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SENATE BILL 5007

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State of Washington

64th Legislature

2015 Regular Session

By Senator Angel

Prefiled 12/10/14.

1 AN ACT Relating to the regulation of employment agencies;  
2 amending RCW 18.235.020 and 43.24.150; and repealing RCW 19.31.010,  
3 19.31.020, 19.31.030, 19.31.040, 19.31.050, 19.31.060, 19.31.070,  
4 19.31.080, 19.31.090, 19.31.100, 19.31.110, 19.31.120, 19.31.130,  
5 19.31.140, 19.31.150, 19.31.160, 19.31.170, 19.31.180, 19.31.190,  
6 19.31.210, 19.31.220, 19.31.230, 19.31.240, 19.31.245, 19.31.250,  
7 19.31.260, 19.31.270, 19.31.900, and 19.31.910.

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

9 **Sec. 1.** RCW 18.235.020 and 2013 c 322 s 29 are each amended to  
10 read as follows:

11 (1) This chapter applies only to the director and the boards and  
12 commissions having jurisdiction in relation to the businesses and  
13 professions licensed under the chapters specified in this section.  
14 This chapter does not apply to any business or profession not  
15 licensed under the chapters specified in this section.

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

18 (i) Auctioneers under chapter 18.11 RCW;

19 (ii) Bail bond agents and bail bond recovery agents under chapter  
20 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) Driver training schools and instructors under chapter 46.82  
8 RCW;

9 (~~(viii)~~) (~~Employment agencies under chapter 19.31 RCW;~~  
10 ~~(ix)~~) For hire vehicle operators under chapter 46.72 RCW;

11 (~~(x)~~) (ix) Limousines under chapter 46.72A RCW;

12 (~~(xi)~~) (x) Notaries public under chapter 42.44 RCW;

13 (~~(xii)~~) (xi) Private investigators under chapter 18.165 RCW;

14 (~~(xiii)~~) (xii) Professional boxing, martial arts, and wrestling  
15 under chapter 67.08 RCW;

16 (~~(xiv)~~) (xiii) Real estate appraisers under chapter 18.140 RCW;

17 (~~(xv)~~) (xiv) Real estate brokers and salespersons under  
18 chapters 18.85 and 18.86 RCW;

19 (~~(xvi)~~) (xv) Scrap metal processors, scrap metal recyclers, and  
20 scrap metal suppliers under chapter 19.290 RCW;

21 (~~(xvii)~~) (xvi) Security guards under chapter 18.170 RCW;

22 (~~(xviii)~~) (xvii) Sellers of travel under chapter 19.138 RCW;

23 (~~(xix)~~) (xviii) Timeshares and timeshare salespersons under  
24 chapter 64.36 RCW;

25 (~~(xx)~~) (xix) Whitewater river outfitters under chapter 79A.60  
26 RCW;

27 (~~(xxi)~~) (xx) Home inspectors under chapter 18.280 RCW;

28 (~~(xxii)~~) (xxi) Body artists, body piercers, and tattoo artists,  
29 and body art, body piercing, and tattooing shops and businesses,  
30 under chapter 18.300 RCW; and

31 (~~(xxiii)~~) (xxii) Appraisal management companies under chapter  
32 18.310 RCW.

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

35 (i) The state board for architects established in chapter 18.08  
36 RCW;

37 (ii) The Washington state collection agency board established in  
38 chapter 19.16 RCW;

1 (iii) The state board of registration for professional engineers  
2 and land surveyors established in chapter 18.43 RCW governing  
3 licenses issued under chapters 18.43 and 18.210 RCW;

4 (iv) The funeral and cemetery board established in chapter 18.39  
5 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

6 (v) The state board of licensure for landscape architects  
7 established in chapter 18.96 RCW; and

8 (vi) The state geologist licensing board established in chapter  
9 18.220 RCW.

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

18 **Sec. 2.** RCW 43.24.150 and 2013 2nd sp.s. c 4 s 978 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 18.145 RCW, court reporters;
- 28 (d) Chapter 18.165 RCW, private investigators;
- 29 (e) Chapter 18.170 RCW, security guards;
- 30 (f) Chapter 18.185 RCW, bail bond agents;
- 31 (g) Chapter 18.280 RCW, home inspectors;
- 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))~~ (j) Chapter 19.138 RCW, sellers of travel;
- 36 ~~((l))~~ (k) Chapter 42.44 RCW, notaries public;
- 37 ~~((m))~~ (l) Chapter 64.36 RCW, timeshares;
- 38 ~~((n))~~ (m) Chapter 67.08 RCW, boxing, martial arts, and  
39 wrestling;

1       (~~(o)~~) (n) Chapter 18.300 RCW, body art, body piercing, and  
2 tattooing;  
3       (~~(p)~~) (o) Chapter 79A.60 RCW, whitewater river outfitters;  
4       (~~(q)~~) (p) Chapter 19.158 RCW, commercial telephone  
5 solicitation; and  
6       (~~(r)~~) (q) Chapter 19.290 RCW, scrap metal businesses.

7       Moneys in the account may be spent only after appropriation.  
8 Expenditures from the account may be used only for expenses incurred  
9 in carrying out these business and professions licensing activities  
10 of the department. Any residue in the account must be accumulated and  
11 may not revert to the general fund at the end of the biennium.  
12 However, during the 2013-2015 fiscal biennium the legislature may  
13 transfer to the state general fund such amounts as reflect the excess  
14 fund balance in the account.

15       (2) The director must biennially prepare a budget request based  
16 on the anticipated costs of administering the business and  
17 professions licensing activities listed in subsection (1) of this  
18 section, which must include the estimated income from these business  
19 and professions fees.

20       NEW SECTION.   **Sec. 3.**   The following acts or parts of acts are  
21 each repealed:

- 22       (1) RCW 19.31.010 (Short title) and 1969 ex.s. c 228 s 1;  
23       (2) RCW 19.31.020 (Definitions) and 2011 c 336 s 531, 1998 c 228  
24 s 1, 1993 c 499 s 1, 1990 c 70 s 1, 1979 c 158 s 82, 1977 ex.s. c 51  
25 s 1, & 1969 ex.s. c 228 s 2;  
26       (3) RCW 19.31.030 (Records) and 1993 c 499 s 2 & 1969 ex.s. c 228  
27 s 3;  
28       (4) RCW 19.31.040 (Contract between agency and applicant—Contents  
29 —Notice) and 1993 c 499 s 3, 1985 c 7 s 83, 1977 ex.s. c 51 s 2, &  
30 1969 ex.s. c 228 s 4;  
31       (5) RCW 19.31.050 (Approval of contract, fee schedule) and 1969  
32 ex.s. c 228 s 5;  
33       (6) RCW 19.31.060 (Request from employer for interview required—  
34 Information to be furnished applicant) and 1977 ex.s. c 51 s 3 & 1969  
35 ex.s. c 228 s 6;  
36       (7) RCW 19.31.070 (Administration of chapter—Rules—  
37 Investigations—Inspections) and 2002 c 86 s 269 & 1969 ex.s. c 228 s  
38 7;

1 (8) RCW 19.31.080 (License required—Penalty) and 2011 c 336 s 532  
2 & 1969 ex.s. c 228 s 8;

3 (9) RCW 19.31.090 (Bond—Cash deposit—Action on bond or deposit—  
4 Procedure—Judgment) and 2011 c 336 s 533, 1977 ex.s. c 51 s 4, & 1969  
5 ex.s. c 228 s 9;

6 (10) RCW 19.31.100 (Application—Contents—Filing—Qualifications  
7 of applicants and licensees—Waiver—Exceptions) and 1993 c 499 s 4,  
8 1982 c 227 s 14, 1977 ex.s. c 51 s 5, & 1969 ex.s. c 228 s 10;

9 (11) RCW 19.31.110 (Expiration date of license—Reinstatement) and  
10 1977 ex.s. c 51 s 6 & 1969 ex.s. c 228 s 11;

11 (12) RCW 19.31.120 (Transfer of license) and 1969 ex.s. c 228 s  
12 12;

13 (13) RCW 19.31.130 (License sanction—Grounds—Support order,  
14 noncompliance) and 2002 c 86 s 270, 1997 c 58 s 848, & 1969 ex.s. c  
15 228 s 13;

16 (14) RCW 19.31.140 (Fees for licensees) and 1985 c 7 s 84, 1975  
17 1st ex.s. c 30 s 92, & 1969 ex.s. c 228 s 14;

18 (15) RCW 19.31.150 (Employment condition precedent to charging  
19 fee—Exceptions) and 1993 c 499 s 5 & 1969 ex.s. c 228 s 15;

20 (16) RCW 19.31.160 (Charging fee or payment contrary to chapter—  
21 Return of excess) and 1969 ex.s. c 228 s 16;

22 (17) RCW 19.31.170 (Limitations on fee amounts—Refunds—  
23 Exceptions) and 2011 c 336 s 534, 1993 c 499 s 6, 1977 ex.s. c 51 s  
24 7, & 1969 ex.s. c 228 s 17;

25 (18) RCW 19.31.180 (Posting of fee limitation and remedy  
26 provisions) and 2011 c 336 s 535 & 1969 ex.s. c 228 s 18;

27 (19) RCW 19.31.190 (Rules of conduct—Complaints) and 2011 c 336 s  
28 536, 1993 c 499 s 7, 1977 ex.s. c 51 s 8, & 1969 ex.s. c 228 s 19;

29 (20) RCW 19.31.210 (Enforcement) and 2011 c 336 s 537 & 1969  
30 ex.s. c 228 s 21;

31 (21) RCW 19.31.220 (Assurance of discontinuance of violation) and  
32 2011 c 336 s 538 & 1969 ex.s. c 228 s 22;

33 (22) RCW 19.31.230 (Civil penalty) and 1969 ex.s. c 228 s 23;

34 (23) RCW 19.31.240 (Service of process outside state) and 2011 c  
35 336 s 539 & 1969 ex.s. c 228 s 24;

36 (24) RCW 19.31.245 (Registration or licensing prerequisite to  
37 suit by employment agency—Action against unregistered or unlicensed  
38 employment agency) and 1993 c 499 s 8, 1990 c 70 s 2, & 1977 ex.s. c  
39 51 s 10;

1           (25) RCW 19.31.250 (Chapter provisions exclusive—Authority of  
2 political subdivisions not affected) and 1969 ex.s. c 228 s 25;  
3           (26) RCW 19.31.260 (Administrative procedure act to govern  
4 administration) and 1969 ex.s. c 228 s 26;  
5           (27) RCW 19.31.270 (Uniform regulation of business and  
6 professions act) and 2002 c 86 s 271;  
7           (28) RCW 19.31.900 (Severability—1969 ex.s. c 228) and 1969 ex.s.  
8 c 228 s 27; and  
9           (29) RCW 19.31.910 (Effective date—1969 ex.s. c 228) and 1969  
10 ex.s. c 228 s 28.

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