
SUBSTITUTE SENATE BILL 5119

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators Kohl-Welles, Keiser, Spanel and
Murray)

READ FIRST TIME 02/08/07.

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)(a) When the legislature requests the department of licensing to
26 conduct a review under this chapter, the department must gather, as
27 appropriate, the information detailed in RCW 18.118.030. In gathering
28 this information, the department of licensing must seek input from
29 public members. Unless the public hearing requirements of (b) of this
30 subsection are met, a review is not complete if it consists only of
31 input from members of the business profession of which the legislature
32 seeks review.

33 (b) The department must hold a public hearing during which the
34 department will receive public comment. At least twenty days before
35 the public hearing, the department of licensing must cause notice of
36 the hearing to be filed with the code reviser for publication in the
37 Washington State Register. The notice must include:

1 (i) The business profession for which information is sought;
2 (ii) As appropriate, the information requested under RCW
3 18.118.030; and
4 (iii) When, where, and how public members may present information
5 about the business profession.

6 (c) The department of licensing must request names of individuals
7 and organizations that may have information needed for the review from
8 legislators and other identified interested parties. These individuals
9 and organizations must be sent copies of the notice under (b) of this
10 subsection.

11 (2) If the department of licensing determines that regulation of
12 the business profession is not necessary, the evidence gathered by the
13 department must clearly demonstrate that: (a) Unregulated practice
14 will not result in harm or endanger the health, safety, or welfare of
15 the public; (b) the public does not need nor reasonably expects to
16 benefit from an assurance of initial and continuing professional
17 ability; and (c) the public can be effectively protected by other means
18 in a more cost-beneficial manner.

19 (3) The department of licensing must submit a report detailing its
20 findings under this section to the legislative committees of reference.
21 This report must also detail the department's efforts to contact public
22 members and whether a public hearing was conducted under this section.

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