

The Law Relating to Private Investigators

18.165 RCW
308-17 WAC
18.235 RCW



April 2013

*We are committed to providing equal access to our services.
If you need special accommodation, please call (360) 664-6611 or TTY (360) 664-0116.*

dol.wa.gov

Chapter 18.165 RCW

PRIVATE INVESTIGATORS

(Formerly: Private detectives)

Sections

18.165.010	Definitions.
18.165.020	Exemptions.
18.165.030	Private investigator license—Requirements.
18.165.040	Armed private investigator license—Requirements.
18.165.050	Private investigator agency license—Requirements, restrictions—Assignment or transfer.
18.165.060	Armed private investigator license authority—Registration of firearms.
18.165.070	Investigation of applicants.
18.165.080	License cards and certificates—Issuance and requirements.
18.165.090	Preassignment training and testing.
18.165.100	Agency license—Surety bond or certificate of insurance required.
18.165.110	Regulatory provisions exclusive—Authority of the state and political subdivisions.
18.165.120	Out-of-state private investigators operating across state lines.
18.165.130	Required notice of certain occurrences.
18.165.140	Out-of-state private investigators—Application—Fee—Temporary assignment.
18.165.150	Licenses required—Use of public law enforcement insignia prohibited—Penalties—Enforcement.
18.165.155	Transfer of license.
18.165.160	Unprofessional conduct.
18.165.165	Display of firearms while soliciting clients.
18.165.170	Authority of director.
18.165.180	Complaints—Investigation—Immunity.
18.165.210	Inability to practice by reason of a mental or physical condition—Statement of charges—Hearing—Sanctions—Mental or physical examinations—Presumed consent for examination.
18.165.220	Unprofessional, unlawful conduct or inability to practice—Penalties.
18.165.230	Enforcement of orders for payment of fines.
18.165.270	Application of administrative procedure act to acts of the director.
18.165.280	License or certificate suspension—Nonpayment or default on educational loan or scholarship.
18.165.290	License suspension—Noncompliance with support order—Reissuance.
18.165.300	Uniform regulation of business and professions act.
18.165.310	Military training or experience.
18.165.900	Severability—1991 c 328.

18.165.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Armed private investigator" means a private investigator who has a current firearms certificate issued by the commission and is licensed as an armed private investigator under this chapter.

(2) "Chief law enforcement officer" means the elected or appointed police administrator of a municipal, county, or state police or sheriff's department that has full law enforcement powers in its jurisdiction.

(3) "Commission" means the criminal justice training commission established in chapter 43.101 RCW.

(4) "Department" means the department of licensing.

(5) "Director" means the director of the department of licensing.

(6) "Employer" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent of any of the foregoing that employs or seeks to

enter into an arrangement to employ any person as a private investigator.

(7) "Firearms certificate" means a certificate issued by the commission.

(8) "Forensic scientist" or "accident reconstructionist" means a person engaged exclusively in collecting and analyzing physical evidence and data relating to an accident or other matter and compiling such evidence or data to render an opinion of likely cause, fault, or circumstance of the accident or matter.

(9) "Person" includes any individual, firm, corporation, partnership, association, company, society, manager, contractor, subcontractor, bureau, agency, service, office, or an agent or employee of any of the foregoing.

(10) "Principal" of a private investigator agency means the owner or manager appointed by a corporation.

(11) "Private investigator" means a person who is licensed under this chapter and is employed by a private investigator agency for the purpose of investigation, escort or body guard services, or property loss prevention activities.

(12) "Private investigator agency" means a person or entity licensed under this chapter and engaged in the business of detecting, discovering, or revealing one or more of the following:

(a) Crime, criminals, or related information;

(b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person or thing;

(c) The location, disposition, or recovery of lost or stolen property;

(d) The cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property;

(e) Evidence to be used before a court, board, officer, or investigative committee;

(f) Detecting the presence of electronic eavesdropping devices; or

(g) The truth or falsity of a statement or representation.

(13) "Qualifying agent" means an officer or manager of a corporation who meets the requirements set forth in this chapter for obtaining a private investigator agency license.

(14) "Sworn peace officer" means a person who is an employee of the federal government, the state, or a political subdivision, agency, or department branch of a municipality or other unit of local government, and has law enforcement powers. [1995 c 277 § 17; 1991 c 328 § 1.]

18.165.020 Exemptions. The requirements of this chapter do not apply to:

(1) A person who is employed exclusively or regularly by one employer and performs investigations solely in con-

nection with the affairs of that employer, if the employer is not a private investigator agency;

(2) An officer or employee of the United States or of this state or a political subdivision thereof, while engaged in the performance of the officer's official duties;

(3) A person engaged exclusively in the business of obtaining and furnishing information about the financial rating of persons;

(4) An attorney-at-law while performing the attorney's duties as an attorney;

(5) A licensed collection agency or its employee, while acting within the scope of that person's employment and making an investigation incidental to the business of the agency;

(6) Insurers, agents, and insurance brokers licensed by the state, while performing duties in connection with insurance transacted by them;

(7) A bank subject to the jurisdiction of the department of financial institutions or the comptroller of currency of the United States, or a savings and loan association subject to the jurisdiction of this state or the federal home loan bank board;

(8) A licensed insurance adjuster performing the adjuster's duties within the scope of the adjuster's license;

(9) A secured creditor engaged in the repossession of the creditor's collateral, or a lessor engaged in the repossession of leased property in which it claims an interest;

(10) A person who is a forensic scientist, accident reconstructionist, or other person who performs similar functions and does not hold himself or herself out to be an investigator in any other capacity; or

(11) A person solely engaged in the business of securing information about persons or property from public records. [2000 c 171 § 37; 1995 c 277 § 18; 1991 c 328 § 2.]

18.165.030 Private investigator license—Requirements. 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 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) Be employed by or have an employment offer from a private investigator agency or be licensed as a private investigator agency;

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

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

each company of employment. [2012 c 118 § 1; 1995 c 277 § 19; 1991 c 328 § 3.]

18.165.040 Armed private investigator license—Requirements. (1) An applicant must meet the following minimum requirements to obtain an armed private investigator license:

(a) Be licensed as a private investigator;

(b) Be at least twenty-one years of age;

(c) Have a current firearms certificate issued by the commission;

(d) Have a license to carry a concealed pistol; and

(e) Pay the fee established by the director.

(2) The armed private investigator license may take the form of an endorsement to the private investigator license if deemed appropriate by the director. [1995 c 277 § 21; 1991 c 328 § 4.]

18.165.050 Private investigator agency license—Requirements, restrictions—Assignment or transfer. (1) In addition to meeting the minimum requirements to obtain a license as a private investigator, an applicant, or, in the case of a partnership or limited partnership, each partner, or, in the case of a corporation, the qualifying agent must meet the following additional requirements to obtain a private investigator agency license:

(a) Pass an examination determined by the director to measure the person's knowledge and competence in the private investigator agency business; or

(b) Have had at least three years' experience in investigative work or its equivalent as determined by the director. A year's experience means not less than two thousand hours of actual compensated work performed before the filing of an application. An applicant shall substantiate the experience by written certifications from previous employers. If the applicant is unable to supply written certifications from previous employers, applicants may offer written certifications from professional persons other than employers who, based on personal professional knowledge, can substantiate the employment.

(2) An agency license issued pursuant to this section may not be assigned or transferred without prior written approval of the director.

(3) No license to own or operate a private investigator company may be issued to an applicant if the name of the company portrays the company as a public law enforcement agency, or in association with a public law enforcement agency, or includes the word "police." [1995 c 277 § 22; 1991 c 328 § 5.]

18.165.060 Armed private investigator license authority—Registration of firearms. (1) An armed private investigator license grants authority to the holder, while in the performance of his or her duties, to carry a firearm with which the holder has met the proficiency requirements established by the commission.

(2) All firearms carried by armed private investigators in the performance of their duties must be owned by the employer and, if required by law, must be registered with the proper government agency. [1995 c 277 § 23; 1991 c 328 § 6.]

18.165.070 Investigation of applicants. (1) Applications for licenses required under this chapter shall be filed with the director on a form provided by the director. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria.

(2) After receipt of an application for a license, the director shall conduct an investigation to determine whether the facts set forth in the application are true and shall request that the Washington state patrol compare the fingerprints submitted with the application to fingerprint records available to the Washington state patrol. The Washington state patrol shall forward the fingerprints of applicants for an armed private investigator license to the federal bureau of investigation for a national criminal history records check. The director may require that fingerprint cards of licensees be periodically reprocessed to identify criminal convictions subsequent to registration.

(3) The director shall solicit comments from the chief law enforcement officer of the county and city or town in which the applicant's employer is located on issuance of a permanent private investigator license.

(4) A summary of the information acquired under this section, to the extent that it is public information, may be forwarded by the department to the applicant's employer. [1995 c 277 § 25; 1991 c 328 § 7.]

18.165.080 License cards and certificates—Issuance and requirements. (1) The director shall issue a private investigator license card to each licensed private investigator and an armed private investigator license card to each armed private investigator.

(a) The license card may not be used as security clearance.

(b) A private investigator shall carry the license card whenever he or she is performing the duties of a private investigator and shall exhibit the card upon request.

(c) An armed private investigator shall carry the license card whenever he or she is performing the duties of an armed private investigator and shall exhibit the card upon request.

(2) The director shall issue a license certificate to each licensed private investigator agency.

(a) Within seventy-two hours after receipt of the license certificate, the licensee shall post and display the certificate in a conspicuous place in the principal office of the licensee within the state.

(b) It is unlawful for any person holding a license certificate to knowingly and willfully post the license certificate upon premises other than those described in the license certificate or to materially alter a license certificate.

(c) Every advertisement by a licensee that solicits or advertises business shall contain the name of the licensee, the address of record, and the license number as they appear in the records of the director.

(d) The licensee shall notify the director within thirty days of any change in the licensee's officers or directors or any material change in the information furnished or required to be furnished to the director. [1995 c 277 § 26; 1991 c 328 § 8.]

18.165.090 Preassignment training and testing. (1) The director shall adopt rules establishing preassignment training and testing requirements. The director may establish, by rule, continuing education requirements for private investigators.

(2) The director shall consult with the private investigator industry and law enforcement before adopting or amending the preassignment training or continuing education requirements of this section. [1995 c 277 § 27; 1991 c 328 § 9.]

18.165.100 Agency license—Surety bond or certificate of insurance required. (1) No private investigator agency license may be issued under the provisions of this chapter unless the applicant files with the director a surety bond, executed by a surety company authorized to do business in this state, in the sum of ten thousand dollars conditioned to recover against the principal and its servants, officers, agents, and employees by reason of its wrongful or illegal acts in conducting business licensed under this chapter. The bond shall be made payable to the state of Washington, and anyone so injured by the principal or its servants, officers, agents, or employees shall have the right and shall be permitted to sue directly upon this obligation in his or her own name. This obligation shall be subject to successive suits for recovery until the face amount is completely exhausted.

(2) Every licensee must at all times maintain on file with the director the surety bond required by this section in full force and effect. Upon failure by a licensee to do so, the director shall suspend the licensee's license and shall not reinstate the license until this requirement is met.

(3) In lieu of posting bond, a licensed private investigator agency may file with the director a certificate of insurance as evidence that it has comprehensive general liability coverage of at least twenty-five thousand dollars for bodily or personal injury and twenty-five thousand dollars for property damage.

(4) The director may approve alternative methods of guaranteeing financial responsibility. [1995 c 277 § 28; 1991 c 328 § 10.]

18.165.110 Regulatory provisions exclusive—Authority of the state and political subdivisions. (1) The provisions of this chapter relating to the licensing for regulatory purposes of private investigators, armed private investigators, and private investigator agencies are exclusive. No governmental subdivision of this state may enact any laws or rules licensing for regulatory purposes such persons, except as provided in subsections (2) and (3) of this section.

(2) This section shall not be construed to prevent a political subdivision of this state from levying a business fee, business and occupation tax, or other tax upon private investigator agencies if such fees or taxes are levied by the state on other types of businesses within its boundaries.

(3) This section shall not be construed to prevent this state or a political subdivision of this state from licensing for regulatory purposes private investigator agencies with respect to activities that are not regulated under this chapter. [1995 c 277 § 29; 1991 c 328 § 11.]

18.165.120 Out-of-state private investigators operating across state lines. Private investigators or armed private

investigators whose duties require them to operate across state lines may operate in this state for up to thirty days per year, if they are properly registered and certified in another state with training and certification requirements that the director finds are at least equal to the requirements of this state. [1995 c 277 § 30; 1991 c 328 § 12.]

18.165.130 Required notice of certain occurrences.

(1) A private investigator agency shall notify the director within thirty days after the death or termination of employment of any employee who is a licensed private investigator or armed private investigator by returning the license to the department with the word "terminated" written across the face of the license, the date of termination, and the signature of the principal of the private investigator company.

(2) A private investigator agency shall notify the director within seventy-two hours and the chief law enforcement officer of the county, city, or town in which the agency is located immediately upon receipt of information affecting a licensed private investigator's or armed private investigator's continuing eligibility to hold a license under the provisions of this chapter.

(3) A private investigator company shall notify the local law enforcement agency whenever an employee who is an armed private investigator discharges his or her firearm while on duty other than on a supervised firearm range. The notification shall be made within ten business days of the date the firearm is discharged. [2000 c 171 § 38; 1995 c 277 § 31; 1991 c 328 § 13.]

18.165.140 Out-of-state private investigators—Application—Fee—Temporary assignment.

(1) Any person from another state that the director determines has selection, training, and other requirements at least equal to those required by this chapter, and who holds a valid license, registration, identification, or similar card issued by the other state, may apply for a private investigator license card or armed private investigator license card on a form prescribed by the director. Upon receipt of an application fee to be determined by the director, the director shall issue the individual a private investigator license card or armed private investigator license card.

(2) A valid license, registration, identification, or similar card issued by any other state of the United States is valid in this state for a period of ninety days, but only if the licensee is on temporary assignment for the same employer that employs the licensee in the state in which he or she is a permanent resident.

(3) A person from another state on temporary assignment in Washington may not solicit business in this state or represent himself or herself as licensed in this state. [1995 c 277 § 32; 1991 c 328 § 14.]

18.165.150 Licenses required—Use of public law enforcement insignia prohibited—Penalties—Enforcement.

(1) After June 30, 1992, any person who performs the functions and duties of a private investigator in this state without being licensed in accordance with the provisions of this chapter, or any person presenting or attempting to use as his or her own the license of another, or any person who gives false or forged evidence of any kind to the director in obtain-

ing a license, or any person who falsely impersonates any other licensee, or any person who attempts to use an expired or revoked license, or any person who violates any of the provisions of this chapter is guilty of a gross misdemeanor.

(2) After January 1, 1992, a person is guilty of a gross misdemeanor if he or she owns or operates a private investigator agency in this state without first obtaining a private investigator agency license.

(3) After June 30, 1992, the owner or qualifying agent of a private investigator agency is guilty of a gross misdemeanor if he or she employs any person to perform the duties of a private investigator without the employee having in his or her possession a permanent private investigator license issued by the department. This shall not preclude a private investigator agency from requiring applicants to attend preassignment training classes or from paying wages for attending the required preassignment training classes.

(4) After June 30, 1992, a person is guilty of a gross misdemeanor if he or she performs the functions and duties of an armed private investigator in this state unless the person holds a valid armed private investigator license issued by the department.

(5) After June 30, 1992, it is a gross misdemeanor for a private investigator agency to hire, contract with, or otherwise engage the services of an unlicensed armed private investigator knowing that the private investigator does not have a valid armed private investigator license issued by the director.

(6) It is a gross misdemeanor for a person to possess or use any vehicle or equipment displaying the word "police" or "law enforcement officer" or having any sign, shield, marking, accessory, or insignia that indicates that the equipment or vehicle belongs to a public law enforcement agency.

(7) It is the duty of all officers of the state and political subdivisions thereof to enforce the provisions of this chapter. The attorney general shall act as legal adviser of the director, and render such legal assistance as may be necessary in carrying out the provisions of this chapter. [1995 c 277 § 33; 1991 c 328 § 15.]

18.165.155 Transfer of license. A licensee who transfers from one company to another must submit a transfer application on a form prescribed by the director along with a transfer fee established by the director. [1995 c 277 § 20.]

18.165.160 Unprofessional conduct. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action for the following conduct, acts, or conditions:

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

(2) Making a material misstatement or omission in the application for or renewal of a firearms certificate, including falsifying requested identification information;

(3) Not meeting the qualifications set forth in RCW 18.165.030, 18.165.040, or 18.165.050;

(4) Failing to return immediately on demand a firearm issued by an employer;

(5) Carrying a firearm in the performance of his or her duties if not the holder of a valid armed private investigator

license, or carrying a firearm not meeting the provisions of this chapter while in the performance of his or her duties;

(6) Failing to return immediately on demand company identification, badges, or other items issued to the private investigator by an employer;

(7) Making any statement that would reasonably cause another person to believe that the private investigator is a sworn peace officer;

(8) Divulging confidential information obtained in the course of any investigation to which he or she was assigned;

(9) Acceptance of employment that is adverse to a client or former client and relates to a matter about which a licensee has obtained confidential information by reason of or in the course of the licensee's employment by the client;

(10) Assigning or transferring any license issued pursuant to the provisions of this chapter, except as provided in RCW 18.165.050;

(11) Assisting a client to locate, trace, or contact a person when the investigator knows that the client is prohibited by any court order from harassing or contacting the person whom the investigator is being asked to locate, trace, or contact, as it pertains to domestic violence, stalking, or minor children;

(12) Failure to maintain bond or insurance;

(13) Failure to have a qualifying principal in place; or

(14) Being certified as not in compliance with a support order as provided in RCW 74.20A.320. [2002 c 86 § 245; 1997 c 58 § 835; 1995 c 277 § 34; 1991 c 328 § 16.]

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Additional notes found at www.leg.wa.gov

18.165.165 Display of firearms while soliciting clients. No licensee, employee or agent of a licensee, or anyone accompanying a licensee, employee, or agent may display a firearm while soliciting a client. [1995 c 277 § 24.]

18.165.170 Authority of director. The director or the director's designee has the following authority in administering this chapter:

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

(2) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter; and

(3) To adopt standards of professional conduct or practice. [2007 c 256 § 8; 2002 c 86 § 246; 1995 c 277 § 35; 1991 c 328 § 17.]

Additional notes found at www.leg.wa.gov

18.165.180 Complaints—Investigation—Immunity. A person, including but not limited to consumers, licensees, corporations, organizations, and state and local governmental agencies, may submit a written complaint to the department charging a license holder or applicant with unprofessional or unlawful conduct and specifying the grounds for the charge. If the director determines that the complaint merits investigation, or if the director has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional or unlawful conduct, the director shall investigate to determine if there has been unprofessional

or unlawful conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint. [1995 c 277 § 36; 1991 c 328 § 18.]

18.165.210 Inability to practice by reason of a mental or physical condition—Statement of charges—Hearing—Sanctions—Mental or physical examinations—Presumed consent for examination. (1) If the director believes a license holder or applicant may be unable to practice with reasonable skill and safety to the public by reason of any mental or physical condition, a statement of charges shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill or safety. If the director determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the director shall impose such sanctions as are deemed necessary to protect the public.

(2) In investigating or adjudicating a complaint or report that a license holder or applicant may be unable to practice with reasonable skill or safety by reason of a mental or physical condition, the department may require a license holder or applicant to submit to a mental or physical examination by one or more licensed or certified health professionals designated by the director. The cost of the examinations ordered by the department shall be paid by the department. In addition to any examinations ordered by the department, the licensee may submit physical or mental examination reports from licensed or certified health professionals of the licensee holder's or applicant's choosing and expense. Failure of the licensee holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or withholding of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the licensee holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the public.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination if directed in writing by the department and further to have waived all objections to the admissibility or use of the examining health professional's testimony or examination reports by the director on the ground that the testimony or reports constitute hearsay or privileged communications. [1991 c 328 § 21.]

18.165.220 Unprofessional, unlawful conduct or inability to practice—Penalties. Upon a finding that a license holder or applicant has committed unprofessional or

unlawful conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the director may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program of remedial education or treatment;
- (5) Monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Withholding a license request;
- (9) Other corrective action;
- (10) Refund of fees billed to and collected from the consumer; or
- (11) Assessing administrative penalties.

Any of the actions under this section may be totally or partly stayed by the director. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant. [1995 c 277 § 38; 1991 c 328 § 22.]

18.165.230 Enforcement of orders for payment of fines. If an order for payment of a fine is made as a result of a hearing and timely payment is not made as directed in the final order, the director may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement shall be in addition to any other rights the director may have as to a licensee ordered to pay a fine but shall not be construed to limit a licensee's ability to seek judicial review.

In an action for enforcement of an order of payment of a fine, the director's order is conclusive proof of the validity of the order of payment of a fine and the terms of payment. [1991 c 328 § 23.]

18.165.270 Application of administrative procedure act to acts of the director. The director, in implementing and administering the provisions of this chapter, shall act in accordance with the administrative procedure act, chapter 34.05 RCW. [1991 c 328 § 27.]

18.165.280 License or certificate suspension—Nonpayment or default on educational loan or scholarship. The director shall suspend the license or certificate of any person who has been certified by a lending agency and reported to the director for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. Prior to the suspension, the agency must provide the person an opportunity for a brief adjudicative proceeding under RCW 34.05.485 through 34.05.494 and issue a finding of nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship. The person's license or certificate shall not be reissued until the person provides the director a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment

agreement approved by the lending agency. If the person has continued to meet all other requirements for licensure or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director may impose. [1996 c 293 § 22.]

Additional notes found at www.leg.wa.gov

18.165.290 License suspension—Noncompliance with support order—Reissuance. The director shall immediately suspend a license issued under this chapter if the holder has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order or a *residential or visitation order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license shall be automatic upon the director's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order. [1997 c 58 § 836.]

***Reviser's note:** 1997 c 58 § 886 requiring a court to order certification of noncompliance with residential provisions of a court-ordered parenting plan was vetoed. Provisions ordering the department of social and health services to certify a responsible parent based on a court order to certify for non-compliance with residential provisions of a parenting plan were vetoed. See RCW 74.20A.320.

Effective dates—Intent—1997 c 58: See notes following RCW 74.20A.320.

Additional notes found at www.leg.wa.gov

18.165.300 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 247.]

Additional notes found at www.leg.wa.gov

18.165.310 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the director determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 10.]

18.165.900 Severability—1991 c 328. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1991 c 328 § 29.]

Chapter 308-17 WAC

PRIVATE INVESTIGATIVE AGENCIES AND PRIVATE INVESTIGATORS

WAC

**PART A
GENERAL**

308-17-010 Promulgation—Authority.
308-17-020 Organization.
308-17-030 Definitions.

**PART B
LICENSING APPLICATION AND FEES**

308-17-100 Agency applications—Conditions.
308-17-105 Branch office notification—Conditions.
308-17-110 Private investigator applications—Conditions.
308-17-120 Armed private investigator applications—Conditions.
308-17-130 Application for private investigator and armed private investigator license, licensed in another state—Conditions.
308-17-140 Comments by chief law enforcement officers and employers.
308-17-150 Private investigative agency, private investigator, and armed private investigator fees.
308-17-160 Expiration and renewal of licenses.
308-17-165 Private investigator and armed private investigator—Termination of services.
308-17-170 Inactive license.
308-17-180 Application of brief adjudicative proceedings.
308-17-185 Preliminary record in brief adjudicative proceedings.
308-17-190 Conduct of brief adjudicative proceedings.

**PART C
OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES**

308-17-205 Filing of licenses.
308-17-210 Change of office location.
308-17-220 Licensee's responsibilities.
308-17-230 Complaint notification.
308-17-240 Required records.

**PART D
PREASSIGNMENT TRAINING AND
EXAMINATION REQUIREMENTS**

308-17-300 Minimum preassignment training and testing requirements.
308-17-310 Private investigative agency principal examination requirements.
308-17-320 Certification of preassignment training trainers.

**PART A
GENERAL**

WAC 308-17-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.165.170, does hereby promulgate the following rules and regulations relating to the licensing of private investigative agencies, private investigators and armed private investigators.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-010, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-010, filed 11/6/91, effective 12/7/91.]

WAC 308-17-020 Organization. The principal location of the private investigator licensing program is at 405 Black Lake Boulevard SW, Olympia, Washington 98504.

(6/15/06)

The department of licensing administers the Washington private investigator license law, chapter 18.165 RCW. Submissions and requests for information regarding private investigative agency licenses, private investigator licenses, and armed private investigator licenses may be sent in writing to the Private Investigator Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507-9045.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-020, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-020, filed 11/6/91, effective 12/7/91.]

WAC 308-17-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.165 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private investigative agency.

(3) "Principal partner" means the partner who exercises operational control over a private investigative agency.

(4) "Certified trainer" means a principal or a licensed private investigator or armed private investigator who has fulfilled the requirements of WAC 308-17-320.

(5) "Company identification" in RCW 18.165.160(6), shall include the license card issued by the director to a private investigator or armed private investigator.

(6) "Fire investigator or arson investigator" is anyone who qualifies for certification and has certification by the International Association of Arson Investigators; the National Association of Fire Investigators; or any organization or government body that has a certification program that meets all the requirements of NFPA 1033.

(7) "Address of record" is a physical street address.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-030, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-030, filed 11/6/91, effective 12/7/91.]

**PART B
LICENSING APPLICATION AND FEES**

WAC 308-17-100 Agency applications—Conditions. Any person desiring to be licensed as a private investigative agency must substantiate the experience requirements in RCW 18.165.050, or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

[Ch. 308-17 WAC—p. 1]

(1) Pay a nonrefundable fee or fees as prescribed by WAC 308-17-150.

(2) If the applicant is the qualifying agent of a corporation, he or she shall furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualifying agent of a foreign corporation, he or she shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or she shall act as the principal of the agency without the payment of additional license fees. When a license is issued to a corporation the qualifying agent shall act as the principal of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the principal of the agency without the payment of additional fees.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-100, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-100, filed 11/6/91, effective 12/7/91.]

WAC 308-17-105 Branch office notification—Conditions. A principal of a private investigative agency shall notify the director of the addresses of all branch offices under the same name as the main office as a part of the agency application. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. The principal shall notify the director by mail, within thirty days, of any changes to branch office addresses to include additions or deletions of branches.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-105, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-105, filed 11/6/91, effective 12/7/91.]

WAC 308-17-110 Private investigator applications—Conditions. Any person desiring to be a private investigator shall make application for a license on a form prescribed by the director and pay a nonrefundable fee as prescribed by WAC 308-17-150.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-110, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-110, filed 11/6/91, effective 12/7/91.]

WAC 308-17-120 Armed private investigator applications—Conditions. (1) Any person desiring to be an armed private detective shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a nonrefundable fee as prescribed by WAC 308-17-150.

(2) If the applicant is an alien resident, the applicant must provide proof of their alien firearm license when they submit an application for original or renewal of their armed private investigator license. Proof of alien firearm license may be

provided by submitting a copy of their current alien firearm license.

[Statutory Authority: Chapter 18.165 RCW. 03-03-024, § 308-17-120, filed 1/8/03, effective 2/10/03. Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-120, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-120, filed 11/6/91, effective 12/7/91.]

WAC 308-17-130 Application for private investigator and armed private investigator license, licensed in another state—Conditions. Any person applying for a private investigator or armed private investigator license who holds a valid license, registration, identification, or similar card issued by another state that the director has determined has selection, training, and other requirements at least equal to those required by chapter 18.165 RCW shall make application on a form prescribed by the director, pay the fee as prescribed by WAC 308-17-150 for a private investigator or armed private investigator license, and submit evidence of licensure in another state by a license verification form completed by an administrative officer of the licensure authority of such state.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-130, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-130, filed 11/6/91, effective 12/7/91.]

WAC 308-17-140 Comments by chief law enforcement officers and employers. If comments required by RCW 18.165.070(3), are not received by the department within ten working days from the forwarding date, the permanent license for a private investigator shall be issued if he or she is otherwise qualified.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-140, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-140, filed 11/6/91, effective 12/7/91.]

WAC 308-17-150 Private investigative agency, private investigator, and armed private investigator fees. Licenses issued to private investigator agencies and private investigators expire one year from the date of issuance and must be renewed each year. The fees are as follows:

Title of Fee	Fee
Private investigative agency/principal fee:	
Application/examination/ includes first examination	\$600.00
Principal armed endorsement	100.00
Reexamination	25.00
License renewal	350.00
Late renewal penalty	See below*
Change of principal/includes first examination	150.00
Private investigator:	
Original license	200.00
Armed endorsement	100.00
Transfer fee	25.00
License renewal	175.00
Late renewal with penalty	200.00
Certified trainer endorsement exami- nation/reexamination	25.00

Title of Fee	Fee
Certified trainer endorsement renewal	15.00

*Private investigative agency license renewals filed after the license expiration date will be charged the master license service late renewal fee in compliance with RCW 19.02.085.

[Statutory Authority: Chapter 18.165 RCW. 06-13-036, § 308-17-150, filed 6/15/06, effective 7/16/06; 04-12-024, § 308-17-150, filed 5/26/04, effective 7/1/04. Statutory Authority: RCW 43.24.086 and chapter 18.165 RCW. 02-11-098, § 308-17-150, filed 5/20/02, effective 10/1/02. Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-150, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170(1), 93-16-060, § 308-17-150, filed 7/29/93, effective 9/1/93. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-150, filed 11/6/91, effective 12/7/91.]

WAC 308-17-160 Expiration and renewal of licenses.

Licenses issued to private investigators and armed private investigators expire one year from the date of issuance which date will be the renewal date. Licenses issued to private investigative agencies expire one year from the date of issuance which date will be the renewal date, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the agency license issued to the corporation shall expire on that date. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-17-150 must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-17-150 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be cancelled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-160, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-160, filed 11/6/91, effective 12/7/91.]

WAC 308-17-165 Private investigator and armed private investigator—Termination of services. A person licensed as a private investigator or armed private investigator may perform duties and activities as licensed only under the direction and supervision of a licensed agency principal and as a representative of such principal. This relationship may be terminated unilaterally by either the company principal or private investigator or armed private investigator. Notice of such termination shall be by the agency principal to the director without delay and such notice shall be accompanied by, and include the surrender of, the private investigator or armed private investigator license held by the agency. Notice of termination shall be provided by signature of the agency principal, or a person authorized by the principal to sign for such principal, on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the

(6/15/06)

license has been lost, the agency principal or authorized representative shall complete and submit an affidavit of lost license on a form provided by the department.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-165, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-165, filed 11/6/91, effective 12/7/91.]

WAC 308-17-170 Inactive license. (1) Any license issued under chapter 18.165 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.165 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated and renewed within one year of the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.165 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-170, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-170, filed 11/6/91, effective 12/7/91.]

WAC 308-17-180 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482 for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) A determination whether an applicant for a license meets the minimum criteria for a license to practice as a private investigator in this state and the department proposes to deny the application;

(2) A determination whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) A determination whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) A determination whether a license holder requesting renewal has submitted all required information and meets minimum criteria for renewal; and

(5) A determination whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed student loan or service-conditional scholarship.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-180, filed 8/15/97, effective 9/15/97.]

WAC 308-17-185 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license or for approval of an education course or curriculum shall consist of:

(a) The application for the license, renewal, or approval and all associated documents;

(b) All documents relied upon by the program in proposing to deny the application, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed student loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed student loan or service-conditional scholarship; or

(b) A written release, if any issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-185, filed 8/15/97, effective 9/15/97.]

WAC 308-17-190 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceeding shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the

presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-190, filed 8/15/97, effective 9/15/97.]

PART C OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES

WAC 308-17-205 Filing of licenses. Licenses of all private investigators and armed private investigators shall be on file in the office located at the address appearing on the individual license.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-205, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-205, filed 11/6/91, effective 12/7/91.]

WAC 308-17-210 Change of office location. The principal of a private investigative agency shall notify the department of the change of location and mailing address of the agency office within ten working days by filing a completed change of address application with the department.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-210, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-210, filed 11/6/91, effective 12/7/91.]

WAC 308-17-220 Licensee's responsibilities. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.165 RCW.

[Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-220, filed 11/6/91, effective 12/7/91.]

WAC 308-17-230 Complaint notification. Every licensee shall, within twenty days after service or knowledge thereof, notify the private investigator program manager of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-230, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-230, filed 11/6/91, effective 12/7/91.]

WAC 308-17-240 Required records. The minimum records the principal of a private investigative agency shall be required to keep are[:]

(1) Preassignment training and testing records for each private investigator.

(2) The company principal shall maintain proof of annual shooting requirements for each armed private investigator employed by the private investigator company in the armed private investigator's training files or employee's files. These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

[Statutory Authority: Chapter 18.165 RCW. 03-03-024, § 308-17-240, filed 1/8/03, effective 2/10/03. Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-240, filed 8/15/97, effective

9/15/97. Statutory Authority: RCW 18.165.170, 91-22-111, § 308-17-240, filed 11/6/91, effective 12/7/91.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems inefficacious changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

PART D PREASSIGNMENT TRAINING AND EXAMINATION REQUIREMENTS

WAC 308-17-300 Minimum preassignment training and testing requirements. (1) The preassignment training required by RCW 18.165.090, shall include as a minimum four hours of training covering the following areas:

- (a) Legal powers and limitations.
 - (i) Representation and misrepresentation.
 - (A) How to properly identify yourself.
 - (B) Misrepresentation defined.
 - (C) Problems/liability arising out of misrepresentation.
 - (ii) Powers of arrest.
 - (A) Laws pertaining to arrest by private citizen.
 - (B) Probable cause.
 - (C) Potential liability resulting from false arrest claim.
 - (b) Evidence.
 - (i) Definition.
 - (A) Written.
 - (B) Recorded.
 - (C) Material.
 - (ii) Marking.
 - (iii) Storage.
 - (iv) Chain of custody documentation.
 - (c) Report writing.
 - (i) Elements of a report.
 - (ii) Fact versus opinion or assumption.
 - (iii) Penmanship.
 - (d) Courtroom testimony.
 - (i) Expert witnesses.
 - (ii) Manufacturing evidence.
 - (iii) Perjury.
 - (iv) Discovery.
 - (e) Confidentiality/privilege.
 - (f) Federal, state, county, and municipal court systems.
 - (g) Common sources of public information.
 - (i) Court docket information.
 - (ii) U.S. Postal Service.
 - (iii) Voter registration.
 - (iv) Credit reporting agencies.
 - (v) Department of licensing.
 - (vi) Private sources.
 - (h) Frequent activities in violation of criminal statutes.
 - (i) Privacy laws: Electronic surveillance.
 - (i) Chapter 9.73 RCW privacy violations.
 - (ii) U.S. Code violations.
 - (iii) Appellate court decisions.
 - (A) Explanation of privacy.
 - (B) Video/photography.
 - (C) Tracking transmissions.
 - (j) Fair Credit Reporting Act.
 - (i) Permissible purposes of reports.
 - (ii) Obtaining information under false pretenses.

(2) The minimum time each private investigator candidate must spend in preassignment training is four hours. The time spent on each required topic may vary providing the time for all required topics totals four hours and the four hours is devoted solely to the topics designated.

(3) All private investigator applicants, after receiving preassignment training and prior to receiving their license, must successfully complete a test designed to demonstrate their understanding and retention of the information learned in the training course. This test shall consist of a minimum of thirty multiple questions based on the training topics outlined above. Test results must be verified and signed by a certified trainer. All applicants must answer all questions correctly on the private investigator preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initialed by both the applicant and the certified trainer verifying knowledge of the correct answer(s).

[Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-300, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170, 91-22-111, § 308-17-300, filed 11/6/91, effective 12/7/91.]

WAC 308-17-310 Private investigative agency principal examination requirements. (1) All principals of an agency who do not meet the experience requirements required by RCW 18.165.050, must pass an examination demonstrating their knowledge and proficiency in the following areas:

- A. Washington state laws (45% of test)
 - [I.] Private investigators law - chapters 18.165 RCW and 308-17 WAC
 - [II.] All topics contained in the private investigator preassignment training course (WAC 308-17-300)
 - [III.] Chapter 9.73 RCW Privacy, violating right of privacy (e.g. surveillance and wiretapping)
 - [IV.] Chapter 42.17 RCW Public disclosure
 - [V.] Title 9A RCW - Washington state criminal code
 - [VI.] Other resources:
 - Title 2 RCW - Courts of record
 - Title 3 RCW - District courts/courts of limited jurisdictions
 - Title 26 RCW - Domestic relations (e.g. marriage, dissolution, adoption)
 - Title 36 RCW - Counties
 - Title 46 RCW - Motor vehicles (e.g. accidents, forms)
- [B.] Federal law (30% of test)
 - [I.] Federal Privacy Act (5 U.S.C. 522A)
 - [II.] Freedom of Information Act (5 U.S.C. 552)
 - [III.] Fair Credit Reporting Act (15 U.S.C. 1681)
 - [IV.] Federal Wiretapping Act (18 U.S.C.[.])
 - [V.] Gramm-Leach-Bliley Act
 - [VI.] United States Code
- [C.] Court systems (7.5% of test)
 - [I.] Federal courts
 - [II.] Title 28 of the U.S. Code
 - [III.] Public Law 101-650
 - [D.] State courts
 - [I.] Chapter 35.20 RCW - Municipal courts
 - [II.] Title 2 RCW Courts of records

[III.] Title 3 RCW - District courts/courts of limited jurisdictions

[IV.] Title 4 RCW - Civil procedures

[V.] Title 5 RCW - Evidence

[VI.] Title 6 RCW - Enforcement of judgments

[E.] Legal procedures and definitions (10% of test)

[I.] Terminology and definitions

[II.] Title 9A RCW - Washington state criminal code

[III.] Title 2 RCW - Courts of record

[IV.] Title 3 RCW - District courts/courts of limited jurisdictions

[V.] Title 4 RCW - Civil procedures

[VI.] Title 5 RCW - Evidence

[VII.] Title 6 RCW - Enforcement of judgments

[VIII.] Title 26 RCW - Domestic relations (e.g. marriage, dissolution, adoption)

[IX.] Black's law dictionary

[F.] Other resources of public information (7.5% of test)

[I.] County recorders office

[II.] World wide locator

[III.] Secretary of state and state recordings

[IV.] Computer data bases

[V.] Federal and state laws and acts can be found on the internet.

(2) The examination shall consist of 75 questions based on information in the above required areas. Applicants who fail to achieve a passing score will be required to wait a minimum of seven days before reexamination.

[Statutory Authority: Chapter 18.165 RCW. 02-23-060, § 308-17-310, filed 11/18/02, effective 1/1/03. Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-310, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-310, filed 11/6/91, effective 12/7/91.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-17-320 Certification of preassignment training trainers. An individual must successfully pass the agency principal examination and have three years investigative experience to become a certified trainer. Individuals who fail the exam will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private investigative agency may have certified.

[Statutory Authority: Chapter 18.165 RCW. 02-23-060, § 308-17-320, filed 11/18/02, effective 1/1/03. Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-320, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-320, filed 11/6/91, effective 12/7/91.]

Chapter 18.235 RCW

UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT

Sections

18.235.005	Intent.
18.235.010	Definitions.
18.235.020	Application of chapter—Director's authority—Disciplinary authority.
18.235.030	Disciplinary authority—Powers.
18.235.040	Director's authority.
18.235.050	Statement of charges—Hearing.
18.235.060	Procedures governing adjudicative proceedings.
18.235.070	Previous denial, revocation, or suspension of license.
18.235.080	Orders.
18.235.090	Appeal.
18.235.100	Reinstatement.
18.235.110	Unprofessional conduct—Finding.
18.235.120	Payment of a fine.
18.235.130	Unprofessional conduct—Acts or conditions that constitute.
18.235.140	Final order issued under RCW 18.235.130—Failure to comply.
18.235.150	Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited.
18.235.160	Violation of injunction—Contempt of court—Civil penalty.
18.235.170	Misrepresentation—Gross misdemeanor.
18.235.180	Crime or violation by license holder—Disciplinary authority may give notification.
18.235.190	Immunity from suit.
18.235.200	Use of records—Exchange of information—Chapter does not affect or limit.
18.235.210	Application of chapter—January 1, 2003.
18.235.900	Short title.
18.235.901	Effective date—2002 c 86 §§ 101-123.
18.235.902	Part headings not law—2002 c 86.
18.235.903	Severability—2002 c 86.

18.235.005 Intent. It is the intent of the legislature to consolidate disciplinary procedures for the licensed businesses and professions under the department of licensing by providing a uniform disciplinary act with standardized procedures for the regulation of businesses and professions and the enforcement of laws, the purpose of which is to assure the public of the adequacy of business and professional competence and conduct.

It is also the intent of the legislature that all businesses and professions newly credentialed by the state and regulated by the department of licensing come under this chapter. [2007 c 256 § 10; 2002 c 86 § 101.]

18.235.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means those boards specified in RCW 18.235.020(2)(b).

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

(3) "Director" means the director of the department or director's designee.

(4) "Disciplinary action" means sanctions identified in RCW 18.235.110.

(5) "Disciplinary authority" means the director, board, or commission having the authority to take disciplinary action against a holder of, or applicant for, a professional or busi-

ness license upon a finding of a violation of this chapter or a chapter specified under RCW 18.235.020.

(6) "License," "licensing," and "licensure" are deemed equivalent to the terms "license," "licensing," "licensure," "certificate," "certification," and "registration" as those terms are defined in RCW 18.118.020. Each of these terms, and the term "appointment" under chapter 42.44 RCW, are interchangeable under the provisions of this chapter.

(7) "Unlicensed practice" means:

(a) Practicing a profession or operating a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or

(b) Representing to a person, through offerings, advertisements, or use of a professional title or designation, that the individual or business is qualified to practice a profession or operate a business identified in RCW 18.235.020 without holding a valid, unexpired, unrevoked, and unsuspended license to do so. [2007 c 256 § 11; 2002 c 86 § 102.]

18.235.020 Application of chapter—Director's authority—Disciplinary authority. (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;

(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 42.44 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) Security guards under chapter 18.170 RCW;

- (xvii) Sellers of travel under chapter 19.138 RCW;
- (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;
- (xix) Whitewater river outfitters under chapter 79A.60 RCW;
- (xx) Home inspectors under chapter 18.280 RCW;
- (xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and
- (xxii) 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 of registration 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 18.39 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.

(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 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. [2010 c 179 § 18. Prior: 2009 c 412 § 22; 2009 c 370 § 20; 2009 c 102 § 5; 2008 c 119 § 21; 2007 c 256 § 12; 2006 c 219 § 13; 2002 c 86 § 103.]

*Reviser's note: The "state board of registration for architects" was changed to "the state board for architects" by 2010 c 129 § 3.

Severability—Effective date—2010 c 179: See RCW 18.310.900 and 18.310.901.

Short title—Implementation—2009 c 412: See RCW 18.300.900 and 18.300.902.

Effective date—2009 c 370 §§ 1-16, 18, 20, and 21: See note following RCW 18.96.010.

Finding—2009 c 370: See note following RCW 18.96.010.

Funeral directors and embalmers account and cemetery account abolished, moneys transferred to funeral and cemetery account—2009 c 102: See note following RCW 18.39.810.

Effective date—2006 c 219: See note following RCW 46.82.285.

18.235.030 Disciplinary authority—Powers. The disciplinary authority has the power to:

- (1) Adopt, amend, and rescind rules as necessary to carry out the purposes of this chapter, including, but not limited to, rules regarding standards of professional conduct and practice;
- (2) Investigate complaints or reports of unprofessional conduct and hold hearings as provided in this chapter;

(3) Issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(4) Take or cause depositions to be taken and use other discovery procedures as needed in an investigation, hearing, or proceeding held under this chapter;

(5) Compel attendance of witnesses at hearings;

(6) Conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, unless the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapters specified in RCW 18.235.020;

(7) Take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice or business pending proceedings by the disciplinary authority;

(8) Appoint a presiding officer or authorize the office of administrative hearings, as provided in chapter 34.12 RCW, to conduct hearings. The disciplinary authority may make the final decision regarding disposition of the license unless the disciplinary authority elects to delegate, in writing, the final decision to the presiding officer;

(9) Use individual members of the boards and commissions to direct investigations. However, the member of the board or commission may not subsequently participate in the hearing of the case;

(10) Enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(11) Grant or deny license applications, secure the return of a license obtained through the mistake or inadvertence of the department or the disciplinary authority after providing the person so licensed with an opportunity for an adjudicative proceeding, and, in the event of a finding of unprofessional conduct by an applicant or license holder, impose any sanction against a license applicant or license holder provided by this chapter;

(12) Designate individuals authorized to sign subpoenas and statements of charges;

(13) Establish panels consisting of three or more members of the board or commission to perform any duty or authority within the board's or commission's jurisdiction under this chapter; and

(14) Contract with licensees, registrants, endorsement or permit holders, or any other persons or organizations to provide services necessary for the monitoring or supervision of licensees, registrants, or endorsement or permit holders who are placed on probation, whose professional or business activities are restricted, or who are for an authorized purpose subject to monitoring by the disciplinary authority. If the subject licensee, registrant, or endorsement or permit holders may only practice or operate a business under the supervision of another licensee, registrant, or endorsement or permit holder under the terms of the law regulating that occupation or business, the supervising licensee, registrant, or endorsement or permit holder must consent to the monitoring or supervision under this subsection, unless the supervising licensee, registrant, or endorsement or permit holder is, at the time, the subject of a disciplinary order. [2002 c 86 § 104.]

18.235.040 Director's authority. The director has the following additional authority:

(1) To employ investigative, administrative, and clerical staff as necessary for the enforcement of this chapter, except as provided otherwise by statute;

(2) Upon request of a board or commission, to appoint not more than three pro tem members as provided in this subsection. Individuals appointed as pro tem members of a board or commission must meet the same minimum qualifications as regular members of the board or commission. While serving as a pro tem board or commission member, a person so appointed has all the powers, duties, and immunities, and is entitled to the entitlements, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of a regular member of the board or commission; and

(3) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation or adjudicative proceedings as authorized by RCW 34.05.446. [2007 c 256 § 13; 2002 c 86 § 105.]

18.235.050 Statement of charges—Hearing. (1) If the disciplinary authority determines, upon investigation, that there is reason to believe that a license holder or applicant for a license has violated RCW 18.235.130 or has not met a minimum eligibility criteria for licensure, the disciplinary authority may prepare and serve the license holder or applicant a statement of charge, charges, or intent to deny. A notice that the license holder or applicant may request a hearing to contest the charge, charges, or intent to deny must accompany the statement. The license holder or applicant must file a request for a hearing with the disciplinary authority within twenty days after being served the statement of charges or statement of intent to deny. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a decision on the facts available to it.

(2) If a license holder or applicant for a license requests a hearing, the disciplinary authority must fix the time of the hearing as soon as convenient, but not earlier than thirty days after the service of charge, charges, or intent to deny. The disciplinary authority may hold a hearing sooner than thirty days only if the disciplinary authority has issued a summary suspension or summary restriction. [2007 c 256 § 14; 2002 c 86 § 106.]

18.235.060 Procedures governing adjudicative proceedings. The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern all hearings before the disciplinary authority. The disciplinary authority has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.05 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions. [2002 c 86 § 107.]

18.235.070 Previous denial, revocation, or suspension of license. The department shall not issue a license to any person whose license has been previously denied, revoked, or suspended by the disciplinary authority for that profession or business, except in conformity with the terms

and conditions of the certificate or order of denial, revocation, or suspension, or in conformity with any order of reinstatement issued by the disciplinary authority, or in accordance with the final judgment in any proceeding for review instituted under this chapter. [2002 c 86 § 108.]

18.235.080 Orders. An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.05 RCW, or an order of summary suspension entered under this chapter, takes effect immediately upon its being served. The final order, if appealed to the court, may not be stayed pending the appeal unless the disciplinary authority or court to which the appeal is taken enters an order staying the order of the disciplinary authority, which stay shall provide for terms necessary to protect the public. [2007 c 256 § 15; 2002 c 86 § 109.]

18.235.090 Appeal. A person who has been disciplined or has been denied a license by a disciplinary authority may appeal the decision as provided in chapter 34.05 RCW. [2007 c 256 § 16; 2002 c 86 § 110.]

18.235.100 Reinstatement. A person whose license has been suspended or revoked under this chapter may petition the disciplinary authority for reinstatement after an interval of time and upon conditions determined by the disciplinary authority in the order suspending or revoking the license. The disciplinary authority shall act on the petition in accordance with the adjudicative proceedings provided under chapter 34.05 RCW and may impose such conditions as authorized by RCW 18.235.110. The disciplinary authority may require successful completion of an examination as a condition of reinstatement. [2007 c 256 § 17; 2002 c 86 § 111.]

18.235.110 Unprofessional conduct—Finding. (1) Upon finding unprofessional conduct, the disciplinary authority may issue an order providing for one or any combination of the following:

- (a) Revocation of the license for an interval of time;
- (b) Suspension of the license for a fixed or indefinite term;
- (c) Restriction or limitation of the practice;
- (d) Satisfactory completion of a specific program of remedial education or treatment;
- (e) Monitoring of the practice in a manner directed by the disciplinary authority;
- (f) Censure or reprimand;
- (g) Compliance with conditions of probation for a designated period of time;
- (h) Payment of a fine for each violation found by the disciplinary authority, not to exceed five thousand dollars per violation. The disciplinary authority must consider aggravating or mitigating circumstances in assessing any fine. Funds received must be deposited in the related program account;
- (i) Denial of an initial or renewal license application for an interval of time; or
- (j) Other corrective action.

(2) The disciplinary authority may require reimbursement to the disciplinary authority for the investigative costs incurred in investigating the matter that resulted in issuance

of an order under this section, but only if any of the sanctions in subsection (1)(a) through (j) of this section is ordered.

(3) Any of the actions under this section may be totally or partly stayed by the disciplinary authority. In determining what action is appropriate, the disciplinary authority must first consider what sanctions are necessary to protect the public health, safety, or welfare. Only after these provisions have been made may the disciplinary authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

(4) The licensee or applicant may enter into a stipulated disposition of charges that includes one or more of the sanctions of this section, but only after a statement of charges has been issued and the licensee has been afforded the opportunity for a hearing and has elected on the record to forego such a hearing. The stipulation shall either contain one or more specific findings of unprofessional conduct or a statement by the licensee acknowledging that evidence is sufficient to justify one or more specified findings of unprofessional conduct. The stipulations entered into under this subsection are considered formal disciplinary action for all purposes. [2007 c 256 § 18; 2002 c 86 § 112.]

18.235.120 Payment of a fine. Where payment of a fine is required as a result of a disciplinary action under RCW 18.235.060 or 18.235.150 and timely payment is not made as directed in the final order, the disciplinary authority may enforce the order for payment in the superior court in the county in which the hearing was held. This right of enforcement is in addition to any other rights the disciplinary authority may have as to any licensee ordered to pay a fine but may not be construed to limit a licensee's ability to seek judicial review under RCW 18.235.090. In any action for enforcement of an order of payment of a fine, the disciplinary authority's order is conclusive proof of the validity of the order of a fine and the terms of payment. [2002 c 86 § 113.]

18.235.130 Unprofessional conduct—Acts or conditions that constitute. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession or operation of the person's business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of competent jurisdiction is conclusive evidence of the conduct of the license holder or applicant upon which a conviction or the final holding is based. Upon a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However,

RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(2) Misrepresentation or concealment of a material fact in obtaining or renewing a license or in reinstatement thereof;

(3) Advertising that is false, deceptive, or misleading;

(4) Incompetence, negligence, or malpractice that results in harm or damage to another or that creates an unreasonable risk of harm or damage to another;

(5) The suspension, revocation, or restriction of a license to engage in any business or profession by competent authority in any state, federal, or foreign jurisdiction. A certified copy of the order, stipulation, or agreement is conclusive evidence of the revocation, suspension, or restriction;

(6) Failure to cooperate with the disciplinary authority in the course of an investigation, audit, or inspection authorized by law by:

(a) Not furnishing any papers or documents requested by the disciplinary authority;

(b) Not furnishing in writing an explanation covering the matter contained in a complaint when requested by the disciplinary authority;

(c) Not responding to a subpoena issued by the disciplinary authority, whether or not the recipient of the subpoena is the accused in the proceeding; or

(d) Not providing authorized access, during regular business hours, to representatives of the disciplinary authority conducting an investigation, inspection, or audit at facilities utilized by the license holder or applicant;

(7) Failure to comply with an order issued by the disciplinary authority;

(8) Violating any of the provisions of this chapter or the chapters specified in RCW 18.235.020(2) or any rules made by the disciplinary authority under the chapters specified in RCW 18.235.020(2);

(9) Aiding or abetting an unlicensed person to practice or operate a business or profession when a license is required;

(10) Practice or operation of a business or profession beyond the scope of practice or operation as defined by law or rule;

(11) Misrepresentation in any aspect of the conduct of the business or profession;

(12) Failure to adequately supervise or oversee auxiliary staff, whether employees or contractors, to the extent that consumers may be harmed or damaged;

(13) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession or operation of the person's business. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Except as specifically provided by law, nothing in this subsection abrogates the provisions of chapter 9.96A RCW. However, RCW 9.96A.020 does not apply to a person who is required to register as a sex offender under RCW 9A.44.130;

(14) Interference with an investigation or disciplinary action by willful misrepresentation of facts before the disciplinary authority or its authorized representatives, or by the use of threats or harassment against any consumer or witness to discourage them from providing evidence in a disciplinary action or any other legal action, or by the use of financial inducements to any consumer or witness to prevent or

attempt to prevent him or her from providing evidence in a disciplinary action; and

(15) Engaging in unlicensed practice as defined in RCW 18.235.010. [2007 c 256 § 19; 2002 c 86 § 114.]

18.235.140 Final order issued under RCW 18.235.130—Failure to comply. If a person or business regulated by this chapter violates or fails to comply with a final order issued under RCW 18.235.130, the attorney general, any prosecuting attorney, the director, the board or commission, or any other person may maintain an action in the name of the state of Washington to enjoin the person from violating the order or failing to comply with the order. The injunction does not relieve the offender from criminal prosecution, but the remedy by injunction is in addition to the liability of the offender to criminal prosecution and disciplinary action. [2002 c 86 § 115.]

18.235.150 Investigation of complaint—Cease and desist order/notice of intent to issue—Final determination—Fine—Temporary cease and desist order—Action/who may maintain—Remedies not limited. (1) The disciplinary authority may investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW 18.235.020. In the investigation of the complaints, the director has the same authority as provided the disciplinary authority under RCW 18.235.030.

(2) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in the unlicensed practice of a profession or operation of a business for which a license is required by the chapters specified in RCW 18.235.020.

(3) The disciplinary authority may issue a notice of intent to issue a cease and desist order to any person whom the disciplinary authority has reason to believe is engaged or is about to engage in an act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters.

(4) The person to whom such a notice is issued may request an adjudicative proceeding to contest the allegations. The notice shall include a brief, plain statement of the alleged unlicensed activities, act, or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters. The request for hearing must be filed within twenty days after service of the notice of intent to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter 34.05 RCW.

(5) If the disciplinary authority makes a final determination that a person has engaged or is engaging in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters, the disciplinary authority may issue a permanent cease and desist order. In addition, the disciplinary authority may impose a

civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in the unlicensed practice of a profession or operation of a business for which a license is required by one or more of the chapters specified in RCW 18.235.020. The proceeds of such a fine shall be deposited in the related program account.

(6) The disciplinary authority may issue a temporary cease and desist order if a person is engaged or is about to engage in unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters if the disciplinary authority makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. A temporary cease and desist order shall remain in effect until further order of the disciplinary authority. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the disciplinary authority may enter a permanent cease and desist order, which may include a civil fine.

(7) The cease and desist order is conclusive proof of unlicensed practice or other act or practice constituting a violation of this chapter or the chapters specified in RCW 18.235.020(2) or a rule adopted or order issued under those chapters and may be enforced under RCW 7.21.060. This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter 34.05 RCW.

(8) The attorney general, a county prosecuting attorney, the director, a board or commission, or any person may, in accordance with the laws of this state governing injunctions, maintain an action in the name of the state of Washington to enjoin any person practicing a profession or business without a license for which a license is required by the chapters specified in RCW 18.235.020. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be deposited in the related program account.

(9) The civil remedies in this section do not limit the ability to pursue criminal prosecution as authorized in any of the acts specified in RCW 18.235.020 nor do the civil remedies limit any criminal sanctions. [2007 c 256 § 20; 2002 c 86 § 116.]

18.235.160 Violation of injunction—Contempt of court—Civil penalty. A person or business that violates an injunction issued under this chapter may be found in contempt of court under RCW 7.21.010. Upon a finding by a court of competent jurisdiction that the person or business is in contempt, the court may order any remedial sanction as authorized by RCW 7.21.030. Further, the court may, in addition to the remedial sanctions available under RCW 7.21.030, order the person or business to pay a civil penalty to the state in an amount not to exceed twenty-five thousand dollars, which shall be deposited in the related program account. For the purposes of this section, the superior court issuing any injunction retains jurisdiction and the cause shall be continued, and in such cases the attorney general acting in the name

of the state may petition for the recovery of civil penalties. [2002 c 86 § 117.]

18.235.170 Misrepresentation—Gross misdemeanor.

A person who attempts to obtain, obtains, or attempts to maintain a license by willful misrepresentation or fraudulent representation is guilty of a gross misdemeanor. [2002 c 86 § 118.]

18.235.180 Crime or violation by license holder—

Disciplinary authority may give notification. If the disciplinary authority has reason to believe that a license holder has committed a crime, or violated the laws of another regulatory body, the disciplinary authority may notify the attorney general or the county prosecuting attorney in the county in which the act took place, or other responsible official of the facts known to the disciplinary authority. [2002 c 86 § 119.]

18.235.190 Immunity from suit.

The director, members of the boards or commissions, or individuals acting on their behalf are immune from suit in any action, civil or criminal, based on any disciplinary actions or other official acts performed in the course of their duties. [2002 c 86 § 120.]

18.235.200 Use of records—Exchange of information—Chapter does not affect or limit.

This chapter does not affect the use of records, obtained from the director or the disciplinary authorities, in any existing investigation or action by any public agency. Nor does this chapter limit any existing exchange of information between the director or the disciplinary authorities and other public agencies. [2002 c 86 § 121.]

18.235.210 Application of chapter—January 1, 2003.

(1) This chapter applies to any conduct, acts, or conditions occurring on or after January 1, 2003.

(2) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to January 1, 2003. The conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

(3) Notwithstanding subsection (2) of this section, this chapter applies to applications for licensure made on or after January 1, 2003. [2007 c 256 § 21; 2002 c 86 § 122.]

18.235.900 Short title. This chapter may be known and cited as the uniform regulation of business and professions act. [2002 c 86 § 123.]

18.235.901 Effective date—2002 c 86 §§ 101-123.

Sections 101 through 123 of this act take effect January 1, 2003. [2002 c 86 § 124.]

18.235.902 Part headings not law—2002 c 86.

Part headings used in this act are not any part of the law. [2002 c 86 § 402.]

18.235.903 Severability—2002 c 86.

If any provision of this act or its application to any person or circumstance is

held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2002 c 86 § 404.]