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HOUSE BILL 2667

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State of Washington

57th Legislature

2002 Regular Session

By Representatives Veloria, Darneille, Haigh, Delvin, Tokuda, Chase and Santos

Read first time 01/23/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to foreign social referral service agencies; adding  
2 a new chapter to Title 18 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. The legislature finds  
5 that businesses that match foreign women for marriage to men in the  
6 United States promote and advertise women as commodities and perpetuate  
7 sexist and racist stereotypes of foreign women. The legislature  
8 further finds that foreign women entering the United States and the  
9 state of Washington as brides through businesses that match foreign  
10 women to men in the United States often suffer emotional and physical  
11 abuse at the hands of their husbands. These women are less likely than  
12 citizens of the United States to report this abuse because of a number  
13 of factors, including lack of knowledge of their rights under the laws  
14 of the state of Washington and laws of the United States, fear of  
15 deportation, and isolation from society because of a lack of English  
16 language skills and unfamiliarity with the culture.

17 It is therefore the intent of the legislature to provide protection  
18 to these women by regulating businesses that match foreign women to men  
19 in the United States by requiring these businesses to provide: To

1 foreign women, information about their rights under the laws, including  
2 the right to be free from emotional and physical abuse and the  
3 resources available to them to combat such abuse; and to men in the  
4 United States who are seeking social referral services with foreign  
5 women, information on the culture and customs of the foreign women.

6 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
7 section apply throughout this chapter unless the context clearly  
8 requires otherwise.

9 (1) "Client" means a person seeking foreign social referral  
10 services through a foreign social referral service agency.

11 (2) "Department" means the department of licensing.

12 (3) "Director" means the director of licensing.

13 (4) "Foreign social referral service agency" means a person or  
14 business entity that provides domestic clients with social referral  
15 service matches to foreign clients for compensation, such as computer  
16 dating agencies, video dating agencies, and mail dating agencies, but  
17 does not include newspapers offering personal advertisement services.

18 (5) "Foreign social referral services" means those services  
19 primarily intended to introduce or match domestic persons with foreign  
20 persons for social, recreational, or romantic encounters.

21 (6) "Person" means an individual, firm, association, corporation,  
22 partnership, limited liability company, or other business entity.

23 NEW SECTION. **Sec. 3.** DIRECTOR--POWERS AND DUTIES. The director  
24 has the following powers and duties:

25 (1) To set all license and renewal fees in accordance with RCW  
26 43.24.086;

27 (2) To adopt rules necessary to implement this chapter;

28 (3) To investigate alleged violations of this chapter and consumer  
29 complaints involving the provision of foreign social referral services;

30 (4) To issue subpoenas, statements of charges, statements of  
31 intent, final orders, stipulated agreements, and other legal remedies  
32 necessary to enforce this chapter;

33 (5) To conduct all disciplinary proceedings, impose sanctions, and  
34 assess fines for violations of this chapter or rules adopted under this  
35 chapter;

36 (6) To establish minimum criteria for the cultural diversity  
37 education and training courses required by this chapter; and

1 (7) To employ administrative, investigative, and clerical staff as  
2 needed to implement this chapter.

3 NEW SECTION. **Sec. 4.** LICENSE REQUIRED. A person or business may  
4 not offer foreign social referral services in the state of Washington  
5 without having first obtained a foreign social referral service license  
6 issued by the department.

7 NEW SECTION. **Sec. 5.** APPLICATION FOR LICENSE. An application for  
8 license must be made to the department on forms provided by the  
9 department and must contain that information as the department  
10 reasonably requires. An application for license must be accompanied by  
11 a license fee established by the department under RCW 43.24.086.

12 NEW SECTION. **Sec. 6.** LICENSE ISSUANCE AND RENEWAL. Upon receipt  
13 of an application for a license and the license fee, the department  
14 must issue a license if the applicant meets the requirements  
15 established under this chapter. A license issued under this chapter  
16 must expire one year from the date of issuance. A licensee may renew  
17 a license by filing a renewal application with the department on forms  
18 provided by the department thirty days before the license expiration  
19 date and paying a license renewal fee in an amount determined by the  
20 department under RCW 43.24.086.

21 NEW SECTION. **Sec. 7.** REQUIREMENTS FOR LICENSURE. An applicant  
22 must meet the following minimum requirements to obtain a foreign social  
23 referral service license:

- 24 (1) Be at least eighteen years of age;  
25 (2) Be a citizen or lawful permanent resident of the United States;  
26 (3) Be of good moral character;  
27 (4) Pay the required application fee; and  
28 (5) Comply with this chapter.

29 NEW SECTION. **Sec. 8.** REQUIREMENTS. A foreign social referral  
30 service agency shall:

- 31 (1) Require a client to provide information on the client's  
32 employment, age, health status, and marital history;  
33 (2) Require a client to provide information on a conviction or  
34 deferred prosecution for a domestic violence offense, as defined in RCW

1 10.99.020, and information on a restraining order or no-contact order  
2 issued in connection with a domestic violence charge;

3 (3) Provide to a client, upon the client's request, the employment,  
4 age, health status, and marital history of another client with whom the  
5 client has been matched or selected;

6 (4) Provide to a client, upon the client's request, information on  
7 another client with whom the client is matched or selected regarding a  
8 conviction or deferred prosecution for a domestic violence offense, as  
9 defined in RCW 10.99.020, and information regarding a restraining order  
10 or no-contact order issued in connection with a domestic violence  
11 charge;

12 (5) Inform a client that the client may request the information  
13 listed in subsections (1) through (4) of this section;

14 (6) Provide a client who is a resident of a foreign country with  
15 information regarding the client's legal rights in the United States,  
16 including applicable law relating to immigration and domestic violence,  
17 and information regarding access to and sources of counseling, social  
18 and ethnic organizations, and battered women's shelters and aid  
19 organizations; and

20 (7) Require that a United States citizen or lawful permanent  
21 resident who is matched to a resident of a foreign country complete a  
22 cultural diversity education and training course in the culture and  
23 customs of the foreign client.

24 NEW SECTION. **Sec. 9.** DISCIPLINARY ACTION. An applicant or  
25 licensee under this chapter is subject to disciplinary action by the  
26 director if the applicant or licensee has:

27 (1) Engaged in the provision of social referral services without  
28 first obtaining the license required under this chapter;

29 (2) Made a material misstatement or omission in an original  
30 application or renewal;

31 (3) Engaged in false or misleading advertising;

32 (4) Aided and abetted unlicensed activity;

33 (5) Not provided a record as required by this chapter;

34 (6) Not cooperated with the department in supplying records or  
35 assisting in an investigation or disciplinary procedure; or

36 (7) Violated this chapter or a rule adopted under this chapter.

1        NEW SECTION.    **Sec. 10.**    VIOLATIONS--PENALTIES.    If the director  
2 finds, following a hearing, that an applicant or licensee has violated  
3 this chapter or a rule adopted under this chapter, the director may  
4 impose one or more of the following penalties:

- 5        (1) Denial of a license or renewal;
- 6        (2) Revocation or suspension of a license;
- 7        (3) A fine not to exceed five hundred dollars;
- 8        (4) Issuance of a reprimand or letter of censure; or
- 9        (5) Placement of the licensee on probation for a fixed period of  
10 time.

11        NEW SECTION.    **Sec. 11.**    APPEALS.    A person aggrieved by the refusal  
12 of the director to issue a license, the refusal to renew a license, the  
13 revocation or suspension of a license, or the application of a penalty  
14 provided under this chapter has the right to appeal the decision of the  
15 director to the superior court of the county in which the person  
16 maintains the person's business.    The appeal must be filed within  
17 thirty days of the director's decision.

18        NEW SECTION.    **Sec. 12.**    PROHIBITED CONDUCT.    A foreign social  
19 referral service agency may not condition payment, compensation, or  
20 other benefit to a client on marriage between its clients.

21        NEW SECTION.    **Sec. 13.**    If any provision of this act or its  
22 application to any person or circumstance is held invalid, the  
23 remainder of the act or the application of the provision to other  
24 persons or circumstances is not affected.

25        NEW SECTION.    **Sec. 14.**    CAPTIONS NOT LAW.    Captions used in this  
26 chapter do not constitute any part of the law.

27        NEW SECTION.    **Sec. 15.**    Sections 1 through 14 of this act shall  
28 constitute a new chapter in Title 18 RCW.

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