
SENATE BILL 5119

State of Washington 60th Legislature 2007 Regular Session

By Senators Kohl-Welles, Keiser, Spanel and Murray

Read first time 01/11/2007. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to legislative requests under the sunrise review
2 process; amending RCW 18.118.020; and adding a new section to chapter
3 18.118 RCW.

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

5 **Sec. 1.** RCW 18.118.020 and 1987 c 514 s 5 are each amended to read
6 as follows:

7 The definitions contained in this section shall apply throughout
8 this chapter unless the context clearly requires otherwise.

9 (1) "Applicant group" includes any business professional group or
10 organization, any individual, or any other interested party which
11 proposes that any business professional group not presently regulated
12 be regulated or which proposes legislation to substantially increase
13 the scope of practice or the level of regulation of the profession.

14 (2) "Business professions" means those business occupations or
15 professions which are not health professions under chapter 18.120 RCW
16 and includes, in addition to real estate brokers and salespersons under
17 chapter 18.85 RCW, the following professions and occupations:
18 Accountancy under chapter 18.04 RCW; architects under chapter 18.08
19 RCW; auctioneering under chapter 18.11 RCW; cosmetologists, barbers,

1 and manicurists under chapter 18.16 RCW; contractors under chapter
2 18.27 RCW; debt adjusting under chapter 18.28 RCW; engineers and
3 surveyors under chapter 18.43 RCW; escrow agents under chapter 18.44
4 RCW; landscape architects under chapter 18.96 RCW; water well
5 construction under chapter 18.104 RCW; plumbers under chapter 18.106
6 RCW; and art dealers under chapter 18.110 RCW.

7 (3) (~~("Certificate" and~~) "Certification" means a voluntary process
8 by which a statutory regulatory entity grants recognition to an
9 individual who (a) has met certain prerequisite qualifications
10 specified by that regulatory entity, and (b) may assume or use
11 "certified" in the title or designation to perform prescribed
12 professional tasks.

13 (4) "Grandfather clause" means a provision in a regulatory statute
14 applicable to practitioners actively engaged in the regulated
15 profession prior to the effective date of the regulatory statute which
16 exempts the practitioners from meeting the prerequisite qualifications
17 set forth in the regulatory statute to perform prescribed occupational
18 tasks.

19 (5) "Inspection" means the periodic examination of practitioners by
20 a state agency in order to ascertain whether the practitioners'
21 occupation is being carried out in a fashion consistent with the public
22 health, safety, and welfare.

23 (6) "Legislative committees of reference" means the standing
24 legislative committees designated by the respective rules committees of
25 the senate and house of representatives to consider proposed
26 legislation to regulate business professions not previously regulated.

27 (7) "License", "licensing", and "licensure" mean permission to
28 engage in a business profession which would otherwise be unlawful in
29 the state in the absence of the permission. A license is granted to
30 those individuals who meet prerequisite qualifications to perform
31 prescribed professional tasks and for the use of a particular title.

32 (8) (~~("Professional license" means an individual, nontransferable
33 authorization to carry on an activity based on qualifications which
34 include: (a) Graduation from an accredited or approved program, and
35 (b) acceptable performance on a qualifying examination or series of
36 examinations.~~

37 (9)) "Practitioner" means an individual who (a) has achieved

1 knowledge and skill by practice, and (b) is actively engaged in a
2 specified business profession.

3 ~~((+10+))~~ (9) "Public member" means an individual who is not, and
4 never was, a member of the business profession being regulated or the
5 spouse of a member, or an individual who does not have and never has
6 had a material financial interest in either the rendering of the
7 business professional service being regulated or an activity directly
8 related to the profession being regulated.

9 ~~((+11+))~~ (10) "Registration" means the formal notification which,
10 prior to rendering services, a practitioner shall submit to a state
11 agency setting forth the name and address of the practitioner; the
12 location, nature and operation of the business activity to be
13 practiced; and, if required by the regulatory entity, a description of
14 the service to be provided.

15 ~~((+12+))~~ (11) "Regulatory entity" means any board, commission,
16 agency, division, or other unit or subunit of state government which
17 regulates one or more professions, occupations, industries, businesses,
18 or other endeavors in this state.

19 ~~((+13+))~~ (12) "State agency" includes every state office,
20 department, board, commission, regulatory entity, and agency of the
21 state, and, where provided by law, programs and activities involving
22 less than the full responsibility of a state agency.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.118 RCW
24 to read as follows:

25 (1) The legislature may request the department of licensing to
26 conduct a review under this chapter. Upon such a request, the
27 department of licensing must gather, as appropriate, the information
28 detailed in RCW 18.118.030. In gathering this information, the
29 department of licensing must seek input from public members; a review
30 is not complete if it consists only of input from members of the
31 business profession of which the legislature seeks review. If the
32 department of licensing determines that regulation of the business
33 profession is not necessary, the public member input must clearly
34 demonstrate that: (a) Unregulated practice will not result in harm or
35 endanger the health, safety, or welfare of the public; (b) the public
36 does not need nor reasonably expects to benefit from an assurance of

1 initial and continuing professional ability; and (c) the public can be
2 effectively protected by other means in a more cost-beneficial manner.
3 (2) The department of licensing must submit a report detailing its
4 findings under this section to the legislative committees of reference.

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