
HOUSE BILL 3075

State of Washington

61st Legislature

2010 Regular Session

By Representatives Williams, Wood, Hunt, Morris, Nelson, Wallace, and Kenney

Read first time 01/22/10. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to soil and wetland scientists; reenacting and
2 amending RCW 18.235.020, 18.235.020, 43.24.150, and 43.24.150; adding
3 a new chapter to Title 18 RCW; creating a new section; providing
4 effective dates; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to regulate soil
7 science and wetland science as professions by establishing minimum
8 standards of ethical conduct and professional responsibility and by
9 establishing professional education and experience requirements for
10 those persons representing to the public that they are soil scientists
11 or wetland scientists certified by the state. Nothing in this chapter
12 prevents uncertified soil scientists or uncertified wetland scientists
13 from conducting their normal work and activities, as long as they do
14 not use the regulated title defined in this chapter. Nothing in this
15 chapter prevents other professionals in related agriculture, earth and
16 physical sciences from performing their normal and customary work and
17 activities as long as they do not use the regulated title defined in
18 this chapter. This list of other professionals includes, but is not

1 limited to: Engineers, geologists, geotechnical professionals,
2 architects, landscape architects, foresters, agronomists, farmers, and
3 ranchers.

4 NEW SECTION. **Sec. 2.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Board" means the regulatory board created in section 5 of this
7 act.

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

9 (3) "Director" means the director of the department of licensing.

10 (4) "Holder" means a person who has been issued a certificate under
11 this chapter.

12 (5) "Responsible charge" means the exercise of fully independent
13 control and direction of soil science or wetland science work, or both,
14 or the supervision of the work, and being fully responsible,
15 answerable, accountable, or liable for the results.

16 (6) "Soil" means a living ecosystem that is composed of living and
17 once-living organic materials combined with inorganic mineral materials
18 derived from the break down and weathering of rocks at the earth's
19 surface. Soil develops as a result of weathering processes that
20 reflect effects of climate, topography or position on landscape, and
21 biogeochemical processes acting on the original parent material over
22 time. These changes occur as a result of the four agents of soil
23 formation: Additions, losses, translocations, and transformations.
24 Soil extends from the surface of the earth down to undifferentiated or
25 unweathered parent material.

26 (a) "Soil science" means the science that:

27 (i) Involves the study of various aspects of the living soil
28 ecosystem and includes the following focused subject areas:

29 (A) Soil physics;

30 (B) Soil chemistry and mineralogy;

31 (C) Soil biochemistry;

32 (D) Soil fertility; and

33 (E) Soil genesis, soil geomorphology, and classification; and

34 (ii) Can be used to provide information for projects including, but
35 not limited to, the following:

36 (A) Management of water quantity by calculating hydraulic

1 conductivity and utilizing or monitoring near-surface infiltration and
2 percolation capabilities on a soil-specific basis;

3 (B) Treatment of polluted water using soil microbial populations
4 working in concert with natural soil chemistry and mineralogy;

5 (C) Treatment of polluted soils using soil biochemical and physical
6 applications;

7 (D) Preparation of soil erosion control plans, or evaluation of
8 soil erosion potential;

9 (E) Interpretation of soil morphology or hydrology that indicates
10 a wetland condition;

11 (F) Conservation, protection, and enhancement of soil carbon
12 sequestration and storage processes for the purposes of reducing carbon
13 dioxide and other greenhouse gases; and

14 (G) Preparation of detailed soil maps that can be used for
15 site-specific soil management, such as erosion control plans.

16 (b) "Soil science" does not describe a state-regulated practice,
17 and does not mean the study, description, amelioration, or engineering
18 of unconsolidated materials above bedrock as defined in traditional
19 practice of geologists, engineers, and foresters. Soil science
20 specifically does not include practice of soil mechanics or the
21 evaluation of mass wasting or landslide processes with the exception of
22 studies involved with surface soil erosion and standard soil physics
23 processes.

24 (7) "State certified soil scientist" means a person who, by reason
25 of the person's knowledge of soil science, mathematics, the
26 environment, and the supporting physical and life sciences, acquired by
27 education and practical experience, has met the qualifications
28 established under this chapter, and has been issued a certificate as a
29 soil scientist by the director.

30 (8) "State certified wetland scientist" means a person who, by
31 reason of the person's knowledge of wetland science, mathematics, the
32 environment, and the supporting physical and life sciences, acquired by
33 education and practical experience, has met the qualifications
34 established under this chapter, and has been issued a certificate as a
35 wetland scientist by the director.

36 (9) "Wetland" as defined in RCW 36.70A.030, means an area that:

37 (a) Predominantly supports wetland vegetation;

38 (b) Has hydric soils; and

1 (c) Has wetland hydrology.

2 (10) "Wetland science" means the science that:

3 (a) Studies wetland systems and includes, but is not limited to,
4 the following focused subject areas:

5 (i) Wetland delineation, which is the formal identification and
6 marking of the wetland boundary on the land surface;

7 (ii) Wetland mitigation, which provides compensation to offset
8 wetland or wetland buffer losses as required by federal, state, or
9 local regulations;

10 (iii) Wetland classification, which defines and groups wetlands
11 into discrete ecologically or geomorphically based units which are used
12 to create management plans or to rate wetlands;

13 (iv) Wetland rating, which is used to evaluate a wetland's quality
14 based on individual functions and values;

15 (v) Wetland monitoring, including vegetation and near-surface
16 hydrology monitoring; and

17 (vi) Wetland ecology, which evaluates the interrelationship of
18 organisms and their wetland environments; and

19 (b) Can be used to provide information for projects including, but
20 not limited to, the following:

21 (i) Providing assistance with defining developable portions of a
22 property, based on local regulations, as might be limited by wetland or
23 stream presence and their related buffers; or

24 (ii) Assessing wetland type or functions for purposes of
25 identifying compensation or mitigation; or

26 (iii) Carrying out long-term wetland monitoring programs, intended
27 to define whether an implemented mitigation plan has met specified
28 permit requirements and conditions established by local, state, or
29 federal government officials.

30 "Wetland science" does not describe a state-regulated practice, and
31 does not mean the study, description, and amelioration of wetlands as
32 is specifically defined or carried out in traditional practice of
33 geologists, engineers, and foresters.

34 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
35 this section, it is unlawful for a person to use in connection with the
36 person's name or otherwise assume or advertise the title state
37 certified soil scientist, state certified wetland scientist, or a title

1 conveying the impression that the person is a state-certified soil
2 scientist or state-certified wetland scientist unless the person has
3 received the appropriate certification under this chapter.

4 (2) Subsection (1) of this section may not be interpreted to apply
5 to:

6 (a) Officers and employees of the United States using the title of
7 certified soil scientist or certified wetland scientist solely as such
8 officers or employees;

9 (b) Persons using the title of certified soil scientist or
10 certified wetland scientist on manuscripts or reports resulting from
11 research at an academic institution; and

12 (c) Persons using the title of certified soil scientist or
13 certified wetland scientist while teaching soil science or wetland
14 science or related physical or natural sciences in an academic
15 institution.

16 NEW SECTION. **Sec. 4.** Whether a person or entity hires or does not
17 hire a person certified under this chapter is not admissible in an
18 action for damages or negligence.

19 NEW SECTION. **Sec. 5.** (1)(a) There is created a board for soil
20 scientists and wetland scientists consisting of seven members appointed
21 by the director.

22 (b) Three members must be conversant with and experienced in the
23 soil science profession; three members must be conversant with and
24 experienced in the wetland science profession; and one member must
25 represent the public. Subsequent to the initial appointments, all
26 members except for the public member must be certified under this
27 chapter. Each member of the board must be a resident of the state.
28 The public member may not be or may not have ever been a state
29 certified soil scientist or a state certified wetland scientist and may
30 not employ or may not be employed by, or professionally or financially
31 associated with, a state certified soil scientist or state certified
32 wetland scientist.

33 (c) The director shall deliver a certificate of appointment to each
34 member of the board. The individuals appointed to the board must be
35 chosen from across the state, and from both public and private sectors,
36 utilizing geographic and experiential diversity as much as possible.

1 The terms of the members of the board must be three years, except that
2 the initial appointees to the board shall serve the following terms to
3 be specified by the director: Two members for one year; two members
4 for two years; and three members for three years. No member of the
5 board is eligible for reappointment to a third consecutive term, but
6 any member is eligible for reappointment after an absence of at least
7 one year from the board. Any member who is reappointed following an
8 absence of at least one year from the board is eligible for
9 reappointment to a second consecutive term and is again eligible for
10 reappointment after an absence of at least one year from the board. No
11 member of the board, other than the public member, may be considered
12 for reappointment if not certified in accordance with this chapter.

13 (2)(a) Members of the board serve until replaced by a subsequent
14 appointment, even if their appointment exceeds the length of their
15 term, but may resign prior to completing the term of appointment.

16 (b) The director may for just cause remove a member of the
17 regulatory board. The director shall appoint a new member to fill any
18 vacancy in the regulatory board for the remainder of the unexpired
19 term.

20 (3) The board shall elect a chair, a vice-chair, and a secretary.
21 The secretary may delegate his or her authority to the executive
22 director.

23 (4) The director shall employ an executive director, subject to
24 approval of the board.

25 (5) Members of the board must be compensated in accordance with RCW
26 43.03.240 and must be reimbursed for travel expenses in accordance with
27 RCW 43.03.050 and 43.03.060.

28 (6) Four members constitute a quorum of the board.

29 (7) At the request of the board, the director may appoint
30 additional temporary members to the board for assistance with rule
31 development and technical advice on complaints. Temporary members must
32 meet the same minimum qualifications as regular members of the board.
33 Temporary members have all the powers, duties, and immunities of
34 regular members of the board and must be compensated in accordance with
35 RCW 43.03.240 and must be reimbursed for travel expenses in accordance
36 with RCW 43.03.050 and 43.03.060. The director shall limit the term of
37 temporary members to one year, but may extend the original appointment
38 up to one additional year at the request of the board.

1 NEW SECTION. **Sec. 6.** The board has the following authority in
2 administering this chapter:

3 (1) To adopt, amend, and rescind rules as deemed necessary to carry
4 out this chapter;

5 (2) To establish the minimum qualification for applicants for
6 certification as provided by this chapter;

7 (3) To approve the method of administration for examinations
8 required by this chapter or by rule;

9 (4) To adopt or recognize examinations prepared by other
10 organizations;

11 (5) To set the time and place of examinations, with the approval of
12 the director;

13 (6) To adopt standards of professional conduct and practice. Rules
14 of professional conduct will be consistent with those outlined for
15 similarly regulated professions; and

16 (7) To take disciplinary action for violations of this chapter, as
17 provided in chapter 18.235 RCW.

18 NEW SECTION. **Sec. 7.** The director has the following authority in
19 administering this chapter:

20 (1) To adopt fees as provided in RCW 43.24.086;

21 (2) To administer certification examinations approved by the board;
22 and

23 (3) To make appointments or modify appointments to the board.

24 NEW SECTION. **Sec. 8.** (1) An applicant who applies for soil
25 scientist certification or wetland scientist certification before July
26 1, 2012, is considered qualified for certification, without further
27 written examination, if the applicant meets the standards described in
28 subsections (2)(a) and (3) of this section for soil scientists and
29 subsections (2)(a) and (4) of this section for wetland scientists.
30 After July 1, 2012, the applicants must meet all of the standards
31 described in subsections (2) and (3) of this section for soil
32 scientists and subsections (2) and (4) of this section for wetland
33 scientists in order to qualify for certification.

34 (2) In order to become either a state certified soil scientist or
35 a state certified wetland scientist, an applicant must:

1 (a) Be of good moral and ethical character as attested to by
2 letters of reference submitted by the applicant or as otherwise
3 determined by the director; and

4 (b) Pass an examination developed or accepted by the board covering
5 soil science subject matter for the soil scientist applicant or wetland
6 science subject matter for the wetland scientist applicant.

7 (3) For a Washington state certified soil scientist, an applicant
8 must:

9 (a) Have graduated from a course of study from an accredited
10 college or university with a four-year degree in soil science, or other
11 physical, or natural resources science curriculum considered
12 satisfactory to the board; and

13 (b) Have a documented record of a minimum of five years of
14 experience, obtained after completion of the majority of the academic
15 requirements specified in this section, in soil science work of a
16 character satisfactory to the board, demonstrating that the applicant
17 is qualified to assume responsible charge of the work upon
18 certification as a soil scientist. At least two years of the
19 experience must be gained under the supervision of a soil scientist
20 certified or credentialed in this or any other state, or under the
21 supervision of others who, in the opinion of the board, are qualified
22 to have responsible charge of soil science work. The board may accept
23 up to two years of postgraduate study, either M.S. or Ph.D., in soil
24 science research, or up to two years of research or teaching of soil
25 science at the college or university level, as qualifying experience,
26 provided that the graduate work, research or teaching, in the judgment
27 of the board, is comparable to experience obtained in the practice of
28 soil science.

29 (4) For a wetland scientist, the applicant must:

30 (a) Have graduated from a course of study from an accredited
31 college or university with a four-year degree in wetland science,
32 biology, ecology, soil science, environmental science, hydrology,
33 environmental studies, or other biological, physical, or natural
34 resources science curriculums considered satisfactory to the board.
35 Other qualifying education or training may be accepted, including
36 continuing education classes or formal training in wetland science
37 outside of a college environment if the training is reviewed and
38 considered satisfactory to the board; and

1 (b) Have a documented record of a minimum of three years of
2 professional experience obtained after completion of the majority of
3 academic requirements specified in this section, in wetland science
4 work of a character satisfactory to the board, demonstrating that the
5 applicant is qualified to assume responsible charge of the work upon
6 certification as a wetland scientist. At least two years of the
7 experience must be gained under the supervision of a wetland scientist
8 certified or credentialed in this or any other state, or under the
9 supervision of others who, in the opinion of the board, are qualified
10 to have responsible charge of wetland science work. The board may
11 accept up to two years of postgraduate study, either M.S. or Ph.D., in
12 wetland science research, or up to two years of research or teaching of
13 wetland science at the college or university level, as qualifying
14 experience, provided that the graduate work, research or teaching, in
15 the judgment of the board, is comparable to experience obtained in the
16 practice of wetland science.

17 NEW SECTION. **Sec. 9.** (1) The examination for a soil scientist's
18 certificate or a wetland scientist's certificate shall be held at least
19 annually at such time and place as the board determines.

20 (2) The board shall determine the content, scope, and grading
21 process of the examination. The board may adopt an appropriate
22 national examination and grading procedure.

23 (3) Applicants who fail to pass any section of the examination
24 shall be permitted to retake the parts failed as prescribed by the
25 board. If the entire examination is not successfully completed within
26 five years, a retake of the entire examination shall be required.

27 NEW SECTION. **Sec. 10.** An application for certification must be
28 filed with the director on a form provided by the director. The
29 director may require any information and documentation that reasonably
30 relates to the need to determine whether the applicant meets the
31 criteria for certification. Fees for initial certification include
32 issuance of a certificate and are nonrefundable.

33 NEW SECTION. **Sec. 11.** (1) The director shall issue a certificate
34 to any applicant who has satisfactorily met all of the requirements of
35 this chapter for certification as a soil scientist or wetland

1 scientist. The certificate must show the full name of the holder, have
2 a unique certification number, and be signed by the director. The
3 issuance by the director of a certificate to an individual is prima
4 facie evidence that the person is entitled to all the rights and
5 privileges of a state certified soil scientist or a state certified
6 wetland scientist while the certificate remains unrevoked or unexpired.

7 (2) Each holder must obtain a seal of the design authorized by the
8 director, bearing the holder's name, certification number, and the
9 legend "Washington state certified soil scientist" or "Washington state
10 certified wetland scientist." Soil science or wetland science reports,
11 plans, and other technical documents prepared by or under the
12 responsible charge of the holder must be signed, dated, and stamped
13 with the seal or facsimile of the seal. Each signature and stamping
14 constitutes a certification by the holder that the document was
15 prepared by or under the holder's responsible charge and that, to the
16 holder's knowledge and belief, the document was prepared in accordance
17 with the requirements of this chapter.

18 NEW SECTION. **Sec. 12.** The director may, upon application and
19 payment of a fee determined by the director as provided in RCW
20 43.24.086, issue a certificate to any person who holds valid
21 credentials issued by the proper authority of any state, territory, or
22 possession of the United States, District of Columbia, or any foreign
23 country, if the applicant's qualifications, as evaluated by the board,
24 meet the requirements of this chapter and the rules adopted by the
25 board.

26 NEW SECTION. **Sec. 13.** The board shall require persons certified
27 under this chapter to obtain continuing professional development or
28 continuing education. The board may also require these certificate
29 holders to demonstrate maintenance of knowledge and skills as a
30 condition of certificate renewal, including peer review of work
31 products.

32 NEW SECTION. **Sec. 14.** Certificates issued under this chapter must
33 be renewed periodically on a date to be set by the director. Fees for
34 renewals must be set by the director by rule as provided in RCW
35 43.24.086. Any holder who fails to pay the prescribed fee must have

1 his or her certificate classified as delinquent. Certificate holders
2 who fail to pay the renewal fee within thirty days of the due date
3 shall pay a penalty fee equal to one year's renewal. Any certificate
4 that has been delinquent for five years or more may be reinstated in
5 conformance with rules adopted by the board.

6 NEW SECTION. **Sec. 15.** All receipts from fees and fines collected
7 under this chapter must be deposited into the business and professions
8 account described in RCW 43.24.150. Expenditures from the fees and
9 fines collected under this chapter deposited in the account may be used
10 only for the purposes of administering this chapter.

11 NEW SECTION. **Sec. 16.** In addition to the unprofessional conduct
12 described in RCW 18.235.130, the following conduct, acts, and
13 conditions constitute unprofessional conduct:

14 (1) Violating any of the provisions of this chapter or the rules
15 adopted under this chapter;

16 (2) Committing any other act, or failing to act, in a manner
17 contrary to normal professional conduct or contrary to a standard
18 generally expected of those practicing soil science or wetland science;

19 (3) Failing to respond to inquiries from clients or other
20 professionals regarding conflicts with the holder's work, opinions, or
21 procedures, in a manner that would be expected from a prudent
22 practitioner;

23 (4) Modifying another holder's work without notifying that holder
24 and clearly describing the modifications in writing and signing the
25 report describing the modifications. However, this subsection does not
26 apply when the plans, maps, or documents are modified by the owner to
27 reflect changes over time for the owner's own purposes and are not used
28 for submittals or bid documents;

29 (5) Offering or accepting money, goods, or other favors as
30 inducement to receive favorable consideration for a professional
31 assignment or as an inducement to approve, authorize, or influence the
32 granting of a professional assignment;

33 (6) Soliciting or accepting gratuities, directly or indirectly,
34 from contractors, their agents, or other parties dealing with clients
35 or employers in connection with work for which the holder is
36 responsible;

1 (7) Using privileged information coming to the holder in the course
2 of his or her assignments as a means of making personal profit beyond
3 their professional compensation;

4 (8) Requesting, proposing, or accepting professional commissions on
5 a contingent basis under circumstances in which the holder's integrity
6 may be compromised;

7 (9) Falsifying records, making false statements, intimidating or
8 slandering professional peers;

9 (10) Willfully attempting to interfere with a director's
10 investigation by falsifying records, making false statements, or
11 intimidating or influencing witnesses; or

12 (11) Willfully attempting to suborn another person to violate the
13 law, public policy, or his or her code of professional ethics.

14 NEW SECTION. **Sec. 17.** The director shall immediately suspend the
15 certificate of a person who has been certified pursuant to RCW
16 74.20A.320 by the department of social and health services as a person
17 who is not in compliance with a child support order. If the person has
18 continued to meet all other requirements for a certificate under this
19 chapter during the suspension, reissuance of the certificate must be
20 automatic upon the director's receipt of a release issued by the
21 department of social and health services stating that the holder is in
22 compliance with the child support order. The procedure in RCW
23 74.20A.320 is the exclusive administrative remedy for contesting the
24 establishment of noncompliance with a child support order, and
25 suspension of a certificate under this section, and satisfies the
26 requirements of RCW 34.05.422.

27 NEW SECTION. **Sec. 18.** The director shall suspend the certificate
28 or registration of any person who has been certified by a lending
29 agency and reported to the department for nonpayment or default on a
30 federally or state-guaranteed educational loan or service-conditional
31 scholarship. Prior to the suspension, the agency must provide the
32 person an opportunity for a brief adjudicative proceeding under RCW
33 34.05.485 through 34.05.494 and issue a finding of nonpayment or
34 default on a federally or state-guaranteed educational loan or
35 service-conditional scholarship. The person's certificate or
36 registration may not be reissued until the person provides the director

1 a written release issued by the lending agency stating that the person
2 is making payments on the loan in accordance with a repayment agreement
3 approved by the lending agency. If the person has continued to meet
4 all other requirements for certification or registration during the
5 suspension, reinstatement is automatic upon receipt of the notice and
6 payment of any reinstatement fee the director may impose.

7 NEW SECTION. **Sec. 19.** The uniform regulation of business and
8 professions act, chapter 18.235 RCW, governs the issuance and denial of
9 certificates, and the discipline of holders under this chapter.

10 **Sec. 20.** RCW 18.235.020 and 2009 c 412 s 22 and 2009 c 102 s 5 are
11 each reenacted and amended to read as follows:

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

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

19 (i) Auctioneers under chapter 18.11 RCW;

20 (ii) Bail bond agents and bail bond recovery agents under chapter
21 18.185 RCW;

22 (iii) Camping resorts' operators and salespersons under chapter
23 19.105 RCW;

24 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

25 (v) Cosmetologists, barbers, manicurists, and estheticians under
26 chapter 18.16 RCW;

27 (vi) Court reporters under chapter 18.145 RCW;

28 (vii) Driver training schools and instructors under chapter 46.82
29 RCW;

30 (viii) Employment agencies under chapter 19.31 RCW;

31 (ix) For hire vehicle operators under chapter 46.72 RCW;

32 (x) Limousines under chapter 46.72A RCW;

33 (xi) Notaries public under chapter 42.44 RCW;

34 (xii) Private investigators under chapter 18.165 RCW;

35 (xiii) Professional boxing, martial arts, and wrestling under
36 chapter 67.08 RCW;

1 (xiv) Real estate appraisers under chapter 18.140 RCW;
2 (xv) Real estate brokers and salespersons under chapters 18.85 and
3 18.86 RCW;
4 (xvi) Security guards under chapter 18.170 RCW;
5 (xvii) Sellers of travel under chapter 19.138 RCW;
6 (xviii) Timeshares and timeshare salespersons under chapter 64.36
7 RCW;
8 (xix) Whitewater river outfitters under chapter 79A.60 RCW; (~~and~~)
9 (xx) Home inspectors under chapter 18.280 RCW; and
10 (xxi) Body artists, body piercers, and tattoo artists, and body
11 art, body piercing, and tattooing shops and businesses, under chapter
12 18.300 RCW.

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

15 (i) The state board of registration for architects established in
16 chapter 18.08 RCW;

17 (ii) The Washington state collection agency board established in
18 chapter 19.16 RCW;

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

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

24 (v) The state board of registration for landscape architects
25 established in chapter 18.96 RCW; (~~and~~)

26 (vi) The state geologist licensing board established in chapter
27 18.220 RCW; and

28 (vii) The state board of soil scientists and wetland scientists
29 established in chapter 18.--- RCW (the new chapter created in section
30 25 of this act).

31 (3) In addition to the authority to discipline license holders, the
32 disciplinary authority may grant or deny licenses based on the
33 conditions and criteria established in this chapter and the chapters
34 specified in subsection (2) of this section. This chapter also governs
35 any investigation, hearing, or proceeding relating to denial of
36 licensure or issuance of a license conditioned on the applicant's
37 compliance with an order entered under RCW 18.235.110 by the
38 disciplinary authority.

1 **Sec. 21.** RCW 18.235.020 and 2009 c 412 s 22, 2009 c 370 s 20, and
2 2009 c 102 s 5 are each reenacted and amended to read as follows:

3 (1) This chapter applies only to the director and the boards and
4 commissions having jurisdiction in relation to the businesses and
5 professions licensed under the chapters specified in this section.
6 This chapter does not apply to any business or profession not licensed
7 under the chapters specified in this section.

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

10 (i) Auctioneers under chapter 18.11 RCW;

11 (ii) Bail bond agents and bail bond recovery agents under chapter
12 18.185 RCW;

13 (iii) Camping resorts' operators and salespersons under chapter
14 19.105 RCW;

15 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

16 (v) Cosmetologists, barbers, manicurists, and estheticians under
17 chapter 18.16 RCW;

18 (vi) Court reporters under chapter 18.145 RCW;

19 (vii) Driver training schools and instructors under chapter 46.82
20 RCW;

21 (viii) Employment agencies under chapter 19.31 RCW;

22 (ix) For hire vehicle operators under chapter 46.72 RCW;

23 (x) Limousines under chapter 46.72A RCW;

24 (xi) Notaries public under chapter 42.44 RCW;

25 (xii) Private investigators under chapter 18.165 RCW;

26 (xiii) Professional boxing, martial arts, and wrestling under
27 chapter 67.08 RCW;

28 (xiv) Real estate appraisers under chapter 18.140 RCW;

29 (xv) Real estate brokers and salespersons under chapters 18.85 and
30 18.86 RCW;

31 (xvi) Security guards under chapter 18.170 RCW;

32 (xvii) Sellers of travel under chapter 19.138 RCW;

33 (xviii) Timeshares and timeshare salespersons under chapter 64.36
34 RCW;

35 (xix) Whitewater river outfitters under chapter 79A.60 RCW; ((and))

36 (xx) Home inspectors under chapter 18.280 RCW; and

37 (xxi) Body artists, body piercers, and tattoo artists, and body

1 art, body piercing, and tattooing shops and businesses, under chapter
2 18.300 RCW.

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

5 (i) The state board of registration for architects established in
6 chapter 18.08 RCW;

7 (ii) The Washington state collection agency board established in
8 chapter 19.16 RCW;

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

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

14 (v) The state board of licensure for landscape architects
15 established in chapter 18.96 RCW; (~~and~~)

16 (vi) The state geologist licensing board established in chapter
17 18.220 RCW; and

18 (vii) The state board of soil scientists and wetland scientists
19 established in chapter 18.--- RCW (the new chapter created in section
20 25 of this act).

21 (3) In addition to the authority to discipline license holders, the
22 disciplinary authority may grant or deny licenses based on the
23 conditions and criteria established in this chapter and the chapters
24 specified in subsection (2) of this section. This chapter also governs
25 any investigation, hearing, or proceeding relating to denial of
26 licensure or issuance of a license conditioned on the applicant's
27 compliance with an order entered under RCW 18.235.110 by the
28 disciplinary authority.

29 **Sec. 22.** RCW 43.24.150 and 2009 c 429 s 4 and 2009 c 370 s 19 are
30 each reenacted and amended to read as follows:

31 (1) The business and professions account is created in the state
32 treasury. All receipts from business or professional licenses,
33 registrations, certifications, renewals, examinations, or civil
34 penalties assessed and collected by the department from the following
35 chapters must be deposited into the account:

36 (a) Chapter 18.11 RCW, auctioneers;

37 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

- 1 (c) Chapter 18.145 RCW, court reporters;
2 (d) Chapter 18.165 RCW, private investigators;
3 (e) Chapter 18.170 RCW, security guards;
4 (f) Chapter 18.185 RCW, bail bond agents;
5 (g) Chapter 18.280 RCW, home inspectors;
6 (h) Chapter 19.16 RCW, collection agencies;
7 (i) Chapter 19.31 RCW, employment agencies;
8 (j) Chapter 19.105 RCW, camping resorts;
9 (k) Chapter 19.138 RCW, sellers of travel;
10 (l) Chapter 42.44 RCW, notaries public;
11 (m) Chapter 64.36 RCW, timeshares; (~~and~~)
12 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling; and
13 (o) Chapter 18.--- RCW (the new chapter created in section 25 of
14 this act), soil scientists and wetland scientists.

15 Moneys in the account may be spent only after appropriation.
16 Expenditures from the account may be used only for expenses incurred in
17 carrying out these business and professions licensing activities of the
18 department. Any residue in the account shall be accumulated and shall
19 not revert to the general fund at the end of the biennium.

20 (2) The director shall biennially prepare a budget request based on
21 the anticipated costs of administering the business and professions
22 licensing activities listed in subsection (1) of this section, which
23 shall include the estimated income from these business and professions
24 fees.

25 **Sec. 23.** RCW 43.24.150 and 2009 c 429 s 4, 2009 c 412 s 21, and
26 2009 c 370 s 19 are each reenacted and amended to read as follows:

27 (1) The business and professions account is created in the state
28 treasury. All receipts from business or professional licenses,
29 registrations, certifications, renewals, examinations, or civil
30 penalties assessed and collected by the department from the following
31 chapters must be deposited into the account:

- 32 (a) Chapter 18.11 RCW, auctioneers;
33 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
34 (c) Chapter 18.145 RCW, court reporters;
35 (d) Chapter 18.165 RCW, private investigators;
36 (e) Chapter 18.170 RCW, security guards;
37 (f) Chapter 18.185 RCW, bail bond agents;

- 1 (g) Chapter 18.280 RCW, home inspectors;
- 2 (h) Chapter 19.16 RCW, collection agencies;
- 3 (i) Chapter 19.31 RCW, employment agencies;
- 4 (j) Chapter 19.105 RCW, camping resorts;
- 5 (k) Chapter 19.138 RCW, sellers of travel;
- 6 (l) Chapter 42.44 RCW, notaries public;
- 7 (m) Chapter 64.36 RCW, timeshares;
- 8 (n) Chapter 67.08 RCW, boxing, martial arts, and wrestling; (~~and~~)
- 9 (o) Chapter 18.300 RCW, body art, body piercing, and tattooing; and
- 10 (p) Chapter 18.--- RCW (the new chapter created in section 25 of
- 11 this act), soil scientists and wetland scientists.

12 Moneys in the account may be spent only after appropriation.
13 Expenditures from the account may be used only for expenses incurred in
14 carrying out these business and professions licensing activities of the
15 department. Any residue in the account shall be accumulated and shall
16 not revert to the general fund at the end of the biennium.

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

22 NEW SECTION. **Sec. 24.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 25.** Sections 1 through 19 of this act
27 constitute a new chapter in Title 18 RCW.

28 NEW SECTION. **Sec. 26.** Sections 20 and 22 of this act expire July
29 1, 2010.

30 NEW SECTION. **Sec. 27.** Sections 1, 2, 4 through 10, 15, 21, 23,
31 and 24 of this act take effect July 1, 2010.

32 NEW SECTION. **Sec. 28.** Sections 3, 11 through 14, and 16 through
33 19 of this act take effect July 1, 2012.

1 NEW SECTION. **Sec. 29.** The director of the department of licensing
2 may take the necessary steps to ensure that sections 3, 10 through 13,
3 and 15 through 19 of this act are implemented by July 1, 2012.

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