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SENATE BILL 6229

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State of Washington                      58th Legislature                      2004 Regular Session

By Senators Franklin, Kohl-Welles, Fairley, Rasmussen and Shin

Read first time 01/15/2004. Referred to Committee on Commerce & Trade.

1            AN ACT Relating to the licensing of private sports coaches or  
2            trainers; amending RCW 18.235.020; and adding a new chapter to Title 18  
3            RCW.

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

5            NEW SECTION.    **Sec. 1.** Unless the context clearly requires  
6            otherwise, the definitions in this section apply throughout this  
7            chapter.

8            (1) "Children" or "minor" means a person eighteen years of age or  
9            under.

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

11           (3) "Director" means the director of the department of licensing.

12           (4) "Licensee" means a person granted a license required by this  
13           chapter.

14           (5) "Private sports coach or trainer" means a person who provides  
15           advice, knowledge, training, or teaches skills necessary to accomplish  
16           an athletic skill to children or to persons with developmental or  
17           mental disabilities.

1        NEW SECTION.    **Sec. 2.**    The requirements of this chapter do not  
2    apply to a person who possesses a current teaching certificate pursuant  
3    to chapter 28A.410 RCW.

4        NEW SECTION.    **Sec. 3.**    (1) A person shall not represent himself or  
5    herself as a private sports coach or trainer unless licensed as  
6    provided for in this chapter.

7        (2) An applicant must meet the following minimum requirements to  
8    obtain a private sports coach or trainer license:

- 9        (a) Be at least eighteen years of age;  
10       (b) Be a citizen of the United States or a resident alien;  
11       (c) Not have been convicted of a crime in any jurisdiction;  
12       (d) Submit a set of fingerprints;  
13       (e) Pay the required nonrefundable fee for each application; and  
14       (f) Submit a fully completed application on a form prescribed by  
15    the director.

16       NEW SECTION.    **Sec. 4.**    (1) The director shall investigate the  
17    conviction records, pending charges, and disciplinary board final  
18    decisions of any applicant seeking a private sports coach or trainer  
19    license under this chapter.

20       (2) The investigation may include an examination of state and  
21    national criminal identification data. The director shall use the  
22    information solely for the purpose of determining the character and  
23    suitability of the applicant to receive a license under this chapter.

24       NEW SECTION.    **Sec. 5.**    The director shall suspend the license of  
25    any person who has been certified by a lending agency and reported to  
26    the director for nonpayment or default on a federally or state-  
27    guaranteed educational loan or service-conditional scholarship. Prior  
28    to the suspension, the director must provide the person an opportunity  
29    for a brief adjudicative proceeding under RCW 34.05.485 through  
30    34.05.494 and issue a finding of nonpayment or default on a federally  
31    or state-guaranteed educational loan or service-conditional  
32    scholarship. The person's license shall not be reissued until the  
33    person provides the director a written release issued by the lending  
34    agency stating that the person is making payments on the loan in  
35    accordance with a repayment agreement approved by the lending agency.

1 If the person has continued to meet all other requirements for  
2 licensure during the suspension, reinstatement shall be automatic upon  
3 receipt of the notice and payment of any reinstatement fee the director  
4 may impose.

5 NEW SECTION. **Sec. 6.** The director shall immediately suspend any  
6 license issued under this chapter if the holder has been certified  
7 pursuant to RCW 74.20A.320 by the department of social and health  
8 services as a person who is not in compliance with a support order. If  
9 the person has continued to meet all other requirements for  
10 reinstatement during the suspension, reissuance of the license shall be  
11 automatic upon the director's receipt of a release issued by the  
12 department of social and health services stating that the person is in  
13 compliance with the order.

14 NEW SECTION. **Sec. 7.** In addition to the unprofessional conduct  
15 described in RCW 18.235.130, the following conduct, acts, or conditions  
16 constitute unprofessional conduct:

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

19 (2) Being convicted of any crime against children;

20 (3) Finding in any dependency action under RCW 13.34.040 to have  
21 sexually assaulted or exploited any child or to have physically  
22 assaulted any child;

23 (4) Finding by a court in a domestic relations proceeding under  
24 Title 26 RCW to have sexually abused or exploited any child or to have  
25 physically abused any child;

26 (5) Finding in any disciplinary board final decision to have  
27 sexually or physically abused or exploited any child.

28 NEW SECTION. **Sec. 8.** The director has the following authority in  
29 administering this chapter:

30 (1) To adopt, amend, and rescind rules as deemed necessary to carry  
31 out this chapter;

32 (2) To adopt standards of professional conduct or practice;

33 (3) To enter into an assurance of discontinuance in lieu of issuing  
34 a statement of charges or conducting a hearing. The assurance shall  
35 consist of a statement of the law in question and an agreement to not

1 violate the stated provision. The applicant or license holder shall  
2 not be required to admit to any violation of the law, and the assurance  
3 shall not be construed as such an admission. Violation of an assurance  
4 under this subsection is grounds for disciplinary action; and

5 (4) To employ such administrative and clerical staff as necessary  
6 for the enforcement of this chapter.

7 NEW SECTION. **Sec. 9.** Upon a finding that a licensee or applicant  
8 has committed unprofessional conduct, the director may issue an order  
9 providing for one or any combination of the following:

- 10 (1) Revocation of the license;
- 11 (2) Suspension of the license for a fixed or indefinite term;
- 12 (3) Restriction or limitation of the practice;
- 13 (4) Requiring the satisfactory completion of a specific program of  
14 remedial education or treatment;
- 15 (5) Monitoring of the practice by a supervisor approved by the  
16 director;
- 17 (6) Censure or reprimand;
- 18 (7) Compliance with conditions of probation for a designated period  
19 of time;
- 20 (8) Withholding a license request;
- 21 (9) Other corrective action;
- 22 (10) Refund of fees billed to and collected from the consumer; or
- 23 (11) The assessment of administrative penalties.

24 Any of the actions under this section may be totally or partly  
25 stayed by the director. All costs associated with compliance with  
26 orders issued under this section are the obligation of the licensee or  
27 applicant.

28 NEW SECTION. **Sec. 10.** (1) The director, in implementing and  
29 administering the provisions of this chapter, shall act in accordance  
30 with chapter 34.05 RCW, the administrative procedure act.

31 (2) The procedures governing adjudicative proceedings before  
32 agencies under chapter 34.05 RCW, the administrative procedure act,  
33 govern all hearings before the director.

34 NEW SECTION. **Sec. 11.** The uniform regulation of business and

1 professions act, chapter 18.235 RCW, governs unlicensed practice, the  
2 issuance and denial of licenses, and the discipline of licensees under  
3 this chapter.

4 **Sec. 12.** RCW 18.235.020 and 2002 c 86 s 103 are each amended to  
5 read as follows:

6 (1) This chapter applies only to the director and the boards and  
7 commissions having jurisdiction in relation to the businesses and  
8 professions licensed under the chapters specified in this section.  
9 This chapter does not apply to any business or profession not licensed  
10 under the chapters specified in this section.

11 (2)(a) The director has authority under this chapter in relation to  
12 the following businesses and professions:

- 13 (i) Auctioneers under chapter 18.11 RCW;
- 14 (ii) Bail bond agents under chapter 18.185 RCW;
- 15 (iii) Camping resorts' operators and salespersons under chapter  
16 19.105 RCW;
- 17 (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- 18 (v) Cosmetologists, barbers, manicurists, and estheticians under  
19 chapter 18.16 RCW;
- 20 (vi) Court reporters under chapter 18.145 RCW;
- 21 (vii) Employment agencies under chapter 19.31 RCW;
- 22 (viii) For hire vehicle operators under chapter 46.72 RCW;
- 23 (ix) Limousines under chapter 46.72A RCW;
- 24 (x) Notaries public under chapter 42.44 RCW;
- 25 (xi) Private investigators under chapter 18.165 RCW;
- 26 (xii) Private sports coaches or trainers under chapter 18.-- RCW  
27 (sections 1 through 11 of this act);
- 28 (xiii) Professional boxing, martial arts, and wrestling under  
29 chapter 67.08 RCW;
- 30 (~~(xiii)~~) (xiv) Real estate appraisers under chapter 18.140 RCW;
- 31 (~~(xiv)~~) (xv) Real estate brokers and salespersons under chapters  
32 18.85 and 18.86 RCW;
- 33 (~~(xv)~~) (xvi) Security guards under chapter 18.170 RCW;
- 34 (~~(xvi)~~) (xvii) Sellers of travel under chapter 19.138 RCW;
- 35 (~~(xvii)~~) (xviii) Timeshares and timeshare salespersons under  
36 chapter 64.36 RCW; and

1       (~~(xviii)~~) (xiv) Whitewater river outfitters under chapter 79A.60  
2 RCW.

3       (b) The boards and commissions having authority under this chapter  
4 are as follows:

5       (i) The state board of registration for architects established in  
6 chapter 18.08 RCW;

7       (ii) The cemetery board established in chapter 68.05 RCW;

8       (iii) The Washington state collection agency board established in  
9 chapter 19.16 RCW;

10       (iv) The state board of registration for professional engineers and  
11 land surveyors established in chapter 18.43 RCW governing licenses  
12 issued under chapters 18.43 and 18.210 RCW;

13       (v) The state board of funeral directors and embalmers established  
14 in chapter 18.39 RCW;

15       (vi) The state board of registration for landscape architects  
16 established in chapter 18.96 RCW; and

17       (vii) The state geologist licensing board established in chapter  
18 18.220 RCW.

19       (3) In addition to the authority to discipline license holders, the  
20 disciplinary authority may grant or deny licenses based on the  
21 conditions and criteria established in this chapter and the chapters  
22 specified in subsection (2) of this section. This chapter also governs  
23 any investigation, hearing, or proceeding relating to denial of  
24 licensure or issuance of a license conditioned on the applicant's  
25 compliance with an order entered under RCW 18.235.110 by the  
26 disciplinary authority.

27       NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act  
28 constitute a new chapter in Title 18 RCW.

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