

HOUSE BILL REPORT

HB 1574

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to the uniform regulation of business and professions.

Brief Description: Modifying provisions concerning the uniform regulation of business and professions.

Sponsors: Representatives Wood, Conway, Hudgins, Condotta, Moeller and Kenney; by request of Department of Licensing.

Brief History:

Committee Activity:

Commerce & Labor: 2/9/07, 2/16/07 [DPS].

Brief Summary of Substitute Bill

- Makes a number of changes to the business and profession programs administered by the Department of Licensing (DOL), and to the uniform disciplinary procedures for businesses and professions regulated by the DOL.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Green, Moeller and Williams.

Staff: Joan Elgee (786-7106).

Background:

The Department of Licensing (DOL) regulates certain businesses and professions. Each regulated business and profession has a separate set of laws. Some businesses and professions, such as auctioneers and security guards, are under the authority of the Director of the DOL (Director) and others, such as architects and geologists, are under a board or commission charged with regulating the particular business or profession.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2002, the Legislature passed the Uniform Regulation of Business and Professions Act (URBPA) to provide standardized disciplinary procedures for various businesses and professions regulated by the DOL.

Summary of Substitute Bill:

A number of changes are made to the various professional licensing laws under the DOL and to the URBPA.

SPECIFIC PROFESSIONS:

Unprofessional Conduct.

- *Real estate appraisers.* The list of actions constituting unprofessional conduct is expanded to include negligence or incompetence in performing an appraisal practice and failure or refusal without good cause to exercise reasonable diligence in performing an appraisal practice, including preparing a report to communicate information about an appraisal practice.
- *Bail bond recovery agents.* Unprofessional conduct includes the failure to meet the qualifications of the governing statute.

Director and Board Authority.

For a number of businesses and professions, clarification is added:

- *Bail bond agents.* The Director's designee, as well as the Director, may order restitution. The assurance of discontinuance process is deleted.
- *Collection agencies.* The Washington State Collection Agency Board (board), rather than the Director, may adopt rules and enforce the board's duties.
- *Private investigators and security guards.* The Director's designee, as well as the Director, is given the authority to administer these laws.
- *Geology Board.* The Geology Board, rather than the Director, has rule-making authority and the authority to adopt standards of professional conduct and practice. The Director has the authority to adopt fees and administer examinations.

URBPA REVISIONS:

Definitions. "Unlicensed practice" is defined to include representations to a "person" rather than a "consumer."

Scope. Bail bond recovery agents are added to the list of professions covered by the URBPA.

Procedures. A number of changes are made to disciplinary procedures:

- Procedures to contest charges are expanded to include a disciplinary authority's statement of intent to deny a license for failure to meet licensure criteria.
- The disciplinary authority's order revoking a license, or denying an initial or renewal license application, must be for a specified interval of time.

- Violating any of the provisions of the URBPA or the provisions of the specific business or profession and engaging in unlicensed practice are made unprofessional conduct.
- Cease and desist orders may be issued to any person who the authority has reason to believe is engaged in or about to engage in a violation of the URBPA or the provisions of the specific business or profession.
- At a disciplinary hearing, a certified copy of a final holding of a court with jurisdiction is conclusive evidence of the conduct upon which a conviction or the final holding is based.

Applications. Although the URBPA does not apply generally to conduct or conditions occurring before January 1, 2003, it does apply to applications for licensure made on or after January 1, 2003.

Other clarifying changes are made.

Substitute Bill Compared to Original Bill:

The substitute bill provides consistency with other provisions for bail bond agents by deleting the assurance of the discontinuance process and provides consistency in provisions for cease-and-desist orders.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) We hope we have support. We have some additional minor changes to this technical bill.

(Opposed) None.

Persons Testifying: Ralph Osgood, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.