

HB 1889 -- Redline

Substitute to Bill -- Allowing persons to receive professional licenses and certifications regardless of immigration or citizenship status.

Deletions ~~struck~~ · Insertions underlined

~~H-2030.1~~ H-2171.2 ~~SUBSTITUTE~~ HOUSE BILL 1889 State of Washington 68th Legislature 2024 Regular Session By ~~House Consumer Protection & Business (originally sponsored by~~ Representatives Walen, Taylor, Leavitt, Slatter, Ramel, Duerr, Ryu, Ramos, Bateman, Reeves, Reed, Ormsby, Callan, Peterson, Kloba, Macri, Street, Doglio, Bergquist, Mena, Goodman, Thai, Santos, Hackney, Pollet, Fosse, Davis, and ~~Senn)~~ Senn
~~READ~~ Prefiled ~~FIRST~~ 12/06/23. ~~TIME 01/20/24~~.

Read first time 01/08/24.

Referred to Committee on Consumer Protection & Business.

amending RCW ~~18.235.020, 18.170.030, 18.165.030,~~ 18.53.060, 18.185.020, 18.185.250, 19.230.040, ~~19.230.090,~~ and ~~42.45.200;~~ 19.230.090;

adding a new section to chapter 18.118 RCW;

and adding a new section to chapter 28A.413 ~~RCW;~~ RCW.

~~adding a new chapter to Title 18 RCW;~~

~~and providing an effective date.~~

~~For~~ A ~~the new businesses section and is professions added included to under chapter this~~ 18.118 title, RCW
~~except to for read interstate as compacts: follows:~~

A state ~~agency, agency regulatory authority, or disciplining~~ regulatory authority shall not deny an application for a professional license, commercial license, certificate, permit, or registration solely on the basis of a person's immigration or citizenship status if the person has met all other qualifications.

1 ~~SHB~~ HB 1889 taxpayer identification number in lieu of a social security number when completing an application.

(3) A state ~~agency, agency regulatory authority, or disciplining~~ regulatory authority shall not disclose to any person who is not employed by the state ~~agency, agency regulatory authority, or disciplining~~ regulatory authority the social security number or individual taxpayer identification number of an applicant or licensee for any purpose except:

(4) A social security number or individual taxpayer identification number provided to a ~~state agency, regulatory authority, or disciplining~~ authority is confidential and is exempt from disclosure under chapter 42.56 RCW.

~~(6) This chapter does not apply to licensees under chapters 18.165 and 18.170 RCW and RCW 18.185.250. Sec.~~

~~2-~~

~~RCW 18.235.020 and 2017 c 281 s 37 are each amended to read as follows:~~

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

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

~~(i) Auctioneers under chapter 18.11 RCW;~~

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

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

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

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

~~(vi) Court reporters under chapter 18.145 RCW;~~

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~~2 SHB 1889 (vii) Driver training schools and instructors under chapter 46.82 RCW;~~

~~(viii) Employment agencies under chapter 19.31 RCW;~~

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

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

~~(xi) Notaries public under chapter 42.45 RCW;~~

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

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

~~(xiv) Real estate appraisers under chapter 18.140 RCW;~~
~~(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;~~
~~(xvi) Scrap metal processors, scrap metal recyclers, and scrap metal suppliers under chapter 10.290 RCW;~~
~~(xvii) Security guards under chapter 18.170 RCW;~~
~~(xviii) Sellers of travel under chapter 10.138 RCW;~~
~~(xix) Timeshares and timeshare salespersons under chapter 64.36 RCW;~~
~~(xx) Whitewater river outfitters under chapter 79A.60 RCW;~~
~~(xxi) Home inspectors under chapter 18.280 RCW;~~
~~(xxii) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW;~~
~~and (xxiii) Appraisal management companies under chapter 18.310 RCW.~~
~~(b) The boards and commissions having authority under this chapter are as follows:~~
~~(i) The state board for architects established in chapter 18.08 RCW;~~
~~(ii) The Washington state collection agency board established in chapter 19.16 RCW;~~
~~(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;~~
~~(iv) The funeral and cemetery board established in chapter 18.30 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;~~
~~(v) The state board of licensure for landscape architects established in chapter 18.96 RCW;~~
~~and (vi) The state geologist licensing board established in chapter 18.220 RCW.~~

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~~3 SHB 1889 (3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter, chapter 18.--- RCW (the new chapter created in section 11 of this act), and the chapters specified in subsection (2) of this section.~~

~~This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.~~

~~3-2.~~

~~4-3.~~

~~5-4.~~

~~(1)p. This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section.~~

2 HB 1889 (1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section.

~~P-~~(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

~~4 SHB 1889 (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;~~

~~(xvi)p. Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;~~

3 HB 1889 (xvi) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

~~P-~~(xx) Animal massage therapists certified under chapter 18.240 RCW;

~~5 SHB 1889 (xx) Animal massage therapists certified under chapter 18.240 RCW;~~

~~(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;~~

~~(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;~~

64 SHB 1889 (viii)(vi) The pharmacyoptometry qualityboard assurance commission as established in chapter 18.6418.54 RCW governing licenses issued under chapterschapter 18.6418.53 and 18.64A RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapter 18.57 RCW;

(viii) The pharmacy quality assurance commission as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

~~(3)(3)(a) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses.~~

~~The disciplining authority may also grant a license subject to conditions, conditions. which must be in compliance with chapter 18.--- RCW (the new chapter created in section 11 of this act).~~

(b) An individual who is not lawfully present in the United States is eligible for a license as allowed under Title 8 U.S.C.

Sec.

1621.

Disciplining authorities shall not deny a license solely on the basis of a person's immigration or citizenship status if the person has met all other qualifications for a license.

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5 HB 1889 Sec.

5.

RCW 18.170.030 and 2012 c 118 s 2 are each amended to read as follows:

An applicant must meet the following minimum requirements to obtain a private security guard license:

(1) Be at least eighteen years of age;

(2) ((Be a citizen of the United States or a resident alien;

(3))) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to his or her capacity to perform the duties of a private security guard, and the director determines that the license should be withheld to protect the citizens of Washington state.

The director shall make her or his determination to withhold a license because of previous convictions notwithstanding the restoration of employment rights act, chapter 9.96A RCW;

((4))) (3) Be employed by or have an employment offer from a licensed private security company or be licensed as a private security company;

((5))) (4) Satisfy the training requirements established by the director;

((6))) (5) Submit a set of fingerprints;

however, if an applicant has been issued a license as a private investigator under chapter 18.165 RCW within the last twelve months, the applicant is not required to undergo a separate background check to become licensed under this chapter;

((7))) (6) Pay the required nonrefundable fee for each application;

and ((8))) (7) Submit a fully completed application that includes proper identification on a form prescribed by the director for each company of employment.

RCW 18.165.030 and 2012 c 118 s 1 are each amended to read as follows:

An applicant must meet the following minimum requirements to obtain a private investigator license:

(1) Be at least eighteen years of age;

(2) ((Be a citizen or resident alien of the United States;

(3))) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to his or her capacity to perform the duties of a private investigator and the director determines that the license p.

6 HB 1889 should be withheld to protect the citizens of Washington state.

The director shall make her or his determination to withhold a license because of previous convictions notwithstanding the restoration of employment rights act, chapter 9.96A RCW;

((4))) (3) Be employed by or have an employment offer from a private investigator agency or be licensed as a private investigator agency;

((5))) (4) Submit a set of fingerprints;

however, if an applicant has been issued a license as a private security guard under chapter 18.170 RCW within the last twelve months, the applicant is not required to undergo a separate background check to become licensed under this chapter;

((6))) (5) Pay the required nonrefundable fee for each application;

and ((7))) (6) Submit a fully completed application that includes proper identification on a form prescribed by the director for each company of employment.

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7.

From and after January 1, 1940, in order to be eligible for examination for registration, a person ((shall be a citizen of the United States of America, who)) shall have a preliminary education of or equal to four years in a state accredited high school and has completed a full attendance course in a regularly chartered school of optometry maintaining a standard which is deemed sufficient and satisfactory by the optometry board, who is a person of good moral character, who has a visual acuity in at least one eye, of a standard ~~p-known as 20/40 under correction:~~

~~7 SHB 1889 known as 20/40 under correction:~~

General anatomy, anatomy of the eyes, ~~physiology, p.~~ physics, chemistry, pharmacology, biology, bacteriology, general pathology, ocular pathology, ocular neurology, ocular myology, psychology, physiological optics, optometrical mechanics, clinical optometry, visual field charting and orthoptics, general laws of optics and refraction and use of the ophthalmoscope, retinoscope and other clinical instruments necessary in the practice of optometry;

7 HB 1889 physiology, physics, chemistry, pharmacology, biology, bacteriology, general pathology, ocular pathology, ocular neurology, ocular myology, psychology, physiological optics, optometrical mechanics, clinical optometry, visual field charting and orthoptics, general laws of optics and refraction and use of the ophthalmoscope, retinoscope and other clinical instruments necessary in the practice of optometry;

~~7-8.~~

~~p. An applicant must meet the following minimum requirements to obtain a bail bond agent license:~~

~~8 SHB 1889 An applicant must meet the following minimum requirements to obtain a bail bond agent license:~~

If the director shall make a determination to withhold a license because of previous convictions, the determination ~~shall p. be consistent with the restoration of employment rights act, chapter 9.96A RCW;~~
8 HB 1889 shall be consistent with the restoration of employment rights act, chapter 9.96A RCW;

~~8-9.~~

RCW 18.185.250 and 2008 c 105 s 5 are each amended to read as follows:

An applicant must meet the following requirements to obtain a bail bond recovery agent license:

(1) Submit a fully completed application that includes proper identification on a form prescribed by the director;

(2) Pass an examination determined by the director to measure his or her knowledge and competence in the bail recovery business;

(3) Be at least twenty-one years old;

(4) ((Be a citizen or legal resident alien of the United States;

(5))) Not have been convicted of a crime in any jurisdiction, if the director determines that the applicant's particular crime directly relates to a capacity to perform the duties of a bail bond recovery agent, and that the license should be withheld to protect the citizens of Washington state.

The director shall make the director's determination to withhold a license because of previous convictions notwithstanding the restoration of employment rights act, chapter 9.96A RCW;

((6))) (5) Not have had certification as a peace officer revoked or denied under chapter 43.101 RCW, unless certification has subsequently been reinstated under RCW 43.101.115;

((7))) (6) Submit a receipt showing payment for a background check through the Washington state patrol and the federal bureau of investigation;

((8))) (7) Have a current firearms certificate issued by the commission if carrying a firearm in the performance of his or her duties as a bail bond recovery agent;

((9))) (8)(a) Have a current license or equivalent permit to carry a concealed pistol;

(b) A resident alien must provide a copy of his or her alien firearm license;

and ((10))) (9)(a) Pay the required nonrefundable fee for each application for a bail bond recovery agent license;

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9 HB 1889 (b) A bail bond agent or qualified agent who wishes to perform the duties of a bail bond recovery agent must first obtain a bail bond recovery agent endorsement to his or her bail bond agent or agency license in order to act as a bail bond recovery agent, and pay the required nonrefundable fee for each application for a bail bond recovery agent endorsement.

Sec.

10.

In addition, the ~~proposed responsible individual must reside in the United States, and the~~ applicant shall provide the fingerprints of the proposed responsible individual upon the request of the director;

(c) For the ten-year period preceding submission of the application, a list of any criminal convictions of the proposed responsible individual of the applicant, any material litigation in which the applicant has been involved, and any litigation involving ~~p-the proposed responsible individual relating to the~~ provision of money services;

~~9 SHB 1889 the proposed responsible individual relating to the provision of money services;~~

(f) A list of other states in which the applicant is licensed to engage in money transmission, or provide other money services, and ~~any p. license revocations, suspensions, restrictions, or other disciplinary action taken against the applicant in another state;~~

10 HB 1889 any license revocations, suspensions, restrictions, or other disciplinary action taken against the applicant in another state;

(d) The legal name, any fictitious or trade name, all business and residential addresses, date of birth, social security number, and employment history in the ten-year period preceding the submission of ~~p-the~~ the application for each executive officer, board director, or person that has control of the applicant;

~~10 SHB 1889 the application for each executive officer, board director, or person that has control of~~

the applicant;

~~(g)p. A copy of the applicant's audited financial statements for the most recent fiscal year or, if the applicant is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the applicant's most recent audited consolidated annual financial statement, and in each case, if available, for the two-year period preceding the submission of the application;~~

11 HB 1889 (g) A copy of the applicant's audited financial statements for the most recent fiscal year or, if the applicant is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation or the applicant's most recent audited consolidated annual financial statement, and in each case, if available, for the two-year period preceding the submission of the application;

and (l) Any other information that the director may require in rule regarding the applicant, each executive officer, or each board ~~p-director to determine the applicant's background, experience, character, financial responsibility, and general fitness.~~

~~11 SHB 1880 director to determine the applicant's background, experience, character, financial responsibility, and general fitness.~~

(4) As part of or in connection with an application for any license under this section, or periodically upon license renewal, each officer, director, responsible individual, and owner applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol or the ~~federal p. bureau of investigation for a state and national criminal history background check, personal history, experience, business record, purposes, and other pertinent facts, as the director may reasonably require.~~

12 HB 1889 federal bureau of investigation for a state and national criminal history background check, personal history, experience, business record, purposes, and other pertinent facts, as the director may reasonably require.

~~9-11.~~

p-(1) A person applying for a currency exchange license under this chapter shall do so in a form and in a medium prescribed in rule by the director.

~~12 SHB 1880 (1) A person applying for a currency exchange license under this chapter shall do so in a form and in a medium prescribed in rule by the director.~~

and upon request of the director, fingerprints of the applicant's proposed responsible individual ((and documentation that the proposed responsible individual is a citizen of the United States or has obtained legal immigration status to work in the United ~~States~~)).States));

~~In p. addition, the proposed responsible individual must reside in the United States;~~

13 HB 1889 (b) For the ten-year period preceding the submission of the application, a list of any criminal convictions of the proposed responsible individual of the applicant, any material litigation in which the applicant has been involved, and any litigation involving the proposed responsible individual relating to the provision of money services;

p-(i) A description of the source of money and credit to be used by the applicant to provide currency exchange;

~~13 SHB 1880 (i) A description of the source of money and credit to be used by the applicant to provide currency exchange;~~

~~(d)p. The legal name, any fictitious or trade name, all business and residential addresses, date of birth, social security number, and employment history in the ten-year period preceding the submission of the application for each executive officer, board director, or person that has control of the applicant;~~

14 HB 1889 (d) The legal name, any fictitious or trade name, all business and residential addresses, date of birth, social security number, and employment history in the ten-year period preceding the submission of the application for each executive officer, board director, or person that has control of the applicant;

~~Sec.~~

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~~RCW 42.45.200 and 2017 c 281 s 22 are each amended to read as follows:~~

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~~14 SHB 1880 (1) An individual qualified under subsection (2) of this section may apply to the director for a commission as a notary public.~~

~~The applicant shall comply with and provide the information required by rules established by the director and pay any application fee.~~

~~(2) An applicant for a commission as a notary public must:~~

~~(a) Be at least eighteen years of age;~~

~~(b) ((Be a citizen or permanent legal resident of the United States;~~

~~(c))) Be a resident of or have a place of employment or practice in this state;~~

~~((d))) (c) Be able to read and write English;~~

~~and ((e))) (d) Not be disqualified to receive a commission under RCW 42.45.210.~~

~~(3) Before issuance of a commission as a notary public, an applicant for the commission shall execute an oath of office and submit it to the department in the format prescribed by the director in rule.~~

~~(4) Before issuance of a commission as a notary public, the applicant for a commission shall submit to the director an assurance in the form of a surety bond in the amount established by the director in rule.~~

~~The assurance must be issued by a surety or other entity licensed or authorized to write surety bonds in this state.~~

~~The assurance must be effective for a four-year term or for a term that expires on the date the notary public's commission expires.~~

~~The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the director.~~

~~If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance.~~

~~The surety or issuing entity shall give at least thirty days' notice to the department before canceling the assurance.~~

~~The surety or issuing entity shall notify the department not later than thirty days after making a payment to a claimant under the assurance.~~

~~A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the department.~~

~~(5) On compliance with this section, the director shall issue a commission as a notary public to an applicant for a term of four years or for a term that expires on the date of expiration of the assurance, whichever comes first.~~

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~~15 SHB 1889 (6) A commission to act as a notary public authorizes the notary public to perform notarial acts.~~

~~The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.~~

~~(7) An individual qualified under (a) of this subsection may apply to the director for a commission as an electronic records notary public.~~

~~The applicant shall comply with and provide the information required by rules established by the director and pay the relevant application fee.~~

~~(a) An applicant for a commission as an electronic records notary public must hold a commission as notary public.~~

~~(b) An electronic records notary public commission may take the form of an endorsement to the notary public commission if deemed appropriate by the director.~~

~~NEW SECTION.~~

~~Sec.~~

~~11.~~

~~Section 1 of this act constitutes a new chapter in Title 19 RCW.~~

~~NEW SECTION.~~

~~Sec.~~

~~12.~~

~~This act takes effect July 1, 2024.~~

~~16~~15 SHBHB 1889