necessary to permit private  
28 contracting parties to assist in the management and operation of the  
29 department;

30       (f) Disclosure of address and employment information to the parties  
31 to an action for purposes relating to a child support order, subject to  
32 the limitations in subsections (4) and (5) of this section;

33       (g) Disclosure of information or records when necessary to the  
34 efficient administration of the support enforcement program or to the  
35 performance of functions and responsibilities of the support registry  
36 and the office of support enforcement as set forth in state and federal  
37 statutes; or

38       (h) Disclosure of the information or records when authorized under  
39 RCW 74.04.060.

1       ~~((3))~~ (4) Prior to disclosing the ~~((physical custodian's address~~  
2 ~~under subsection (2)(f) of this section))~~ whereabouts of a parent or a  
3 party to a support order to the other parent or party, a notice shall  
4 be mailed, if appropriate under the circumstances, to the ((physical  
5 custodian)) parent or other party whose whereabouts are to be  
6 disclosed, at ((the physical custodian's)) that person's last known  
7 address. The notice shall advise the ((physical custodian)) parent or  
8 party that a request for disclosure has been made and will be complied  
9 with unless the department:

10       (a) Receives a copy of a court order which enjoins the disclosure  
11 of the information or restricts or limits the requesting party's right  
12 to contact or visit the ((physical custodian)) parent or party whose  
13 address is to be disclosed or the child(, or the custodial parent  
14 requests a hearing to contest the disclosure)); or

15       (b) Has reason to believe that the release of the information may  
16 result in physical or emotional harm to the party whose whereabouts are  
17 to be released, or to the child.

18       (5) A person receiving notice under subsection (4) of this section  
19 may request an adjudicative proceeding under chapter 34.05 RCW, at  
20 which the person may show that there is reason to believe that release  
21 of the information may result in physical or emotional harm to the  
22 person or the child. The administrative law judge shall determine  
23 whether the ((address)) whereabouts of the ((custodial parent)) person  
24 should be disclosed based on ((the same standard as a claim of "good  
25 cause" as defined in 42 U.S.C. Sec. 602(a)(26)(c)) subsection (4)(b)  
26 of this section, however no hearing is necessary if the department has  
27 in its possession a protective order or an order limiting visitation or  
28 contact.

29       ~~((4))~~ (6) Nothing in this section shall be construed as limiting  
30 or restricting the effect of RCW 42.17.260~~((6))~~ (9). Nothing in this  
31 section shall be construed to prevent the disclosure of information and  
32 records if all details identifying an individual are deleted or the  
33 individual consents to the disclosure.

34       ~~((5))~~ (7) It shall be unlawful for any person or agency in  
35 violation of this section to solicit, publish, disclose, receive, make  
36 use of, or to authorize, knowingly permit, participate in or acquiesce  
37 in the use of any lists of names for commercial or political purposes  
38 or the use of any information for purposes other than those purposes

1 specified in this section. A violation of this section shall be a  
2 gross misdemeanor as provided in chapter 9A.20 RCW.

3 **Sec. 919.** RCW 26.04.160 and 1993 c 451 s 1 are each amended to  
4 read as follows:

5 (1) Application for a marriage license must be made and filed with  
6 the appropriate county auditor upon blanks to be provided by the county  
7 auditor for that purpose, which application shall be under the oath of  
8 each of the applicants, and each application shall state the name,  
9 address at the time of execution of application, age, social security  
10 number, birthplace, whether single, widowed or divorced, and whether  
11 under control of a guardian, residence during the past six months:  
12 PROVIDED, That each county may require such other and further  
13 information on said application as it shall deem necessary.

14 (2) The county legislative authority may impose an additional fee  
15 up to fifteen dollars on a marriage license for the purpose of funding  
16 family services such as family support centers.

17 **Sec. 920.** RCW 26.09.170 and 1992 c 229 s 2 are each amended to  
18 read as follows:

19 (1) Except as otherwise provided in subsection (7) of RCW  
20 26.09.070, the provisions of any decree respecting maintenance or  
21 support may be modified: (a) Only as to installments accruing  
22 subsequent to the petition for modification or motion for adjustment  
23 except motions to compel court-ordered adjustments, which shall be  
24 effective as of the first date specified in the decree for implementing  
25 the adjustment; and, (b) except as otherwise provided in subsections  
26 (4), (5), (8), and (9) of this section, only upon a showing of a  
27 substantial change of circumstances. The provisions as to property  
28 disposition may not be revoked or modified, unless the court finds the  
29 existence of conditions that justify the reopening of a judgment under  
30 the laws of this state.

31 (2) Unless otherwise agreed in writing or expressly provided in the  
32 decree the obligation to pay future maintenance is terminated upon the  
33 death of either party or the remarriage of the party receiving  
34 maintenance.

35 (3) Unless otherwise agreed in writing or expressly provided in the  
36 decree, provisions for the support of a child are terminated by

1 emancipation of the child or by the death of the parent obligated to  
2 support the child.

3 (4) An order of child support may be modified one year or more  
4 after it has been entered without showing a substantial change of  
5 circumstances:

6 (a) If the order in practice works a severe economic hardship on  
7 either party or the child;

8 (b) If a party requests an adjustment in an order for child support  
9 which was based on guidelines which determined the amount of support  
10 according to the child's age, and the child is no longer in the age  
11 category on which the current support amount was based;

12 (c) If a child is still in high school, upon a finding that there  
13 is a need to extend support beyond the eighteenth birthday to complete  
14 high school; or

15 (d) To add an automatic adjustment of support provision consistent  
16 with RCW 26.09.100.

17 (5) An order or decree entered prior to June 7, 1984, may be  
18 modified without showing a substantial change of circumstances if the  
19 requested modification is to:

20 (a) Require health insurance coverage for a child named therein; or

21 (b) Modify an existing order for health insurance coverage.

22 (6) An obligor's voluntary unemployment or voluntary  
23 underemployment, by itself, is not a substantial change of  
24 circumstances.

25 (7) The department of social and health services may file an action  
26 to modify an order of child support if public assistance money is being  
27 paid to or for the benefit of the child and the child support order is  
28 twenty-five percent or more below the appropriate child support amount  
29 set forth in the standard calculation as defined in RCW 26.19.011 and  
30 reasons for the deviation are not set forth in the findings of fact or  
31 order. The determination of twenty-five percent or more shall be based  
32 on the current income of the parties and the department shall not be  
33 required to show a substantial change of circumstances if the reasons  
34 for the deviations were not set forth in the findings of fact or order.

35 (8)(a) All child support decrees may be adjusted once every twenty-  
36 four months based upon changes in the income of the parents without a  
37 showing of substantially changed circumstances. Either party may  
38 initiate the adjustment by filing a motion and child support  
39 worksheets.

1 (b) A party may petition for modification in cases of substantially  
2 changed circumstances under subsection (1) of this section at any time.  
3 However, if relief is granted under subsection (1) of this section,  
4 twenty-four months must pass before a motion for an adjustment under  
5 (a) of this subsection may be filed.

6 (c) If, pursuant to (a) of this subsection or subsection (9) of  
7 this section, the court adjusts or modifies a child support obligation  
8 by more than thirty percent and the change would cause significant  
9 hardship, the court may implement the change in two equal increments,  
10 one at the time of the entry of the order and the second six months  
11 from the entry of the order. Twenty-four months must pass following  
12 the second change before a motion for an adjustment under (a) of this  
13 subsection may be filed.

14 (d) A parent who is receiving transfer payments who receives a wage  
15 or salary increase may not bring a modification action pursuant to  
16 subsection (1) of this section alleging that increase constitutes a  
17 substantial change of circumstances.

18 (e) The department of social and health services may file an action  
19 at any time to modify an order of child support in cases of  
20 substantially changed circumstances if public assistance money is being  
21 paid to or for the benefit of the child. The determination of the  
22 existence of substantially changed circumstances by the department that  
23 lead to the filing of an action to modify the order of child support is  
24 not binding upon the court.

25 (9) An order of child support may be adjusted twenty-four months  
26 from the date of the entry of the decree or the last adjustment or  
27 modification, whichever is later, based upon changes in the economic  
28 table or standards in chapter 26.19 RCW.

29 **Sec. 921.** RCW 26.21.005 and 1993 c 318 s 101 are each amended to  
30 read as follows:

31 In this chapter:

32 (1) "Child" means an individual, whether over or under the age of  
33 majority, who is or is alleged to be owed a duty of support by the  
34 individual's parent or who is or is alleged to be the beneficiary of a  
35 support order directed to the parent.

36 (2) "Child support order" means a support order for a child,  
37 including a child who has attained the age of majority under the law of  
38 the issuing state.

1 (3) "Duty of support" means an obligation imposed or imposable by  
2 law to provide support for a child, spouse, or former spouse, including  
3 an unsatisfied obligation to provide support.

4 (4) "Home state" means the state in which a child lived with a  
5 parent or a person acting as parent for at least six consecutive months  
6 immediately preceding the time of filing of a petition or comparable  
7 pleading for support and, if a child is less than six months old, the  
8 state in which the child lived from birth with any of them. A period  
9 of temporary absence of any of them is counted as part of the six-month  
10 or other period.

11 (5) "Income" includes earnings or other periodic entitlements to  
12 money from any source and any other property subject to withholding for  
13 support under the law of this state.

14 (6) "Income-withholding order" means an order or other legal  
15 process directed to an obligor's employer or other debtor, as defined  
16 by (~~chapter 6.27~~) RCW 50.04.080, to withhold support from the income  
17 of the obligor.

18 (7) "Initiating state" means a state (~~in~~) from which a proceeding  
19 is forwarded or in which a proceeding is filed for forwarding to a  
20 responding 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 (~~is~~  
23 ~~filed for forwarding to a responding state~~)).

24 (8) "Initiating tribunal" means the authorized tribunal in an  
25 initiating state.

26 (9) "Issuing state" means the state in which a tribunal issues a  
27 support order or renders a judgment determining parentage.

28 (10) "Issuing tribunal" means the tribunal that issues a support  
29 order or renders a judgment determining parentage.

30 (11) "Law" includes decisional and statutory law and rules and  
31 regulations having the force of law.

32 (12) "Obligee" means:

33 (a) An individual to whom a duty of support is or is alleged to be  
34 owed or in whose favor a support order has been issued or a judgment  
35 determining parentage has been rendered;

36 (b) A state or political subdivision to which the rights under a  
37 duty of support or support order have been assigned or which has  
38 independent claims based on financial assistance provided to an  
39 individual obligee; or

1 (c) An individual seeking a judgment determining parentage of the  
2 individual's child.

3 (13) "Obligor" means an individual, or the estate of a decedent:

4 (a) Who owes or is alleged to owe a duty of support;

5 (b) Who is alleged but has not been adjudicated to be a parent of  
6 a child; or

7 (c) Who is liable under a support order.

8 (14) "Register" means to record or file in the appropriate location  
9 for the recording or filing of foreign judgments generally or foreign  
10 support orders specifically, a support order or judgment determining  
11 parentage.

12 (15) "Registering tribunal" means a tribunal in which a support  
13 order is registered.

14 (16) "Responding state" means a state ~~((to))~~ in which a proceeding  
15 is filed or to which a proceeding is forwarded for filing from an  
16 initiating state under this chapter or a law or procedure substantially  
17 similar to this chapter, the Uniform Reciprocal Enforcement of Support  
18 Act, or the Revised Uniform Reciprocal Enforcement of Support Act.

19 (17) "Responding tribunal" means the authorized tribunal in a  
20 responding state.

21 (18) "Spousal support order" means a support order for a spouse or  
22 former spouse of the obligor.

23 (19) "State" means a state of the United States, the District of  
24 Columbia, ~~((the Commonwealth of))~~ Puerto Rico, the United States Virgin  
25 Islands, or any territory or insular possession subject to the  
26 jurisdiction of the United States. The term ~~(("state"))~~ includes:

27 (i) An Indian tribe ~~((and includes)); and~~

28 (ii) A foreign jurisdiction that has enacted a law or established  
29 procedures for issuance and enforcement of support orders ~~((that))~~  
30 which are substantially similar to the procedures under this chapter,  
31 the Uniform Reciprocal Enforcement of Support Act, or the Revised  
32 Uniform Reciprocal Enforcement of Support Act.

33 (20) "Support enforcement agency" means a public official or agency  
34 authorized to seek:

35 (a) Enforcement of support orders or laws relating to the duty of  
36 support;

37 (b) Establishment or modification of child support;

38 (c) Determination of parentage; or

39 (d) Location of obligors or their assets.



1 (21) "Support order" means a judgment, decree, or order, whether  
2 temporary, final, or subject to modification, for the benefit of a  
3 child, a spouse, or a former spouse, that provides for monetary  
4 support, health care, arrearages, or reimbursement, and may include  
5 related costs and fees, interest, income withholding, attorneys' fees,  
6 and other relief.

7 (22) "Tribunal" means a court, administrative agency, or quasi-  
8 judicial entity authorized to establish, enforce, or modify support  
9 orders or to determine parentage.

10 **Sec. 922.** RCW 26.21.115 and 1993 c 318 s 205 are each amended to  
11 read as follows:

12 (1) A tribunal of this state issuing a support order consistent  
13 with the law of this state has continuing, exclusive jurisdiction over  
14 a child support order:

15 (a) As long as this state remains the residence of the obligor, the  
16 individual obligee, or the child for whose benefit the support order is  
17 issued; or

18 (b) Until ((~~each individual party has~~)) all of the parties who are  
19 individuals have filed written consents with the tribunal of this state  
20 for a tribunal of another state to modify the order and assume  
21 continuing, exclusive jurisdiction.

22 (2) A tribunal of this state issuing a child support order  
23 consistent with the law of this state may not exercise its continuing  
24 jurisdiction to modify the order if the order has been modified by a  
25 tribunal of another state pursuant to this chapter or a law  
26 substantially similar to this chapter.

27 (3) If a child support order of this state is modified by a  
28 tribunal of another state pursuant to this chapter or a law  
29 substantially similar to this chapter, a tribunal of this state loses  
30 its continuing, exclusive jurisdiction with regard to prospective  
31 enforcement of the order issued in this state, and may only:

32 (a) Enforce the order that was modified as to amounts accruing  
33 before the modification;

34 (b) Enforce nonmodifiable aspects of that order; and

35 (c) Provide other appropriate relief for violations of that order  
36 which occurred before the effective date of the modification.

37 (4) A tribunal of this state shall recognize the continuing,  
38 exclusive jurisdiction of a tribunal of another state that has issued

1 a child support order pursuant to this chapter or a law substantially  
2 similar to this chapter.

3 (5) A temporary support order issued ex parte or pending resolution  
4 of a jurisdictional conflict does not create continuing, exclusive  
5 jurisdiction in the issuing tribunal.

6 (6) A tribunal of this state issuing a support order consistent  
7 with the law of this state has continuing, exclusive jurisdiction over  
8 a spousal support order throughout the existence of the support  
9 obligation. A tribunal of this state may not modify a spousal support  
10 order issued by a tribunal of another state having continuing,  
11 exclusive jurisdiction over that order under the law of that state.

12 **Sec. 923.** RCW 26.21.135 and 1993 c 318 s 207 are each amended to  
13 read as follows:

14 (1) If a proceeding is brought under this chapter and only one  
15 tribunal has issued a child support order, the order of that tribunal  
16 controls and must be so recognized.

17 (2) If a proceeding is brought under this chapter, and ~~((one))~~ two  
18 or more child support orders have been issued ((in)) by tribunals of  
19 this state or another state with regard to ((an)) the same obligor and  
20 ~~((a))~~ child, a tribunal of this state shall apply the following rules  
21 in determining which order to recognize for purposes of continuing,  
22 exclusive jurisdiction:

23 (a) If only one of the tribunals ~~((has issued a child support~~  
24 ~~order))~~ would have continuing, exclusive jurisdiction under this  
25 chapter, the order of that tribunal controls and must be so recognized.

26 (b) ~~((If two or more tribunals have issued child support orders for~~  
27 ~~the same obligor and child, and only one of the tribunals would have~~  
28 ~~continuing, exclusive jurisdiction under this chapter, the order of~~  
29 ~~that tribunal must be recognized.~~

30 (c)) If ~~((two or more tribunals have issued child support orders~~  
31 ~~for the same obligor and child, and))~~ more than one of the tribunals  
32 would have continuing, exclusive jurisdiction under this chapter, an  
33 order issued by a tribunal in the current home state of the child  
34 controls and must be so recognized, but if an order has not been issued  
35 in the current home state of the child, the order most recently issued  
36 controls and must be so recognized.

37 ~~((d) If two or more tribunals have issued child support orders for~~  
38 ~~the same obligor and child, and none of the tribunals would have~~

1 continuing, exclusive jurisdiction under this chapter, the tribunal of  
2 this state may issue a child support order, which must be recognized.

3 (2) ~~The tribunal that has issued an order recognized under  
4 subsection (1) of this section is the tribunal having continuing,  
5 exclusive jurisdiction.)~~

6 (c) If none of the tribunals would have continuing, exclusive  
7 jurisdiction under this chapter, the tribunal of this state having  
8 jurisdiction over the parties shall issue a child support order, which  
9 controls and must be so recognized.

10 (3) If two or more child support orders have been issued for the  
11 same obligor and child and if the obligor or the individual obligee  
12 resides in this state, a party may request a tribunal of this state to  
13 determine which order controls and must be so recognized under  
14 subsection (2) of this section. The request must be accompanied by a  
15 certified copy of every support order in effect. The requesting party  
16 shall give notice of the request to each party whose rights may be  
17 affected by the determination.

18 (4) The tribunal that issued the controlling order under subsection  
19 (1), (2), or (3) of this section is the tribunal that has continuing,  
20 exclusive jurisdiction under RCW 26.21.115.

21 (5) A tribunal of this state which determines by order the identity  
22 of the controlling order under subsection (2)(a) or (b) of this section  
23 or which issues a new controlling order under subsection (2)(c) of this  
24 section shall state in that order the basis upon which the tribunal  
25 made its determination.

26 (6) Within thirty days after issuance of an order determining the  
27 identity of the controlling order, the party obtaining the order shall  
28 file a certified copy of it with each tribunal that issued or  
29 registered an earlier order of child support. A party who obtains the  
30 order and fails to file a certified copy is subject to appropriate  
31 sanctions by a tribunal in which the issue of failure to file arises.  
32 The failure to file does not affect the validity or enforceability of  
33 the controlling order.

34 **Sec. 924.** RCW 26.21.235 and 1993 c 318 s 304 are each amended to  
35 read as follows:

36 (1) Upon the filing of a petition authorized by this chapter, an  
37 initiating tribunal of this state shall forward three copies of the  
38 petition and its accompanying documents:

1       (~~(1)~~) (a) To the responding tribunal or appropriate support  
2 enforcement agency in the responding state; or

3       (~~(2)~~) (b) If the identity of the responding tribunal is unknown,  
4 to the state information agency of the responding state with a request  
5 that they be forwarded to the appropriate tribunal and that receipt be  
6 acknowledged.

7       (2) If a responding state has not enacted the Uniform Interstate  
8 Family Support Act or a law or procedure substantially similar to the  
9 Uniform Interstate Family Support Act, a tribunal of this state may  
10 issue a certificate or other document and make findings required by the  
11 law of the responding state. If the responding state is a foreign  
12 jurisdiction, the tribunal may specify the amount of support sought and  
13 provide other documents necessary to satisfy the requirements of the  
14 responding state.

15       **Sec. 925.** RCW 26.21.245 and 1993 c 318 s 305 are each amended to  
16 read as follows:

17       (1) When a responding tribunal of this state receives a petition or  
18 comparable pleading from an initiating tribunal or directly pursuant to  
19 RCW 26.21.205(3), it shall cause the petition or pleading to be filed  
20 and notify the petitioner (~~by first class mail~~) where and when it was  
21 filed.

22       (2) A responding tribunal of this state, to the extent otherwise  
23 authorized by law, may do one or more of the following:

24       (a) Issue or enforce a support order, modify a child support order,  
25 or render a judgment to determine parentage;

26       (b) Order an obligor to comply with a support order, specifying the  
27 amount and the manner of compliance;

28       (c) Order income withholding;

29       (d) Determine the amount of any arrearages, and specify a method of  
30 payment;

31       (e) Enforce orders by civil or criminal contempt, or both;

32       (f) Set aside property for satisfaction of the support order;

33       (g) Place liens and order execution on the obligor's property;

34       (h) Order an obligor to keep the tribunal informed of the obligor's  
35 current residential address, telephone number, employer, address of  
36 employment, and telephone number at the place of employment;

37       (i) Issue a bench warrant or writ of arrest for an obligor who has  
38 failed after proper notice to appear at a hearing ordered by the

1 tribunal and enter the bench warrant or writ of arrest in any local and  
2 state computer systems for criminal warrants;

3 (j) Order the obligor to seek appropriate employment by specified  
4 methods;

5 (k) Award reasonable attorneys' fees and other fees and costs; and

6 (l) Grant any other available remedy.

7 (3) A responding tribunal of this state shall include in a support  
8 order issued under this chapter, or in the documents accompanying the  
9 order, the calculations on which the support order is based.

10 (4) A responding tribunal of this state may not condition the  
11 payment of a support order issued under this chapter upon compliance by  
12 a party with provisions for visitation.

13 (5) If a responding tribunal of this state issues an order under  
14 this chapter, the tribunal shall send a copy of the order (~~by first~~  
15 ~~class mail~~) to the petitioner and the respondent and to the initiating  
16 tribunal, if any.

17 **Sec. 926.** RCW 26.21.255 and 1993 c 318 s 306 are each amended to  
18 read as follows:

19 If a petition or comparable pleading is received by an  
20 inappropriate tribunal of this state, it shall forward the pleading and  
21 accompanying documents to an appropriate tribunal in this state or  
22 another state and notify the petitioner (~~by first class mail~~) where  
23 and when the pleading was sent.

24 **Sec. 927.** RCW 26.21.265 and 1993 c 318 s 307 are each amended to  
25 read as follows:

26 (1) A support enforcement agency of this state, upon request, shall  
27 provide services to a petitioner in a proceeding under this chapter.

28 (2) A support enforcement agency that is providing services to the  
29 petitioner as appropriate shall:

30 (a) Take all steps necessary to enable an appropriate tribunal in  
31 this state or another state to obtain jurisdiction over the respondent;

32 (b) Request an appropriate tribunal to set a date, time, and place  
33 for a hearing;

34 (c) Make a reasonable effort to obtain all relevant information,  
35 including information as to income and property of the parties;

36 (d) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and  
37 legal holidays, after receipt of a written notice from an initiating,

1 responding, or registering tribunal, send a copy of the notice (~~by~~  
2 ~~first class mail~~) to the petitioner;

3 (e) Within (~~two~~) five days, exclusive of Saturdays, Sundays, and  
4 legal holidays, after receipt of a written communication from the  
5 respondent or the respondent's attorney, send a copy of the  
6 communication (~~by first class mail~~) to the petitioner; and

7 (f) Notify the petitioner if jurisdiction over the respondent  
8 cannot be obtained.

9 (3) This chapter does not create or negate a relationship of  
10 attorney and client or other fiduciary relationship between a support  
11 enforcement agency or the attorney for the agency and the individual  
12 being assisted by the agency.

13 **Sec. 928.** RCW 26.21.450 and 1993 c 318 s 501 are each amended to  
14 read as follows:

15 (~~(1)~~) An income-withholding order issued in another state may be  
16 sent (~~by first class mail~~) to the person or entity defined as the  
17 obligor's employer under (~~chapter 6.27~~) RCW 50.04.080 without first  
18 filing a petition or comparable pleading or registering the order with  
19 a tribunal of this state. (~~Upon receipt of the order, the employer~~  
20 ~~shall:~~

21 ~~(a) Treat an income withholding order issued in another state that~~  
22 ~~appears regular on its face as if it had been issued by a tribunal of~~  
23 ~~this state;~~

24 ~~(b) Immediately provide a copy of the order to the obligor; and~~

25 ~~(c) Distribute the funds as directed in the income withholding~~  
26 ~~order.~~

27 ~~(2) An obligor may contest the validity or enforcement of an~~  
28 ~~income withholding order issued in another state in the same manner as~~  
29 ~~if the order had been issued by a tribunal of this state. — RCW~~  
30 ~~26.21.510 applies to the contest. The obligor shall give notice of the~~  
31 ~~contest to any support enforcement agency providing services to the~~  
32 ~~obligee and to:~~

33 ~~(a) The person or agency designated to receive payments in the~~  
34 ~~income withholding order; or~~

35 ~~(b) If no person or agency is designated, the obligee.))~~

36 NEW SECTION. **Sec. 929.** A new section is added to chapter 26.21  
37 RCW to read as follows:

1 EMPLOYER'S COMPLIANCE WITH INCOME-WITHHOLDING ORDER OF ANOTHER  
2 STATE. (1) Upon receipt of an income-withholding order, the obligor's  
3 employer shall immediately provide a copy of the order to the obligor.

4 (2) The employer shall treat an income-withholding order issued in  
5 another state that appears regular on its face as if it had been issued  
6 by a tribunal of this state.

7 (3) Except as provided in subsection (4) of this section and  
8 section 930 of this act, the employer shall withhold and distribute the  
9 funds as directed in the withholding order by complying with the terms  
10 of the order which specify:

11 (a) The duration and amount of periodic payments of current child  
12 support, stated as a sum certain;

13 (b) The person or agency designated to receive payments and the  
14 address to which the payments are to be forwarded;

15 (c) Medical support, whether in the form of periodic cash payment,  
16 stated as sum certain, or ordering the obligor to provide health  
17 insurance coverage for the child under a policy available through the  
18 obligor's employment;

19 (d) The amount of periodic payments of fees and costs for a support  
20 enforcement agency, the issuing tribunal, and the obligee's attorney,  
21 stated as sum certain; and

22 (e) The amount of periodic payments of arrearages and interest on  
23 arrearages, stated as sum certain.

24 (4) The employer shall comply with the law of the state of the  
25 obligor's principal place of employment for withholding from income  
26 with respect to:

27 (a) The employer's fee for processing an income withholding order;

28 (b) The maximum amount permitted to be withheld from the obligor's  
29 income; and

30 (c) The times within which the employer must implement the  
31 withholding order and forward the child support payment.

32 NEW SECTION. **Sec. 930.** A new section is added to chapter 26.21  
33 RCW to read as follows:

34 COMPLIANCE WITH MULTIPLE INCOME WITHHOLDING ORDERS. If an  
35 obligor's employer receives multiple income-withholding orders with  
36 respect to the earnings of the same obligor, the employer satisfies the  
37 terms of the multiple orders if the employer complies with the law of  
38 the state of the obligor's principal place of employment to establish

1 the priorities for withholding and allocating income withheld for  
2 multiple child support obligees.

3 NEW SECTION. **Sec. 931.** A new section is added to chapter 26.21  
4 RCW to read as follows:

5 IMMUNITY FROM CIVIL LIABILITY. An employer who complies with an  
6 income-withholding order issued in another state in accordance with  
7 this article is not subject to civil liability to an individual or  
8 agency with regard to the employer's withholding of child support from  
9 the obligor's income.

10 NEW SECTION. **Sec. 932.** A new section is added to chapter 26.21  
11 RCW to read as follows:

12 PENALTIES FOR NONCOMPLIANCE. An employer who willfully fails to  
13 comply with an income-withholding order issued by another state and  
14 received for enforcement is subject to the same penalties that may be  
15 imposed for noncompliance with an order issued by a tribunal of this  
16 state.

17 NEW SECTION. **Sec. 933.** A new section is added to chapter 26.21  
18 RCW to read as follows:

19 CONTEST BY OBLIGOR. (1) An obligor may contest the validity or  
20 enforcement of an income-withholding order issued in another state and  
21 received directly by an employer in this state in the same manner as if  
22 the order had been issued by a tribunal of this state. RCW 26.21.510  
23 applies to the contest.

24 (2) The obligor shall give notice of the contest to:

25 (a) A support enforcement agency providing services to the obligee;

26 (b) Each employer that has directly received an income-withholding  
27 order; and

28 (c) The person or agency designated to receive payments in the  
29 income-withholding order, or if no person or agency is designated, to  
30 the obligee.

31 **Sec. 934.** RCW 26.21.490 and 1993 c 318 s 602 are each amended to  
32 read as follows:

33 (1) A support order or income-withholding order of another state  
34 may be registered in this state by sending the following documents and  
35 information to the support enforcement agency of this state or to the



1 superior court of any county in this state where the obligor resides,  
2 works, or has property:

3 (a) A letter of transmittal to the tribunal requesting registration  
4 and enforcement;

5 (b) Two copies, including one certified copy, of all orders to be  
6 registered, including any modification of an order;

7 (c) A sworn statement by the party seeking registration or a  
8 certified statement by the custodian of the records showing the amount  
9 of any arrearage;

10 (d) The name of the obligor and, if known:

11 (i) The obligor's address and social security number;

12 (ii) The name and address of the obligor's employer and any other  
13 source of income of the obligor; and

14 (iii) A description and the location of property of the obligor in  
15 this state not exempt from execution; and

16 (e) The name and address of the obligee and, if applicable, the  
17 agency or person to whom support payments are to be remitted.

18 (2) On receipt of a request for registration, the registering  
19 tribunal shall cause the order to be filed as a foreign judgment,  
20 together with one copy of the documents and information, regardless of  
21 their form.

22 (3) A petition or comparable pleading seeking a remedy that must be  
23 affirmatively sought under other law of this state may be filed at the  
24 same time as the request for registration or later. The pleading must  
25 specify the grounds for the remedy sought.

26 **Sec. 935.** RCW 26.21.520 and 1993 c 318 s 605 are each amended to  
27 read as follows:

28 (1) When a support order or income-withholding order issued in  
29 another state is registered, the registering tribunal shall notify the  
30 nonregistering party. (~~Notice must be given by certified or~~  
31 ~~registered mail or by any means of personal service authorized by the~~  
32 ~~law of this state.)) The notice must be accompanied by a copy of the  
33 registered order and the documents and relevant information  
34 accompanying the order.~~

35 (2) The notice must inform the nonregistering party:

36 (a) That a registered order is enforceable as of the date of  
37 registration in the same manner as an order issued by a tribunal of  
38 this state;

1 (b) That a hearing to contest the validity or enforcement of the  
2 registered order must be requested within twenty days after the date of  
3 receipt by certified or registered mail or personal service of the  
4 notice given to a nonregistering party within the state and within  
5 sixty days after the date of receipt by certified or registered mail or  
6 personal service of the notice on a nonregistering party outside of the  
7 state;

8 (c) That failure to contest the validity or enforcement of the  
9 registered order in a timely manner will result in confirmation of the  
10 order and enforcement of the order and the alleged arrearages and  
11 precludes further contest of that order with respect to any matter that  
12 could have been asserted; and

13 (d) Of the amount of any alleged arrearages.

14 (3) Upon registration of an income-withholding order for  
15 enforcement, the registering tribunal shall notify the obligor's  
16 employer pursuant to the income-withholding law of this state.

17 **Sec. 936.** RCW 26.21.530 and 1993 c 318 s 606 are each amended to  
18 read as follows:

19 (1) A nonregistering party seeking to contest the validity or  
20 enforcement of a registered order in this state shall request a hearing  
21 within twenty days after the date of receipt of certified or registered  
22 mail or the date of personal service of notice of the registration on  
23 the nonmoving party within this state, or, within sixty days after the  
24 receipt of certified or registered mail or personal service of the  
25 notice on the nonmoving party outside of the state. The nonregistering  
26 party may seek to vacate the registration, to assert any defense to an  
27 allegation of noncompliance with the registered order, or to contest  
28 the remedies being sought or the amount of any alleged arrearages  
29 pursuant to RCW 26.21.540.

30 (2) If the nonregistering party fails to contest the validity or  
31 enforcement of the registered order in a timely manner, the order is  
32 confirmed by operation of law.

33 (3) If a nonregistering party requests a hearing to contest the  
34 validity or enforcement of the registered order, the registering  
35 tribunal shall schedule the matter for hearing and give notice to the  
36 parties (~~by first class mail~~) of the date, time, and place of the  
37 hearing.

1       **Sec. 937.** RCW 26.21.580 and 1993 c 318 s 611 are each amended to  
2 read as follows:

3       (1) After a child support order issued in another state has been  
4 registered in this state, the responding tribunal of this state may  
5 modify that order only if ~~((7))~~ section 939 of this act does not apply  
6 and after notice and hearing ~~((7))~~ it finds that:

7       (a) The following requirements are met:

8       (i) The child, the individual obligee, and the obligor do not  
9 reside in the issuing state;

10       (ii) A petitioner who is a nonresident of this state seeks  
11 modification; and

12       (iii) The respondent is subject to the personal jurisdiction of the  
13 tribunal of this state; or

14       (b) ~~((An individual party or))~~ The child, or a party who is an  
15 individual, is subject to the personal jurisdiction of the tribunal of  
16 this state and all of the ~~((individual))~~ parties who are individuals  
17 have filed ((a)) written consents in the issuing tribunal ((providing  
18 that)) for a tribunal of this state ((may)) to modify the support order  
19 and assume continuing, exclusive jurisdiction over the order. However,  
20 if the issuing state is a foreign jurisdiction that has not enacted a  
21 law or established procedures substantially similar to the procedures  
22 under the Uniform Interstate Family Support Act, the consent otherwise  
23 required of an individual residing in this state is not required for  
24 the tribunal to assume jurisdiction to modify the child support order.

25       (2) Modification of a registered child support order is subject to  
26 the same requirements, procedures, and defenses that apply to the  
27 modification of an order issued by a tribunal of this state and the  
28 order may be enforced and satisfied in the same manner.

29       (3) A tribunal of this state may not modify any aspect of a child  
30 support order that may not be modified under the law of the issuing  
31 state. If two or more tribunals have issued child support orders for  
32 the same obligor and child, the order that controls and must be so  
33 recognized under RCW 26.21.135 establishes the aspects of the support  
34 order that are nonmodifiable.

35       (4) On issuance of an order modifying a child support order issued  
36 in another state, a tribunal of this state becomes the tribunal ~~((of))~~  
37 having continuing, exclusive jurisdiction.

38       ~~((5) Within thirty days after issuance of a modified child support~~  
39 ~~order, the party obtaining the modification shall file a certified copy~~

1 of the order with the issuing tribunal which had continuing, exclusive  
2 jurisdiction over the earlier order, and in each tribunal in which the  
3 party knows that earlier order has been registered.))

4 **Sec. 938.** RCW 26.21.590 and 1993 c 318 s 612 are each amended to  
5 read as follows:

6 A tribunal of this state shall recognize a modification of its  
7 earlier child support order by a tribunal of another state that assumed  
8 jurisdiction pursuant to the Uniform Interstate Family Support Act or  
9 a law substantially similar to this chapter and, upon request, except  
10 as otherwise provided in this chapter, shall:

11 (1) Enforce the order that was modified only as to amounts accruing  
12 before the modification;

13 (2) Enforce only nonmodifiable aspects of that order;

14 (3) Provide other appropriate relief only for violations of that  
15 order which occurred before the effective date of the modification;  
16 and

17 (4) Recognize the modifying order of the other state, upon  
18 registration, for the purpose of enforcement.

19 NEW SECTION. **Sec. 939.** A new section is added to chapter 26.21  
20 RCW to read as follows:

21 JURISDICTION TO MODIFY CHILD SUPPORT ORDER OF ANOTHER STATE IF  
22 INDIVIDUAL PARTIES RESIDE IN THIS STATE. (1) If all of the parties who  
23 are individuals reside in this state and the child does not reside in  
24 the issuing state, a tribunal of this state has jurisdiction to enforce  
25 and to modify the issuing state's child support order in a proceeding  
26 to register that order.

27 (2) A tribunal of this state exercising jurisdiction under this  
28 section shall apply the provisions of Articles 1 and 2, this article,  
29 and the procedural and substantive law of this state to the proceeding  
30 for enforcement or modification. Articles 3, 4, 5, 7, and 8 of this  
31 chapter do not apply.

32 NEW SECTION. **Sec. 940.** A new section is added to chapter 26.21  
33 RCW to read as follows:

34 NOTICE TO ISSUING TRIBUNAL OF MODIFICATION. Within thirty days  
35 after issuance of a modified child support order, the party obtaining  
36 the modification shall file a certified copy of the order with the

1 issuing tribunal that had continuing, exclusive jurisdiction over the  
2 earlier order, and in each tribunal in which the party knows the  
3 earlier order has been registered. A party who obtains the order and  
4 fails to file a certified copy is subject to appropriate sanctions by  
5 a tribunal in which the issue of failure to file arises. The failure  
6 to file does not affect the validity or enforceability of the modified  
7 order of the new tribunal having continuing, exclusive jurisdiction.

8 **Sec. 941.** RCW 26.21.620 and 1993 c 318 s 701 are each amended to  
9 read as follows:

10 (1) A tribunal of this state may serve as an initiating or  
11 responding tribunal in a proceeding brought under this chapter or a law  
12 or procedure substantially similar to this chapter, the Uniform  
13 Reciprocal Enforcement of Support Act, or the Revised Uniform  
14 Reciprocal Enforcement of Support Act to determine that the petitioner  
15 is a parent of a particular child or to determine that a respondent is  
16 a parent of that child.

17 (2) In a proceeding to determine parentage, a responding tribunal  
18 of this state shall apply the Uniform Parentage Act, chapter 26.26 RCW,  
19 procedural and substantive law of this state, and the rules of this  
20 state on choice of law.

21 NEW SECTION. **Sec. 942.** A new section is added to chapter 26.21  
22 RCW to read as follows:

23 ADOPTION OF RULES. The secretary of the department of social and  
24 health services shall issue such rules as necessary to act as the  
25 administrative tribunal pursuant to RCW 26.21.015.

26 **Sec. 943.** RCW 26.23.035 and 1991 c 367 s 38 are each amended to  
27 read as follows:

28 (1) The department of social and health services shall adopt rules  
29 for the distribution of support money collected by the ~~((office of~~  
30 ~~support enforcement))~~ division of child support. These rules shall:

31 (a) Comply with ~~((42 U.S.C. Sec. 657))~~ Title IV-D of the federal  
32 social security act as amended by the personal responsibility and work  
33 opportunity reconciliation act of 1996;

34 (b) Provide that at least fifty dollars of each month's child  
35 support obligation collected by the department be distributed to the  
36 recipient of temporary assistance for needy families;

1       (c) Direct the (~~office of support enforcement~~) division of child  
2 support to distribute support money within eight days of receipt,  
3 unless one of the following circumstances, or similar circumstances  
4 specified in the rules, prevents prompt distribution:

5       (i) The location of the custodial parent is unknown;

6       (ii) The support debt is in litigation;

7       (iii) The (~~office of support enforcement~~) division of child  
8 support cannot identify the responsible parent or the custodian;

9       (~~(e)~~) (d) Provide for proportionate distribution of support  
10 payments if the responsible parent owes a support obligation or a  
11 support debt for two or more Title IV-D cases; and

12       (~~(d)~~) (e) Authorize the distribution of support money, except  
13 money collected under 42 U.S.C. Sec. 664, to satisfy a support debt  
14 owed to the IV-D custodian before the debt owed to the state when the  
15 custodian stops receiving a public assistance grant.

16       (2) The (~~office of support enforcement~~) division of child support  
17 may distribute support payments to the payee under the support order or  
18 to another person who has lawful physical custody of the child or  
19 custody with the payee's consent. The payee may file an application  
20 for an adjudicative proceeding to challenge distribution to such other  
21 person. Prior to distributing support payments to any person other  
22 than the payee, the registry shall:

23       (a) Obtain a written statement from the child's physical custodian,  
24 under penalty of perjury, that the custodian has lawful custody of the  
25 child or custody with the payee's consent;

26       (b) Mail to the responsible parent and to the payee at the payee's  
27 last known address a copy of the physical custodian's statement and a  
28 notice which states that support payments will be sent to the physical  
29 custodian; and

30       (c) File a copy of the notice with the clerk of the court that  
31 entered the original support order.

32       (3) If the Washington state support registry distributes a support  
33 payment to a person in error, the registry may obtain restitution by  
34 means of a set-off against future payments received on behalf of the  
35 person receiving the erroneous payment, or may act according to RCW  
36 74.20A.270 as deemed appropriate. Any set-off against future support  
37 payments shall be limited to amounts collected on the support debt and  
38 ten percent of amounts collected as current support.

1       **Sec. 944.** RCW 74.20A.030 and 1993 sp.s. c 24 s 926 are each  
2 amended to read as follows:

3       (1) The department shall be subrogated to the right of any  
4 dependent child or children or person having the care, custody, and  
5 control of said child or children, if public assistance money is paid  
6 to or for the benefit of the child under a state program funded under  
7 Title IV-A of the federal social security act as amended by the  
8 personal responsibility and work opportunity reconciliation act of  
9 1996, to prosecute or maintain any support action or execute any  
10 administrative remedy existing under the laws of the state of  
11 Washington to obtain reimbursement of moneys expended, based on the  
12 support obligation of the responsible parent established by a superior  
13 court order or RCW 74.20A.055. Distribution of any support moneys  
14 shall be made in accordance with (~~42 U.S.C. Sec. 657~~) RCW 26.23.035.

15       (2) The department may initiate, continue, maintain, or execute an  
16 action to establish, enforce, and collect a support obligation,  
17 including establishing paternity and performing related services, under  
18 this chapter and chapter 74.20 RCW, or through the attorney general or  
19 prosecuting attorney under chapter 26.09, 26.18, 26.20, 26.21, 26.23,  
20 or 26.26 RCW or other appropriate statutes or the common law of this  
21 state, for so long as and under such conditions as the department may  
22 establish by regulation.

23       (3) Public assistance moneys shall be exempt from collection action  
24 under this chapter except as provided in RCW 74.20A.270.

25       (4) No collection action shall be taken against parents of children  
26 eligible for admission to, or children who have been discharged from a  
27 residential habilitation center as defined by RCW 71A.10.020(7). For  
28 the period July 1, 1993, through June 30, 1995, a collection action may  
29 be taken against parents of children with developmental disabilities  
30 who are placed in community-based residential care. The amount of  
31 support the department may collect from the parents shall not exceed  
32 one-half of the parents' support obligation accrued while the child was  
33 in community-based residential care. The child support obligation  
34 shall be calculated pursuant to chapter 26.19 RCW.

35       **Sec. 945.** RCW 74.20.320 and 1979 ex.s. c 171 s 17 are each amended  
36 to read as follows:

37       Whenever a custodian of children, or other person, receives support  
38 moneys paid to them which moneys are paid in whole or in part in

1 satisfaction of a support obligation which has been assigned to the  
2 department pursuant to (~~42 U.S.C. Sec. 602(A)(26)(a)~~) Title IV-A of  
3 the federal social security act as amended by the personal  
4 responsibility and work opportunity reconciliation act of 1996 or RCW  
5 74.20.330 or to which the department is owed a debt pursuant to RCW  
6 74.20A.030, the moneys shall be remitted to the department within eight  
7 days of receipt by the custodian or other person. If not so remitted  
8 the custodian or other person shall be indebted to the department as a  
9 support debt in an amount equal to the amount of the support money  
10 received and not remitted.

11 By not paying over the moneys to the department, a custodial parent  
12 or other person is deemed, without the necessity of signing any  
13 document, to have made an irrevocable assignment to the department of  
14 any support delinquency owed which is not already assigned to the  
15 department or to any support delinquency which may accrue in the future  
16 in an amount equal to the amount of support money retained. The  
17 department may utilize the collection procedures in chapter 74.20A RCW  
18 to collect the assigned delinquency to effect recoupment and  
19 satisfaction of the debt incurred by reason of the failure of the  
20 custodial parent or other person to remit. The department is also  
21 authorized to make a set-off to effect satisfaction of the debt by  
22 deduction from support moneys in its possession or in the possession of  
23 any clerk of the court or other forwarding agent which are paid to the  
24 custodial parent or other person for the satisfaction of any support  
25 delinquency. Nothing in this section authorizes the department to make  
26 set-off as to current support paid during the month for which the  
27 payment is due and owing.

28 **Sec. 946.** RCW 74.20.330 and 1989 c 360 s 13 are each amended to  
29 read as follows:

30 (1) Whenever public assistance is paid under (~~this title~~) a state  
31 program funded under Title IV-A of the federal social security act as  
32 amended by the personal responsibility and work opportunity  
33 reconciliation act of 1996, each applicant or recipient is deemed to  
34 have made assignment to the department of any rights to a support  
35 obligation from any other person the applicant or recipient may have in  
36 his or her own behalf or in behalf of any other family member for whom  
37 the applicant or recipient is applying for or receiving public



1 assistance, including any unpaid support obligation or support debt  
2 which has accrued at the time the assignment is made.

3 (2) Payment of public assistance 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 shall:

7 (a) Operate as an assignment by operation of law; and

8 (b) Constitute an authorization to the department to provide the  
9 assistance recipient with support enforcement services.

10 **Sec. 947.** RCW 70.58.080 and 1989 c 55 s 2 are each amended to read  
11 as follows:

12 (1) Within ten days after the birth of any child, the attending  
13 physician, midwife, or his or her agent shall:

14 (a) Fill out a certificate of birth, giving all of the particulars  
15 required, including: (i) The mother's name and date of birth, and (ii)  
16 if the mother and father are married at the time of birth or the father  
17 has signed an acknowledgment of paternity, the father's name and date  
18 of birth; and

19 (b) File the certificate of birth together with the mother's and  
20 father's social security numbers with the (~~local~~) state registrar of  
21 (~~the district in which the birth occurred~~) vital statistics.

22 (2) The local registrar shall forward the birth certificate, any  
23 signed affidavit acknowledging paternity, and the mother's and father's  
24 social security numbers to the state office of vital statistics  
25 pursuant to RCW 70.58.030.

26 (3) The state (~~office~~) registrar of vital statistics shall make  
27 available to the office of support enforcement the birth certificates,  
28 the mother's and father's social security numbers and paternity  
29 affidavits.

30 (4) Upon the birth of a child to an unmarried woman, the attending  
31 physician, midwife, or his or her agent shall:

32 (a) Provide an opportunity for the child's mother and natural  
33 father to complete an affidavit acknowledging paternity. The completed  
34 affidavit shall be filed with the (~~local~~) state registrar of vital  
35 statistics. The affidavit shall contain or have attached:

36 (i) A sworn statement by the mother consenting to the assertion of  
37 paternity and stating that this is the only possible father;

1 (ii) A statement by the father that he is the natural father of the  
2 child;

3 (iii) A sworn statement signed by the mother and the putative  
4 father that each has been given notice, both orally and in writing, of  
5 the alternatives to, the legal consequences of, and the rights,  
6 including, if one parent is a minor, any rights afforded due to  
7 minority status, and responsibilities that arise from, signing the  
8 affidavit acknowledging paternity;

9 (iv) Written information, furnished by the department of social and  
10 health services, explaining the implications of signing, including  
11 parental rights and responsibilities; and

12 (~~(iv)~~) (v) The social security numbers of both parents.

13 (b) Provide written information and oral information, furnished by  
14 the department of social and health services, to the mother and the  
15 father regarding the benefits of having (~~her~~) the child's paternity  
16 established and of the availability of paternity establishment  
17 services, including a request for support enforcement services. The  
18 oral and written information shall also include information regarding  
19 the alternatives to, the legal consequences of, and the rights,  
20 including, if one parent is a minor any rights afforded due to minority  
21 status, and responsibilities that arise from, signing the affidavit  
22 acknowledging paternity.

23 (5) The physician or midwife or his or her agent is entitled to  
24 reimbursement for reasonable costs, which the department shall  
25 establish by rule, when an affidavit acknowledging paternity is filed  
26 with the state (~~office~~) registrar of vital statistics.

27 (6) If there is no attending physician or midwife, the father or  
28 mother of the child, householder or owner of the premises, manager or  
29 superintendent of the public or private institution in which the birth  
30 occurred, shall notify the local registrar, within ten days after the  
31 birth, of the fact of the birth, and the local registrar shall secure  
32 the necessary information and signature to make a proper certificate of  
33 birth.

34 (7) When an infant is found for whom no certificate of birth is  
35 known to be on file, a birth certificate shall be filed within the time  
36 and in the form prescribed by the state board of health.

37 (8) When no putative father is named on a birth certificate of a  
38 child born to an unwed mother the mother may give any surname she so

1 desires to her child but shall designate in space provided for father's  
2 name on the birth certificate "None Named".

3 **Sec. 948.** RCW 26.26.040 and 1994 c 230 s 14 are each amended to  
4 read as follows:

5 (1) A man is presumed to be the natural father of a child for all  
6 intents and purposes if:

7 (a) He and the child's natural mother are or have been married to  
8 each other and the child is born during the marriage, or within three  
9 hundred days after the marriage is terminated by death, annulment,  
10 declaration of invalidity, divorce, or dissolution, or after a decree  
11 of separation is entered by a court; or

12 (b) Before the child's birth, he and the child's natural mother  
13 have attempted to marry each other by a marriage solemnized in apparent  
14 compliance with law, although the attempted marriage is or could be  
15 declared invalid, and the child is born within three hundred days after  
16 the termination of cohabitation;

17 (c) After the child's birth, he and the child's natural mother have  
18 married, or attempted to marry, each other by a marriage solemnized in  
19 apparent compliance with law, although the attempted marriage is or  
20 could be declared invalid, and

21 (i) He has acknowledged his paternity of the child in writing filed  
22 with the state registrar of vital statistics,

23 (ii) With his consent, he is named as the child's father on the  
24 child's birth certificate, or

25 (iii) He is obligated to support the child under a written  
26 voluntary promise or by court order;

27 (d) While the child is under the age of majority, he receives the  
28 child into his home and openly holds out the child as his child;

29 (e) He acknowledges his paternity of the child pursuant to RCW  
30 70.58.080 or in a writing filed with the state ((office)) registrar of  
31 vital statistics, which shall promptly inform the mother of the filing  
32 of the acknowledgment, if she does not dispute the acknowledgment  
33 within a reasonable time after being informed thereof, in a writing  
34 filed with the state registrar of vital statistics. However, if the  
35 acknowledgment is not rescinded or challenged within sixty days of  
36 filing, it becomes an establishment of paternity and is subject to  
37 challenge only under the circumstances set forth under RCW 26.26.060.

38 In order to enforce rights of residential time, custody, and

1 visitation, a man presumed to be the father as a result of filing a  
2 written acknowledgment must seek appropriate judicial orders under this  
3 title;

4 (f) The United States immigration and naturalization service made  
5 or accepted a determination that he was the father of the child at the  
6 time of the child's entry into the United States and he had the  
7 opportunity at the time of the child's entry into the United States to  
8 admit or deny the paternal relationship; or

9 (g) Genetic testing indicates a ninety-eight percent or greater  
10 probability of paternity.

11 (2) A presumption under this section may be rebutted in an  
12 appropriate action only by clear, cogent, and convincing evidence. If  
13 two or more presumptions arise which conflict with each other, the  
14 presumption which on the facts is founded on the weightier  
15 considerations of policy and logic controls. The presumption is  
16 rebutted by a court decree establishing paternity of the child by  
17 another man.

18 **Sec. 949.** RCW 26.26.060 and 1983 1st ex.s. c 41 s 5 are each  
19 amended to read as follows:

20 (1)(a) Except as provided in subsection (3) of this section, a  
21 child, a child's natural mother, a man alleged or alleging himself to  
22 be the father, a child's guardian, a child's personal representative,  
23 the state of Washington, or any interested party may bring an action at  
24 any time for the purpose of declaring the existence or nonexistence of  
25 the father and child relationship.

26 (b) Except as provided in (c) of this subsection, a man presumed to  
27 be a child's father under RCW 26.26.040 may bring an action for the  
28 purpose of declaring the nonexistence of the father and child  
29 relationship only if the action is brought within a reasonable time  
30 after obtaining knowledge of relevant facts. After the presumption has  
31 been rebutted, paternity of the child by another man may be determined  
32 in the same action, if he has been made a party.

33 (c) A man who has acknowledged paternity under RCW 26.26.040(1)(e)  
34 shall become the established legal father of the child sixty days after  
35 the acknowledgment is filed with the state registrar of vital  
36 statistics unless the acknowledgment is sooner rescinded or challenged.  
37 After the sixty-day period has passed, the acknowledgment may be  
38 challenged in court only on the basis of fraud, duress, or material

1 mistake of fact, with the burden of proof upon the challenger. Legal  
2 responsibilities of the challenger, including child support  
3 obligations, may not be suspended during the challenge, except for good  
4 cause shown.

5 (2) In an action brought by the state pursuant to this chapter, the  
6 state may be represented by either the prosecuting attorney for the  
7 county where the action is brought or by the attorney general.

8 (3) Regardless of its terms, no agreement between an alleged or  
9 presumed father and the mother or child, shall bar an action under this  
10 section, except that judicial and administrative proceedings are  
11 neither required nor permitted to ratify an unchallenged acknowledgment  
12 of paternity filed after the effective date of this section.

13 (4) If an action under this section is brought before the birth of  
14 the child, all proceedings may be stayed until after the birth, except  
15 service of process and discovery, including the taking of depositions  
16 to perpetuate testimony.

17 (5) Actions under this chapter may be maintained as to any child,  
18 whether born before or after the enactment of this chapter.

19 NEW SECTION. Sec. 950. A new section is added to chapter 26.26  
20 RCW to read as follows:

21 PROOF OF CERTAIN SUPPORT AND PATERNITY ESTABLISHMENT COSTS. In all  
22 actions brought under this chapter, bills for pregnancy, childbirth,  
23 and genetic testing shall:

24 (1) Be admissible as evidence without requiring third-party  
25 foundation testimony; and

26 (2) Constitute prima facie evidence of amounts incurred for such  
27 services or for testing on behalf of the child.

28 **Sec. 951.** RCW 74.20A.055 and 1996 c 21 s 1 are each amended to  
29 read as follows:

30 (1) The secretary may, in the absence of a superior court order, or  
31 pursuant to an establishment of paternity under chapter 26.26 RCW,  
32 serve on the responsible parent or parents a notice and finding of  
33 financial responsibility requiring a responsible parent or parents to  
34 appear and show cause in an adjudicative proceeding why the finding of  
35 responsibility and/or the amount thereof is incorrect, should not be  
36 finally ordered, but should be rescinded or modified. This notice and  
37 finding shall relate to the support debt accrued and/or accruing under

1 this chapter and/or RCW 26.16.205, including periodic payments to be  
2 made in the future. The hearing shall be held pursuant to this  
3 section, chapter 34.05 RCW, the Administrative Procedure Act, and the  
4 rules of the department.

5 (2) The notice and finding of financial responsibility shall be  
6 served in the same manner prescribed for the service of a summons in a  
7 civil action or may be served on the responsible parent by certified  
8 mail, return receipt requested. The receipt shall be prima facie  
9 evidence of service. ~~((The notice shall be served upon the debtor  
10 within sixty days from the date the state assumes responsibility for  
11 the support of the dependent child or children on whose behalf support  
12 is sought. If the notice is not served within sixty days from such  
13 date, the department shall lose the right to reimbursement of payments  
14 made after the sixty day period and before the date of notification:  
15 PROVIDED, That if the department exercises reasonable efforts to locate  
16 the debtor and is unable to do so the entire sixty day period is tolled  
17 until such time as the debtor can be located.))~~

18 (3) The notice and finding of financial responsibility shall set  
19 forth the amount the department has determined the responsible parent  
20 owes, the support debt accrued and/or accruing, and periodic payments  
21 to be made in the future. The notice and finding shall also include:

22 (a) A statement of the name of the recipient or custodian and the  
23 name of the child or children for whom support is sought;

24 (b) A statement of the amount of periodic future support payments  
25 as to which financial responsibility is alleged;

26 (c) A statement that the responsible parent may object to all or  
27 any part of the notice and finding, and file an application for an  
28 adjudicative proceeding to show cause why said responsible parent  
29 should not be determined to be liable for any or all of the debt, past  
30 and future;

31 ~~(d) ((A statement that the alleged responsible parent may challenge  
32 the presumption of paternity;~~

33 ~~(e))~~ A statement that, if the responsible parent fails in timely  
34 fashion to file an application for an adjudicative proceeding, the  
35 support debt and payments stated in the notice and finding, including  
36 periodic support payments in the future, shall be assessed and  
37 determined and ordered by the department and that this debt and amounts  
38 due under the notice shall be subject to collection action;

1       (~~(f)~~) (e) A statement that the property of the debtor, without  
2 further advance notice or hearing, will be subject to lien and  
3 foreclosure, distraint, seizure and sale, order to withhold and  
4 deliver, notice of payroll deduction or other collection action to  
5 satisfy the debt and enforce the support obligation established under  
6 the notice.

7       (4) A responsible parent who objects to the notice and finding of  
8 financial responsibility may file an application for an adjudicative  
9 proceeding within twenty days of the date of service of the notice or  
10 thereafter as provided under this subsection. An adjudicative  
11 proceeding shall be held in the county of residence or other place  
12 convenient to the responsible parent.

13       (a) If the responsible parent files the application within twenty  
14 days, the department shall schedule an adjudicative proceeding to hear  
15 the parent's objection and determine the parents' support obligation  
16 for the entire period covered by the notice and finding of financial  
17 responsibility. The filing of the application stays collection action  
18 pending the entry of a final administrative order;

19       (b) If the responsible parent fails to file an application within  
20 twenty days, the notice and finding shall become a final administrative  
21 order. The amounts for current and future support and the support debt  
22 stated in the notice are final and subject to collection, except as  
23 provided under (c) and (d) of this subsection;

24       (c) If the responsible parent files the application more than  
25 twenty days after, but within one year of the date of service, the  
26 department shall schedule an adjudicative proceeding to hear the  
27 parents' objection and determine the parent's support obligation for  
28 the entire period covered by the notice and finding of financial  
29 responsibility. The filing of the application does not stay further  
30 collection action, pending the entry of a final administrative order,  
31 and does not affect any prior collection action;

32       (d) If the responsible parent files the application more than one  
33 year after the date of service, the department shall schedule an  
34 adjudicative proceeding at which the responsible parent must show good  
35 cause for failure to file a timely application. The filing of the  
36 application does not stay future collection action and does not affect  
37 prior collection action:

1 (i) If the presiding officer finds that good cause exists, the  
2 presiding officer shall proceed to hear the parent's objection to the  
3 notice and determine the parent's support obligation;

4 (ii) If the presiding officer finds that good cause does not exist,  
5 the presiding officer shall treat the application as a petition for  
6 prospective modification of the amount for current and future support  
7 established under the notice and finding. In the modification  
8 proceeding, the presiding officer shall set current and future support  
9 under chapter 26.19 RCW. The responsible parent need show neither good  
10 cause nor a substantial change of circumstances to justify modification  
11 of current and future support;

12 (e) The department shall retain and/or shall not refund support  
13 money collected more than twenty days after the date of service of the  
14 notice. Money withheld as the result of collection action shall be  
15 delivered to the department. The department shall distribute such  
16 money, as provided in published rules.

17 (5)((+a)) If an application for an adjudicative proceeding is  
18 filed, the presiding or reviewing officer shall determine the past  
19 liability and responsibility, if any, of the alleged responsible parent  
20 and shall also determine the amount of periodic payments to be made in  
21 the future, which amount is not limited by the amount of any public  
22 assistance payment made to or for the benefit of the child. If  
23 deviating from the child support schedule in making these  
24 determinations, the presiding or reviewing officer shall apply the  
25 standards contained in the child support schedule and enter written  
26 findings of fact supporting the deviation.

27 (~~((b) If a responsible parent provides credible evidence at an  
28 adjudicative proceeding that would rebut the presumption of paternity  
29 set forth in RCW 26.26.040, the presiding officer shall direct the  
30 department to refer the issue for scheduling of an appropriate hearing  
31 in superior court to determine whether the presumption should be  
32 rebutted.))~~)

33 (6) If the responsible parent fails to attend or participate in the  
34 hearing or other stage of an adjudicative proceeding, upon a showing of  
35 valid service, the presiding officer shall enter an administrative  
36 order declaring the support debt and payment provisions stated in the  
37 notice and finding of financial responsibility to be assessed and  
38 determined and subject to collection action.



1 (7) The final administrative order establishing liability and/or  
2 future periodic support payments shall be superseded upon entry of a  
3 superior court order for support to the extent the superior court order  
4 is inconsistent with the administrative order.

5 (8) Debts determined pursuant to this section, accrued and not  
6 paid, are subject to collection action under this chapter without  
7 further necessity of action by a presiding or reviewing officer.

8 **Sec. 952.** RCW 74.20A.056 and 1994 c 230 s 19 and 1994 c 146 s 5  
9 are each reenacted and amended to read as follows:

10 (1) If an alleged father has signed an affidavit acknowledging  
11 paternity which has been filed with the state (~~office~~) registrar of  
12 vital statistics before July 1, 1997, the office of support enforcement  
13 may serve a notice and finding of parental responsibility on him.  
14 Procedures for and responsibility resulting from acknowledgments filed  
15 after July 1, 1997, are in subsections (8) and (9) of this section.  
16 Service of the notice shall be in the same manner as a summons in a  
17 civil action or by certified mail, return receipt requested. The  
18 notice shall have attached to it a copy of the affidavit or  
19 certification of birth record information advising of the existence of  
20 a filed affidavit, provided by the (~~center for health~~) state  
21 registrar of vital statistics, and shall state that:

22 (a) The alleged father may file an application for an adjudicative  
23 proceeding at which he will be required to appear and show cause why  
24 the amount stated in the finding of financial responsibility as to  
25 support is incorrect and should not be ordered;

26 (b) An alleged father may request that a blood or genetic test be  
27 administered to determine whether such test would exclude him from  
28 being a natural parent and, if not excluded, may subsequently request  
29 that the office of support enforcement initiate an action in superior  
30 court to determine the existence of the parent-child relationship; and

31 (c) If the alleged father does not request that a blood or genetic  
32 test be administered or file an application for an adjudicative  
33 proceeding, the amount of support stated in the notice and finding of  
34 parental responsibility shall become final, subject only to a  
35 subsequent determination under RCW 26.26.060 that the parent-child  
36 relationship does not exist.

37 (2) An alleged father who objects to the amount of support  
38 requested in the notice may file an application for an adjudicative

1 proceeding up to twenty days after the date the notice was served. An  
2 application for an adjudicative proceeding may be filed within one year  
3 of service of the notice and finding of parental responsibility without  
4 the necessity for a showing of good cause or upon a showing of good  
5 cause thereafter. An adjudicative proceeding under this section shall  
6 be pursuant to RCW 74.20A.055. The only issues shall be the amount of  
7 the accrued debt, the amount of the current and future support  
8 obligation, and the reimbursement of the costs of blood or genetic  
9 tests if advanced by the department.

10 (3) If the application for an adjudicative proceeding is filed  
11 within twenty days of service of the notice, collection action shall be  
12 stayed pending a final decision by the department. If no application  
13 is filed within twenty days:

14 (a) The amounts in the notice shall become final and the debt  
15 created therein shall be subject to collection action; and

16 (b) Any amounts so collected shall neither be refunded nor returned  
17 if the alleged father is later found not to be a responsible parent.

18 (4) An alleged father who denies being a responsible parent may  
19 request that a blood or genetic test be administered at any time. The  
20 request for testing shall be in writing and served on the office of  
21 support enforcement personally or by registered or certified mail. If  
22 a request for testing is made, the department shall arrange for the  
23 test and, pursuant to rules adopted by the department, may advance the  
24 cost of such testing. The department shall mail a copy of the test  
25 results by certified mail, return receipt requested, to the alleged  
26 father's last known address.

27 (5) If the test excludes the alleged father from being a natural  
28 parent, the office of support enforcement shall file a copy of the  
29 results with the state ((office)) registrar of vital statistics and  
30 shall dismiss any pending administrative collection proceedings based  
31 upon the affidavit in issue. The state ((office)) registrar of vital  
32 statistics shall remove the alleged father's name from the birth  
33 certificate and change the child's surname to be the same as the  
34 mother's maiden name as stated on the birth certificate, or any other  
35 name which the mother may select.

36 (6) The alleged father may, within twenty days after the date of  
37 receipt of the test results, request the office of support enforcement  
38 to initiate an action under RCW 26.26.060 to determine the existence of  
39 the parent-child relationship. If the office of support enforcement

1 initiates a superior court action at the request of the alleged father  
2 and the decision of the court is that the alleged father is a natural  
3 parent, the alleged father shall be liable for court costs incurred.

4 (7) If the alleged father does not request the office of support  
5 enforcement to initiate a superior court action, or if the alleged  
6 father fails to appear and cooperate with blood or genetic testing, the  
7 notice of parental responsibility shall become final for all intents  
8 and purposes and may be overturned only by a subsequent superior court  
9 order entered under RCW 26.26.060.

10 (8)(a) If an alleged father has signed an affidavit acknowledging  
11 paternity that has been filed with the state registrar of vital  
12 statistics after July 1, 1997, within sixty days from the date of  
13 filing of the acknowledgment:

14 (i) The office of support enforcement may serve a notice and  
15 finding of parental responsibility on him as set forth under this  
16 section; and

17 (ii) The alleged father or any other signatory may rescind his  
18 acknowledgment of paternity. The rescission shall be notarized and  
19 delivered to the state registrar of vital statistics personally or by  
20 registered or certified mail.

21 (b) If the alleged father does not file an application for an  
22 adjudicative proceeding or rescind his acknowledgment of paternity, the  
23 amount of support stated in the notice and finding of parental  
24 responsibility becomes final, subject only to a subsequent  
25 determination under RCW 26.26.060 that the parent-child relationship  
26 does not exist.

27 (c) An alleged father who objects to the amount of support  
28 requested in the notice may file an application for an adjudicative  
29 proceeding up to twenty days after the date the notice was served. An  
30 application for an adjudicative proceeding may be filed within one year  
31 of service of the notice and finding of parental responsibility without  
32 the necessity for a showing of good cause or upon a showing of good  
33 cause thereafter. An adjudicative proceeding under this section shall  
34 be pursuant to RCW 74.20A.055. The only issues shall be the amount of  
35 the accrued debt and the amount of the current and future support  
36 obligation.

37 (i) If the application for an adjudicative proceeding is filed  
38 within twenty days of service of the notice, collection action shall be  
39 stayed pending a final decision by the department.

1 (ii) If the application for an adjudicative proceeding is not filed  
2 within twenty days of the service of the notice, any amounts collected  
3 under the notice shall be neither refunded nor returned if the alleged  
4 father is later found not to be a responsible parent.

5 (d) If an alleged father makes a request for genetic testing, the  
6 department shall proceed as set forth under section 909 of this act.

7 (e) If the alleged father does not request an adjudicative  
8 proceeding, or if the alleged father fails to rescind his filed  
9 acknowledgment of paternity, the notice of parental responsibility  
10 becomes final for all intents and purposes and may be overturned only  
11 by a subsequent superior court order entered under RCW 26.26.060.

12 (9) Affidavits acknowledging paternity that are filed after July 1,  
13 1997, are subject to requirements of chapters 26.26 and 70.58 RCW.

14 (10) The department of social and health services and the  
15 department of health may adopt rules to implement the requirements  
16 under this section.

17 NEW SECTION. Sec. 953. A new section is added to chapter 26.18  
18 RCW to read as follows:

19 CHILD SUPPORT LIENS--CREATION--ATTACHMENT. Child support debts,  
20 not paid when due, become liens by operation of law against all  
21 property of the debtor with priority of a secured creditor. This lien  
22 shall be separate and apart from, and in addition to, any other lien  
23 created by, or provided for, in this title. The lien attaches to all  
24 real and personal property of the debtor on the date of filing with the  
25 county auditor of the county in which the property is located.

26 Sec. 954. RCW 26.23.040 and 1994 c 127 s 1 are each amended to  
27 read as follows:

28 (1) Except as provided in subsection (3) of this section, all  
29 employers doing business in the state of Washington, and to whom the  
30 department of employment security has assigned the standard industrial  
31 classification sic codes listed in subsection (2) of this section,  
32 shall report to the Washington state support registry:

33 (a) The hiring of any person who resides or works in this state to  
34 whom the employer anticipates paying earnings; and

35 (b) The rehiring or return to work of any employee who was laid  
36 off, furloughed, separated, granted a leave without pay, or terminated  
37 from employment.

1 (2) Employers in the standard industrial classifications that shall  
2 report to the Washington state support registry include:

3 (a) Construction industry sic codes: 15, general building; 16,  
4 heavy construction; and 17, special trades;

5 (b) Manufacturing industry sic code 37, transportation equipment;

6 (c) Business services sic codes: 73, except sic code 7363  
7 (temporary help supply services); and health services sic code 80.

8 (3) Employers are not required to report the hiring of any person  
9 who:

10 (a) Will be employed for less than one months duration;

11 (b) Will be employed sporadically so that the employee will be paid  
12 for less than three hundred fifty hours during a continuous six-month  
13 period; or

14 (c) Will have gross earnings less than three hundred dollars in  
15 every month.

16 The secretary of the department of social and health services may  
17 adopt rules to establish additional exemptions if needed to reduce  
18 unnecessary or burdensome reporting.

19 (4) Employers may report by mailing the employee's copy of the W-4  
20 form, or other means authorized by the registry which will result in  
21 timely reporting.

22 (5) Employers shall submit reports within thirty-five days of the  
23 hiring, rehiring, or return to work of the employee. The report shall  
24 contain:

25 (a) The employee's name, address, social security number, and date  
26 of birth; and

27 (b) The employer's name, address, and employment security reference  
28 number or unified business identifier number.

29 (6) An employer who fails to report as required under this section  
30 shall be given a written warning for the first violation and shall be  
31 subject to a civil penalty of up to two hundred dollars per month for  
32 each subsequent violation after the warning has been given. All  
33 violations within a single month shall be considered a single violation  
34 for purposes of assessing the penalty. The penalty may be imposed and  
35 collected by the office of support enforcement under ((RCW 74.20A.270))  
36 section 901 of this act.

37 (~~The registry shall retain the information for a particular~~  
38 ~~employee only if the registry is responsible for establishing,~~  
39 ~~enforcing, or collecting a support obligation or debt of the employee.~~

1 ~~If the employee does not owe such an obligation or a debt, the registry~~  
2 ~~shall not create a record regarding the employee and the information~~  
3 ~~contained in the notice shall be promptly destroyed. Prior to the~~  
4 ~~destruction of the notice, the department of social and health services~~  
5 ~~shall make the information contained in the notice available to other~~  
6 ~~state agencies, based upon the written request of an agency's director~~  
7 ~~or chief executive, specifically for comparison with records or~~  
8 ~~information possessed by the requesting agency to detect improper or~~  
9 ~~fraudulent claims. If, after comparison, no such situation is found or~~  
10 ~~reasonably suspected to exist, the information shall be promptly~~  
11 ~~destroyed by the requesting agency. Requesting agencies that obtain~~  
12 ~~information from the department of social and health services under~~  
13 ~~this section shall maintain the confidentiality of the information~~  
14 ~~received, except as necessary to implement the agencies'~~  
15 ~~responsibilities.)) The registry shall retain the information for a  
16 particular employee only if the registry is responsible for  
17 establishing, enforcing, or collecting a support debt of the employee.  
18 The registry may, however, retain information for a particular employee  
19 for as long as may be necessary to:~~

20 (a) Transmit the information to the national directory of new hires  
21 as required under federal law; or

22 (b) Provide the information to other state agencies for comparison  
23 with records or information possessed by those agencies as required by  
24 law.

25 Information that is not permitted to be retained shall be promptly  
26 destroyed. Agencies that obtain information from the department of  
27 social and health services under this section shall maintain the  
28 confidentiality of the information received, except as necessary to  
29 implement the agencies' responsibilities.

30 **Sec. 955.** RCW 26.23.040 and 1997 c ... s 955 (section 955 of this  
31 act) are each amended to read as follows:

32 ~~((Except as provided in subsection (3) of this section,)) All  
33 employers doing business in the state of Washington, and to whom the  
34 department of employment security has assigned ((the)) a standard  
35 industrial classification sic code((s listed in subsection (2) of this  
36 section,)) shall report to the Washington state support registry:~~

37 (a) The hiring of any person who resides or works in this state to  
38 whom the employer anticipates paying earnings; and

1 (b) The rehiring or return to work of any employee who was laid  
2 off, furloughed, separated, granted a leave without pay, or terminated  
3 from employment.

4 ~~((2) Employers in the standard industrial classifications that  
5 shall report to the Washington state support registry include:~~

6 (a) ~~Construction industry sic codes: 15, general building; 16,  
7 heavy construction; and 17, special trades;~~

8 (b) ~~Manufacturing industry sic code 37, transportation equipment;~~

9 (c) ~~Business services sic codes: 73, except sic code 7363  
10 (temporary help supply services); and health services sic code 80.~~

11 (3) ~~Employers are not required to report the hiring of any person  
12 who:~~

13 (a) ~~Will be employed for less than one months duration;~~

14 (b) ~~Will be employed sporadically so that the employee will be paid  
15 for less than three hundred fifty hours during a continuous six month  
16 period; or~~

17 (c) ~~Will have gross earnings less than three hundred dollars in  
18 every month.)~~

19 The secretary of the department of social and health services may  
20 adopt rules to establish additional exemptions if needed to reduce  
21 unnecessary or burdensome reporting.

22 ~~((4))~~ (2) Employers may report by mailing the employee's copy of  
23 the W-4 form, or other means authorized by the registry which will  
24 result in timely reporting.

25 ~~((5))~~ (3) Employers shall submit reports within thirty-five days  
26 of the hiring, rehiring, or return to work of the employee. The report  
27 shall contain:

28 (a) The employee's name, address, social security number, and date  
29 of birth; and

30 (b) The employer's name, address, ~~((and))~~ employment security  
31 reference number ~~((or))~~, unified business identifier number and  
32 identifying number assigned under section 6109 of the internal revenue  
33 code of 1986.

34 (6) An employer who fails to report as required under this section  
35 shall be given a written warning for the first violation and shall be  
36 subject to a civil penalty of up to two hundred dollars per month for  
37 each subsequent violation after the warning has been given. All  
38 violations within a single month shall be considered a single violation  
39 for purposes of assessing the penalty. The penalty may be imposed and

1 collected by the office of support enforcement under RCW 74.20A.---  
2 (section 901 of this act).

3 (7) The registry shall retain the information for a particular  
4 employee only if the registry is responsible for establishing,  
5 enforcing, or collecting a support debt of the employee. The registry  
6 may, however, retain information for a particular employee for as long  
7 as may be necessary to:

8 (a) Transmit the information to the national directory of new hires  
9 as required under federal law; or

10 (b) Provide the information to other state agencies for comparison  
11 with records or information possessed by those agencies as required by  
12 law.

13 Information that is not permitted to be retained shall be promptly  
14 destroyed. Agencies that obtain information from the department of  
15 social and health services under this section shall maintain the  
16 confidentiality of the information received, except as necessary to  
17 implement the agencies' responsibilities.

18 **Sec. 956.** RCW 26.09.020 and 1989 1st ex.s. c 9 s 204 and 1989 c  
19 375 s 3 are each reenacted and amended to read as follows:

20 (1) A petition in a proceeding for dissolution of marriage, legal  
21 separation, or for a declaration concerning the validity of a marriage,  
22 shall allege the following:

23 (a) The last known residence of each party;

24 (b) The social security number of each party;

25 (c) The date and place of the marriage;

26 ~~((e))~~ (d) If the parties are separated the date on which the  
27 separation occurred;

28 ~~((d))~~ (e) The names, ages, and addresses of any child dependent  
29 upon either or both spouses and whether the wife is pregnant;

30 ~~((e))~~ (f) Any arrangements as to the residential schedule of,  
31 decision making for, dispute resolution for, and support of the  
32 children and the maintenance of a spouse;

33 ~~((f))~~ (g) A statement specifying whether there is community or  
34 separate property owned by the parties to be disposed of;

35 ~~((g))~~ (h) The relief sought.

36 (2) Either or both parties to the marriage may initiate the  
37 proceeding.



1 (3) The petitioner shall complete and file with the petition a  
2 certificate under RCW 70.58.200 on the form provided by the department  
3 of health.

4 **Sec. 957.** RCW 26.26.130 and 1995 c 246 s 31 are each amended to  
5 read as follows:

6 (1) The judgment and order of the court determining the existence  
7 or nonexistence of the parent and child relationship shall be  
8 determinative for all purposes.

9 (2) If the judgment and order of the court is at variance with the  
10 child's birth certificate, the court shall order that an amended birth  
11 certificate be issued.

12 (3) The judgment and order shall contain other appropriate  
13 provisions directed to the appropriate parties to the proceeding,  
14 concerning the duty of current and future support, the extent of any  
15 liability for past support furnished to the child if that issue is  
16 before the court, the furnishing of bond or other security for the  
17 payment of the judgment, or any other matter in the best interest of  
18 the child. The judgment and order may direct the father to pay the  
19 reasonable expenses of the mother's pregnancy and confinement. The  
20 judgment and order may include a continuing restraining order or  
21 injunction. In issuing the order, the court shall consider the  
22 provisions of RCW 9.41.800.

23 (4) The judgment and order shall contain the social security  
24 numbers of all parties to the order.

25 (5) Support judgment and orders shall be for periodic payments  
26 which may vary in amount. The court may limit the father's liability  
27 for the past support to the child to the proportion of the expenses  
28 already incurred as the court deems just. The court shall not limit or  
29 affect in any manner the right of nonparties including the state of  
30 Washington to seek reimbursement for support and other services  
31 previously furnished to the child.

32 ((+5)) (6) After considering all relevant factors, the court shall  
33 order either or both parents to pay an amount determined pursuant to  
34 the schedule and standards contained in chapter 26.19 RCW.

35 ((+6)) (7) On the same basis as provided in chapter 26.09 RCW, the  
36 court shall make residential provisions with regard to minor children  
37 of the parties, except that a parenting plan shall not be required  
38 unless requested by a party.

1       (~~(7)~~) (8) In any dispute between the natural parents of a child  
2 and a person or persons who have (a) commenced adoption proceedings or  
3 who have been granted an order of adoption, and (b) pursuant to a court  
4 order, or placement by the department of social and health services or  
5 by a licensed agency, have had actual custody of the child for a period  
6 of one year or more before court action is commenced by the natural  
7 parent or parents, the court shall consider the best welfare and  
8 interests of the child, including the child's need for situation  
9 stability, in determining the matter of custody, and the parent or  
10 person who is more fit shall have the superior right to custody.

11       (~~(8)~~) (9) In entering an order under this chapter, the court may  
12 issue any necessary continuing restraining orders, including the  
13 restraint provisions of domestic violence protection orders under  
14 chapter 26.50 RCW or antiharassment protection orders under chapter  
15 10.14 RCW.

16       (~~(9)~~) (10) Restraining orders issued under this section  
17 restraining the person from molesting or disturbing another party or  
18 from going onto the grounds of or entering the home, workplace, or  
19 school of the other party or the day care or school of any child shall  
20 prominently bear on the front page of the order the legend: VIOLATION  
21 OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE  
22 UNDER CHAPTER 26.26 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

23       (~~(10)~~) (11) The court shall order that any restraining order  
24 bearing a criminal offense legend, any domestic violence protection  
25 order, or any antiharassment protection order granted under this  
26 section be forwarded by the clerk of the court on or before the next  
27 judicial day to the appropriate law enforcement agency specified in the  
28 order. Upon receipt of the order, the law enforcement agency shall  
29 forthwith enter the order into any computer-based criminal intelligence  
30 information system available in this state used by law enforcement  
31 agencies to list outstanding warrants. The order is fully enforceable  
32 in any county in the state.

33       **Sec. 958.** RCW 70.58.055 and 1991 c 96 s 1 are each amended to read  
34 as follows:

35       (1) To promote and maintain nation-wide uniformity in the system of  
36 vital statistics, the certificates required by this chapter or by the  
37 rules adopted under this chapter shall include, as a minimum, the items

1 recommended by the federal agency responsible for national vital  
2 statistics including social security numbers.

3 (2) The state board of health by rule may require additional  
4 pertinent information relative to the birth and manner of delivery as  
5 it may deem necessary for statistical study. This information shall be  
6 placed in a confidential section of the birth certificate form and  
7 shall not be subject to the view of the public or for certification  
8 purposes except upon order of the court. The state board of health may  
9 eliminate from the forms items that it determines are not necessary for  
10 statistical study.

11 (3) Each certificate or other document required by this chapter  
12 shall be on a form or in a format prescribed by the state registrar.

13 (4) All vital records shall contain the data required for  
14 registration. No certificate may be held to be complete and correct  
15 that does not supply all items of information called for or that does  
16 not satisfactorily account for the omission of required items.

17 (5) Information required in certificates or documents authorized by  
18 this chapter may be filed and registered by photographic, electronic,  
19 or other means as prescribed by the state registrar.

20 **X. MISCELLANEOUS**

21 **Sec. 1001.** RCW 74.04.050 and 1981 1st ex.s. c 6 s 3 are each  
22 amended to read as follows:

23 The department shall serve as the single state agency to administer  
24 public assistance. The department is hereby empowered and authorized  
25 to cooperate in the administration of such federal laws, consistent  
26 with the public assistance laws of this state, as may be necessary to  
27 qualify for federal funds for:

28 (1) Medical assistance;

29 (2) (~~Aid to dependent children~~) Temporary assistance for needy  
30 families;

31 (3) Child welfare services; and

32 (4) Any other programs of public assistance for which provision for  
33 federal grants or funds may from time to time be made.

34 The state hereby accepts and assents to all the present provisions  
35 of the federal law under which federal grants or funds, goods,  
36 commodities and services are extended to the state for the support of  
37 programs administered by the department, and to such additional

1 legislation as may subsequently be enacted as is not inconsistent with  
2 the purposes of this title, authorizing public welfare and assistance  
3 activities. The provisions of this title shall be so administered as  
4 to conform with federal requirements with respect to eligibility for  
5 the receipt of federal grants or funds.

6 The department shall periodically make application for federal  
7 grants or funds and submit such plans, reports and data, as are  
8 required by any act of congress as a condition precedent to the receipt  
9 of federal funds for such assistance. The department shall make and  
10 enforce such rules and regulations as shall be necessary to insure  
11 compliance with the terms and conditions of such federal grants or  
12 funds.

13 NEW SECTION. **Sec. 1002.** The following acts or parts of acts are  
14 each repealed:

15 (1) RCW 74.08.120 and 1992 c 108 s 2, 1987 c 75 s 39, 1981 1st  
16 ex.s. c 6 s 15, 1981 c 8 s 12, 1979 c 141 s 326, 1969 ex.s. c 259 s 1,  
17 1969 ex.s. c 159 s 1, 1965 ex.s. c 102 s 1, & 1959 c 26 s 74.08.120;  
18 and

19 (2) RCW 74.08.125 and 1993 c 22 s 1 & 1992 c 108 s 3.

20 NEW SECTION. **Sec. 1003.** PART HEADINGS, CAPTIONS, AND TABLE OF  
21 CONTENTS NOT LAW. Part headings, captions, and the table of contents  
22 used in this act are not any part of the law.

23 NEW SECTION. **Sec. 1004.** The governor and the department of  
24 social and health services shall seek all necessary exemptions and  
25 waivers from and amendments to federal statutes, rules, and regulations  
26 and shall report to the appropriate committees in the house of  
27 representatives and senate quarterly on the efforts to secure the  
28 federal changes to permit full implementation of this act at the  
29 earliest possible date.

30 NEW SECTION. **Sec. 1005.** Sections 1, 2, 103 through 108, 202  
31 through 204, 206, 207, 301, 302, 304 through 306, 312, 314 through 317,  
32 324, 325, 402, 503, and 702 through 707 of this act constitute a new  
33 chapter in Title 74 RCW.

1        NEW SECTION.    **Sec. 1006.**    If any part of this act is found to be in  
2 conflict with federal requirements that are a prescribed condition to  
3 the allocation of federal funds to the state, the conflicting part of  
4 this act is inoperative solely to the extent of the conflict and with  
5 respect to the agencies directly affected, and this finding does not  
6 affect the operation of the remainder of this act in its application to  
7 the agencies concerned.    The rules under this act shall meet federal  
8 requirements that are a necessary condition to the receipt of federal  
9 funds by the state.    As used in this section, "allocation of federal  
10 funds to the state" means the allocation of federal funds that are  
11 appropriated by the legislature to the department of social and health  
12 services and on which the department depends for carrying out any  
13 provision of the operating budget applicable to it.

14        NEW SECTION.    **Sec. 1007.**    If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

18        NEW SECTION.    **Sec. 1008.**    (1) Section 308 of this act expires June  
19 30, 1999.

20        (2) Section 804 of this act expires December 31, 2000.

21        (3) Section 813 of this act expires July 29, 2001.

22        NEW SECTION.    **Sec. 1009.**    (1) Sections 1, 2, 101 through 109, 201  
23 through 208, 301 through 325, 401 through 403, 501 through 504, 601,  
24 705 through 708, 899 through 954, 956 through 958, 1001, and 1002 of  
25 this act are necessary for the immediate preservation of the public  
26 peace, health, or safety, or support of the state government and its  
27 existing public institutions, and take effect immediately.

28        (2) Sections 801 through 813 and 815 through 898 of this act are  
29 necessary for the immediate preservation of the public peace, health,  
30 or safety, or support of the state government and its existing public  
31 institutions, and take effect July 1, 1997.

32        (3) Sections 701 through 704 of this act take effect January 1,  
33 1998.

34        (4) Section 955 of this act takes effect October 1, 1998.

--- END ---