

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1301

Chapter 412, Laws of 2023

68th Legislature
2023 Regular Session

PROFESSIONAL LICENSES—REVIEW

EFFECTIVE DATE: July 23, 2023

Passed by the House April 13, 2023
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 6, 2023
Yeas 46 Nays 0

DENNY HECK

President of the Senate

Approved May 11, 2023 9:39 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1301** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 11, 2023

**Secretary of State
State of Washington**

HOUSE BILL 1301

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By Representatives McClintock and Cheney

Read first time 01/13/23. Referred to Committee on Consumer
Protection & Business.

1 AN ACT Relating to creating a review process for professional
2 licensing regulations and requiring a report to the legislature; and
3 adding a new chapter to Title 18 RCW.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that, at times,
6 additional protection by means of the regulation of a profession
7 through professional licensure may be deemed necessary to ensure that
8 the public's health, safety, and general welfare is protected.
9 Furthermore, technological innovation continues to change the
10 responsibilities and practices surrounding these professions, and by
11 result, the potential harms associated with them.

12 (2) It is also recognized that requirements, such as educational
13 requirements, fees, and training hours, which an individual must
14 fulfill before receiving a license to practice in a profession, can
15 create barriers to an individual's upward mobility and freedom to
16 pursue their profession of choice.

17 (3) It is, therefore, the intent of the legislature to establish
18 a sunset review process for all professional licensing requirements
19 regulated by the department of licensing, to ensure that the rights
20 and well-being of current and future practitioners of the profession
21 be given full protection from unnecessary regulatory burden and that

1 regulations meant to safeguard public health and safety are still
2 warranted.

3 NEW SECTION. **Sec. 2.** This chapter may be known and cited as the
4 professional license review act.

5 NEW SECTION. **Sec. 3.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires
7 otherwise.

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

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

10 NEW SECTION. **Sec. 4.** (1) Beginning in 2024, the department
11 shall annually review and analyze approximately 10 percent of the
12 professional licenses regulated by the department and prepare and
13 submit an annual report electronically to the chief clerk of the
14 house of representatives, the secretary of the senate, and each
15 member of the house of representatives and senate by August 31st of
16 each year as provided in this section. The department shall complete
17 this process for all professional licenses within its jurisdiction
18 within 10 years and every 10 years thereafter. Each report shall
19 include the department's recommendations regarding whether the
20 professional licenses should be terminated, continued, or modified.

21 (2) The department may require the submission of information by
22 the affected professional board or commission and other affected or
23 interested parties. The department shall provide notice to the
24 relevant professional board or commission and all licensees, not
25 regulated under a board or commission, prior to commencing the
26 review.

27 (3) The department's report shall include, but not be limited to,
28 the following:

29 (a) The title of the professional license and, if applicable, the
30 name of the professional board or commission responsible for
31 enforcement of the professional license, if any;

32 (b) The statutory citation or other authorization for the
33 creation of the professional license and, if applicable, the
34 professional board or commission;

35 (c) If applicable, the number of members of the professional
36 board or commission and how the members are appointed;

1 (d) If applicable, the qualifications for membership on the
2 professional board or commission;

3 (e) If applicable, the number of times the professional board or
4 commission is required to meet during the year and the number of
5 times it actually met during the preceding five calendar years;

6 (f) Annual budget information for the five most recently
7 completed fiscal years;

8 (g) For the immediately preceding five calendar years, or for the
9 period of time less than five years for which the information is
10 practically available, the number of government certifications,
11 professional licenses, and registrations the department, professional
12 board, or commission has issued, revoked, denied, or assessed
13 penalties against, listed anonymously and separately per type of
14 credential, and the reasons for such revocations, denials, and other
15 penalties;

16 (h) A review of the basic assumptions underlying the creation of
17 the professional license;

18 (i) A comparison of whether and how other states regulate the
19 profession;

20 (j) A review and analysis of the hours or other amount of
21 education, training, or experience required to obtain the license or
22 credential;

23 (k) A summary of any regulatory changes made by the department,
24 professional board, or commission as a result of the review; and

25 (l) Any recommendations regarding whether the professional
26 license should be terminated, continued, or modified.

27 (4) After the report in subsection (3) of this section is
28 submitted, if the relevant legislative committee determines further
29 analysis is needed it may request the department to conduct further
30 analysis. Specifically, the extended report shall include:

31 (a) Whether the professional license meets the policies stated
32 and the following recommended courses of action for meeting such
33 policies:

34 (i) If the need is to protect consumers against fraud, the
35 recommended course of action should be to strengthen powers under
36 chapter 19.86 RCW, or require disclosures that will reduce misleading
37 attributes of the specific goods or services;

38 (ii) If the need is to protect consumers against unclean
39 facilities or to promote general health and safety, the recommended

1 course of action should be to require periodic inspections of such
2 facilities;

3 (iii) If the need is to protect consumers against potential
4 damages from failure by providers to complete a contract fully or up
5 to standards, the recommended course of action should be to require
6 that providers be bonded;

7 (iv) If the need is to protect a person who is not a party to a
8 contract between the provider and consumer, the recommended course of
9 action should be to require that the provider have insurance;

10 (v) If the need is to protect consumers against potential damages
11 by transient providers, the recommended course of action should be to
12 require that providers register their businesses with the state;

13 (vi) If the need is to protect consumers against a shortfall or
14 imbalance of knowledge about the goods or services relative to the
15 providers' knowledge, the recommended course of action should be to
16 enact government certification; and

17 (vii) If the need is to address a systematic information
18 shortfall such that a reasonable consumer is unable to distinguish
19 between the quality of providers, there is an absence of institutions
20 that provide adequate guidance to the consumer, and the consumer's
21 inability to distinguish between providers and the lack of adequate
22 guidance allows for undue risk of present, significant, and
23 substantiated harms, the recommended course of action should be to
24 enact a professional license; and

25 (b) If education, training, or experience is a qualification in
26 the professional license under review, a review and analysis of the
27 hours or other amount of education, training, or experience required
28 to ensure such requirements are as least restrictive as necessary to
29 protect the public's health, safety, and welfare.

30 (5) If a lawful profession is subject to chapter 18.120 RCW, the
31 analysis under subsection (4)(a) of this section shall be made using
32 the least restrictive method of regulation as set out in RCW
33 18.120.010.

34 (6) If the department finds that it is necessary to change
35 professional licenses, the department shall recommend the least
36 restrictive regulation consistent with the public interest and the
37 policies in this section.

38 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act
39 constitute a new chapter in Title 18 RCW.

Passed by the House April 13, 2023.
Passed by the Senate April 6, 2023.
Approved by the Governor May 11, 2023.
Filed in Office of Secretary of State May 11, 2023.

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