
SENATE BILL 5880

State of Washington 59th Legislature 2005 Regular Session

By Senators Franklin, Kohl-Welles, Keiser and McAuliffe

Read first time 02/11/2005. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to the registration of youth athletic coaches;
2 amending RCW 18.235.020 and 43.24.---; adding a new chapter to Title 19
3 RCW; creating new sections; prescribing penalties; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature declares that: (1) The
7 safety, health, and welfare of children and families of this state
8 would benefit by the establishment of a uniform registration and
9 disclosure system for all persons privately engaging in the business of
10 providing, for compensation, athletic coaching services to persons
11 under the age of eighteen; and (2) a parent's or guardian's right to
12 know of the criminal history background of any person providing or
13 offering to provide athletic coaching services to their child far
14 outweighs any right that the athletic coach may have to keep such
15 matters secret or private.

16 NEW SECTION. **Sec. 2.** Unless the context clearly requires
17 otherwise, the definitions in this section apply throughout this
18 chapter.

1 (1) "Department" means the department of licensing.

2 (2) "Director" means the director of licensing.

3 (3) "Youth athletic coaching" means the activity of providing to a
4 child or youth under the age of eighteen, to whom the person is not
5 related by blood or marriage, services for compensation relating to the
6 development of the child's or youth's athletic talents, skills, or
7 abilities.

8 (4) "Athletic" means a physical activity requiring or involving
9 stamina, agility, strength, knowledge of the activity's rules, and the
10 capability to perform movements or functions required under those
11 rules, and includes individual and organized or team sports or games.

12 (5) "Privately providing youth athletic coaching services" means
13 the performance of youth athletic coaching services through an
14 employment or business relationship other than where the provider
15 possesses a current teaching certificate pursuant to chapter 28A.410
16 RCW or is employed by a private or public school after completing a
17 criminal history background check as required by RCW 28A.195.080 or
18 28A.400.303.

19 NEW SECTION. **Sec. 3.** (1) It is unlawful for any person to
20 advertise or offer to provide, engage in, conduct, or carry on the
21 business of privately providing youth athletic coaching services in
22 this state unless the person possesses a valid, unsuspended, and
23 unexpired certificate of registration issued by the department under
24 this chapter.

25 (2) A person who violates this section is guilty of (a) a gross
26 misdemeanor if the person has no criminal conviction appearing on any
27 criminal history background record as of the date of the violation; and
28 (b) a class C felony if the person has any criminal conviction for any
29 offense appearing on any criminal history background record as of the
30 date of the violation.

31 NEW SECTION. **Sec. 4.** (1) The director may require, by rule, any
32 information and documentation that reasonably relates to the need to
33 determine whether the applicant meets the criteria to be registered as
34 a youth athletic coach.

35 (2) An applicant must meet the following minimum requirements to
36 obtain a certificate of registration as a youth athletic coach:

- 1 (a) Be at least eighteen years of age;
- 2 (b) Be a citizen or resident alien of the United States;
- 3 (c) Have a place of business or residence located in the state;
- 4 (d) Submit a fully completed application on the form prescribed by
- 5 the director, including a set of the applicant's fingerprints that are
- 6 readable by the Washington state patrol criminal identification system
- 7 under RCW 10.97.030 and 10.97.050 and through the federal bureau of
- 8 investigation fingerprint check using a complete Washington state
- 9 criminal identification fingerprint card;
- 10 (e) Pay such nonrefundable fee as is required by the department.

11 NEW SECTION. **Sec. 5.** (1) The Washington state patrol shall

12 forward the fingerprint cards submitted by applicants under this

13 chapter to the federal bureau of investigation for a national criminal

14 history records check.

15 (2) An application submitted under section 4 of this act shall not

16 be deemed complete until the fingerprint cards and a record report has

17 been received by the department from both the Washington state patrol

18 and the federal bureau of investigation fingerprint check systems.

19 (3) A record report received by the department pursuant to this act

20 shall be exempt from public inspection or disclosure under chapter

21 42.17 RCW.

22 NEW SECTION. **Sec. 6.** (1) The director shall identify with a

23 unique registration number and issue a certificate of registration as

24 a youth athletic coach to each applicant within thirty days after

25 receiving the latter of the record report from the Washington state

26 patrol criminal identification system and the federal bureau of

27 investigation fingerprint check system. The certificate of

28 registration shall contain (a) as precise a representation as is

29 practicable of the record reports received by the department from both

30 the Washington state patrol and the federal bureau of investigation

31 fingerprint check systems; and (b) a statement substantially in the

32 form of section 7 of this act.

33 (2) Every advertisement by a registered youth athletic coach that

34 solicits or advertises for business as a private youth athletic coach

35 shall contain the name of the registrant, the address of record, the

36 registration number as they appear in the records of the director, and

1 a statement that a certified copy of the registrant's state and
2 nationwide criminal history background check is available for
3 inspection.

4 (3) A registered youth athletic coach shall, before entering into
5 a contract to provide youth athletic coaching services, deliver a
6 certified copy of the certificate of registration issued under this
7 section to (a) the parents or guardians of any child or youth for whom
8 the youth athletic coach offers to provide youth athletic coaching
9 services where the agreement to provide the services is between the
10 coach and the parents or guardians; or (b) the hiring officer of any
11 entity employing or retaining the coach to provide youth athletic
12 coaching services where the agreement to provide such services is
13 between the parent or guardian and the third party.

14 (4) The department may charge a reasonable fee, not to exceed ten
15 dollars, to create each certified copy of a certificate of registration
16 issued under this section.

17 (5) A certificate of registration issued under this chapter is
18 valid for two years from the date of issue, and is not transferable.
19 A certificate may be renewed with the same unique registration number
20 upon submission of an application as required under section 4 of this
21 act no sooner than ninety and no later than sixty days prior to the
22 expiration date of the current certificate of registration.

23 NEW SECTION. **Sec. 7.** The state of Washington and its employees
24 are not liable for defamation, invasion of privacy, negligence, or any
25 other claim in connection with any lawful dissemination of information
26 released under this chapter. The lawful dissemination of information
27 under this chapter shall not be interpreted as (1) representing that
28 the subject of the inquiry has no criminal record or adverse civil or
29 administrative decisions; or (2) a determination that the subject of
30 the inquiry is suitable for involvement with a business or
31 organization.

32 NEW SECTION. **Sec. 8.** (1) Before entering into a contract with the
33 parent or guardian of a child or youth to provide youth athletic
34 coaching services to the child or youth, a youth athletic coach shall
35 provide written notice in a conspicuous form to the parents or
36 guardians that the parent or guardian has the right to verify the

1 accuracy of the certified copy of the certificate of registration that
2 the youth athletic coach is required to provide under section 6(3) of
3 this act.

4 (2) Before entering into a contract with the parent or guardian to
5 provide youth athletic coaching services to the child or youth of the
6 parent or guardian, an entity employing or retaining a youth athletic
7 coach to perform such services shall provide written notice in a
8 conspicuous form to the parents or guardians that the parent or
9 guardian has the right to verify the accuracy of the certified copy of
10 the certificate of registration that the youth athletic coach is
11 required to provide under section 6(3) of this act.

12 (3) A parent or guardian exercising the right to verify the
13 accuracy of the certified copy of the certificate shall submit a
14 certified copy of the certificate to the department. The department
15 shall compare the copy submitted to the records maintained by the
16 department and shall inform the requesting party whether or not the two
17 contain the same information. In the event the copy and the records do
18 not contain the same information, the nature of the difference shall
19 not be disclosed, but the department shall consider the discrepancy to
20 be a written complaint to the department charging a registered private
21 youth athletic coach with unprofessional conduct, as provided under
22 section 12 of this act.

23 NEW SECTION. **Sec. 9.** (1)(a) A person registered under this
24 chapter must notify the director within thirty days of any material
25 change in the information furnished or required to be furnished to the
26 director, including but not limited to the discovery of (i) any error
27 in the record report contained on the certificate of registration, or
28 (ii) arrest or conviction of the registrant for any criminal offense
29 occurring after the date of application.

30 (b) Upon receipt of such information from the registrant under (a)
31 of this subsection, the director shall investigate the accuracy of such
32 information, and may accept proof of a recent national crime
33 information center/III criminal background report or any national or
34 interstate criminal background report. If the director concludes the
35 report of the registrant is accurate, the director shall update the
36 records maintained by the department, assess a reasonable fee of not

1 less than fifty dollars, and, upon receipt of the required fee, issue
2 an amended certificate of registration to the registrant.

3 (2) The director shall suspend the registration of any person who
4 has been:

5 (a) Convicted of any criminal offense after the date of application
6 until the registrant notifies the director of such conviction and pays
7 the fee required by subsection (1) of this section;

8 (b) Certified by a lending agency and reported to the director for
9 nonpayment or default on a federally or state-guaranteed educational
10 loan or service-conditional scholarship. Prior to the suspension, the
11 agency must provide the person an opportunity for a brief adjudicative
12 proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of
13 nonpayment or default on a federally or state-guaranteed educational
14 loan or service-conditional scholarship. The person's registration
15 shall not be reissued until the person provides the director a written
16 release issued by the lending agency stating that the person is making
17 payments on the loan in accordance with a repayment agreement approved
18 by the lending agency. If the person has continued to meet all other
19 requirements for registration during the suspension, reinstatement
20 shall be automatic upon receipt of the notice and payment of any
21 reinstatement fee the director may impose;

22 (c) Certified pursuant to RCW 74.20A.320 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 reinstatement during the suspension, reissuance of the
26 registration shall be automatic upon the director's receipt of a
27 release issued by the department of social and health services stating
28 that the person is in compliance with the order.

29 NEW SECTION. **Sec. 10.** (1) The provisions of this chapter relating
30 to the registration of youth athletic coaches are exclusive. No
31 governmental subdivision of this state may enact any laws or rules
32 registering such purposes for regulatory purposes, except as provided
33 in subsections (2) and (3) of this section.

34 (2) This section shall not be construed to prevent a political
35 subdivision of this state from levying a business fee, business and
36 occupation tax, or other tax upon youth athletic coaches if such fees

1 or taxes are levied by the political subdivision on other types of
2 businesses within its boundaries.

3 (3) This section shall not be construed to prevent this state or a
4 political subdivision of this state from licensing for regulatory
5 purposes youth athletic coaches with respect to activities that are not
6 regulated under this chapter.

7 NEW SECTION. **Sec. 11.** (1) The uniform regulation of business and
8 professions act, chapter 18.235 RCW, governs the issuance and denial of
9 registrations and the discipline of registrants under this chapter.

10 (2) In addition to those powers set forth in RCW 18.235.030, the
11 director has the authority to enter into an assurance of discontinuance
12 in lieu of issuing a statement of charges or conducting a hearing. The
13 assurance shall consist of a statement of the law in question and an
14 agreement to not violate the stated provision. The applicant or
15 registered youth athletic coach shall not be required to admit to any
16 violation of the law, and the assurance shall not be construed as such
17 an admission. Violation of an assurance under this subsection is
18 grounds for disciplinary action.

19 (3) In addition to the unprofessional conduct described in RCW
20 18.235.130, the following conduct, acts, or conditions constitute
21 unprofessional conduct:

22 (a) Violating any of the provisions of this chapter or the rules
23 adopted under this chapter;

24 (b) Violating an order to cease and desist that is issued by the
25 director under this chapter;

26 (c) Misrepresenting or knowingly making a material misstatement or
27 omission in the application to register as a youth athletic coach;

28 (d) Misrepresenting or knowingly making a material misstatement or
29 omission in any physical or electronic material soliciting for business
30 as a youth athletic coach as required under section 6(2) of this act;

31 (e) Failing to conspicuously inform the parent or guardian of a
32 prospective client of the right to verify whether the certified copy of
33 the youth athletic coach's certificate of registration provided to them
34 was a true, accurate, and complete copy of the records maintained by
35 the department, as required under section 6(3) of this act;

36 (f) Failing to deliver a true, accurate, and complete certified

1 copy of the youth athletic coach's certificate of registration to
2 prospective clients as required under section 6(3) of this act;

3 (g) A finding in any (i) dependency action under RCW 13.34.040;
4 (ii) court in a domestic relations proceeding under Title 26 RCW; or
5 (iii) disciplinary board final decision that the registrant has
6 sexually assaulted or exploited a child or physically assaulted any
7 child.

8 NEW SECTION. **Sec. 12.** Any person may submit a written complaint
9 to the department charging a registered youth athletic coach or
10 applicant with unprofessional conduct and specifying the grounds for
11 the charge. If the director determines that the complaint merits
12 investigation, or if the director has reason to believe, without a
13 formal complaint, that a registered youth athletic coach or applicant
14 may have engaged in unprofessional conduct, the director shall
15 investigate to determine if there has been unprofessional conduct. A
16 person who files a complaint under this section in good faith is immune
17 from suit in any civil action related to the filing or contents of the
18 complaint. When a statement of charges is issued against a registered
19 youth athletic coach or applicant under RCW 18.235.050, notice of this
20 action must be given to the registered youth athletic coach.

21 NEW SECTION. **Sec. 13.** The director, in implementing and
22 administering the provisions of this chapter, shall act in accordance
23 with the administrative procedure act, chapter 34.05 RCW.

24 **Sec. 14.** RCW 18.235.020 and 2002 c 86 s 103 are each amended to
25 read as follows:

26 (1) This chapter applies only to the director and the boards and
27 commissions having jurisdiction in relation to the businesses and
28 professions licensed under the chapters specified in this section.
29 This chapter does not apply to any business or profession not licensed
30 under the chapters specified in this section.

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

- 33 (i) Auctioneers under chapter 18.11 RCW;
- 34 (ii) Bail bond agents under chapter 18.185 RCW;

1 (iii) Camping resorts' operators and salespersons under chapter
2 19.105 RCW;

3 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

4 (v) Cosmetologists, barbers, manicurists, and estheticians under
5 chapter 18.16 RCW;

6 (vi) Court reporters under chapter 18.145 RCW;

7 (vii) Employment agencies under chapter 19.31 RCW;

8 (viii) For hire vehicle operators under chapter 46.72 RCW;

9 (ix) Limousines under chapter 46.72A RCW;

10 (x) Notaries public under chapter 42.44 RCW;

11 (xi) Private investigators under chapter 18.165 RCW;

12 (xii) Professional boxing, martial arts, and wrestling under
13 chapter 67.08 RCW;

14 (xiii) Real estate appraisers under chapter 18.140 RCW;

15 (xiv) Real estate brokers and salespersons under chapters 18.85 and
16 18.86 RCW;

17 (xv) Security guards under chapter 18.170 RCW;

18 (xvi) Sellers of travel under chapter 19.138 RCW;

19 (xvii) Timeshares and timeshare salespersons under chapter 64.36
20 RCW; (~~and~~)

21 (xviii) Whitewater river outfitters under chapter 79A.60 RCW; and
22 (xix) Youth athletic coaches under chapter 19.-- RCW (sections 1
23 through 13 and 15 of this act).

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

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

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

29 (iii) The Washington state collection agency board established in
30 chapter 19.16 RCW;

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

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

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

1 (vii) The state geologist licensing board established in chapter
2 18.220 RCW.

3 (3) In addition to the authority to discipline license holders, the
4 disciplinary authority may grant or deny licenses based on the
5 conditions and criteria established in this chapter and the chapters
6 specified in subsection (2) of this section. This chapter also governs
7 any investigation, hearing, or proceeding relating to denial of
8 licensure or issuance of a license conditioned on the applicant's
9 compliance with an order entered under RCW 18.235.110 by the
10 disciplinary authority.

11 NEW SECTION. **Sec. 15.** The youth athletic coach account is created
12 in the state treasury. All receipts from the registration fees and
13 other fees received by the department of licensing under this act must
14 be deposited in the account. Moneys in the account may be spent only
15 after appropriation. Expenditures from the account may be used for the
16 purposes of administering the registration and disciplining of youth
17 athletic coaches as provided under this act.

18 **Sec. 16.** RCW 43.24.--- and 2005 c . . . (SB 5365) s 1 are each
19 amended to read as follows:

20 (1) The business and professions account is created in the state
21 treasury. All receipts from business or professional licenses,
22 registrations, certifications, renewals, examinations, or civil
23 penalties assessed and collected by the department from the following
24 chapters must be deposited into the account:

- 25 (a) Chapter 18.11 RCW, auctioneers;
- 26 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 27 (c) Chapter 18.96 RCW, landscape architects;
- 28 (d) Chapter 18.145 RCW, court reporters;
- 29 (e) Chapter 18.165 RCW, private investigators;
- 30 (f) Chapter 18.170 RCW, security guards;
- 31 (g) Chapter 18.185 RCW, bail bond agents;
- 32 (h) Chapter 19.16 RCW, collection agencies;
- 33 (i) Chapter 19.31 RCW, employment agencies;
- 34 (j) Chapter 19.105 RCW, camping resorts;
- 35 (k) Chapter 19.138 RCW, sellers of travel;
- 36 (l) Chapter 42.44 RCW, notaries public; (~~and~~)

1 (m) Chapter 64.36 RCW, timeshares; and
2 (n) Chapter 19.-- RCW (sections 1 through 13 and 15 of this act),
3 youth athletic coaches.

4 Moneys in the account may be spent only after appropriation.
5 Expenditures from the account may be used only for expenses incurred in
6 carrying out these business and professions licensing activities of the
7 department. Any residue in the account shall be accumulated and shall
8 not revert to the general fund at the end of the biennium.

9 (2) The director shall biennially prepare a budget request based on
10 the anticipated costs of administering the business and professions
11 licensing activities listed in subsection (1) of this section, which
12 shall include the estimated income from these business and professions
13 fees.

14 NEW SECTION. Sec. 17. If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 2005, in the omnibus appropriations act, this act
17 is null and void.

18 NEW SECTION. Sec. 18. Section 15 of this act is null and void if
19 Senate Bill No. 5365 becomes law by July 2, 2005.

20 NEW SECTION. Sec. 19. Section 16 of this act is null and void if
21 Senate Bill No. 5365 fails to become law by July 2, 2005.

22 NEW SECTION. Sec. 20. If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. Sec. 21. Sections 1 through 13 and 15 of this act
27 constitute a new chapter in Title 19 RCW.

28 NEW SECTION. Sec. 22. Sections 1 through 13 and 15 of this act
29 take effect December 31, 2006.

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