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SENATE BILL 5125

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State of Washington

66th Legislature

2019 Regular Session

By Senator Conway; by request of Department of Licensing

Prefiled 01/10/19.

1 AN ACT Relating to providing consistency and efficiency in the  
2 regulation of auctioneers and auction companies, engineering and land  
3 surveying, real estate, funeral directors, and cosmetology; and  
4 amending RCW 18.11.085, 18.11.095, 18.43.130, 18.85.171, 18.43.050,  
5 18.39.070, and 18.16.030.

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

7 **Sec. 1.** RCW 18.11.085 and 2002 c 86 s 206 are each amended to  
8 read as follows:

9 Every individual, before acting as an auctioneer, shall obtain an  
10 auctioneer certificate of registration. To be licensed as an  
11 auctioneer, an individual shall meet all of the following  
12 requirements:

13 (1) Be at least eighteen years of age or sponsored by a licensed  
14 auctioneer.

15 (2) File with the department a completed application on a form  
16 prescribed by the director.

17 (3) ~~((Show that the proper tax registration certificate required~~  
18 ~~by)) Be registered with the department of revenue pursuant to RCW  
19 82.32.030 ~~((has been obtained from the department of revenue)).~~~~

20 (4) Pay the auctioneer registration fee required under the agency  
21 rules adopted pursuant to this chapter.

1 (5) Except as otherwise provided under RCW 18.11.121, file with  
2 the department an auctioneer surety bond in the amount and form  
3 required by RCW 18.11.121 and the agency rules adopted pursuant to  
4 this chapter.

5 (6) Have no disqualifications under RCW 18.11.160 or 18.235.130.

6 **Sec. 2.** RCW 18.11.095 and 2002 c 86 s 207 are each amended to  
7 read as follows:

8 Every person, before operating an auction company as defined in  
9 RCW 18.11.050, shall obtain an auction company certificate of  
10 registration.

11 (1) Except as provided in subsection (2) of this section, to be  
12 licensed as an auction company, a person shall meet all of the  
13 following requirements:

14 (a) File with the department a completed application on a form  
15 prescribed by the director.

16 (b) Sign a notarized statement included on the application form  
17 that all auctioneers hired by the auction company to do business in  
18 the state shall be properly registered under this chapter.

19 (c) (~~Show that the proper tax registration certificate required~~  
20 ~~by~~) Be registered with the department of revenue pursuant to RCW  
21 82.32.030 ((has been obtained from the department of revenue)) and,  
22 if an ownership entity other than sole proprietor or general  
23 partnership, be registered with the secretary of state.

24 (d) Pay the auction company registration fee required under the  
25 agency rules adopted pursuant to this chapter.

26 (e) File with the department an auction company surety bond in  
27 the amount and form required by RCW 18.11.121 and the agency rules  
28 adopted pursuant to this chapter.

29 (f) Have no disqualifications under RCW 18.11.160 or 18.235.130.

30 (2) An auction company shall not be charged a license fee if it  
31 is a sole proprietorship or a partnership owned by an auctioneer or  
32 auctioneers, each of whom is licensed under this chapter, and if it  
33 has in effect a surety bond or bonds or other security approved by  
34 the director in the amount that would otherwise be required for an  
35 auction company to be granted or to retain a license under RCW  
36 18.11.121.

37 **Sec. 3.** RCW 18.43.130 and 2002 c 86 s 227 are each amended to  
38 read as follows:

1 This chapter shall not be construed to prevent or affect:

2 (1) The practice of any other legally recognized profession or  
3 trade; or

4 (2) The practice of a person not a resident and having no  
5 established place of business in this state, practicing or offering  
6 to practice herein the profession of engineering or land surveying,  
7 when such practice does not exceed in the aggregate more than thirty  
8 days in any calendar year: PROVIDED, Such person has been determined  
9 by the board to be legally qualified by registration to practice the  
10 said profession in his or her own state or country in which the  
11 requirements and qualifications for obtaining a certificate of  
12 registration are not lower than those specified in this chapter. The  
13 person shall request such a determination by completing an  
14 application prescribed by the board and accompanied by a fee  
15 determined by the director. Upon approval of the application, the  
16 board shall issue a permit authorizing temporary practice; or

17 (3) The practice of a person not a resident and having no  
18 established place of business in this state, or who has recently  
19 become a resident thereof, practicing or offering to practice herein  
20 for more than thirty days in any calendar year the profession of  
21 engineering or land surveying, if he or she shall have filed with the  
22 board an application for a certificate of registration and shall have  
23 paid the fee required by this chapter: PROVIDED, That such person is  
24 legally qualified by registration to practice engineering or land  
25 surveying in his or her own state or country in which the  
26 requirements and qualifications of obtaining a certificate of  
27 registration are not lower than those specified in this chapter. Such  
28 practice shall continue only for such time as the board requires for  
29 the consideration of the application for registration; or

30 (4) The work of an employee or a subordinate of a person holding  
31 a certificate of registration under this chapter, or an employee of a  
32 person practicing lawfully under provisions of this section:  
33 PROVIDED, That such work does not include final design or decisions  
34 and is done under the direct responsibility, checking, and  
35 supervision of a person holding a certificate of registration under  
36 this chapter or a person practicing lawfully under the provisions of  
37 this section; or

38 (5) The work of a person rendering engineering or land surveying  
39 services to a corporation, as an employee of such corporation, when  
40 such services are rendered in carrying on the general business of the

1 corporation and such general business does not consist, either wholly  
2 or in part, of the rendering of engineering services to the general  
3 public: PROVIDED, That such corporation employs at least one person  
4 holding a certificate of registration under this chapter or  
5 practicing lawfully under the provisions of this chapter; or

6 (6) The practice of officers or employees of the government of  
7 the United States while engaged within the state in the practice of  
8 the profession of engineering or land surveying for the government of  
9 the United States; or

10 (7) Nonresident engineers employed for the purpose of making  
11 engineering examinations; or

12 (8) The practice of engineering or land surveying, or both, in  
13 this state by a corporation or joint stock association: PROVIDED,  
14 That

15 (a) The corporation has filed with the board an application for  
16 certificate of authorization upon a form to be prescribed by the  
17 board and containing information required to enable the board to  
18 determine whether such corporation is qualified in accordance with  
19 this chapter to practice engineering or land surveying, or both, in  
20 this state;

21 (b) For engineering, the corporation has filed with the board a  
22 certified copy of a resolution of the board of directors of the  
23 corporation that shall designate a person holding a certificate of  
24 registration under this chapter as responsible for the practice of  
25 engineering by the corporation in this state and shall provide that  
26 full authority to make all final engineering decisions on behalf of  
27 the corporation with respect to work performed by the corporation in  
28 this state shall be granted and delegated by the board of directors  
29 to the person so designated in the resolution. For land surveying,  
30 the corporation has filed with the board a certified copy of a  
31 resolution of the board of directors of the corporation which shall  
32 designate a person holding a certificate of registration under this  
33 chapter as responsible for the practice of land surveying by the  
34 corporation in this state and shall provide full authority to make  
35 all final land surveying decisions on behalf of the corporation with  
36 respect to work performed by the corporation in this state be granted  
37 and delegated by the board of directors to the person so designated  
38 in the resolution. If a corporation offers both engineering and land  
39 surveying services, the board of directors shall designate both a  
40 licensed engineer and a licensed land surveyor. If a person is

1 licensed in both engineering and land surveying, the person may be  
2 designated for both professions. The resolution shall further state  
3 that the bylaws of the corporation shall be amended to include the  
4 following provision: "The designated engineer or land surveyor,  
5 respectively, named in the resolution as being in responsible charge,  
6 or an engineer or land surveyor under the designated engineer or land  
7 surveyor's direct supervision, shall make all engineering or land  
8 surveying decisions pertaining to engineering or land surveying  
9 activities in the state of Washington." However, the filing of the  
10 resolution shall not relieve the corporation of any responsibility or  
11 liability imposed upon it by law or by contract;

12 (c) If there is a change in the designated engineer or designated  
13 land surveyor, the corporation shall notify the board in writing  
14 within thirty days after the effective date of the change. If the  
15 corporation changes its name, the corporation shall submit a copy of  
16 its amended certificate of authority or amended certificate of  
17 incorporation as filed with the secretary of state within thirty days  
18 of the filing;

19 (d) Upon the filing with the board the application for  
20 certificate for authorization, certified copy of resolution and an  
21 affidavit, and the designation of a designated engineer or designated  
22 land surveyor, or both, specified in (b) of this subsection, (~~a~~  
23 ~~certificate of incorporation or certificate of authorization as filed~~  
24 ~~with the secretary of state, and a copy of the corporation's current~~  
25 ~~Washington business license,~~) the board shall issue to the  
26 corporation a certificate of authorization to practice engineering or  
27 land surveying, or both, in this state upon a determination by the  
28 board that:

29 (i) The designated engineer or designated land surveyor, or both,  
30 hold a certificate of registration in this state in accordance with  
31 this chapter and the certificate is in force;

32 (ii) The designated engineer or designated land surveyor, or  
33 both, are not designated in responsible charge for another  
34 corporation or a limited liability company; (~~and~~)

35 (iii) The corporation is licensed with the secretary of state and  
36 holds a current unified business identification number and the board  
37 determines, based on evaluating the findings and information in this  
38 section, that the applicant corporation possesses the ability and  
39 competence to furnish engineering or land surveying services, or  
40 both, in the public interest; and

1        (iv) The corporation is registered with the department of revenue  
2 pursuant to RCW 82.32.030.

3        The board may exercise its discretion to take any of the actions  
4 under RCW 18.235.110 with respect to a certificate of authorization  
5 issued to a corporation if the board finds that any of the officers,  
6 directors, incorporators, or the stockholders holding a majority of  
7 stock of such corporation has engaged in unprofessional conduct as  
8 defined in RCW 18.43.105 or 18.235.130 or has been found personally  
9 responsible for unprofessional conduct under (f) and (g) of this  
10 subsection.

11        (e) Engineers or land surveyors organized as a professional  
12 service corporation under chapter 18.100 RCW are exempt from applying  
13 for a certificate of authorization under this chapter.

14        (f) Any corporation authorized to practice engineering under this  
15 chapter, together with its directors and officers for their own  
16 individual acts, are responsible to the same degree as an individual  
17 registered engineer, and must conduct its business without  
18 unprofessional conduct in the practice of engineering as defined in  
19 this chapter and RCW 18.235.130.

20        (g) Any corporation that is certified under this chapter is  
21 subject to the authority of the board as provided in RCW 18.43.035,  
22 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

23        (h) All plans, specifications, designs, and reports when issued  
24 in connection with work performed by a corporation under its  
25 certificate of authorization shall be prepared by or under the direct  
26 supervision of and shall be signed by and shall be stamped with the  
27 official seal of a person holding a certificate of registration under  
28 this chapter.

29        (i) For each certificate of authorization issued under this  
30 subsection (8) there shall be paid an initial fee determined by the  
31 director as provided in RCW 43.24.086 and an annual renewal fee  
32 determined by the director as provided in RCW 43.24.086.

33        (9) The practice of engineering and/or land surveying in this  
34 state by a partnership if the partnership employs at least one person  
35 holding a valid certificate of registration under this chapter to  
36 practice engineering or land surveying, or both. The board shall not  
37 issue certificates of authorization to partnerships after July 1,  
38 1998. Partnerships currently registered with the board are not  
39 required to pay an annual renewal fee after July 1, 1998.

1 (10) The practice of engineering or land surveying, or both, in  
2 this state by limited liability companies: Provided, That

3 (a) The limited liability company has filed with the board an  
4 application for certificate of authorization upon a form to be  
5 prescribed by the board and containing information required to enable  
6 the board to determine whether the limited liability company is  
7 qualified under this chapter to practice either or both engineering  
8 or land surveying in this state.

9 (b) The limited liability company has filed with the board a  
10 certified copy of a resolution by the company manager or managers  
11 that shall designate a person holding a certificate of registration  
12 under this chapter as being responsible for the practice of  
13 engineering or land surveying, or both, by the limited liability  
14 company in this state and that the designated person has full  
15 authority to make all final engineering or land surveying decisions  
16 on behalf of the limited liability company with respect to work  
17 performed by the limited liability company in this state. The  
18 resolution shall further state that the limited liability company  
19 agreement shall be amended to include the following provision: "The  
20 designated engineer or land surveyor, respectively, named in the  
21 resolution as being in responsible charge, or an engineer or land  
22 surveyor under the designated engineer or land surveyor's direct  
23 supervision, shall make all engineering or land surveying decisions  
24 pertaining to engineering or land surveying activities in the state  
25 of Washington." However, the filing of the resolution shall not  
26 relieve the limited liability company of responsibility or liability  
27 imposed upon it by law or by contract.

28 (c) The designated engineer for the limited liability company  
29 must hold a current professional engineer license issued by this  
30 state.

31 The designated land surveyor for the limited liability company  
32 must hold a current professional land surveyor license issued by this  
33 state.

34 If a person is licensed as both a professional engineer and as a  
35 professional land surveyor in this state, then the limited liability  
36 company may designate the person as being in responsible charge for  
37 both professions.

38 If there is a change in the designated engineer or designated  
39 land surveyor, the limited liability company shall notify the board  
40 in writing within thirty days after the effective date of the change.

1 If the limited liability company changes its name, the company shall  
2 submit to the board a copy of the certificate of amendment filed with  
3 the secretary of state's office.

4 (d) Upon the filing with the board the application for  
5 certificate of authorization, a certified copy of the resolution, and  
6 an affidavit from the designated engineer or the designated land  
7 surveyor, or both, specified in (b) and (c) of this subsection, (~~a~~  
8 ~~copy of the certificate of formation as filed with the secretary of~~  
9 ~~state, and a copy of the company's current business license,~~) the  
10 board shall issue to the limited liability company a certificate of  
11 authorization to practice engineering or land surveying, or both, in  
12 this state upon determination by the board that:

13 (i) The designated engineer or designated land surveyor, or both,  
14 hold a certificate of registration in this state under this chapter  
15 and the certificate is in force;

16 (ii) The designated engineer or designated land surveyor, or  
17 both, are not designated in responsible charge for another limited  
18 liability company or a corporation;

19 (iii) The limited liability company is licensed with the  
20 secretary of state and has a current unified business identification  
21 number and that the board determines, based on evaluating the  
22 findings and information under this subsection, that the applicant  
23 limited liability company possesses the ability and competence to  
24 furnish either or both engineering or land surveying services in the  
25 public interest; and

26 (iv) The limited liability company is registered with the  
27 department of revenue pursuant to RCW 82.32.030.

28 The board may exercise its discretion to take any of the actions  
29 under RCW 18.235.110 with respect to a certificate of authorization  
30 issued to a limited liability company if the board finds that any of  
31 the managers or members holding a majority interest in the limited  
32 liability company has engaged in unprofessional conduct as defined in  
33 RCW 18.43.105 or 18.235.130 or has been found personally responsible  
34 for unprofessional conduct under the provisions of (f) and (g) of  
35 this subsection.

36 (e) Engineers or land surveyors organized as a professional  
37 limited liability company are exempt from applying for a certificate  
38 of authorization under this chapter.

39 (f) Any limited liability company authorized to practice  
40 engineering or land surveying, or both, under this chapter, together



1 with its manager or managers and members for their own individual  
2 acts, are responsible to the same degree as an individual registered  
3 engineer or registered land surveyor, and must conduct their business  
4 without unprofessional conduct in the practice of engineering or land  
5 surveying, or both.

6 (g) A limited liability company that is certified under this  
7 chapter is subject to the authority of the board as provided in RCW  
8 18.43.035, 18.43.105, 18.43.110, 18.43.120, and chapter 18.235 RCW.

9 (h) All plans, specifications, designs, and reports when issued  
10 in connection with work performed by a limited liability company  
11 under its certificate of authorization shall be prepared by or under  
12 the direct supervision of and shall be signed by and shall be stamped  
13 with the official seal of a person holding a certificate of  
14 registration under this chapter.

15 (i) For each certificate of authorization issued under this  
16 subsection (10) there shall be paid an initial fee determined by the  
17 director as provided in RCW 43.24.086 and an annual renewal fee  
18 determined by the director as provided in RCW 43.24.086.

19 **Sec. 4.** RCW 18.85.171 and 2008 c 23 s 17 are each amended to  
20 read as follows:

21 (1) A person desiring a license as a real estate firm shall apply  
22 on a form prescribed by the director. A person desiring a license as  
23 a real estate broker or managing broker must pay an examination fee  
24 and pass an examination. The person shall apply for an examination  
25 and for a license on a form prescribed by the director. Concurrently,  
26 the applicant shall meet the following requirements:

27 (a) Furnish other proof as the director may require concerning  
28 the honesty, truthfulness, and good reputation, as well as the  
29 identity, which may include fingerprints and criminal background  
30 checks, of any applicants for a license, or of the officers of a  
31 corporation, limited liability company, other legally recognized  
32 business entity, or the partners of a limited liability partnership  
33 or partnership, making the application;

34 (b) ~~((If the applicant is a corporation, furnish a certified copy  
35 of its articles of incorporation, and a list of its officers and  
36 directors and their addresses. If the applicant is a foreign  
37 corporation, the applicant shall furnish a certified copy of  
38 certificate of authority to conduct business in the state of  
39 Washington, a list of its officers and directors and their addresses,~~

1 ~~and evidence of current registration with the secretary of state. If~~  
2 ~~the applicant is a limited liability company or other legally~~  
3 ~~recognized business entity, the applicant shall furnish a list of the~~  
4 ~~members and managers of the company and their addresses.)) If the~~  
5 applicant is a legally recognized business entity, except a general  
6 partnership, it must be registered with the secretary of state and  
7 must furnish a list of governors that includes:

8 (i) For corporations, a list of officers and directors and their  
9 addresses;

10 (ii) For limited liability companies, a list of members and  
11 managers and their addresses;

12 (iii) For limited liability partnerships, a list of the partners  
13 and their addresses; or

14 (iv) For other legal business entities, a list of the governors  
15 and their addresses.

16 (c) If the applicant is a ((limited liability partnership or))  
17 general partnership, the applicant shall furnish a copy of the signed  
18 partnership agreement and a list of the partners thereof and their  
19 addresses;

20 ~~((e))~~ (d) Unless the applicant is a corporation or limited  
21 liability company, complete a fingerprint-based background check  
22 through the Washington state patrol criminal identification system  
23 and through the federal bureau of investigation. The applicant must  
24 submit the fingerprints and required fee for the background check to  
25 the director for submission to the Washington state patrol. The  
26 director may consider the recent issuance of a license that required  
27 a fingerprint-based national criminal information background check,  
28 or recent employment in a position that required a fingerprint-based  
29 national criminal information background check, in addition to  
30 fingerprints to accelerate the licensing and endorsement process. The  
31 director may adopt rules to establish a procedure to allow a person  
32 covered by this section to have the person's background rechecked  
33 under this subsection upon application for a renewal license.

34 (2) The director must develop by rule a procedure and schedule to  
35 ensure all applicants for licensure have a fingerprint and background  
36 check done on a regular basis.

37 **Sec. 5.** RCW 18.43.050 and 1995 c 356 s 3 are each amended to  
38 read as follows:

1 Application for registration shall be on forms prescribed by the  
2 board and furnished by the director, shall contain statements made  
3 under oath, showing the applicant's education and detail summary of  
4 his or her technical work and shall contain (~~not less than five~~  
5 ~~references, of whom three or more shall be~~) verification of the  
6 technical work from professional engineers (~~having~~) that supervised  
7 the applicant's technical work and have personal knowledge of the  
8 applicant's engineering experience.

9 The registration fee for professional engineers shall be  
10 determined by the director as provided in RCW 43.24.086, which shall  
11 accompany the application and shall include the cost of examination  
12 and issuance of certificate. The fee for engineer-in-training shall  
13 be determined by the director as provided in RCW 43.24.086, which  
14 shall accompany the application and shall include the cost of  
15 examination and issuance of certificate.

16 The registration fee for professional land surveyors shall be  
17 determined by the director as provided in RCW 43.24.086, which shall  
18 accompany the application and shall include the cost of examination  
19 and issuance of certificate. The fee for land-surveyor-in-training  
20 shall be determined by the director as provided in RCW 43.24.086,  
21 which shall accompany the application and shall include the cost of  
22 examination and issuance of certificate.

23 Should the board find an applicant ineligible for registration,  
24 the registration fee shall be retained as an application fee.

25 **Sec. 6.** RCW 18.39.070 and 2005 c 365 s 5 are each amended to  
26 read as follows:

27 (1) License examinations shall be held by the director at least  
28 once each year at a time and place to be designated by the director.  
29 Application to take an examination shall be filed with the director  
30 at least fifteen days prior to the examination date. The department  
31 shall give each applicant written notice of the time and place of the  
32 next examination. The applicant shall be deemed to have passed an  
33 examination if the applicant attains a grade of not less than  
34 seventy-five percent in each examination. (~~Any applicant who fails~~  
35 ~~an examination shall be entitled, at no additional fee, to one retake~~  
36 ~~of that examination.))~~

37 (2) An applicant for a license may take his or her written  
38 examination after completing the educational requirements and before  
39 completing the course of training required under RCW 18.39.035.

1       **Sec. 7.** RCW 18.16.030 and 2015 c 62 s 2 are each amended to read  
2 as follows:

3       In addition to any other duties imposed by law, including RCW  
4 18.235.030 and 18.235.040, the director shall have the following  
5 powers and duties:

6       (1) To set all license, examination, and renewal fees in  
7 accordance with RCW 43.24.086;

8       (2) To adopt rules necessary to implement this chapter;

9       (3) To prepare and administer or approve the preparation and  
10 administration of licensing examinations;

11       (4) To establish minimum safety and sanitation standards for  
12 schools, instructors, cosmetologists, barbers, hair designers,  
13 manicurists, estheticians, master estheticians, salons/shops,  
14 personal services, and mobile units;

15       (5) To establish curricula for the training of students and  
16 apprentices under this chapter;

17       (6) To maintain the official department record of applicants and  
18 licensees;

19       (7) To establish by rule the procedures for an appeal of an  
20 examination failure;

21       (8) To set license expiration dates and renewal periods for all  
22 licenses consistent with this chapter; and

23       (9) (~~To ensure that all informational notices produced and~~  
24 ~~mailed by the department regarding statutory and regulatory changes~~  
25 ~~affecting any particular class of licensees are mailed to each~~  
26 ~~licensee in good standing or on inactive status in the affected class~~  
27 ~~whose mailing address on record with the department has not resulted~~  
28 ~~in mail being returned as undeliverable for any reason; and~~

29       (10)) To make information available to the department of revenue  
30 to assist in collecting taxes from persons required to be licensed  
31 under this chapter.

--- END ---