

(2) Provide technical assistance to employers regarding child care services, working with and through local resource and referral organizations whenever possible. Such technical assistance shall include at a minimum:

(a) Assessing the child care needs of employees and prospective employees;

(b) Reviewing options available to employers interested in increasing access to child care for their employees;

(c) Developing techniques to permit small businesses to increase access to child care for their employees;

(d) Reviewing methods of evaluating the impact of child care activities on employers; and

(e) Preparing, collecting, and distributing current information for employers on options for increasing involvement in child care; and

(3) Provide assistance to local child care resource and referral organizations to increase their capacity to provide quality technical assistance to employers in their community.

NEW SECTION. Sec. 7. 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.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 22, 1989.

Passed the Senate April 22, 1989.

Approved by the Governor May 13, 1989.

Filed in Office of Secretary of State May 13, 1989.

CHAPTER 382

[Substitute House Bill No. 1208]

COURT REPORTERS—CERTIFICATION

AN ACT Relating to the certification of court reporters; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds it necessary to regulate the practice of shorthand reporting or court reporting at the level of certification to protect the public safety and well-being. The legislature intends that only individuals who meet and maintain minimum standards of competence may represent themselves as shorthand or court reporters.

NEW SECTION. Sec. 2. (1) No person may represent himself or herself as a shorthand reporter or a court reporter without first obtaining a certificate as required by this chapter.

(2) A person represents himself or herself to be a shorthand reporter or court reporter when the person adopts or uses any title or description of services that incorporates one or more of the following terms: "Shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter."

NEW SECTION. Sec. 3. The "practice of shorthand reporting or court reporting" means the making by means of written symbols or abbreviations in shorthand or machine writing of a verbatim record of any oral court proceeding, deposition, or proceeding before a jury, referee, court commissioner, special master, governmental entity, or administrative agency and the producing of a transcript from the proceeding.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

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

(2) "Director" means the director of licensing.

(3) "Shorthand reporter" and "court reporter" mean an individual certified under this chapter.

(4) "Board" means the Washington state shorthand reporter advisory board.

NEW SECTION. Sec. 5. Nothing in this chapter prohibits or restricts:

(1) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(2) The practice of shorthand reporting by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States; or

(3) The practice of court reporting or use of the title certified court reporter by stenographers who are practicing as of the effective date of this act.

Nothing in this chapter shall be construed to prohibit the introduction of alternate technology.

NEW SECTION. Sec. 6. In addition to any other authority provided by law, the director may:

(1) Adopt rules in accordance with chapter 34.05 RCW that are necessary to implement this chapter;

(2) Set all certification examination, renewal, late renewal, duplicate, and verification fees in accordance with RCW 43.24.086;

(3) Establish the forms and procedures necessary to administer this chapter;

(4) Issue a certificate to any applicant who has met the requirements for certification;

(5) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(6) Investigate complaints or reports of unprofessional conduct as defined in this chapter and hold hearings pursuant to chapter 34.05 RCW;

(7) Issue subpoenas for records and attendance of witnesses, statements of charges, statements of intent to deny certificates, and orders; administer oaths; take or cause depositions to be taken; and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(8) Maintain the official departmental record of all applicants and certificate holders;

(9) Delegate, in writing to a designee, the authority to issue subpoenas, statements of charges, and statements of intent to deny certification;

(10) Prepare and administer or approve the preparation and administration of examinations for certification;

(11) Establish by rule the procedures for an appeal of a failure of an examination;

(12) Conduct a hearing under chapter 34.05 RCW on an appeal of a denial of a certificate based on the applicant's failure to meet minimum qualifications for certification.

NEW SECTION. Sec. 7. (1) The state shorthand reporters advisory board is established to advise the director concerning the administration of this chapter. The board shall consist of five members appointed by the director. Three members of the board shall be certified shorthand reporters, except for the initial members of the board, two of whom shall be freelance shorthand reporters and one a court-employed shorthand reporter, each engaged in the continuous practice of shorthand reporting for at least five years preceding appointment. Two members of the board shall be unaffiliated with the profession. One shall be a current member of the state bar association or state judiciary, the other shall be a public member. The term of office for board members is four years, except the terms of the first board members shall be staggered to ensure an orderly succession of new board members. The director may remove a board member for misconduct, incompetency, or neglect of duty as specified by rule. Upon the death, resignation, or removal of a member, the director shall appoint a new member to fill a vacancy on the board for the remainder of the unexpired term. No board member may serve more than two consecutive terms, whether full or partial.

(2) Board members shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The board shall annually elect a chairperson and vice-chairperson to direct the meetings of the board. The board shall meet at least once each year, at times and locations determined by the director. A simple majority of the board members currently serving constitutes a quorum of the board.

(4) Upon receipt of complaints against shorthand reporters, the director shall investigate and evaluate the complaint to determine if disciplinary action is appropriate. At the discretion of the director, individual board members may participate in or conduct investigations or evaluations of investigation reports and make recommendations regarding further action. The director shall hold disciplinary hearings pursuant to chapter 34.05 RCW.

NEW SECTION. Sec. 8. The director, members of the board, and individuals acting on their behalf shall not be civilly liable for any act performed in good faith in the course of their duties.

NEW SECTION. Sec. 9. (1) The department shall issue a certificate to any applicant who, as determined by the director upon advice of the board, has:

- (a) Successfully completed an examination approved by the director;
- (b) Good moral character;
- (c) Not engaged in unprofessional conduct; and
- (d) Not been determined to be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) A one-year temporary certificate may be issued, at the discretion of the director, to a person holding one of the following: National shorthand reporters association certificate of proficiency, registered professional reporter certificate, or certificate of merit; a current court or shorthand reporter certification, registration, or license of another state; or a certificate of graduation of a court reporting school. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under subsection (1)(a) of this section within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

(3) The examination required by subsection (1)(a) of this section shall be no more difficult than the examination provided by the court reporter examining committee as authorized by RCW 2.32.180.

NEW SECTION. Sec. 10. Applications for certification shall be submitted on forms provided by the department. The department may require information and documentation to determine whether the applicant meets the criteria for certification as provided in this chapter. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086 which shall accompany the application.

NEW SECTION. Sec. 11. The director shall establish by rule the requirements and the renewal and late renewal fees for certification. Failure

to renew the certificate on or before the expiration date cancels all privileges granted by the certificate. If an individual desires to reinstate a certificate which had not been renewed for three years or more, the individual shall satisfactorily demonstrate continued competence in conformance with standards determined by the director.

NEW SECTION. Sec. 12. Persons with two or more years' experience in shorthand reporting in Washington state as of the effective date of this act shall be granted a shorthand reporters certificate without examination, if application is made within one year of the effective date of this act. Shorthand reporters with less than two years' experience in shorthand reporting in this state as of the effective date of this act shall be granted a temporary certificate for one year. To continue to be certified under this chapter, a person receiving a temporary certificate shall successfully complete the examination under section 9 of this act within one year of receiving the temporary certificate, except that the director may renew the temporary certificate if extraordinary circumstances are shown.

NEW SECTION. Sec. 13. After a hearing conducted under chapter 34.05 RCW and upon a finding that a certificate holder or applicant has committed unprofessional 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 certification;
- (2) Suspension of the certificate for a fixed or indefinite term;
- (3) Restriction or limitation of the practice;
- (4) Requiring the satisfactory completion of a specific program or remedial education;
- (5) The monitoring of the practice by a supervisor approved by the director;
- (6) Censure or reprimand;
- (7) Compliance with conditions or probation for a designated period of time;
- (8) Denial of the certification request;
- (9) Corrective action;
- (10) Refund of fees billed to or collected from the consumer.

Any of the actions under this section may be totally or partly stayed by the director. In determining what action is appropriate, the director shall consider sanctions necessary to protect the public, after which the director may consider and include in the order requirements designed to rehabilitate the certificate holder or applicant. All costs associated with compliance to orders issued under this section are the obligation of the certificate holder or applicant.

NEW SECTION. Sec. 14. The following conduct, acts, or conditions constitute unprofessional conduct for any certificate 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 shorthand reporting, whether or not the act constitutes a crime. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action;

(2) Misrepresentation or concealment of a material fact in obtaining or in seeking reinstatement of a certificate;

(3) Advertising in a false, fraudulent, or misleading manner;

(4) Incompetence or negligence;

(5) Suspension, revocation, or restriction of the individual's certificate, registration, or license to practice shorthand reporting by a regulatory authority in any state, federal, or foreign jurisdiction;

(6) Violation of any state or federal statute or administrative rule regulating the profession;

(7) Failure to cooperate in an inquiry, investigation, or disciplinary action by:

(a) Not furnishing papers or documents;

(b) Not furnishing in writing a full and complete explanation of the matter contained in the complaint filed with the director;

(c) Not responding to subpoenas issued by the director, regardless of whether the recipient of the subpoena is the accused in the proceeding;

(8) Failure to comply with an order issued by the director or an assurance of discontinuance entered into with the director;

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

(10) Conviction of any gross misdemeanor or felony relating to the practice of the profession. For the purpose 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. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.

NEW SECTION. Sec. 15. This chapter may be known and cited as the shorthand reporting practice act.

NEW SECTION. Sec. 16. This act shall take effect September 1, 1989 except that the director may immediately take such steps as are necessary to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 17. 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.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 19. The sum of forty-eight thousand dollars, or as much thereof as may be necessary, is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1991, to carry out the purposes of this act. The amount spent shall be repaid to the general fund from fees imposed as a result of this act prior to the end of the biennium ending June 30, 1993.

Passed the House April 20, 1989.

Passed the Senate April 19, 1989.

Approved by the Governor May 13, 1989.

Filed in Office of Secretary of State May 13, 1989.

CHAPTER 383

[Second Substitute House Bill No. 1180]

UNDERGROUND STORAGE TANKS—STATE FINANCIAL RESPONSIBILITY PROGRAM

AN ACT Relating to underground petroleum storage tanks; adding a new chapter to Title 70 RCW; adding a new chapter to Title 82 RCW; prescribing penalties; making appropriations; providing an effective date; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Final regulations adopted by the United States environmental protection agency (EPA) require owners and operators of underground petroleum storage tanks to demonstrate financial responsibility for accidental releases of petroleum as a precondition to continued ownership and operation of such tanks;

(b) Financial responsibility is demonstrated through the purchase of pollution liability insurance or an acceptable alternative such as coverage under a state financial responsibility program, in the amount of at least five hundred thousand dollars per occurrence and one million dollars annual aggregate depending upon the nature, use, and number of tanks owned or operated;

(c) Many owners and operators of underground petroleum storage tanks cannot purchase pollution liability insurance either because private insurance is unavailable at any price or because owners and operators cannot meet the rigid underwriting standards of existing insurers, nor can many owners and operators meet the strict regulatory standards imposed for alternatives to the purchase of insurance; and

(d) Without a state financial responsibility program for owners and operators of underground petroleum storage tanks, many tank owners and operators will be forced to discontinue the ownership and operation of these tanks.