

SENATE BILL REPORT

SB 5125

As Passed Senate, February 25, 2019

Title: An act relating to providing consistency and efficiency in the regulation of auctioneers and auction companies, engineering and land surveying, real estate, funeral directors, and cosmetology.

Brief Description: Providing consistency and efficiency in the regulation of auctioneers and auction companies, engineering and land surveying, real estate, funeral directors, and cosmetology.

Sponsors: Senator Conway; by request of Department of Licensing.

Brief History:

Committee Activity: Labor & Commerce: 1/15/19, 1/17/19 [DP].

Floor Activity:

Passed Senate: 2/25/19, 48-0.

Brief Summary of Bill

- Eliminates requirements that applicants for certain professional licenses provide particular documents to the Department of Licensing.
- Modifies the requirements for providing references on applications for engineering and land surveying licenses.
- Removes the requirement that the Department of Licensing mail notice of statutory and regulatory changes to cosmetology, hair designer, barber, manicurist, and esthetician licensees.
- Eliminates the provision allowing an applicant for a an embalmer or funeral director's license to retake the exam with no additional fee.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Braun, Saldaña, Walsh and Wellman.

Staff: Susan Jones (786-7404)

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.

Background: The Department of Licensing (DOL) regulates a number of professional and business industries. DOL issues licenses and ensures compliance with professional standards and laws. Some of the professions regulated by DOL include auctioneers and auction companies, engineers and land surveyors, real estate brokers, cosmetologists, hair designers, barbers, manicurists, estheticians, embalmers, and funeral directors.

Some professional licensing laws require that applicants provide certain documentation of corporate, business, and tax registration and that DOL maintain the documentation. The following are a few examples:

- an applicant for an auctioneer or auction company license must show the proper tax registration certificate from the Department of Revenue (DOR);
- a corporation or limited liability company applying to obtain a certificate of authorization to practice engineering or land surveying must provide a certificate of incorporation or certificate of authorization as filed with the secretary of state; and a Washington State business license;
- an applicant for a license as a real estate firm or real estate or managing broker must provide certain certified copies and evidence of business filings; and
- an applicant for registration with the state Board for Professional Engineers and Land Surveyors must provide at least five references; three or more must be engineers, having personal knowledge of the applicant's engineering experience.

An applicant for an embalmer or funeral director's license who fails the license exam is allowed to retake the exam with no additional fee. A third party vendor is used to conduct the retaken exam. DOL covers the cost for the retaken exam.

DOL is required to mail notice of statutory and regulatory changes to cosmetology, hair designer, barber, manicurist, and esthetician licensees.

Summary of Bill: Auctioneer or Auction Company. In addition to other requirements, an applicant for an auctioneer or auction company license must continue to be registered with DOR. No documentation of the registration needs to be provided to DOL. An auction company must also be registered with the Secretary of State if it is not a sole proprietor or general partnership.

Engineers and Land Surveyors. To obtain a certificate of authorization to practice engineering or land surveying, a corporation or limited liability company must continue to be registered with DOR. No documentation of the registration needs to be provided to DOL. An applicant for registration with the state Board of Registration for Professional Engineers and Land Surveyors must provide verification of technical work from professional engineers that supervised the applicant's technical work and have personal knowledge of the applicant's engineering experience.

Real Estate Firms and Brokers. If the applicant is a legally recognized business entity, except a general partnership, it must be registered with the secretary of state. No documentation of the registration needs to be provided to DOL. If the applicant is a general partnership, it must provide a copy of the signed partnership agreement. All entities must provide certain information about their owners and governing officers.

Embalmers, Funeral Directors, and Cosmetologists. Provisions are eliminated that:

- require DOL to mail notice of statutory and regulatory changes to cosmetology, hair designer, barber, manicurist, and esthetician licensees; and
- allow an applicant for an embalmer or funeral director's license to retake the exam with no additional fee.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a DOL request. There is no fiscal impact. This is a good government bill and ends some duplicative processes. The bill eliminates requirements that licensees upload documents to DOL because it can verify the registration with the secretary of state electronically. This is more efficient and saves time for licensees. The bill also makes applicants' materials more relevant. DOL can send out copies of statutory changes to licensees electronically, rather than mailing them. They will mail paper copies to licensees who want them, but many do not want paper. For transparency, it is important to provide information on real estate licensees' ownership.

Persons Testifying: PRO: Bob Mitchell, Washington REALTORS; Beau Perschbacher, Department of Licensing.

Persons Signed In To Testify But Not Testifying: No one.