

which fee shall be paid into the state treasury.

Passed the Senate March 14, 1969  
Passed the House April 21, 1969  
Approved by the Governor April 29, 1969, with the exception of  
certain items in section 1 and section 4 which are vetoed  
Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill requires a seventy-two hour waiting period before a pistol may be delivered to a purchaser. In Section 1, the purchaser is required to sign an application stating his name, address, occupation, place of birth and race.

A licensed dealer is required in section 4 of the bill to maintain records stating the race of the purchaser.

These provisions are contrary to the policy of the state as defined in RCW 43.01.100 which prohibits the inclusion of any question relative to an applicant's race or religion in any application blank or for a license. I am confident that the legislature did not intend to change this stated policy without giving further consideration to the existing state law. I have therefore vetoed the provisions requiring a statement of race on an application to purchase a pistol or requiring a dealer to maintain a record of the purchaser's race as a condition to the dealer's license.

With the exception of certain items in section 1 and section 4(4) which I have vetoed, the remainder of Engrossed Senate Bill 143 is approved."

CHAPTER 228

[Engrossed Substitute Senate Bill No. 174]  
PRIVATE EMPLOYMENT AGENCIES--  
REGULATION--ADVISORY BOARD

AN ACT Relating to private employment agencies; adding a new chapter to Title 18 RCW; providing an effective date; and prescribing penalties.

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

NEW SECTION. Section 1. This act shall be known and cited as "The Employment Agency Act".

NEW SECTION. Sec. 2. Unless a different meaning is clearly required by the context, the following words and phrases, as hereinafter used in this chapter, shall have the following meanings:

- (1) "Employment agency" is synonymous with "agency" and shall

mean any business in which any part of the business's gross or net income is derived from a fee received from applicants, and in which any of the following activities are engaged in:

(a) The offering, promising, procuring or attempting to procure employment for applicants; or

(b) The giving of information regarding where and from whom employment may be obtained.

In addition the term "employment agency" shall mean and include any person, bureau, organization or school which for profit, by advertisement or otherwise, offers, as one of its main objects or purposes, to procure employment for any person who pays for its services, or which collects tuition, or charges for service of any nature, where the main object of the person paying the same is to secure employment. The term "employment agency" shall not include labor union organizations, temporary service contractors proprietary schools or the Washington state employment agency.

(2) "Temporary service contractors" shall mean any person, firm, association, or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part time or temporary help basis to others.

(3) "Employer" means any person, firm, corporation, partnership, or association employing or seeking to enter into an arrangement to employ a person through the medium or service of an employment agency.

(4) "Applicant", except when used to describe an applicant for an employment agency license, means any person, whether employed or unemployed, seeking or entering into any arrangement for his employment or change of his employment through the medium or service of an employment agency.

(5) "Person" includes an individual, a firm, a corporation, partnership or association.

(6) "Director" shall mean the director of the department of motor vehicles.

NEW SECTION. Sec. 3. Each employment agency shall keep records of all services rendered employers and applicants. These records shall contain the name and address of the employer by whom the services were solicited; the name and address of the applicant; kind of position ordered by the employer; kind of position accepted by the applicant; probable duration of the employment, if known; rate of wage or salary to be paid the applicant; amount of the employment agency's fee; dates and amounts of refund if any, and reason for such refund; and the contract agreed to between the agency and applicant.

The director shall have authority to demand and to examine, at the employment agency's regular place of business, all books, documents, and records in its possession for inspection. Unless otherwise provided by rules or regulation adopted by the director, such records shall be maintained for a period of three years from the date in which they are made.

NEW SECTION. Sec. 4. An employment agency shall provide each applicant with a copy of the contract between the applicant and employment agency. Such contract shall contain the following:

(1) The name, address, and telephone number of the employment agency;

(2) Trade name if any;

(3) The date of the contract;

(4) The name of the applicant;

(5) The amount of the fee to be charged the applicant, or the method of computation of the fee, and the time and method of payments: PROVIDED, HOWEVER, That if any service charge is to be charged, the contract shall conform to the requirements of chapter 63.14 RCW, as now or hereafter amended;

(6) A notice in eight-point bold face type or larger directly above the space reserved in the contract for the signature of the buyer. The caption, "NOTICE TO APPLICANT - READ BEFORE SIGNING" shall precede the body of the notice and shall be in ten-point bold

face type or larger. The notice shall read as follows:

"This is a contract. If you accept employment with any employer through [name of employment agency] you will be liable for the payment of the fee as set out above. Do not sign this contract before you read it or if any spaces intended for the agreed terms are left blank. You are entitled to a copy of this contract at the time you sign it."

NEW SECTION. Sec. 5. Prior to using any contract or fee schedule in the transaction of its business with applicants, each employment agency shall obtain the director's approval for the use of such contract or fee schedule. The director shall disapprove any proposed contract or fee schedule which either tends to be or is vague, deceitful, misrepresentative or in violation of this act.

NEW SECTION. Sec. 6. No employment agency shall send any applicant on an interview with a prospective employer without having first obtained, either orally or in writing, a bona fide request from such employer for the interview.

NEW SECTION. Sec. 7. (1) The director shall administer the provisions of this act and shall issue from time to time reasonable rules and regulations for enforcing and carrying out the provisions and purposes of this act.

(2) The director shall have power to compel the attendance of witnesses by the issuance of subpoenas, to administer oaths, and to take testimony and proofs concerning all matters pertaining to the administration of this act.

(3) The director shall have supervisory and investigative authority over all employment agencies. Upon receiving a complaint against any employment agency, the director shall have the right to examine all books, documents, or records in its possession. In addition, the director may examine the office or offices where business is or shall be conducted by such agency.

NEW SECTION. Sec. 8. It shall be a misdemeanor for any person to conduct an employment agency business in this state unless he

has an employment agency license issued pursuant to the provisions of this act.

NEW SECTION. Sec. 9. Before conducting any business as an employment agency each licensee shall file with the director a surety bond in the sum of two thousand dollars running to the state of Washington, for the benefit of any person injured or damaged as a result of any violation by the licensee or his agent of any of the provisions of this act or of any rule or regulation adopted by the director pursuant to section 7(1) of this act.

In lieu of the surety bond required by this section the license applicant may file with the director a cash deposit or other negotiable security acceptable to the director: PROVIDED, HOWEVER, If the license applicant has filed a cash deposit, the director shall deposit such funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from such account.

NEW SECTION. Sec. 10. (1) Every applicant for an employment agency's license or a renewal thereof shall file with the director a written application stating the name and address of the applicant; the street and number of the building in which the business of the employment agency is to be conducted; the name of the person who is to have the general management of the office; the name under which the business of the office is to be carried on; whether or not the applicant is pecuniarily interested in the business to be carried on under the license; shall be signed by the applicant and sworn to before a notary public; and shall identify anyone holding over twenty percent interest in the agency. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of the corporation, and shall be signed and sworn to by the president and secretary thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn

to by all of them. The application shall also state whether or not the applicant is, at the time of making the application, or has at any previous time been engaged in or interested in or employed by anyone engaged in the business of an employment agency.

(2) All applications for employment agency licenses shall be accompanied by a copy of the form of contract and fee schedule to be used between the employment agency and the applicant.

NEW SECTION. Sec. 11. An employment agency license shall expire June 30th.

NEW SECTION. Sec. 12. No license granted pursuant to this act shall be transferable without the consent of the director. No employment agency shall permit any person not mentioned in the license application to become connected with the business as an owner, member, officer, or director without the consent of the director. Consent may be withheld for any reason for which an original application for a license might have been rejected, if the person in question had been mentioned therein.

NEW SECTION. Sec. 13. In accordance with the provisions of chapter 34.04 RCW as now or as hereafter amended, the director may by order deny, suspend or revoke the license of any employment agency if he finds that the applicant or licensee:

(1) Was previously the holder of a license issued under this act, which was revoked for cause and never reissued by the director, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(2) Has been found guilty of any felony within the past five years involving moral turpitude, or for any misdemeanor concerning fraud or conversion, or suffering any judgment in any civil action involving wilful fraud, misrepresentation or conversion;

(3) Has made a false statement of a material fact in his application or in any data attached thereto;

(4) Has violated any provisions of this act, or failed to comply with any rule or regulation issued by the director pursuant

to this act.

NEW SECTION. Sec. 14. The following fees shall be charged by the director to those parties licensed as employment agencies: Original applications, one hundred dollars; renewal per year, one hundred dollars; branch license, both original and renewal, twenty-five dollars; transfer of license, fifteen dollars; approval of amended or new contracts and/or fee schedules, fifteen dollars per contract or fee schedule.

NEW SECTION. Sec. 15. No employment agency shall charge or accept a fee or other consideration from an applicant without complying with the terms of a written contract as specified in section 4 of this act, and then only after such agency has been responsible for referring such job applicant to an employer or such employer to a job applicant and where as a result thereof such job applicant has been employed by such employer.

NEW SECTION. Sec. 16. Any employment agency which collects, receives, or retains a fee or other payment contrary to the provisions of this act or to the rules and regulations adopted pursuant to this act shall return the excessive portion of the fee within seven days after receiving a demand therefor from the director.

NEW SECTION. Sec. 17. (1) If an applicant accepts employment by agreement with an employer and thereafter never reports for work, the gross fee charged to the applicant shall not exceed: (a) Ten percent of what the first month's salary or wages would be, if known; (b) ten percent of the first month's drawing account. If the employment was to have been on a commission basis without any drawing account, then no fee may be charged in the event that the applicant never reports for work.

(2) If an applicant accepts employment on a commission basis without any drawing account, then the gross fee charged such applicant shall be a percentage of his commissions actually earned.

(3) If an applicant accepts employment and if within ninety

days of his reporting for work the employment is terminated without his fault, then the gross fee charged such applicant shall not exceed ten percent of the gross salary, wages or commission received by him.

NEW SECTION. Sec. 18. Each licensee shall post the following in a conspicuous place in each office in which it conducts business: (1) The substance of sections 15 through 17 of this act; and (2) a name and address provided by the director, in a form prescribed by him, of a person to whom complaints concerning possible violation of this act may be made. All words required to be posted pursuant to this section shall be printed in ten point bold face type.

NEW SECTION. Sec. 19. In addition to the other provisions of this act the following rules shall govern each and every employment agency:

(1) Every license or a verified copy thereof shall be displayed in a conspicuous place in each office of the employment agency;

(2) No fee shall be solicited or accepted as an application or registration fee by any employment agency solely for the purpose of being registered as an applicant for employment;

(3) No licensee or agent of the licensee shall solicit, persuade, or induce an employee to leave any employment in which the licensee or agent of the licensee has placed the employee; nor shall any licensee or agent of the licensee persuade or induce or solicit any employer to discharge any employee;

(4) No employment agency shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for obtaining work or employment. All advertising by a licensee shall signify that it is an employment agency solicitation;

(5) No licensee shall fail to state in any advertisement, proposal or contract for employment that there is a strike or lockout at the place of proposed employment, if he has knowledge that such condition exists;

(6) No licensee or agent of a licensee shall directly or in-



directly split, divide, or share with an employer any fee, charge, or compensation received from any applicant who has obtained employment with such employer or with any other person connected with the business of such employer;

(7) When an applicant is referred to the same position by two licensees, the fee shall be paid to the licensee who first contacted the applicant concerning the specific opening: PROVIDED, That he has given the name of the employer to the applicant and has arranged an interview or submitted a resume to the employer within ten days of such contact.

NEW SECTION. Sec. 20. (1) There is hereby created a board to be known as the employment agency advisory board whose duty shall be to advise the director as to the administration of the provisions of this act and the issuance of reasonable rules and regulations for enforcing and carrying out the provisions and purposes of this act.

Such board shall consist of eight members, seven members thereof to be appointed by the governor, five from among those persons owning or managing employment agencies, the sixth member shall be a

representative of employers, and appointed from a list of at least three names submitted to the director by a recognized state-wide organization of employers, representing a majority of employers, the seventh shall be a representative of the majority of workmen employed

in the state and selected from a list of not less than three names submitted to the director by an organization state-wide in scope, which through its affiliates embraces a cross-section and a majority of organized labor of the state. The attorney general or his designee shall serve as a nonvoting ex officio member of the board.

(2) Each member of the board shall hold office for four years and until his successor is appointed, except that with respect to the first board two members shall be appointed for four years, two members for three years, three members for two years;

(3) Any member of the board shall be removed by the director for suspension or revocation of any license issued to him under this

act. Vacancies in the membership of the board shall be filled by appointment by the director for the unexpired term;

(4) The board shall meet at the call of the director and consult with him on the issuance of any proposed rules and regulations for enforcing and carrying out the provisions and purposes of this act. The decision of the director, after such consultation, shall be final. The board is also authorized to conduct its own meetings at the call of its chairman;

(5) The board shall elect annually from its members a chairman, vice chairman and secretary;

(6) The board members shall be compensated pursuant to RCW 43.24.060 as now or hereafter amended.

NEW SECTION. Sec. 21. The director may refer such evidence as may be available to him concerning violations of this act or of any rule or regulation adopted hereunder to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose, who may, in their discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice prohibited by this act: PROVIDED, That this act shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this act.

NEW SECTION. Sec. 22. In the enforcement of this act, the attorney general and/or any said prosecuting attorney may accept an assurance of discontinuance from any person deemed in violation of any provisions of this act. Any such assurance shall be in writing and shall be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county.

NEW SECTION. Sec. 23. Any person who violates the terms of

any court order or temporary or permanent injunction issued pursuant to this act, shall forfeit and pay a civil penalty of not more than five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain continuing jurisdiction and in such cases the attorney general and/or the prosecuting attorney acting in the name of the state may petition for the recovery of civil penalties.

NEW SECTION. Sec. 24. Personal service of any process in an action under this act may be made upon any person outside the state if such person has engaged in conduct in violation of this act which conduct has had impact in this state which this act reprehends. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28-.180 and 4.28.185, as now or hereafter amended.

NEW SECTION. Sec. 25. (1) The provisions of this act relating to the regulation of private employment agencies shall be exclusive.

(2) This act shall not be construed to affect or reduce the authority of any political subdivision of the state of Washington to provide for the licensing of private employment agencies solely for revenue purposes.

NEW SECTION. Sec. 26. The administration of this act shall be governed by the provisions of the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

NEW SECTION. Sec. 27. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 28. This act shall become effective July 1, 1969.

Passed the Senate March 20, 1969

Passed the House April 9, 1969

Approved by the Governor April 19, 1969, with the exception of certain items in section 5 and section 20 (1) which are vetoed  
Filed in office of Secretary of State May 14, 1969

NOTE: Governor's explanation of partial veto is as follows:  
"...This bill is a comprehensive act licensing and regulating private employment agencies. The Director of the Department of Motor Vehicles is given supervisory and investigative authority over all private employment agencies and is directed to issue reasonable rules and regulations for enforcing and carrying out the purposes of the act.

Section 5 provides that each employment agency must obtain the director's approval prior to using an employment contract or fee schedule. The second sentence of section 5 provides that any proposed contract or fee schedule shall be disapproved by the director if it is vague, deceitful, misrepresentative or in violation of the act. There is no specific reference made in the second sentence of section 5 to disapproval because of charging excessive fees even though the intent of the proponents of this bill was to authorize the director of the Department of Motor Vehicles through rules and regulations to prohibit excessive fees.

Local ordinances presently regulate the fees which may be charged by employment agencies. By the terms of this bill, the state is assuming exclusive jurisdiction over the regulation of private employment agencies. Since there may be some question as to whether this bill specifically authorizes the Department of Motor Vehicles through its rules and regulations to prohibit the charging of excessive fees, I have vetoed the second sentence of section 5 so that it will be clear that the director does have the authority to disapprove contracts or fee schedules on the ground that the fees charged are excessive.

Section 20 (1) creates an employment agency advisory board to advise the director as to the administration of the provisions of the act and the issuance of reasonable rules and regulations. The board is to consist of eight members, one to be the Attorney General or his designee and seven to be appointed by the Governor. Of those to be appointed by the Governor, five shall be persons owning or managing employment agencies and the sixth and seventh shall be representatives of employers and the majority of workmen employed in the state. In selecting the employer and employee representatives the Governor may only select from lists submitted respectively by a

recognized statewide organization of employers and an organization statewide in scope representing a majority of organized labor in the state.

While the designation of a representative of employers and a representative of employees is acceptable, the requirement that these representatives be designated from lists submitted by employer and employee organizations is unduly restrictive. Therefore, I have vetoed in section 20 (1) those items so restricting the appointing authority.

With these exceptions, the remainder of substitute Senate Bill No. 174 is approved."

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CHAPTER 229  
[Engrossed Senate Bill No. 186]  
MOBILE HOMES AND TRAVEL TRAILERS--  
EQUIPMENT STANDARDS--ADVISORY BOARD

AN ACT Relating to mobile homes and travel trailers, amending section 1, chapter 157, Laws of 1967 and RCW 43.22.340; amending section 4, chapter 157, Laws of 1967 and RCW 43.22.370; adding new sections to chapter 8, Laws of 1965 and to chapter 43.22 RCW; and providing penalties.

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

Section 1. Section 1, chapter 157, Laws of 1967 and RCW 43.22-.340 are each amended to read as follows:

The director of labor and industries shall prescribe and enforce rules and regulations governing safety and the installation of plumbing, heating, and electrical equipment in mobile homes and/or travel trailers. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and for plumbing, heating, and electrical installations, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heating, electrical, and other equipment and shall correlate with and, so far as practicable, conform to the then current standards and specifications of the American Standards Association standards A119.1 for mobile homes and A119.2 for travel trailers. It shall be unlawful for any person to lease, sell or offer for sale, within this state, any mobile homes