

Type of Certificate	Fee
(1) Journeyman or specialty electrician certificate renewal (per 36-month period)	\$ 64.50
(2) Late renewal of journeyman or specialty electrician certificate (per 36-month period)	\$ 130.00
(3) Journeyman or specialty electrician examination application (nonrefundable)	\$ 27.00
(4) Journeyman or specialty electrician original certificate	\$ 42.50
(5) Training certificate (expires one year after purchase)	\$ 20.75
(6) Training certificate renewal or update of hours	\$ 20.75
(7) Unsupervised electrical training certificate	\$ 20.75
(8) Journeyman or specialty electrician test or retest	\$ 50.75
(9) Reciprocal journeyman or specialty certificate	\$ 69.50
(10) Reinstatement of journeyman or specialty certificate	\$ 20.75
(11) Continuing education course submittal and approval, per course	\$ 41.50
(12) Continuing education course renewal, per course	\$ 20.75
(13) Refund processing fee	\$ 10.50
All requests for refunds will be assessed a processing fee	\$ 10.50

Note: Failure to appear for an examination results in forfeiture of the examination fee.

[Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-401A-700, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapter 19.28 RCW. 98-12-042, § 296-401A-700, filed 5/29/98, effective 6/30/98.]

Title 308 WAC

LICENSING, DEPARTMENT OF

(Formerly: Motor Vehicles, Dept. of and Licenses, Dept. of)

Chapters

- 308-10 Public records disclosure.
- 308-12 Architects.
- 308-13 Board of registration for landscape architects.
- 308-19 Bail bond agencies and bail bond agents.
- 308-21 Athlete agent registration.
- 308-32 Debt adjusters.
- 308-48 Funeral directors and embalmers.
- 308-56A Certificates of title—Motor vehicles, etc.
- 308-57 Motor vehicle excise tax.
- 308-61 Unauthorized and abandoned vehicles.
- 308-66 Motor vehicle dealers and manufacturers.
- 308-78 Aircraft fuel tax.
- 308-91 Reciprocity and proration.
- 308-93 Vessel registration and certificates of title.
- 308-94 Snowmobiles and off-road and nonhighway vehicles.
- 308-94A Off-road and nonhighway vehicles.
- 308-96A Vehicle licenses.
- 308-100 Drivers' licenses—Special provisions.
- 308-104 Drivers' licenses.
- 308-124 Real estate brokers and salespersons—General provisions.
- 308-124A Real estate—Licensing and examination.
- 308-124B Real estate—Broker's office.

- 308-124C Real estate—Records and responsibilities.
- 308-124D Real estate—Operational procedures.
- 308-124F Real estate—Miscellaneous provisions.
- 308-125 Real estate appraisers.
- 308-129 Sellers of travel.
- 308-330 Washington model traffic ordinance.
- 308-400 Standardized filing forms and procedures—Uniform Commercial Code, crop liens, and processor and preparer liens for agricultural dairy and commercial fish products and certain federal liens.
- 308-410 Uniform Commercial Code field access.

Chapter 308-10 WAC

PUBLIC RECORDS DISCLOSURE

WAC

- 308-10-010 Definitions.
- 308-10-045 Copying.

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

(2) The "department of licensing" is the agency created pursuant to chapter 46.01 RCW. The department of licensing shall hereinafter be referred to as the department. Where appropriate, the term department also refers to the staff and employees of the department of licensing.

(3) "Director" means the director of the department of licensing as appointed by the governor pursuant to RCW 46.01.090.

(4) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

- (a) They have not been processed, edited or interpreted.
- (b) They are unevaluated and unorganized.
- (c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

(5) "Information" means raw data that are organized, evaluated and interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing (list)" means an item-by-item series of names, figures, words or numbers written or printed one after the other.

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means using or intending to use information for the purpose of facilitating a profit expecting business activity.

(10) "Profession," when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions division.

[Statutory Authority: RCW 46.01.110, 99-17-031, § 308-10-010, filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 42.17.250, 96-05-036, § 308-10-010, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-

010, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-010, filed 12/24/75.]

WAC 308-10-045 Copying. No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
Copies produced on copying and duplicating equipment	15 cents per page
Computer generated listing, magnetic tapes or labels	Cost of services
Microfilm copies	75 cents per page
Postal charges	May be added to any copy of a public record if applicable

[Statutory Authority: RCW 46.01.110 and 42.17.260. 99-09-045, § 308-10-045, filed 4/19/99, effective 5/20/99. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-045, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-045, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-045, filed 12/24/75.]

**Chapter 308-12 WAC
ARCHITECTS**

WAC

308-12-320	Renewal of licenses.
308-12-326	Architect fees.

WAC 308-12-320 Renewal of licenses. (1) The license renewal date for architects shall be the architect's birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in RCW 18.08.430 and WAC 308-12-326. Architects whose renewal fees are delinquent will be listed with the state building officials.

(2) The renewal period for architects is two years.

(3) Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-half of the two-year renewal fee or the fee for one year.

(4) A registrant who fails to pay a renewal fee for a period of five years or more may be reinstated upon payment of all delinquent renewal fees and a penalty fee. Assessment of delinquent fees will be based on the number of years delinquent multiplied by one-half of the two-year renewal fee or the fee for one year. In addition to the payment of delinquent fees and a penalty fee the registrant shall submit the following:

(a) A summary of the current law and rules governing architects.

(b) A professional resume of architectural activities during the delinquent period, in sufficient detail to demonstrate to the board maintenance of minimum skills.

(c) A detailed explanation of the circumstances surrounding the reason the license was allowed to expire.

The board may require additional evidence as needed to verify minimum competency and qualifications. The registrant may be required to appear before the board or a representative member thereof where questions of competency remain.

representative member thereof where questions of competency remain.

(5) Registrants who withdraw from the practice of architecture, and exceed five years in an inactive status, shall request reinstatement in writing to the board and shall submit the following:

(a) A summary of the current law and rules governing architects.

(b) A professional resume of architectural activities during the delinquent period, in sufficient detail to demonstrate to the board maintenance of minimum skills.

(c) A detailed explanation of the circumstances surrounding the reason the license was in an inactive status for more than five years.

The board may require additional evidence as needed to verify minimum competency and qualifications. The registrant may be required to appear before the board or a representative member thereof where questions of competency remain.

[Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-320, filed 4/2/99, effective 5/3/99. Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-320, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.08.430. 90-17-097, § 308-12-320, filed 8/21/90, effective 9/21/90. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-320, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-320, filed 2/2/83; Order PL 262, § 308-12-320, filed 1/13/77.]

WAC 308-12-326 Architect fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Examination application	\$100.00
Reciprocity application	390.00
Initial registration	99.00
Oral examination	50.00
Registration renewal (2 years)	99.00
Late renewal	33.00
Certificate replacement	15.00
Duplicate license	15.00
Certification	27.00
Corporations:	
Certificate of authorization	278.00
Certificate of authorization renewal	139.00

[Statutory Authority: RCW 18.08.430 (1) and (2), 43.24.086 and 43.24.140. 99-08-062, § 308-12-326, filed 4/2/99, effective 5/3/99. Statutory Authority: RCW 43.24.086. 98-12-064, § 308-12-326, filed 6/1/98, effective 7/2/98. Statutory Authority: RCW 43.24.086. 97-13-095, § 308-12-326, filed 6/18/97, effective 7/19/97. Statutory Authority: RCW 18.03.350. 97-06-064, § 308-12-326, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.08.340 and 18.08.370. 91-13-055, § 308-12-326, filed 6/14/91, effective 7/15/91. Statutory Authority: RCW 43.24.086. 90-03-032, § 308-12-326, filed 1/12/90, effective 2/12/90; 87-10-028 (Order PM 650), § 308-12-326, filed 5/1/87.]

**Chapter 308-13 WAC
BOARD OF REGISTRATION FOR LANDSCAPE
ARCHITECTS**

WAC

308-13-045	Initial license.
308-13-150	Landscape architect fees.
308-13-160	Renewal of license.

WAC 308-13-045 Initial license. The applicant will be notified by mail upon meeting all the requirements for initial licensure. The applicant must submit the current license fee. The license will expire on the applicant's birthdate, and will be issued for two years.

[Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-045, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-045, filed 2/27/97, effective 3/30/97.]

WAC 308-13-150 Landscape architect fees. The following fees will be collected from the candidates for examination, effective July 1, 2000:

Title of Fee	Fee
Application fee	\$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	300.00
Reciprocity application fee	200.00
Certification	45.00
Replacement certificate	20.00

Those fees collected from candidates shall be paid to CLARB for the costs of the examinations, effective November 8, 1999.

Examination and Sections	Charges
Entire examination	\$570.00
Examination sections:	
Section A: Legal and administrative aspects of practice	40.00
Section B: Analytical aspects of practice	80.00
Section C:	
Planning and site design	160.00
Section D:	
Structural considerations and materials and methods of construction	130.00
Section E:	
Grading, drainage and stormwater management	160.00

[Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-150, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 18.96.080 and 43.24.086. 96-11-132, § 308-13-150, filed 5/22/96, effective 6/22/96; 95-20-026, § 308-13-150, filed 9/27/95, effective 10/28/95. Statutory Authority: RCW 43.24.086. 94-23-031, § 308-13-150, filed 11/8/94, effective 12/9/94. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-150, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 43.24.086 and 18.96.080. 91-23-021, § 308-13-150, filed 11/8/91, effective 12/9/91; 90-15-039, § 308-13-150, filed 7/13/90, effective 8/13/90. Statutory Authority: RCW 43.24.086. 90-03-031, § 308-13-150, filed 1/12/90, effective 2/12/90; 88-04-027 (Order PM 702), § 308-13-150, filed 1/26/88. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

WAC 308-13-160 Renewal of license. (1) A courtesy renewal notice is mailed to the address on file, approximately eight weeks prior to the license expiration date. The notice

will show the due date, the amount of renewal fee, the penalty fee for late payment and other mailing instructions. The board of registration for landscape architects must be notified in writing of any address changes.

(2) The renewed landscape architect license is issued for a two-year period that expires on the licensee's birthdate.

[Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-160, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-160, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-160, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 46.24.086 [43.24.086] and 18.96.110. 88-01-022 (Order PM 696), § 308-13-160, filed 12/9/87.]

Chapter 308-19 WAC

BAIL BOND AGENCIES AND BAIL BOND AGENTS

WAC	
308-19-010	Promulgation—Authority.
308-19-020	Organization.
308-19-030	Definitions.
308-19-100	How do I apply for a bail bond agent license?
308-19-105	How do I apply for a bail bond agency license?
308-19-107	What are the requirements and responsibilities of the qualified agent?
308-19-110	How do I apply for a bail bond agency branch office license?
308-19-140	When will my license expire and how do I renew my license?
308-19-150	What happens to my agent license when I leave the bail bond agency I work for?
308-19-160	What happens to my bail bond agent license when I am not working?
308-19-200	Where do I keep the agency and agent licenses for my bail bond business?
308-19-210	What do I need to do if I move my business?
308-19-220	What are my responsibilities as a licensee in addition to the other obligations and responsibilities outlined in chapter 18.185 RCW and chapter 308-19 WAC?
308-19-230	What if my bail bond agency or a bail bond agent is the subject of a criminal complaint or action?
308-19-240	What records are a bail bond agency and branch office required to keep?
308-19-250	Is a bail bond agency subject to audit and inspection?
308-19-300	What are the precense training and examination requirements for bail bond agents, bail bond agency, and qualified bail bond agent license applicants?
308-19-400	What is a brief adjudicative proceeding?
308-19-410	What records are used in a brief adjudicative proceeding?
308-19-420	How is a brief adjudicative proceeding conducted?
308-19-430	False or misleading advertising.
308-19-440	Standards of professional conduct.

WAC 308-19-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by chapter 18.185 RCW, does hereby promulgate the following rules and regulations relating to the licensing of bail bond agencies and bail bond agents.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-010, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-010, filed 10/18/93, effective 11/18/93.]

WAC 308-19-020 Organization. The department of licensing administers the Washington bail bond license law, chapter 18.185 RCW. Submissions and requests for information regarding bail bond agency licenses and bail bond agent licenses may be sent in writing to the Bail Bond Program,

Business and Professions Division, Department of Licensing,
P.O. Box 9649, Olympia, Washington 98507-9649.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-020, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-020, filed 10/18/93, effective 11/18/93.]

WAC 308-19-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.185 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. Also see RCW 18.185.010 for other definitions.

(2) "Principal partner" means the partner who is the qualified agent of a bail bond agency and who exercises operational control over the agency.

(3) "Bail bond" means the contract between the defendant, the surety and/or the court to insure the appearance of the accused before the court(s) at such time as the court may direct. These bonds may require annual renewal.

(4) "Property bond agent" means a surety that posts security in the form of personal or real estate for compensation to assure the appearance of a defendant.

(5) "Surety" as it relates to bail bonds, means the depositor/owner of cash if a cash bail bond, the property owner(s) if a property bond, the insurance company if a corporate surety bond, that guarantees performance of the bail bond contract for compensation.

(6) "Principal/defendant" means the accused, for whom a bail bond may be obtained.

(7) "Exonerate" means the discharging of the bail bond by the court.

(8) "Indemnitor" means the person placing security with an agency/agent, to secure the agency against loss for the release of a defendant(s) on a bail bond.

(9) "Clients" means defendants and indemnitors.

(10) "Affidavit" means a written statement made under oath as provided in RCW 10.19.160.

(11) "Indemnity agreement" means the contract signed by the indemnitor that states the obligations the indemnitor(s) is/are assuming.

(12) "Collateral receipt" means an accurate description of the security given to an indemnitor by the receiving agency's agent, in its fiduciary capacity, listing all collateral given as security for a bail bond and held by the agency/agent until the bail bond is exonerated by the court or a forfeiture occurs. The receipt shall name the owner of the collateral, the defendant, and the bond number, and specify the terms for redemption of the collateral including any fees charged for storage.

(13) "Surrender form" means the form used to return to custody a defendant for violation of bond conditions, and the indemnitor's withdrawal from a bail bond with an affidavit in accordance with RCW 10.19.160, or a letter of forfeiture from a court in accordance to the bail contract.

(14) "Letter of forfeiture" means a notice in varied forms, sent to a bail bond agency/branch office, advising the agency/branch office that a defendant who has secured a bail bond with that agency has failed to appear on a given date in a given court in accordance with RCW 10.19.090. The court

has made a demand for the surrender of the defendant, or payment of the face amount of the bond by a given date.

(15) "Letter of demand" means any form of notice to the indemnitor/defendant that the collateral placed in trust has come under jeopardy because of a failure to appear or violation of bail.

(16) "Corporate surety bail bonds" means a bail bond contract that is guaranteed by a domestic, foreign or alien insurance company which has been qualified to transact surety insurance business in Washington state by the insurance commissioner.

(17) "Build-up fund" (also known as "BUF fund" or "escrow fund" or "trust fund") means that percentage of money obtained from collected premiums paid by the agent to the corporate surety company for the purpose of indemnifying the corporate surety from loss caused by the agent.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-030, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-030, filed 10/18/93, effective 11/18/93.]

WAC 308-19-100 How do I apply for a bail bond agent license? An applicant for a bail bond agent license must first meet the requirements stated in the bail bond agents law, RCW 18.185.020. After the applicant meets the requirements he/she shall:

(1) Complete an application for a license on a form provided by the department of licensing.

(2) Inform the department if he/she has an insurance surety license and with what company he or she is affiliated.

(3) Pay a fee or fees as listed in WAC 308-19-130.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-100, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-100, filed 10/18/93, effective 11/18/93.]

WAC 308-19-105 How do I apply for a bail bond agency license? To qualify for a bail bond agency license you must:

(1) Meet and complete the requirements of the bail bond agent license and; prove your work experience as required under RCW 18.185.030 (1)(b). Work related experience shall include: Bail bonds, insurance, trust accounts, receiving collateral in a fiduciary capacity, and forms of underwriting. If you do not have the required work experience you must train and pass an examination that shall follow the training and examination requirements as stated under Part D, WAC 308-19-300.

(2) Complete an application for an agency license on a form provided by the department of licensing.

(3) Pay a fee or fees as required by WAC 308-19-130.

(4) Obtain a bond for the main office as required by RCW 18.185.070.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-105, filed 12/13/99, effective 1/13/00.]

WAC 308-19-107 What are the requirements and responsibilities of the qualified agent? The qualified agent shall be responsible for all transactions, recordkeeping, and the employees of each office he or she is licensed as the qualified agent.

If the agency or branch agency is to be a corporate surety or property agency, the agency, or branch agency qualified agent shall disclose the surety(s) name, address, the attorney in fact, and in whose name the build-up fund is in.

If an agency changes or takes another corporate surety, the director shall be advised immediately by the qualified agent.

If the agency provides security in the form of real property, the qualified agent shall advise the director of the names of the court(s) that have given approval for the placing of property bonds.

If the applicant for qualified agent represents a corporation, he or she shall furnish a copy of the articles of incorporation, and a list of officers and directors and their addresses to the director.

If the applicant for a qualified agent represents a foreign corporation, he or she shall furnish a copy of its articles of incorporation, and a list of its officers and directors and their addresses to the director.

If the applicant is a partnership or limited partnership, each partner shall apply, qualify and furnish their addresses to the director.

When an agency license is issued to a sole proprietorship, the owner shall act as the qualified agent of the agency without the payment of additional license fees.

When an agency license is issued to a corporation, the manager, officer, or chief operating officer shall act as the qualified agent of the agency without the payment of additional license fees.

When a license is issued to a partnership the principal partner shall act as the qualified agent of the agency without the payment of additional license fees.

Any agency going out of business in the state of Washington shall continue to be obligated on all outstanding bonds until the director receives notification from the jurisdiction in which the agency/branch offices are located that all bonds have been exonerated and the department of licensing has received no complaints from indemnitor about the return of collateral. The director may require an audit of the closing agency at any time upon notification of the closing of the agency.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-107, filed 12/13/99, effective 1/13/00.]

WAC 308-19-110 How do I apply for a bail bond agency branch office license? A licensed bail bond agency may establish a branch office by meeting the following requirements.

(1) Each branch office shall have a licensed qualified agent.

(2) Complete an application form provided by the department of licensing.

(3) Pay the fee or fees as required under WAC 308-19-130.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-110, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-110, filed 10/18/93, effective 11/18/93.]

WAC 308-19-140 When will my license expire and how do I renew my license? (1) Licenses issued to bail bond

agents expire on their respective birth dates. However, if an application for the bail bond agent license is received by the department of licensing within ninety days from the applicant's birthdate, the license issued shall not expire until the next birthdate.

(2) Licenses issued to bail bond agencies expire on December 31 each year. 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 308-19-130 must be paid.

(3) If the application for a license renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

(4) A license shall be cancelled if an application for a renewal of that license is not received by the director within one year from the date of expiration. A person may obtain a new license by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No agent or agency shall engage in the sale or issuance of bail bonds if their license has expired.

(6) When the director receives verification that a bail bond agency license has expired or has been revoked or suspended, the director shall advise correction centers.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-140, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-140, filed 10/18/93, effective 11/18/93.]

WAC 308-19-150 What happens to my agent license when I leave the bail bond agency I work for? (1) A person licensed as a bail bond agent may perform duties and activities as licensed only under the direction and supervision of a licensed qualified agent and as a representative of a bail bond agency.

(2) Either the agency or agent may cancel this relationship. The agency's qualified agent must send a written notice of the cancellation to the department of licensing immediately and include the agent's license held by the agency. Notice of cancellation shall be provided by signature of the agency's qualified agent on the surrendered license. The cancellation 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 license has been lost, the qualified agent shall complete and submit an affidavit of lost license on a form approved by the department explaining why the license has been lost and for how long the license has not been on display.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-150, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-150, filed 10/18/93, effective 11/18/93.]

WAC 308-19-160 What happens to my bail bond agent license when I am not working? (1) Any license issued under chapter 18.185 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 chapter 18.185 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by 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 examination and education requirements.

(4) The provisions of chapter 18.185 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: Chapter 18.185 RCW. 00-01-061, § 308-19-160, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-160, filed 10/18/93, effective 11/18/93.]

WAC 308-19-200 Where do I keep the agency and agent licenses for my bail bond business? Licenses of all bail bond agency and bail bond agents shall be kept in the office located at the address appearing on the license.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-200, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-200, filed 10/18/93, effective 11/18/93.]

WAC 308-19-210 What do I need to do if I move my business? The qualified agent of a bail bond agency shall notify the department of any change of location and mailing address of the agency office within ten working days by filing a completed change of address form approved or provided by the department.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-210, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-210, filed 10/18/93, effective 11/18/93.]

WAC 308-19-220 What are my responsibilities as a licensee in addition to the other obligations and responsibilities outlined in chapter 18.185 RCW and chapter 308-19 WAC? 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 18.185 RCW.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-220, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-220, filed 10/18/93, effective 11/18/93.]

WAC 308-19-230 What if my bail bond agency or a bail bond agent is the subject of a criminal complaint or action? Every licensee shall notify in writing, within twenty days after service or knowledge thereof, the office of the bail bond program, business and professions division, department of licensing 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: Chapter 18.185 RCW. 00-01-061, § 308-19-230, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-230, filed 10/18/93, effective 11/18/93.]

[2000 WAC Supp—page 1484]

WAC 308-19-240 What records are a bail bond agency and branch office required to keep? The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.185 RCW, or in these rules:

(1) They shall be maintained in accordance with generally accepted accounting practices.

(2) No person shall make any false or misleading statement, or make false or misleading entry, or willfully fail to make any entry required to be maintained or made, in any such record or document.

(3) No person shall willfully fail to produce any such record or document for inspection by the department.

(4) The minimum records the qualified agent or principal partner of a bail bond agency shall be required to keep are:

(a) Bank trust account records;

(b) Duplicate receipt book or receipt journal;

(c) Prenumbered checks;

(d) Check register or cash disbursement journal;

(e) Validated bank deposit slips;

(f) Reconciled bank monthly statement (client liability vs bank statement);

(g) All cancelled checks;

(h) All voided checks;

(i) "Client information" which includes defendant's name, application, dates of transactions, amount received, amount disbursed, current balance, check number, item(s) covered, indemnitor's agreement, and indemnity agreements, premium receipts, collateral receipt(s), letter(s) of forfeiture or surrender form(s), letter(s) of demand and affidavit(s), if surrendered before a forfeiture has occurred, and any written information or communication that may have influence on the bail bond or collateral placed for the bail bond;

(j) A transaction folder or file containing a copy of all agreements and related correspondence for each transaction;

(k) Records or description of all collaterals, securities, or monetary instruments received or held in the bail bond business transactions;

(l) Records of training and/or continuing education for each bail bond agents employed in that agency;

(m) Records of exoneration of all bail bond transactions which include: (i) Court, citation or case number (ii) date of issuance of the bail (iii) the defendant's name, address and telephone number (iv) amount of the bond (v) name of the court (vii) date of exoneration of the bond.

(5) The above records shall be maintained for a minimum period of three years.

(6) All funds and monetary instruments received by the agency from customers or clients in business transactions shall be deposited into the trust account within three working days of receipt.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-240, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-240, filed 10/18/93, effective 11/18/93.]

WAC 308-19-250 Is a bail bond agency subject to audit and inspection? All records required to be maintained by a qualified agent of a bail bond agency by chapter 18.185 RCW, or these rules, together with any other business or other types of records of a licensee which may be related to

the bail bond activity, together with any personal property which may be the subject of, or related to, a bail bond business transaction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department of licensing, for the purposes of determining compliance or noncompliance with the provisions of chapter 18.185 RCW, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public (or members and guests), then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in subsection (1) of this section, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-250, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-250, filed 10/18/93, effective 11/18/93.]

WAC 308-19-300 What are the prelicense training and examination requirements for bail bond agents, bail bond agency, and qualified bail bond agent license applicants? (1) The training and examination requirements for bail bond agent license applicants under RCW 18.185.060, shall include, at a minimum:

(a) Four hours of training in the following subjects:

- (i) Bail bond licensing laws;
- (ii) Court procedures relating to bail bonds;
- (iii) Criminal procedure, Title 10 RCW;
- (iv) Contracts and bail bond agreements;
- (v) Preparation of promissory notes, mortgages, deeds of trust, assignments and other documents affecting property;
- (vi) Care and storage of personal property;
- (vii) Forfeiture of collateral, judgements and collection;
- (viii) Washington Insurance Code, Title 48 RCW;
- (ix) Laws relating to notary publics, chapter 42.44 RCW;
- (x) Contact with clients, courts and law enforcement;
- (xi) Sexual harassment.

(b) A licensed qualified agent shall certify on each bail bond agent's license application that the training required in this section has been completed.

(2) The examination requirement for bail bond agency or qualified bail bond agent license applicants under RCW 18.185.030 (1)(a), shall include, as a minimum:

(a) All of the subjects as listed in subsection (1)(a) of this section; and

(b) At a minimum, the following subjects:

- (i) Recordkeeping and filing;
- (ii) Business licensing, taxation and related reporting and recordkeeping requirements.
- (iii) Personnel management;
- (iv) Laws relating to employment;

(v) The Americans with Disabilities Act;

(3) The examination for bail bond agency or qualified bail bond agent license applicants shall consist of a minimum of fifty questions covering the subjects listed above in subsection (2)(a) and (b) of this section. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of fourteen days before reexamination.

(4) The director will certify training and examination programs for bail bond qualified agents and bail bond agents license applications.

(5) Every bail bond agent shall present to the director a letter stating training they have received while working as a trainee for an agency, including the name of the principal instructor before the director issues the person a bail bond license. This letter shall be signed by the qualified agent and shall also include a statement that the qualified agent is aware that they are taking responsibility for the agent.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-300, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-300, filed 10/18/93, effective 11/18/93.]

WAC 308-19-400 What is a brief adjudicative proceeding? 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) Whether an applicant for a license meets the minimum criteria for a license to practice as a bail bond agency, qualified agent, branch office or bail bond agent in this state and the department proposes to deny the application;

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

(3) 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) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: Chapter 18.185 RCW. 00-01-061, § 308-19-400, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-047, § 308-19-400, filed 5/1/97, effective 6/1/97.]

WAC 308-19-410 What records are used in a brief adjudicative proceeding? (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 department in proposing to deny the license, renewal, or approval; and

(c) All correspondence between the applicant for license, renewal, or approval and the department 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 department regarding compliance with the final order or agreement; and

(d) All documents relied upon by the department 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 educational 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 educational 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: Chapter 18.185 RCW, 00-01-061, § 308-19-410, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c), 97-10-047, § 308-19-410, filed 5/1/97, effective 6/1/97.]

WAC 308-19-420 How is a brief adjudicative proceeding conducted? (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 not have personally participated in the decision, which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings 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 department expertise as a basis for the 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: Chapter 18.185 RCW, 00-01-061, § 308-19-420, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c), 97-10-047, § 308-19-420, filed 5/1/97, effective 6/1/97.]

WAC 308-19-430 False or misleading advertising. (1)

The department has authority to discipline bail bonds agents for advertising that is false, fraudulent or misleading, RCW 18.185.110(5). Every advertisement by a licensee that solicits or advertises business shall contain the name of the business exactly as stated on the bail bond agency license, the physical address of the business as stated on the bail bond agency license and, the bail bond agency license number. For purposes of providing the business name and telephone number only, single line telephone directory listings are not required to include the license number.

(2) No bail bond agency shall use fictitious names in any advertising, or telephone directory.

[Statutory Authority: Chapter 18.185 RCW, 00-01-061, § 308-19-430, filed 12/13/99, effective 1/13/00.]

WAC 308-19-440 Standards of professional conduct.

(1) A bail bond agent shall maintain a detailed record of any collateral taken as security on any bond to the principal, indemnitor, or depositor of such collateral.

(2) A bail bond agent shall preserve or retain separately any collateral or to retain any collateral taken as security on any bond.

(3) A bail bond agent shall not have an outstanding judgment on a bail forfeiture, which judgment is or has been subject to execution on demand.

(4) A bail bond agent shall not use a relationship with any person employed by a jail facility to obtain referrals, or pay a fee or rebate or give or promise anything of value to any person having the power of arrest or having control of federal, state, county, or municipal prisoners, trustees or prisoners incarcerated in any jail, prison or any other place used for the incarceration of persons.

(5) A bail bond agent shall not require as a condition of his/her executing a bail bond that the principal or defendant agree to engage the services of a specific attorney.

(6) A bail bond agent shall not prepare or issue forged bonds or a forged power of attorney.

(7) A bail bond agent shall not arrest or make a threat of arrest to a defendant when the defendant or the indemnitor fails to fulfill a promise to repay credit extended by the bail bond agent.

(8) A bail bond agent shall not pay a fee or rebate or give or promise anything of value to the principal or anyone on his or her behalf.

(9) A bail bond agent shall not pay a fee or rebate or give anything of value to an attorney in bail bond matters, except for legal services actually rendered on behalf of the bail bond agent.

(10) A bail bond agent shall not pay a fee or rebate or pay for a referral except from another bonding company, or promise anything of value to a person in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond.

[Statutory Authority: Chapter 18.185 RCW, 00-01-061, § 308-19-440, filed 12/13/99, effective 1/13/00.]

**Chapter 308-21 WAC
ATHLETE AGENT REGISTRATION**

WAC

308-21-010 through 308-21-600 Repealed.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

308-21-010 Definitions. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-010, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.

308-21-100 Certificate of registration. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-100, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.

308-21-200 Application. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-200, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.

308-21-300 Registration renewal—Penalties. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-300, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.

308-21-400 Disclosure statement. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-400, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.

308-21-500 Public viewing of disclosure statement. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-500, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.

308-21-600 Fees. [Statutory Authority: RCW 18.175.050 and 43.24.086. 92-20-017, § 308-21-600, filed 9/25/92, effective 10/26/92.] Repealed by 99-14-035, filed 6/29/99, effective 7/1/99. Statutory Authority: Chapter 18.175 RCW.

WAC 308-21-010 through 308-21-600 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 308-32 WAC
DEBT ADJUSTERS**

WAC

308-32-015	Repealed.
308-32-020	Repealed.
308-32-030	Repealed.
308-32-040	Repealed.
308-32-050	Repealed.
308-32-060	Repealed.
308-32-070	Repealed.
308-32-080	Repealed.
308-32-090	Repealed.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

308-32-015 Nonparticipating creditors—Terms to be included in contract. [Statutory Authority: RCW 18.28.170. 79-08-062 (Order 307), § 308-32-015, filed 7/23/79; Order 5, § 308-32-015, filed 8/20/68, effective 10/1/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-020 Blind advertising. [Order 2, § 308-32-020, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-030 Deceptive advertising. [Order 2, § 308-32-030, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-040 Advertising—Rates of charge. [Order 2, § 308-32-040, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-050 Maintenance of advertising copy. [Order 2, § 308-32-050, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-060 Return of license. [Order 2, § 308-32-060, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-070 Application—Fingerprints required. [Order 2, § 308-32-070, filed 3/13/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-080 Application and fees. [Statutory Authority: RCW 18.28.170. 87-21-011 (Order PM 686), § 308-32-080, filed 10/9/87; Order 5, § 308-32-080, filed 8/20/68, effective 10/1/68.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

308-32-090 Fees. [Statutory Authority: RCW 43.24.086. 90-06-052, § 308-32-090, filed 3/2/90, effective 4/2/90. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-32-090, filed 11/2/83; 83-17-031 (Order PL 442), § 308-32-090, filed 8/10/83. Formerly WAC 308-32-310.] Repealed by 99-14-062, filed 7/2/99, effective 7/2/99.

WAC 308-32-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-090 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-48 WAC

FUNERAL DIRECTORS AND EMBALMERS

WAC

308-48-800 Funeral director/embalmer fees.

WAC 308-48-800 Funeral director/embalmer fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination or reexamination	\$154.98
Renewal	103.32
Late renewal penalty	51.66

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Title of Fee	Fee		
		308-56A-255	Repealed.
		308-56A-265	Releasing interest.
		308-56A-270	Forms of signature.
Duplicate	15.50	308-56A-275	Certification of signature.
Certification	25.83	308-56A-280	Repealed.
Embalmer apprentice:		308-56A-285	Repealed.
Apprentice application	77.49	308-56A-300	Application for certificate of ownership for abandoned vehicles.
Apprentice renewal	46.49	308-56A-305	Law enforcement sale.
Duplicate	15.50	308-56A-310	Personal property lien—Chattel, landlord.
Certification	25.83	308-56A-315	Name change.
Funeral director:		308-56A-320	Transfer by court order.
State examination or reexamination	154.98	308-56A-325	Owner incompetent.
Renewal	103.32	308-56A-330	Owner bankrupt.
Late renewal penalty	51.66	308-56A-335	Owner deceased—Release of interest by personal representative.
Duplicate	15.50	308-56A-340	Repealed.
Certification	25.83	308-56A-345	Repealed.
Funeral director apprentice:		308-56A-350	Repealed.
Apprentice application	77.49	308-56A-355	Owner deceased—In name of estate.
Apprentice renewal	46.49	308-56A-360	Repealed.
Duplicate	15.50	308-56A-365	Repealed.
Certification	25.83	308-56A-420	Delivery of vehicle on dealer temporary permit.
Funeral establishment:			
Original application	361.62	308-56A-145	Special mailing. [Order MV 208, § 308-56A-145, filed 7/31/74.] Repealed by 99-12-031, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
Renewal	309.96	308-56A-205	Release of interest. [Order MV 208, § 308-56A-205, filed 7/31/74.] Repealed by 99-12-031, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
Branch registration and renewal	258.30	308-56A-255	Signature of registered owner—Supplemental form. [Order MV 208, § 308-56A-255, filed 7/31/74.] Repealed by 99-08-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110.
Preneed application	206.64	308-56A-280	Certification of signature—Departmental employees. [Order MV 208, § 308-56A-280, filed 7/31/74.] Repealed by 99-08-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110.
Preneed renewal:		308-56A-285	Certification of signature—Vehicle dealer. [Statutory Authority: RCW 46.01.110, 88-20-035 (Order TL/RG 44), § 308-56A-285, filed 9/30/88; Order MV 208, § 308-56A-285, filed 7/31/74.] Repealed by 99-08-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110.
0-25 sales	25.83	308-56A-340	Owner deceased—Will left. [Order MV 208, § 308-56A-340, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
26-99 sales	103.32	308-56A-345	Owner deceased—No will left. [Order MV 208, § 308-56A-345, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
100 or more sales	154.98	308-56A-350	Owner deceased—To spouse "in lieu of homestead." [Order MV 208, § 308-56A-350, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
Financial statement fee	51.66	308-56A-360	Owner deceased—Estate not administered. [Order MV 208, § 308-56A-360, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
Crematory endorsement registration	103.32	308-56A-365	Owner deceased—Community property agreement. [Order MV 208, § 308-56A-365, filed 7/31/74.] Repealed by 99-06-037, filed 2/26/99, effective 3/29/99. Statutory Authority: RCW 46.01.110.
Crematory endorsement renewal fifty-one dollars and sixty-six cents plus fifty-two cents per cremation performed during previous calendar year.			

[Statutory Authority: RCW 18.39.181, 99-16-040, § 308-48-800, filed 7/29/99, effective 8/29/99. Statutory Authority: RCW 18.39.175(4), 98-21-056, § 308-48-800, filed 10/19/98, effective 11/19/98; 91-11-023, § 308-48-800, filed 5/7/91, effective 6/7/91; 91-01-006, § 308-48-800, filed 12/6/90, effective 1/6/91. Statutory Authority: RCW 43.24.086, 90-07-024, § 308-48-800, filed 3/14/90, effective 4/14/90; 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

Chapter 308-56A WAC

CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.

WAC	
308-56A-056	Names separated by the words "and," "or," or the slash symbol "/"
308-56A-060	Ownership in joint tenancy.
308-56A-065	Vehicles held in trust.
308-56A-070	Leased vehicles.
308-56A-075	Multiple legal owners.
308-56A-140	Department temporary permit.
308-56A-145	Repealed.
308-56A-150	Certificate of vehicle inspection.
308-56A-160	Model year—How determined.
308-56A-200	Replacement Washington certificate of ownership.
308-56A-205	Repealed.
308-56A-215	Erasures and alterations and incorrect information.
308-56A-250	Signature of registered owner on application—Exceptions.

WAC 308-56A-056 Names separated by the words "and," "or," or the slash symbol "/" (1) Does the department use the words "and," "or," or the slash symbol "/" when recording multiple interests on a certificate of ownership? The department has not used these designations since 1974 when recording ownership interest. For those certificates of ownership which may have been issued using one of these designations, any registered owners so shown are

considered to have equal registered owner interest in the vehicle and any lien holder so shown is considered to have equal security interest in the vehicle.

(2) **Will the department use the words "and," "or," or the slash symbol "/" if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** The department does not use these designations when recording ownership interest. The department will list the names without the above designations.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-21-098, § 308-56A-056, filed 10/20/99, effective 11/20/99.]

WAC 308-56A-060 Ownership in joint tenancy. (1) **What does joint tenancy with rights of survivorship mean when noted on a certificate of ownership?** If owners own a vehicle in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate.

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership shall show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out. The address of only one owner can be accepted on the application.

Example 1:

Doe, John

Doe, Jane

Doe, Mary

Joint tenants with rights of survivorship; or

Example 2:

Doe, John

Doe, Jane

Joint tenants with rights of survivorship.

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of ownership will be printed showing the abbreviation "JTWROS."

(4) **If one of the owners dies, what additional documentation does the department require to transfer the certificate of ownership into the name(s) of the surviving owner(s)?** The department requires a copy of the death certificate.

[Statutory Authority: RCW 46.01.110, 99-08-064, § 308-56A-060, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-060, filed 7/31/74.]

WAC 308-56A-065 Vehicles held in trust. (1) **How is a trust, established under chapter 11.98 RCW, shown on a certificate of ownership?** Owners who choose to designate the trust on a certificate of ownership may:

(a) Show the registered owner name with the designation **trustee**;

(b) Show the registered owner name with the designation **trustee** followed by the name of the trust as one owner. If

necessary, the name of the trust will be abbreviated to comply with the department's data field size constraints on the automated vehicle field system and space limitations on the certificate of ownership; or

(c) The name of the trust only.

(2) **What trust documents do I need to present to apply for a certificate of ownership in the name of the trust?** You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

(3) **If a vehicle is titled in the name of a trust, who represents the trust for title transactions?** The trustee shown on the certificate of ownership represents the trust on all vehicle transactions with the department until such time as the trustee is replaced or the trust is terminated.

(4) **What is required when a successor trustee is appointed?** The successor trustee must apply for a new certificate of ownership and provide documentation appointing them as trustee.

(5) **What is required when a trust is terminated?** The beneficiary must apply for a new certificate of ownership under chapter 46.12 RCW.

[Statutory Authority: RCW 46.01.110, 99-08-064, § 308-56A-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110 and 46.12.030, 97-03-076, § 308-56A-065, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-065, filed 7/31/74.]

WAC 308-56A-070 Leased vehicles. (1) **How are the lessee and lessor designated on Washington certificates of ownership?**

(a) The application for certificate of ownership shall show the name of the lessee as registered owner, followed by the word **lessee**. The name of the lessor shall be shown as the secured party or legal owner, followed by the word **lessor**.

(b) If the vehicle is subject to a security agreement, the application shall be completed as above with the lessor's name immediately below the lessee's name as second registered owner and shall be followed by the word **lessor**. The address shown shall be the lessees. The secured party's name and address shall be shown as the legal owner.

(c) Dealers and persons engaged in the business of vehicle leasing may simply show the lessor as sole registered owner if a copy of the lease or rental agreement is attached to the application. This does not apply if the lease contains an option to purchase or if it is for more than one year.

(2) **How is a lessee and sublessee designated on the Washington certificate of ownership?**

(a) Lessees who enter into a lease agreement with another party will be shown on a certificate of ownership as the registered owner followed by the designation **LESSEE**. The sublessee will be shown on a certificate of ownership as the registered owner followed by the designation **SUBLESSEE**. Only the sublessee must sign the application for certificate of ownership.

(b) The name of the lessor shall be shown as either:

(i) The secured party or legal owner, followed by the word **lessor**; or

(ii) If the vehicle is subject to a security agreement, the application shall be completed as above with the lessor's name immediately below the lessee's name as third registered owner and shall be followed by the word **lessor**. The address shown shall be the sublessee's. The secured party's name and address shall be shown as the legal owner.

(3) **Do I need to surrender my out-of-state certificate of ownership to the department when I register my leased vehicle in Washington?** If the out-of-state certificate of ownership shows lessee and lessor designations as required by Washington state law or rule, the certificate of ownership need not be surrendered. A certificate of registration will be issued, however, a Washington certificate of ownership will not. If the out-of-state certificate of ownership is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 46.01.110, 99-08-064, § 308-56A-070, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110 and 46.12.030, 97-03-076, § 308-56A-070, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-070, filed 7/31/74.]

WAC 308-56A-075 Multiple legal owners. (1) **Will the department issue a certificate of ownership indicating more than one legal owner?** Yes, more than one legal owner may be shown on the certificate of ownership.

(2) **How are additional legal owner's interest shown on the certificate of ownership?** Additional legal owners are shown directly after the first legal owner. Only the address of the first legal owner shall be shown on the certificate of ownership.

(3) **If the lien has been satisfied with one of the legal owners shown on a certificate of ownership, how is their interest released?** When security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest shall be released on the certificate of ownership or a department approved release of interest form. The remaining legal owner(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining legal owner's name and address.

[Statutory Authority: RCW 46.01.110, 99-08-064, § 308-56A-075, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110 and 46.12.030, 97-03-076, § 308-56A-075, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-075, filed 7/31/74.]

WAC 308-56A-140 Department temporary permit.

(1) **What is a department temporary permit?** A department temporary permit is a permit issued in lieu of registration and license plates when:

(a) The vehicle is not sold by a licensed Washington dealer;

(b) The vehicle is not currently licensed in Washington; and

(c) Proper vehicle documentation is not available but is likely to be available within sixty days.

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(2) **If I am unable to obtain proper documentation within sixty days, what options are available to me?** When documents are not expected to be received within sixty days, you may choose to:

(a) Not obtain the department temporary permit and wait to register until all documents are received to register your vehicle; or

(b) Obtain the department temporary permit and if you do not receive the documentation within sixty days, you will be unable to use the vehicle after the department temporary permit expires.

(3) **Where do I obtain a department temporary permit?** Department temporary permits are available at all Washington vehicle license agencies.

(4) **What fees are required to be paid when applying for a department temporary permit?** In addition to other fees prescribed by law, the department temporary permit fee, title application fee, inspection fees and licensing fees must be paid at the time the department temporary permit is issued.

(5) **How do I display the department temporary permit?** The hard copy of the department temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.

(6) **How many months of gross weight must I purchase with a department temporary permit for my vehicle, which is eligible for monthly gross weight?** If you have a vehicle that is eligible for monthly gross weight, you must purchase a minimum of two months gross weight license to correspond with the duration of the department temporary permit. You may receive credit as described in WAC 308-96A-220 for gross weight license already purchased.

(7) **How do I obtain license plates and registration for my vehicle that has been issued a department temporary permit?** You may obtain license plates and new registration for your vehicle that has been issued a department temporary permit by submitting the necessary documents and fees to any Washington vehicle license agency.

(8) **What fees are required to be paid when clearing a department temporary permit?** In addition to other fees as prescribed by law, the title application fee and license plate fees must be paid at the time the temporary permit is cleared.

(9) **How do I obtain a replacement vehicle title application/registration certificate portion of the department temporary permit, if the original is not available?** If the department temporary permit was issued at a vehicle licensing agency/subagency:

(a) You may obtain a photocopy of the certificate portion of the department temporary permit only at the county's auditor/agent office in the same county you obtained the original department temporary permit.

(b) If the department temporary permit was issued at a department-staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit will retain the same expiration date as the original.

(10) **How do I obtain a replacement for the department temporary permit placard which is displayed in the vehicle window?** You may obtain a replacement department temporary permit placard at any vehicle services office. You must provide the vehicle title application/registration certificate, VIN, or the department temporary permit number.

(11) **How do I obtain a replacement department permit if both the application/registration certificate and the display placard are lost, stolen, or destroyed?** You may obtain a photocopy of the vehicle title application/registration certificate portion of the department temporary permit only at the issuing county's auditor/agent office. If the department temporary permit was issued at a department-staffed vehicle licensing office, you must obtain a replacement from that office. You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit placard may also be obtained at these locations.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216, 99-12-031, § 308-56A-140, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110, 93-14-084, § 308-56A-140, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110, 46.12.151 and 46.12.050, 92-03-077, § 308-56A-140, filed 1/14/92, effective 2/14/92; Order MV 208, § 308-56A-140, filed 7/31/74.]

WAC 308-56A-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-150 Certificate of vehicle inspection.

(1) **When is a certificate of vehicle inspection required?** A certificate of vehicle inspection, signed by an authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

- (a) From a state, jurisdiction or province other than Washington;
- (b) Reported destroyed since the last certificate of ownership was issued;
- (c) A homemade, assembled, or rebuilt vehicle not previously titled as such;
- (d) One whose identification number needs verification has been removed, defaced, altered, destroyed, or has become illegible or is missing;
- (e) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;
- (f) A used vehicle and no Washington record can be found;
- (g) A kit vehicle not previously titled as such;
- (h) A street rod not previously titled as such;
- (i) A glider kit not previously titled as such; or
- (j) Questionable as to ownership.

(2) **Is a fee always charged for a certificate of vehicle inspection?** No, a fee may be charged when a vehicle has been referred for inspection for any reason other than subsection (1) of this section; and a fee may also be charged if the request for inspection is made by a commissioned law

enforcement officer, an employee of the department of licensing, a vehicle license agent or other competent inspecting agency designated by the director.

(3) **Who is authorized to perform a vehicle inspection?** Vehicle inspections may be performed by:

- (a) The Washington state patrol;
- (b) Other competent inspecting agencies designated by the director if the vehicle is located in a foreign state or province and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) **How long is a vehicle certificate of inspection valid?** The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

- (a) Thirty days for vehicles:
 - (i) Reported destroyed;
 - (ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;
 - (iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;
 - (iv) With structural change in, or modification of, body or frame changing the class designation or body type;
 - (v) Referred for inspection for any reason not listed.
- (b) Sixty days for vehicles:
 - (i) From a foreign jurisdiction;
 - (ii) With no Washington record or no manufacture statement of origin/manufacture certificate of origin.
- (c) One year for vehicles required to be inspected under subsection (1)(a) through (i) of this section and held for sale by a licensed dealer.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216, 99-21-098, § 308-56A-150, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 46.01.110, 97-07-014, § 308-56A-150, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216, 91-04-024, § 308-56A-150, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110, 85-06-011 (Order TL/RG 11), § 308-56A-150, filed 2/22/85; Order MV 208, § 308-56A-150, filed 7/31/74.]

WAC 308-56A-160 Model year—How determined.

(1) **How is a model year assigned to a vehicle?** The model year for a vehicle, as defined in RCW 46.04.251 is the model year assigned by the manufacturer.

(2) **Are there standards for assigning model years that manufacturers must follow?** Manufacturers shall adopt standards for assigning model years based on either the date of manufacture or features of the vehicle. The standards shall be such that all vehicles assigned a model year that are manufactured in the same year with the same features are assigned the same model year. Manufacturers shall designate the model year on the manufacturer's certificate of origin (MCO) or similar documents.

(3) **How are model years assigned to vehicles that are incomplete, such as certain recreational vehicles?** Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles shall assign the model year as provided in subsection (2) of this section. In the event a model year is assigned by both the incomplete

vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year shall be used on the certificates of ownership and registration.

(4) **How will a model year be assigned to my vehicle if the manufacturer did not assign one?** If an original manufacturer has not assigned a model year, or your vehicle is rebuilt, homemade, is a street rod, assembled or is a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections shall use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer shall be used.

(c) The model year for assembled vehicles will be determined by the Washington state patrol based on the date of manufacture of the vehicle which the vehicle most closely resembles.

(d) The model year of a kit vehicle as defined in RCW 46.04.251 shall not be the model year of the vehicle the kit replicates.

(5) For purposes of this section the following terms shall have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactured vehicles. Manufacture shall include the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO or similar documents.

(b) "Incomplete vehicle" means an assemblage consisting of, as a minimum:

- (i) Frame and chassis structure;
- (ii) Power train;
- (iii) Steering system;
- (iv) Suspension system; and
- (v) Braking system.

To the extent that those systems are to be part of the completed vehicle that requires further manufacturing operation; other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name which a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-12-031, § 308-56A-160, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-56A-160, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-56A-160, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-160, filed 6/30/93, effective 7/31/93.]

WAC 308-56A-200 Replacement Washington certificate of ownership. (1) **What is a replacement certificate of ownership?** A replacement certificate of ownership replaces certificates of ownership that are:

- (a) Lost;
- (b) Mutilated;
- (c) Stolen; or
- (d) Destroyed.

(2) **What documents and information do I need to provide to the department to obtain a replacement certificate of ownership?** You need to provide an explanation of the disposition of the certificate of ownership that you are replacing and a vehicle description to include, but not limited to, the model year, make, and vehicle identification number or the Washington license plate number. This information may be presented to the department on a notarized or certified:

(a) Approved affidavit of loss form, letter of request from the owner of record; or

(b) Affidavit in lieu of title.

(3) **Who needs to sign the request for a replacement certificate of ownership?** All legal owners shown on department records shall sign the request for the replacement certificate of ownership. Their signatures must be certified or notarized in accordance with WAC 308-56A-275.

(4) **What do I do if I find my certificate of ownership after I receive a replacement?** Once a replacement certificate of ownership is issued, any previously issued certificate of ownership is void and, if found, must be destroyed.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-12-031, § 308-56A-200, filed 5/25/99, effective 6/25/99; Order MV 208, § 308-56A-200, filed 7/31/74.]

WAC 308-56A-205 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-215 Erasures and alterations and incorrect information. (1) **Will the department accept a certificate of ownership application for certificate of ownership or supporting documents if it has been altered?** The department may refuse to accept any certificate of ownership when ownership or vehicle information has been altered. A replacement ownership document may be required.

(2) **What does the department require when a certificate of ownership, an application for certificate of ownership or supporting documents has been altered?**

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vehicle dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure has been made on a title, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a release of interest.

(d) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

[Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216, 99-12-031, § 308-56A-215, filed 5/25/99, effective 6/25/99; Order MV 208, § 308-56A-215, filed 7/31/74.]

WAC 308-56A-250 Signature of registered owner on application—Exceptions. (1) **When is the signature of a registered owner(s) required?** Each registered owner is required to sign the application for certificate of ownership except when:

(a) The application is for the sole purpose of removing a secured party of record from the certificate of ownership;

(b) Authorized supportive documentation is used in lieu of the signature or signatures;

(c) The legal owner applies for a duplicate title certificate of ownership;

(d) There is a statutorily authorized lien filed by a government agency against the vehicle;

(e) An existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting its security interest.

(2) **If there are multiple registered owners on an application for certificate of ownership, when is only one registered owner's signature required?** Only one registered owner's signature is required when:

(a) The last certificate of ownership was issued in another jurisdiction; and

(b) The last certificate of ownership shows multiple registered owners; and

(c) Ownership is not changing.

[Statutory Authority: RCW 46.01.110, 99-08-065, § 308-56A-250, filed 4/5/99, effective 5/6/99; 92-15-024, § 308-56A-250, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-250, filed 7/31/74.]

WAC 308-56A-255 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-265 Releasing interest. (1) **How does an owner release interest in a vehicle?** A vehicle owner(s) or secured party who intends to release interest in a vehicle shall:

(a) Sign the release of interest provided on the certificate of ownership; or

(b) Sign a release of interest document or form approved by the department.

(2) **What forms may secured parties use in lieu of subsection (1)(a) and (b) of this section when their intent is to release interest?** Secured parties who intend to release their interest in a vehicle may provide one of the following if accompanied by the most recently issued certificate of ownership:

(a) Their properly completed official lien release form; or

(b) A release of interest on its official letterhead, if the secured party is a business entity.

(3) **How is the release of interest submitted on an electronically generated Washington certificate of ownership?** If the Washington certificate of ownership is a paperless title, the secured party may release its interest electronically or by signing an affidavit in lieu of title.

(4) **When do signatures releasing interest need to be notarized or certified?** An owner's release of interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-56A-275.

(5) **Are there situations when signatures would not need to be notarized or certified in order to release interest?** Yes, the following are situations where notarized or certified is not required:

(a) A signature releasing interest on the certificate of ownership issued by the department or another jurisdiction;

(b) A signature releasing interest on an affidavit in lieu of title printed at a Washington paperless title institution's location;

(c) When there is a secured party and:

(i) The secured party is a business; and

(ii) Release of interest in a vehicle is in accordance with subsection (2)(a) or (b) of this section; and

(iii) The current certificate of ownership is submitted with the separate release of interest and an application for a new certificate of ownership;

(d) A release of interest or bill of sale from the registered owner when the vehicle is from a jurisdiction which does not title this type of vehicle;

(e) A release of interest or a bill of sale from a wrecker or insurance company.

(6) **When is a registered owner's release of interest not required?** A release of interest is not required when a registered owner is identified as a lessee or sublessee on an ownership document.

(7) **What documentation may be used in lieu of a release of interest?** Documents that may be used in lieu of a release of interest include, but are not limited to, a certified or notarized:

(a) Bill of sale;

(b) Affidavit in lieu of title with the release of interest portion properly completed;

(c) Release of interest form;

(d) Letter of release;

(e) Affidavit of repossession;

(f) Abandoned vehicle report;

(g) Chattel or landlord lien form;

- (h) Certificate of junk vehicle form; or
- (i) Other documentation approved by the department.

[Statutory Authority: RCW 46.01.110. 99-08-065, § 308-56A-265, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-265, filed 7/31/74.]

WAC 308-56A-270 Forms of signature. (1) What signature format is acceptable to the department? The department will accept:

- (a) The signature of an individual in the same form as the name appears on the application or on the certificate of ownership.
- (b) The signature containing initials corresponding to the first letter of the given name(s).
- (c) The signature containing a given name(s) corresponding to the initials.
- (d) Common nicknames such as Bob for Robert, Jim for James, Betty for Elizabeth, etc.
- (e) The signature, any memorandum, mark or sign made with the intent to authenticate and application for certificate of ownership or registration of any person provided in RCW 9A.04.110(23).

(2) What form of signature is required for business owned vehicles? Signatures for business owned vehicles must include:

- (a) The name of the business or a commonly accepted abbreviation for the business;
- (b) The signature of the person who is signing on behalf of the business; and
- (c) The title of the position of the person.

[Statutory Authority: RCW 46.01.110. 99-08-065, § 308-56A-270, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-270, filed 7/31/74.]

WAC 308-56A-275 Certification of signature. Who may certify signatures?

(1) Signatures shall be notarized by a notary public or certified by agents and subagents appointed by the director to conduct vehicle title and registration activities on behalf of the department. The certification must include the signature and the county, office, and operator numbers of the person certifying the signature. Signatures may also be certified by one of the following:

- (a) Employees authorized by the director to certify signatures. These employees are:
 - (i) Deputy director; and
 - (ii) Assistant director for vehicle services; and
 - (iii) Administrator and managers of the division primarily responsible for vehicle title and registration; and
 - (iv) Persons assigned to liaison duties between the department and its agents and subagents; and
 - (v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and
 - (vi) Persons assigned the responsibility for investigating vehicle dealer activities; and
- (b) Persons authorized by a Washington licensed vehicle dealer, if the vehicle is sold by that dealer. The certification must include the dealer number, signature, and title, of the person certifying the signature.

(2) The person certifying the signatures shall require proof of identification. Approved identification is:

- (a) Drivers license; or
- (b) Any photo identification card; or
- (c) Any two of the following:
 - (i) A nationally or regionally recognized credit card (signed);
 - (ii) A signed ID card issued by a city, county, state or federal government agency;
 - (iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or
 - (d) Other documentation satisfactory to the person certifying the signature.

[Statutory Authority: RCW 46.01.110. 99-08-065, § 308-56A-275, filed 4/5/99, effective 5/6/99; 88-20-035 (Order TL/RG 44), § 308-56A-275, filed 9/30/88; Order MV 208, § 308-56A-275, filed 7/31/74.]

WAC 308-56A-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-285 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-300 Application for certificate of ownership for abandoned vehicles. What ownership document does the department require to issue a certificate of ownership for a vehicle which has been abandoned? A properly completed, department required, abandoned vehicle report - affidavit of sale form, as provided in chapter 46.55 RCW.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-300, filed 6/21/99, effective 7/22/99. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-300, filed 10/9/87; Order MV 208, § 308-56A-300, filed 7/31/74.]

WAC 308-56A-305 Law enforcement sale. (1) What ownership document does the department require to issue a certificate of ownership for a vehicle which has been purchased at a law enforcement sale? The department requires, in addition to other documents required by chapters 46.01 and 46.12 RCW:

- (a) The current certificate of ownership, if it is available; and
- (b) A bill of sale from law enforcement to the purchaser stating that the vehicle was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or
- (c) A copy of an order from any district or superior court of any county of this state authorizing law enforcement to sell the vehicle.

(2) Does the sale of a vehicle at a law enforcement sale remove any previous security interest? Yes, security interests are released upon the sale of a vehicle at a law enforcement sale.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-305, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-305, filed 7/31/74.]

WAC 308-56A-310 Personal property lien—Chattel, landlord. (1) What documents does the department require to issue a certificate of ownership for a vehicle

which has been processed through the chattel lien procedure? The department requires, in addition to other documents required by chapters 46.01 and 46.12 RCW:

- (a) A copy of a court order. The court order must state specifically that the lien shall be removed; or
- (b) If the court order does not indicate removal of the security interest, the new owner may:
 - (i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or
 - (ii) Petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved; or
- (c) An affidavit of sale chattel/landlord lien form provided or approved by the department.

If there is a lienholder, we require a release of interest from the lienholder. If no release of interest is obtained the lien will be shown on the new certificate of ownership.

(2) When does the department require a court order to issue a certificate of ownership as a result of a chattel lien? A court order is required when:

- (a) The vehicle is no longer in the possession of the person/business who is claiming the chattel/landlord lien; or
- (b) Someone other than the owner requested the services.

(3) What documents does the department require to issue a certificate of ownership for a vehicle, which has been processed through the landlord lien procedure? The department requires, in addition to other documents required by chapters 46.01 and 46.12 RCW:

- (a) A copy of a court order; or
- (b) An affidavit of sale chattel/landlord lien form provided or approved by the department.

(4) When does the department require a court order to issue a certificate of ownership as a result of a landlord lien? A court order is required when:

- (a) The vehicle is no longer in the possession of the person/business who is claiming the landlord lien; or
- (b) There is more than one lien claimed against the vehicle.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-310, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-310, filed 7/31/74.]

WAC 308-56A-315 Name change. What documentation does the department require to change my name shown on the certificate of ownership? In addition to other documents required by chapters 46.01 and 46.12 RCW, the department requires:

- (1) A court order if the name was changed by a court order; or
- (2) An affidavit signed by you stating:
 - (a) Your previous and current names; and
 - (b) The reason for the name change; and
 - (c) That the purpose of the name change is not to defraud creditors.

[Statutory Authority: RCW 46.01.110 and 46.12.101. 99-13-150, § 308-56A-315, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-315, filed 7/31/74.]

WAC 308-56A-320 Transfer by court order. (1) What does the department require if ownership of a vehicle is awarded by court order? In addition to other documents required by chapters 46.01 and 46.12 RCW, the department requires:

- (a) A copy of the Washington state court order, or certification from the clerk of court confirming the court's action, for vehicles titled in Washington state;
- (b) A copy of the foreign court order if a vehicle for which ownership was most recently established is in the same jurisdiction as the court action, example: California court order and California vehicle ownership documents;
- (c) The court order to be filed in accordance with RCW 6.36.025 if the court order and vehicle certificate of ownership are not from the same jurisdiction;
- (d) Obtain a certificate of ownership in their name from a foreign jurisdiction.

(2) What information needs to be on the court order for the department to accept it? The department requires at minimum, the court order to contain:

- (a) The name of the person to whom the property is awarded;
- (b) A description of the vehicle(s) awarded, including the vehicle identification number or Washington license plate, if available;
- (c) Validation that the court order has been filed;
- (d) An indication that the court order is the final judgment of the court in this matter; and
- (e) A signature of an authorized representative of the court.

(3) Does the department require all pages of the final court order? No, the department requires only copies of pages of the final court order containing:

- (a) The information listed in subsection (2) of this section; and
- (b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vehicle and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order actually signed by the judge/commissioner.

(4) Does the copy of the court order need to be certified? The copy of the court order does not need to be certified.

(5) What does the department require if the court order does not describe the vehicle by vehicle identification number or Washington license plate number? The department requires a certified or notarized statement from the owner describing the vehicle in the court order by year, make and VIN.

(6) Does the court order allow the department to remove the security interest recorded on the current certificate of ownership? The department shall:

- (a) Remove the security interest if the court order specifically directs the department to do so.
- (b) Not remove the security interest if not specified to do so in the court order. The new owner may:

(i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

(ii) Petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 46.01.110 and 46.12.101, 99-13-150, § 308-56A-320, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-320, filed 7/31/74.]

WAC 308-56A-325 Owner incompetent. (1) **What documentation does the department require to show guardianship has been appointed for a person who has been declared incompetent?** The department requires a copy of an order from any district or superior court of competent jurisdiction.

(2) **How is the interest of a person who has been declared incompetent by the court recorded on the certificate of ownership issued by the department?** The department will record on the certificate of ownership the name of the court appointed guardian(s) followed by the designation GDN and the name of the estate of the person declared incompetent. Example: John Doe GDN, Estate of Mary Smith.

(3) **Who releases interest on a vehicle ownership document if the owner is declared incompetent?** Only the court appointed guardian may release interest in a vehicle owned by an individual who has been declared incompetent. The release of interest must be accompanied by a copy of the court order appointing the guardian if guardianship is not recorded on the current certificate of ownership.

[Statutory Authority: RCW 46.01.110 and 46.12.101, 99-13-150, § 308-56A-325, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-325, filed 7/31/74.]

WAC 308-56A-330 Owner bankrupt. Who releases interest in a vehicle when an owner has been declared bankrupt? The owner or a trustee appointed by the court has the authority to release interest on a vehicle certificate of ownership when the owner has been declared bankrupt. The release of interest shall be accompanied by a copy of the court order appointing the trustee.

[Statutory Authority: RCW 46.01.110 and 46.12.101, 99-13-150, § 308-56A-330, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-330, filed 7/31/74.]

WAC 308-56A-335 Owner deceased—Release of interest by personal representative. (1) **What is a personal representative?**

A personal representative is an individual named in the last will and testament or appointed and confirmed by the court to manage the estate of a deceased person.

(2) **How is the interest of the owner of record released on a vehicle ownership document if an owner is deceased?**

Interest is released by the signature of the personal representative on vehicle ownership documents. Any unreleased registered or legal owners shall remain as such on the new certificate of ownership issued by the department.

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(3) **What do I need as proof of legal authority to release interest in a vehicle acquired from an estate of a deceased person?**

If the estate is:

(a) Administered:

(i) Certified letters of testamentary; or

(ii) Letter of administration; or

(iii) Certificate of county clerk.

(b) Joint tenants with rights of survivorship:

Certified copy of death certificate.

(c) Community property:

(i) Certified copy of the death certificate; and

(ii) A copy of the community property agreement; or

(iii) Affidavit of inheritance.

(d) Estate not administered:

(i) Certified copy of death certificate; and

(ii) Affidavit of inheritance; or

(iii) Affidavit of succession.

[Statutory Authority: RCW 46.01.110, 99-06-037, § 308-56A-335, filed 2/26/99, effective 3/29/99; Order MV 208, § 308-56A-335, filed 7/31/74.]

WAC 308-56A-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-345 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-355 Owner deceased—In name of estate. Can the vehicle be titled in the name of the estate of the deceased?

Yes, the vehicle may be titled and licensed in the name of the estate of the deceased pending final settlement of the estate. A certified copy of the court order appointing or confirming the personal representative shall be attached to the application for certificate of ownership.

[Statutory Authority: RCW 46.01.110, 99-06-037, § 308-56A-355, filed 2/26/99, effective 3/29/99; Order MV 208, § 308-56A-355, filed 7/31/74.]

WAC 308-56A-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-365 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-420 Delivery of vehicle on dealer temporary permit. (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle not currently registered or that does not bear valid Washington state

license plates or tabs by utilizing a dealer temporary license permit.

(2) The application for title portion of the permit form must be properly and completely filled out by the selling dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the customer/purchaser. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s).

(3) The dealer shall collect all fees required for titling and registration of a vehicle.

(4) The dealer shall detach the hard copy of the dealer permit and shall record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the vehicle is physically delivered to the customer/purchaser.

(5) The application copies shall be used by the dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), the selling dealer must submit the application and all title/licensing fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date on which the vehicle is physically delivered to the customer/purchaser. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

(6) The hard copy of the permit and a purchase order identifying the vehicle and the date on which the vehicle is physically delivered to the customer/purchaser must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(7) The hard copy of the dealer temporary license permit shall be displayed on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing or following at the rear of the vehicle.

(8) The dealer temporary license permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is physically delivered to the customer/purchaser.

(9) The dealer temporary license permit shall not:

- (a) Be issued for a dealer inventoried or a dealer or dealer-employee operated vehicle;
- (b) Be issued as a demonstration permit;
- (c) Be issued for a vehicle processed as a courtesy delivery.

(10) Fees paid for dealer temporary license permit application forms are not refundable unless the dealer ceases doing business as a vehicle dealer. A credit, in the amount of the permit form fee, will be provided when the permit is used by the vehicle dealer to make application for a vehicle title.

(11) The dealer shall maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Vehicle purchaser's names;

(b) Vehicle identification;

(c) Dates of vehicle sales and deliveries; and

(d) Date and location of purchase of each permit form and the permit number.

[Statutory Authority: RCW 46.70.160 and 46.70.110. 99-02-049, § 308-56A-420, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160 and 46.70.124. 94-21-055, § 308-56A-420, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-420, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.70.160. 90-10-013, § 308-56A-420, filed 4/20/90, effective 5/21/90; Order MV 208, § 308-56A-420, filed 7/31/74.]

Chapter 308-57 WAC

MOTOR VEHICLE EXCISE TAX

WAC

308-57-500

Personal use motor vehicle excise tax credit—Qualifications.

WAC 308-57-500 Personal use motor vehicle excise tax credit—Qualifications. (1) **When will I receive my motor vehicle excise tax credit?** You will receive motor vehicle excise tax credit whenever you pay motor vehicle excise tax for your personal use motor vehicle. The excise tax credit applies to registrations that are due or become due July 1, 1999, or after as authorized by chapter 82.44 RCW.

(2) **What is a personal-use motor vehicle?** For the purposes of this section a personal-use motor vehicle is one which is:

(a) Registered to an individual(s) rather than a business; and

(b) Registered with a passenger (PAS), motorcycle (CYC) or truck (TRK) use class. The scale weight of the truck may not exceed six thousand pounds.

(3) **Is a vehicle registered in the name of a trust considered a personal use vehicle for vehicle excise tax purposes?** Vehicle(s) registered in a trust name, for the purposes of this section, are not considered a personal use vehicle and therefore not qualified for the vehicle excise tax credit.

(4) **What is the amount of motor vehicle excise tax credit?** The maximum credit is thirty dollars and applies to motor vehicle excise tax authorized by chapter 82.44 RCW only.

(5) **What amount of credit do I receive if my motor vehicle excise tax is less than thirty dollars?** If the motor vehicle excise tax assessed for your vehicle is less than thirty dollars, you will receive a credit equal to the amount of motor vehicle excise tax due.

(6) **May the thirty dollar motor vehicle excise tax credit be applied to any other fees or taxes collected at the time of registration?** No, the thirty dollar motor vehicle excise tax credit does not apply toward any other fees or taxes collected at the time of vehicle registration. The credit cannot be applied to taxes or fees such as regional transit authority taxes, sales or use taxes, gross weight fees, etc.

(7) **If I am exempt from payment of motor vehicle excise tax, will I receive a thirty dollar motor vehicle excise tax credit?** No, if you are exempt from motor vehicle excise tax, you will not receive a motor vehicle excise tax credit.

(8) **If the registration period for my vehicle is for more or less than twelve months, is the thirty dollar credit adjusted accordingly?** No, the up to thirty dollar motor vehicle excise tax credit is a fixed amount applied when motor vehicle excise tax is paid or a registration period regardless of the number of months your personal use vehicle is registered.

[Statutory Authority: RCW 46.12.225 and 46.01.110. 99-13-151, § 308-57-500, filed 6/21/99, effective 7/22/99.]

Chapter 308-61 WAC

UNAUTHORIZED AND ABANDONED VEHICLES

WAC

308-61-026	Definitions—Registered tow truck operator.
308-61-105	Application.
308-61-108	Miscellaneous licensing provisions.
308-61-115	Identification of licensee's vehicles.
308-61-125	Business hours.
308-61-135	Miscellaneous provisions.
308-61-145	Specifications and posting of signs.
308-61-158	Storage of vehicles.
308-61-168	Disputed impound.
308-61-175	Procedures for selling vehicles.
308-61-185	Lien provisions.
308-61-190	After sale.

WAC 308-61-026 Definitions—Registered tow truck operator. (1) "Affidavit of sale" - that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall state that the sale was conducted properly pursuant to chapter 46.55 RCW and must be notarized. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" - a place of safety for vehicle storage and in an area completely enclosed by a fence of sufficient height and construction to prevent access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a six-foot fence which will not require barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is graded and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" - is that document, prescribed by the department, by which the operator is to report

to the department his/her possession of an abandoned vehicle.

(4) "Notice of custody and sale" - is that document sent by the operator to the registered owner, legal owner (lien holder) giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" - is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-026, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-61-026, filed 4/6/93, effective 5/7/93; 88-06-025 (Order DLR 164), § 308-61-026, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-026, filed 1/6/86.]

WAC 308-61-105 Application. What information must be included in an application for registration of a tow truck operator? The application for registration of a tow truck operator shall include:

(1) A statement as to whether the applicant has previously been registered as such, and if so, the previous registration number and business name.

(2) A current listing of the towing and storage rates of the operator on a form prescribed by the department.

(3) A certification from the zoning authority of jurisdiction that the licensee is in compliance with any land use ordinances.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-105, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-105, filed 1/6/86.]

WAC 308-61-108 Miscellaneous licensing provisions.

(1) Staggered licensing - the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage - additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) Change of name and/or address - the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(5) Changes of ownership - any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration except in the case of a corporation or a limited liability company.

(6) An insurer shall notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department shall notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the

required insurance cancels the operator's registration pursuant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.

(7) For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a registration unless such a hearing is requested.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-108, filed 12/10/99, effective 1/10/00; 90-01-060, § 308-61-108, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-108, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-108, filed 1/6/86.]

WAC 308-61-115 Identification of licensee's vehicles.

How must a registered tow truck operator identify its vehicles?

(1) All tow vehicles to be used in the operator's business which are operated on the public highways, shall display the licensee's operator number plus the truck number, name, city of address and current business telephone number. Such information shall be painted or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See sample:



(2) The annual tow truck permit will be a paper cab card identifying the tow truck as well as indicating the class of truck and the registered tow truck operator.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-115, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-115, filed 1/6/86.]

WAC 308-61-125 Business hours. What business hours must a registered tow truck operator maintain?

(1) Business hours, for purposes of inspection of business records, place of business or towing equipment, shall be 8:00 a.m. to 5:00 p.m. except for weekends and holidays. Normal business hours shall be posted at the operator's place of business.

(2) Whenever an operator is not open for business and does not have personnel present at the licensed location, the operator shall post a phone number at that location for purposes of public contact for release of vehicles and/or personal property. An operator shall maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 60 minute period of time.

(3) Personal property shall be released without charge between the hours of 8:00 a.m. and 5:00 p.m., excepting weekends and holidays.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-125, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-125, filed 1/6/86.]

WAC 308-61-135 Miscellaneous provisions. (1) The properly executed written authority to tow or other evidence

of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale properly filed with the department on a form prescribed by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in RCW 46.55.230 may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

(7) Information contained in the master log shall include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;
- (f) Date of auction advertisement and of auction;
- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of surplus funds.

Entries on the master log must be made within seventy-two hours following the activity being logged.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-135, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-61-135, filed 4/6/93, effective 5/7/93. Statutory Authority: RCW 46.55.190. 90-01-060, § 308-61-135, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-135, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-135, filed 1/6/86.]

WAC 308-61-145 Specifications and posting of signs.

How is the posting of signs on private and public property handled?

(1) Signs shall measure at least 15" by 24" and the lettering thereon shall be clearly visible to all who park.

(2) Signs for publicly owned or controlled parking facilities need to disclose that unauthorized vehicles will be impounded and must also disclose a phone number for redeeming a vehicle. If a registered tow truck operator is used, the signs shall meet the same requirements as in the posting of private nonresidential property.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-145, filed 12/10/99, effective 1/10/00. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-145, filed 1/6/86.]

WAC 308-61-158 Storage of vehicles. How shall the registered tow truck operator handle stored vehicles?

(1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished. The operator shall not remove parts or equipment which are affixed to the vehicle.

(2) A vehicle being held for storage by agreement or being held under police authority, other than a suspended license impound, or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement or under police hold, other than a suspended license impound, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement, the lifting of a police hold other than a suspended license impound, or when the writ or court order is no longer in effect, the operator shall begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator shall keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) When a vehicle is being held pursuant to a suspended license impound, and the vehicle is not redeemed even after the payment of a security deposit, and upon expiration of the hold, the operator shall send the notice provided in RCW 46.55.110(2) and schedule its auction accordingly.

(5) Vehicles in the custody of an operator shall be kept entirely within a secure area owned or operated under that registration.

(6) An operator shall not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-158, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-158, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-158, filed 1/6/86.]

WAC 308-61-168 Disputed impound. What should the registered tow truck operator do when a court hearing has been requested?

(1) Where a timely request has been made for a district or municipal court hearing and where the vehicle owner has failed to redeem the vehicle, the abandoned vehicle procedural requirements may be followed, but the sale of the vehicle at public auction shall not take place until after the court has disposed of the request.

(2) The administrative hearings officer, provided in RCW 46.55.240 (1)(d), shall mean a hearings officer authorized by ordinance or resolution of a city, town or county for the purpose of conducting hearings on disputed vehicle impound cases.

(3) Operators shall maintain a trust account solely for the deposit of funds received pending the disposition of any district court hearing requests.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-168, filed 12/10/99, effective 1/10/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-61-168, filed 4/6/93, effective

5/7/93. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-168, filed 1/6/86.]

WAC 308-61-175 Procedures for selling vehicles. How should a registered tow truck operator properly identify a vehicle in its custody and prepare for a vehicle auction?

(1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number shall be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted. The publisher need not reside in that same county.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator shall conduct an examination of the vehicle only to determine its make, model, year and vehicle identification number which shall be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in RCW 46.55.100(5) to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may return the original abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the Washington state patrol to verify the vehicle identification number of an unidentified vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the operator for a period of three years.

(8) If the operator elects to bid at auction, that bid must be disclosed as such, and shall not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the surplus funds shall be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

(9) The three-hour public viewing period required in RCW 46.55.130(1) shall be held at all times during daylight hours.

(10) Auctions may be held on Saturdays or Sundays which are not legal holidays.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-175, filed 12/10/99, effective 1/10/00; 91-20-121, § 308-61-175, filed 9/30/91, effective 10/31/91. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-175, filed 2/25/88. Statu-

tory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-175, filed 1/6/86.]

WAC 308-61-185 Lien provisions. What charges are proper for the registered tow truck operator to include in the towing and storage lien?

(1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed. No fee may be listed on the rate sheet for which there is no provision.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

(3) No operator shall increase the daily storage rate charged for an unauthorized or abandoned vehicle in his/her custody between the time the vehicle is impounded and then redeemed or auctioned.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-185, filed 12/10/99, effective 1/10/00; 91-20-121, § 308-61-185, filed 9/30/91, effective 10/31/91; 90-01-060, § 308-61-185, filed 12/18/89, effective 1/18/90. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-185, filed 1/6/86.]

WAC 308-61-190 After sale. What documentation follows the abandoned vehicle auction and who may claim surplus auction funds?

(1) Following the auction of an abandoned vehicle the operator shall give to the successful bidder an affidavit of sale, as defined, which shall disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to RCW 46.55.130 (2)(h):

(a) The claiming individual shall show reasonable proof of his/her identity and the claim shall be in writing and shall be notarized.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter 34.05 RCW.

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

[Statutory Authority: RCW 46.55.190. 00-01-058, § 308-61-190, filed 12/10/99, effective 1/10/00; 90-01-060, § 308-61-190, filed 12/18/89, effective 1/18/90. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-190, filed 1/6/86.]

**Chapter 308-66 WAC
MOTOR VEHICLE DEALERS AND
MANUFACTURERS**

WAC

308-66-190 Transfer of certificate of title by dealer.

WAC 308-66-190 Transfer of certificate of title by dealer. (1) When a vehicle displaying current Washington plates is sold or disposed of by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within forty-five calendar days commencing with the sale or disposal of the vehicle. The date on which the selling dealer physically delivers the vehicle to the customer/purchaser shall commence the forty-five day interval in which the selling dealer must make an application for a certificate of title in the purchaser's name. Under the following conditions a dealer may be granted an additional interval, not to exceed forty-five days in which to apply for title in the customer's name:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period; and

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied; or

(d) The director may excuse any situations in which applications are delayed for reasons beyond the control of the dealer.

(2) The dealer shall in every case sign or type his/her name on the dealer's report of sale on the title application accompanying the transfer. If an authorized agent signs for the dealer, he/she shall give his/her title.

(3) The dealer shall provide a vehicle odometer disclosure statement with the title application as required by RCW 46.12.124.

[Statutory Authority: RCW 46.70.160 and 46.70.110. 99-02-049, § 308-66-190, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160. 96-19-025, § 308-66-190, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.124. 94-21-055, § 308-66-190, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.70.160, 46.12.120 and [46.12].124. 91-20-057, § 308-66-190, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160. 90-24-054, § 308-66-190, filed 12/3/90, effective 1/3/91; 90-10-013, § 308-66-190, filed 4/20/90, effective 5/21/90; Order MV 170, § 308-66-190, filed 7/16/73; Order 2, § 308-66-190, filed 1/29/68.]

**Chapter 308-78 WAC
AIRCRAFT FUEL TAX**

WAC

308-78-020 Bond requirements and collection.
308-78-030 Required reports.
308-78-040 Tax exempt transactions and invoice requirements.
308-78-045 Tax exempt use.
308-78-050 Supporting documents for tax exempt transactions.
308-78-060 Tax exempt losses.
308-78-070 Records.
308-78-080 Refunds.
308-78-090 Mitigation of penalties and/or interest.

WAC 308-78-020 Bond requirements and collection.

(1) **As an aircraft fuel tax distributor must I be bonded in order to receive a license?** Yes, every aircraft fuel tax distributor must be licensed and bonded as is provided in chapter 82.36 RCW.

(2) **Can the department collect on bonds for unpaid aircraft fuel taxes?** Yes, the department may execute bonds on file under the provisions of chapter 82.36 RCW for unpaid taxes owing under chapter 82.42 RCW.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-020, filed 9/20/99, effective 10/21/99; 82-20-093 (Order MV 696), § 308-78-020, filed 10/6/82; Order 69-10-2, § 308-78-020, filed 10/29/69; Rule A, filed 9/12/67; Emergency Rule A, filed 7/21/67.]

WAC 308-78-030 Required reports. (1) What reports are required by the department for aircraft fuel tax and when are they due? Every licensed distributor of aircraft fuel shall submit signed tax returns and schedules to the department of licensing, on or before the 25th day of each month, or as required by the department. Forms shall be furnished or approved by the department.

(2) **Is a report due if I have no activity for the month?** Yes, a report shall be filed with the department for each calendar month even when no aircraft fuel was sold or used.

(3) **Can tax return information be made available to other government agencies?** Yes, the department routinely furnishes copies of schedules to government agencies or foreign jurisdictions.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-030, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-030, filed 6/14/90, effective 7/15/90; 82-20-093 (Order MV 696), § 308-78-030, filed 10/6/82; Order 69-10-2, § 308-78-030, filed 10/29/69; Rule B, filed 9/12/67; Emergency Rule B, filed 7/21/67.]

WAC 308-78-040 Tax exempt transactions and invoice requirements. (1) When may a licensed distributor sell aircraft fuel without collecting the aircraft fuel tax? A licensed distributor may sell aircraft fuel without collecting the aircraft fuel tax, when delivery is made by the distributor to one of the following:

- (a) A destination outside the state;
- (b) United States or foreign government agencies;
- (c) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters;
- (d) Another licensed distributor; or
- (e) To a purchaser who delivers the fuel for export purposes (fuel must be unloaded at a location outside the state) under RCW 82.42.030 in the state into:
 - (i) Purchaser's transportation equipment; and/or
 - (ii) A common/contract carrier employed by the purchaser at a location outside the state.

(2) **What invoices are required and how are they distributed?** An original invoice must be furnished to the purchaser; the selling distributor as required by RCW 82.42.040 and WAC 308-78-070 must keep a copy of the invoice.

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(3) **What information must an invoice include?** The selling distributor must issue to the purchaser an invoice, which shall contain at least the following:

- (a) Name and address of seller;
- (b) Name and address of purchaser;
- (c) The date of delivery (month, day, and year);
- (d) The location of the point of shipment, in words;
- (e) The place of delivery, in words, if different from shipping point;
- (f) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);
- (g) State or foreign jurisdiction of destination;
- (h) Name of product sold;
- (i) The quantity, in gallons, of product sold;
- (j) The price per gallon and total amount charged; and
- (k) The statement: "Ex Washington State Fuel Tax."

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-040, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-040, filed 6/14/90, effective 7/15/90; 85-04-027 (Order PFT 85-001), § 308-78-040, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-040, filed 10/6/82; Order 69-10-2, § 308-78-040, filed 10/29/69; Rule C, filed 9/12/67; Emergency Rule C, filed 7/21/67.]

WAC 308-78-045 Tax exempt use. What are the conditions under which I can claim an exemption of aircraft fuel tax? Exemption from the aircraft fuel tax may be claimed for the uses specified in RCW 82.42.020 and 82.42.030 subject to the following conditions:

(1) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under part 121 of the Federal Aviation Regulations, and local service commuters.

(2) For testing and experimental purposes in the manufacture or remanufacture of aircraft and for flight operations of experimental testing following manufacture, repair prior to delivery to a customer or experimental testing of another aircraft.

(3) For aircraft crew training in Washington state for certified air carriers.

(4) When applying pesticides, herbicides or other agricultural chemicals and for flight operations as defined in RCW 82.42.020.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-045, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-045, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-050 Supporting documents for tax exempt transactions. What types of supporting documents must be retained for tax exempt transactions? The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-050, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-050, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-050, filed 10/6/82; Order 69-10-2, § 308-78-050, filed 10/29/69; Rule D, filed 9/12/67; Emergency Rule D, filed 7/21/67.]

WAC 308-78-060 Tax exempt losses. (1) If aircraft fuel is destroyed can I still claim an exemption? You may

claim an exemption if fuel is destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty.

(2) **May I claim an exemption for losses due to leakage?** Yes, if verified leakage is five hundred gallons or more.

(3) **What supporting documents are needed for this aircraft fuel tax exempt loss?** Losses of aircraft fuel must be substantiated by submitting documentation identifying the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the claim.

(4) **May I claim an exemption for losses of aircraft fuel due to evaporation, shrinkage or unknown causes?** No, aircraft fuel losses due to evaporation, shrinkage or unknown causes will not be permitted.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-060, filed 9/20/99, effective 10/21/99; 82-20-093 (Order MV 696), § 308-78-060, filed 10/6/82; Order 69-10-2, § 308-78-060, filed 10/29/69; Rule E, filed 9/12/67; Emergency Rule E, filed 7/21/67.]

WAC 308-78-070 Records. (1) **What records must a distributor, certified user, or consumer of aircraft fuel maintain?** The following records must be maintained:

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel;

(d) An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(i) The name of the distributor;

(ii) The date of delivery;

(iii) The name and address of the purchaser (address not required on credit card deliveries);

(iv) The location of the storage facility from which the fuel was withdrawn;

(v) The type or grade of fuel;

(vi) The number of gallons sold or delivered;

(vii) The price per gallon and the total amount charged;

(viii) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers;

(e) A withdrawal record covering their own total usage during the month. The withdrawal record shall contain the date of withdrawal, the location of the storage facility from which the fuel was withdrawn, the type or grade of fuel, and the number of gallons withdrawn;

(f) Each person claiming an exemption from the aircraft fuel tax shall keep records of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(i) Flight or block time of each flight or series of flights;

(ii) Type of aircraft;

(iii) Purpose of each flight or series of flights;

(iv) Dates;

(v) Gallons consumed for each flight or series of flights.

(2) **How long must I retain my records?** Records shall be maintained and kept for a period of not less than five years in their original form. The department may make such examinations of the records, facilities, equipment, and aircraft of distributors, certified users and consumers of aircraft fuel as necessary in carrying out the provisions of this chapter.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-070, filed 9/20/99, effective 10/21/99; 90-13-039 (Order PFT 90-05), § 308-78-070, filed 6/14/90, effective 7/15/90; 85-04-027 (Order PFT 85-001), § 308-78-070, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-070, filed 10/6/82; Order 69-10-2, § 308-78-070, filed 10/29/69; Rule F, filed 9/12/67; Emergency Rule F, filed 7/21/67.]

WAC 308-78-080 Refunds. (1) **What do I have to do to claim a refund for aircraft fuel?** In order to claim a refund for aircraft fuel tax, you shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) **What is considered a tax exempt refund?** A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel that has been:

(a) Used for purposes exempted under RCW 82.42.020, or 82.42.030 and WAC 308-78-040, 308-78-045 and 308-78-060;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.300. Any aircraft fuel carried from this state in the fuel tank of an aircraft shall not be considered as exported from this state;

(c) Used in nonhighway equipment, other than aircraft, as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Sold to United States or foreign government agencies by a dealer who has paid the aircraft fuel tax. The dealer shall file an exemption certificate provided by the department. This certificate shall contain an assignment to the dealer of the purchaser's right to a refund. Each invoice covering such sale shall clearly state the fuel has been sold without the aircraft fuel tax.

(3) **Is there a time limit to claim an aircraft fuel tax refund?** Yes, claims for refund may not be filed later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) **Can the department verify the validity of refund claims?** Yes, the department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-080, filed 9/20/99, effective 10/21/99; 85-04-027 (Order PFT 85-001), § 308-78-080, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-080, filed 10/6/82; Order 69-10-2, § 308-78-080, filed 10/29/69; Rule G, filed 9/12/67; Emergency Rule G, filed 7/21/67.]

WAC 308-78-090 Mitigation of penalties and/or interest. (1) **Under what circumstances may a penalty**

and/or interest be waived? The department, in its discretion, may mitigate, extinguish or adjust penalties and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records to support reported fuel usage, or license revocation penalties, when reasonable cause is shown by the taxpayer or as indicated from the records on file with the department that failure to comply with the requirements of this chapter was not intentional or unreasonable.

(2) How will the department determine whether penalties and/or interest will be mitigated? The department, in its discretion, and after review of records furnished and/or tax returns available, may take into consideration a taxpayer's history of underpayments and overpayments, late payment(s), late filing of tax returns, or incomplete records in arriving at its decision to mitigate.

(3) What happens if I do not pay my tax assessment on time? You will be assessed additional penalties and/or interest.

(4) Under what circumstances may assessed late payment penalties and/or interest be mitigated? The department, in its discretion, may mitigate late payment penalties and/or interest if the taxpayer provides reasonable cause for failure to make payment within a thirty-day period after service of an assessment.

[Statutory Authority: RCW 88.42.040, 99-19-097, § 308-78-090, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 82.42.040 and 82.42.100, 92-01-015, § 308-78-090, filed 12/6/91, effective 1/6/92.]

Chapter 308-91 WAC

RECIPROCITY AND PRORATION

WAC

308-91-010	Repealed.
308-91-030	Definitions.
308-91-040	General provisions.
308-91-050	Applications for proportional registration.
308-91-060	Reporting actual and estimated mileage and prorate percentage.
308-91-080	Temporary authorization permits TAPs.
308-91-095	Trip leasing.
308-91-120	Federal heavy vehicle use tax.
308-91-130	Hunter's permit.
308-91-140	Vehicle transaction fee.
308-91-170	Repealed.
308-91-171	Mitigation of fees, penalties and/or interest.
308-91-172	Appeals.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-91-010	Proration and reciprocity agreements. [Statutory Authority: RCW 46.01.110 and 46.87.010(2), 90-16-072, § 308-91-010, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW, 88-06-061 (Order PFT 8803), § 308-91-010, filed 3/2/88. Statutory Authority: RCW 46.01.110, 84-02-019 (Order 739 DOL), § 308-91-010, filed 12/28/83.] Repealed by 00-01-150, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010.
308-91-170	Washington fee/tax receipt. [Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW, 88-06-061 (Order PFT 8803), § 308-91-170, filed 3/2/88.] Repealed by 00-01-150, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010.

WAC 308-91-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-91-030 Definitions. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

For the purpose of this code, the terms "apportioned," "proration," "prorate," "International Registration Plan (IRP)," and "proportional registration" are synonymous.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs.

(2) "Base jurisdiction," means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

(3) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

(4) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

(5) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

(6) "Department" means the department of licensing, state of Washington.

(7) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

(8) "Experience period." See "preceding year" definition.

(9) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(10) "Interstate or interjurisdiction movement" means vehicle movement between or through two or more jurisdictions.

(11) "Intrastate or intrajurisdiction movement" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(12) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(13) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

(14) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

(15) "Mileage year." See "preceding year" definition.

(16) "Owner-operator" means an equipment lessor who leases their vehicle with driver to a carrier.

(17) "Preceding year" means the period of twelve consecutive months prior to July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought. This term is used interchangeably with experience period and mileage year.

(18) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends vehicle license reciprocity as provided for in chapter 46.85 RCW.

(19) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a vehicle or load so drawn (commonly referred to as a mobile home toter).

(20) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

(21) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(22) "Trip lease" means a lease of vehicle(s) to a carrier (lessee) for a single interjurisdictional movement. The term may also include a similar intrajurisdictional movement where such movement is authorized under the laws of the jurisdiction.

(23) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is 54,000 pounds) under RCW 46.87.040.

(24) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

(25) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-030, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-030, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-030, filed 3/6/91, effective 4/6/91; 90-16-072, § 308-91-030, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010 (1) and (2) and 46.87.020. 89-07-036 (Order PFT 89-04), § 308-91-030, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-030, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-030, filed 12/28/83.]

WAC 308-91-040 General provisions. (1) **Can carriers separate their apportionable vehicles into more than one fleet?** Yes, carriers may separate their apportionable vehicles into two or more fleets.

(2) **Can a fleet consist of both motor and nonmotor vehicles?** No, a fleet must consist of either motor or nonmotor vehicles.

(3) **What are proportional registration credentials?** Proportional registration credentials consist of a current cab card, vehicle license plate and validation tabs.

(4) **How must I display my cab card?** The original cab card must be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, may be carried in the power unit. If you have renewed for a subsequent registration year but are still operating in the current registration year, you are required to carry both cab cards.

(5) **Are photocopies of the cab card acceptable?** Photocopies or other facsimiles of any cab card cannot be used for the power unit but may be used for any trailing unit.

(6) **May my proportional registration credentials be transferred?** Vehicle license plates and validation tabs may be transferred when moving the vehicles from one fleet to another fleet for the same registrant. Cab card(s) cannot be transferred under any circumstance.

(7) **When must I surrender my proportional registration credentials?** Cab card(s) must be surrendered in order to receive license fee credit unless the supplement is filed electronically.

(8) **Under what circumstances may Washington license fees be adjusted?** For unpaid invoices, Washington license fees may be adjusted, in one-twelfth increments, if reasonable cause has been established. Reasonable cause may be considered as the demise of the registrant, destruction of a vehicle, theft or other cause the department determines otherwise acceptable. Washington license fees may also be adjusted by audit.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-040, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-040, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-040, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-040, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-040, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-040, filed 12/28/83.]

WAC 308-91-050 Applications for proportional registration. (1) **How do I apply for proportional registration?** Application for proportional registration must be submitted to the prorate section. Incorrect, illegible, unsigned or incomplete applications may be returned.

(2) **What titling/registration options are available to owner-operators registering vehicles under the IRP?** Options available for owner-operators registering under the IRP are as follows:

(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name only. The cab card will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(3) **What titling/registration options are available to household goods carriers registering vehicles under the IRP?** Household goods carriers may register vehicles under the IRP in the following ways:

(a) When the agent is the lessor and the company is the lessee, you may title and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The IRP application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee; or

(b) Owner-operators, other than service representatives, who exclusively transport cargo for household goods carriers, shall register their vehicle in the carriers base jurisdiction. Registration shall be in both the owner-operator's name and that of the carrier as lessee.

(4) **What is a temporary letter of authority?** A temporary letter of authority, issued by the department that allows operation of a vehicle pending issuance of permanent credentials.

(5) **May I receive a temporary letter of authority?** Yes, you may receive a temporary letter of authority if the proportional registration supplement - Schedule "A & C" and supporting documents relating to such vehicles are acceptable, on file and under any of the following conditions:

(a) The applicant's proportional registration account is on active status and considered to be in good standing; or

(b) If you have an existing account and are starting a new fleet; or

(c) If the vehicle is currently prorated or fully licensed in the state of Washington and the registrant is establishing a new prorate account.

(6) **How long is the temporary letter of authority effective?** The department may determine the duration of the temporary letter of authority, not to exceed two months from the effective date.

(7) **How can I receive a temporary letter of authority?** A temporary letter of authority is issued in one of the following ways:

(a) Mail;

(b) Facsimile transmission; or

(c) At prorate and fuel tax licensing services offices.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-050, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-050, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-050, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-050, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-050, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-050, filed 12/28/83.]

WAC 308-91-060 Reporting actual and estimated mileage and prorate percentage. (1) **How does the preceding year mileage relate to the application Schedule B?** The Schedule B application is used to list all actual miles traveled by all apportioned vehicles licensed with the fleet during the period of July 1st through June 30th of the preceding year and estimated annual miles in new jurisdictions where travel is intended.

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(2) **How are the miles listed on the Schedule B used?** The miles are used to determine a jurisdiction's prorate percentage. The jurisdiction's prorate percentage determines how much of the jurisdiction's fees will be charged. The jurisdiction's mileage will be divided by an appropriate total mile figure to determine that percentage.

(3) **Would there be any time in which actual miles would not be reported on my Schedule B application?** Yes, if an apportioned vehicle did not operate in two or more jurisdictions during the registration year, you would not include those vehicle miles on the Schedule B.

(4) **What is the registration year?** A registration year is any twelve-month time period in which apportioned vehicles are registered in any given fleet.

(5) **When would estimated miles be used on my application Schedule B for the registration year?** You would use estimated miles under one of the following conditions:

(a) First year operation of a new account or fleet; or

(b) When a registrant wants to expand operations into new jurisdiction(s); or

(c) If the fleet failed to accumulate actual miles during the preceding year into jurisdiction(s) not traveled in which the fleet was registered and registration is still desired.

If there is a major change of operation to an existing fleet during the registration year, you will need to submit an amended application Schedule B. The Schedule B will list estimated miles for all jurisdictions in which you desire apportioned registration for the new operation.

(6) **How do I report my mileage if I incorporate?** If you incorporate, you must use estimated miles as a new account unless you have at least three months of actual mileage during the preceding year.

(7) **What is a major change of operation?** There are two types of major change of operations. They are:

(a) A major change of operation occurs when fleet mileage and registered jurisdictions increase more than fifty percent during the registration period; and

(b) Any change in registration pattern, which leaves Washington the only registration jurisdiction with actual mileage in the preceding year.

(8) **What mileage would I report on the application Schedule B for my trailer fleet?** Use either the mileage traveled by trailers of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see measures provided under the provisions of RCW 46.87.120(3) or the International Registration Plan.

(9) **What type of conditions would cause my application Schedule B to be rejected?** The department may reject an application Schedule B based upon, but not limited to, the following examples:

(a) Estimated mileage that does not realistically reflect proposed operations;

(b) Mileage data, other than estimated mileage, expressed in rounded off numbers on renewal applications; or

(c) Identical mileage data reported for consecutive registration years for the same fleet.

(10) **How does the department treat actual or estimated miles in the determination of the prorate percentage?** The department has adopted a consistent approach. Any jurisdiction which shows actual miles will have a prorate percentage based on the total actual miles traveled by the fleet. Any jurisdiction which shows estimated miles will have a percentage based on the total actual miles and estimated miles by the fleet.

(11) **What is the result of an applicant answering either Y or N on the application Schedule B?** A Y indicates that the applicant requests registration in a jurisdiction and apportioned fees will be calculated. An N indicates that the applicant does not request registration in a jurisdiction and no apportioned fees will be calculated.

(12) **How do I determine my apportionable miles?** Apportionable miles are accumulated by registered apportionable vehicles and determined as follows:

(a) Include only those miles for a vehicle which traveled in two or more jurisdictions during the registration year. If a vehicle did not travel interstate during the registration year, do not include the mileage for that vehicle in your apportionable miles; and

(b) Except as noted in (a) of this subsection, the mileage reported must be the actual miles accumulated by those vehicles that were part of the proportionally registered fleet during the preceding year.

(c) If a vehicle was part of the proportionally registered fleet for only a part of the preceding year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the preceding year.

(d) If a carrier has more than one proportionally registered fleet, a separate mileage report must be kept for each fleet.

[Statutory Authority: RCW 46.87.010, 00-01-150, § 308-91-060, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 94-13-012, § 308-91-060, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2), 90-16-072, § 308-91-060, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW, 88-06-061 (Order PFT 8803), § 308-91-060, filed 3/2/88. Statutory Authority: RCW 46.01.110, 84-02-019 (Order 739 DOL), § 308-91-060, filed 12/28/83.]

WAC 308-91-080 Temporary authorization permits TAPs. (1) **What is a temporary authorization permit?** A temporary authorization permit is a department authorized permit that allows a carrier immediate operation of vehicles in their fleet pending issuance of proportional registration credentials. Once authorized by the department, the carrier may issue TAPs as necessary.

(2) **Who may qualify for TAPs?** Washington TAPs are available to Washington based carriers.

(3) **How may I obtain TAPs?** Carriers desiring to utilize TAPs must contact the department. Upon approval, the carrier may place an order for TAPs on a form prescribed by the department.

(4) **Once issued for a vehicle, how long is a TAP valid?** Each TAP is valid for a period of two months from the date of issuance by the carrier.

(5) **What are the procedures and guidelines for using TAPs?** The following procedures govern the use and issuance of these permits:

(a) TAPs are serially numbered and must be issued in sequential order;

(b) Carriers are accountable and liable for all TAPs purchased from the department;

(c) TAPs are not transferable to another carrier;

(d) No refunds or credits will be given for unused TAPs sold by the department to the carrier.

(6) **What is the purpose of TAPs?** TAPs may be used to:

(a) Add vehicles to established fleets;

(b) Increase gross weight of vehicles in established fleets;

(c) Add jurisdictions to established fleets; or

(d) Establish a new fleet.

(7) **What should I do if I make an error completing the TAP?** If an error is made in the account name, issue date, expiration date, gross weight, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word in large letters across the face of the permit. Return the vehicle copy and prorate copy to the department within one week.

(8) **How are the copies of the TAP distributed?**

(a) The original TAP marked "To accompany the vehicle" is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the power unit;

(b) The "Applicant's" copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310; and

(c) The "Prorate" copy is to be attached to a Washington prorate application supplement.

(9) **When must I submit my TAPs?** Return the prorate copy with the supplemental application to the prorate section within seven calendar days of issuance. The TAP copy to be submitted to prorate states at the bottom of the form "Prorate Copy."

(10) **Under what circumstances may the department suspend or cancel my TAP account?** Your TAP account may be suspended or canceled for:

(a) Failure to comply with chapter 46.87 RCW and chapter 308-91 WAC; or

(b) Failure to make timely payment of registration fees, taxes or audit assessments.

[Statutory Authority: RCW 46.87.010, 00-01-150, § 308-91-080, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(1) and 46.87.080(7), 95-05-045, § 308-91-080, filed 2/10/95, effective 3/13/95. Statutory Authority: RCW 46.01.110 and 46.87.010(2), 90-16-072, § 308-91-080, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW, 88-06-061 (Order PFT 8803), § 308-91-080, filed 3/2/88. Statutory Authority: RCW 46.01.110, 84-02-019 (Order 739 DOL), § 308-91-080, filed 12/28/83.]

WAC 308-91-095 Trip leasing. What are the requirements for trip leasing? The requirements for trip leasing are as follows:

(1) The lessor's vehicles must be prorated in this state or operated under authority of vehicle trip permits.

(2) The duration of the lease agreement is for a single trip and cannot exceed thirty days.

(3) A completed copy of the trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(4) All mileage accumulated throughout the duration of the trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports, and trip lease agreement must be maintained by the lessor for a period of four years following the mileage preceding year or period upon which the application is based.

(5) The lessor of a trip lease agreement is responsible for licensing and recordkeeping.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-095, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-095, filed 3/6/91, effective 4/6/91.]

WAC 308-91-120 Federal heavy vehicle use tax. (1) **Who must show proof of payment of federal heavy vehicle use tax?** The department of licensing requires owners of motor vehicles with a declared combined gross weight of 55,000 pounds or more to provide proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954 has been suspended or paid at the time of registration unless specifically exempt by the rules and regulations of the Internal Revenue Service.

(2) **What does the department require for proof of payment of federal heavy vehicle use tax?** Acceptable proof for registration purposes is either:

(a) The original or photocopy of an Internal Revenue Service (IRS) receipted Schedule 1 (IRS form 2290) schedule of highway motor vehicles; or

(b) Photocopy of IRS form 2290 with Schedule 1 as filed with the IRS and a photocopy of the front and back sides of the cancelled check used for the payment of taxes to the IRS.

(3) **When is proof of payment of federal heavy vehicle use tax not required?** If a vehicle is purchased within sixty days, proof of federal heavy vehicle use tax is not required at the time of registration.

(4) **What happens if I do not provide proof of payment of the federal heavy vehicle use tax?** The department shall refuse registration of such vehicles if sufficient proof is not presented at time of registration or renewal.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-120, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-120, filed 3/2/88.]

WAC 308-91-130 Hunter's permit. (1) **What is a hunter's permit?** A permit authorized by the department that allows owner-operators to move their empty (unladen) vehicle(s) from one lessee-carrier fleet to a new lessee-carrier fleet in which they will become a part of the fleet. This permit will be issued without cost and be valid for ten days from the date of issuance.

(2) **Can my hunter's permit be used in other jurisdictions?** Yes, a hunter's permit issued by an IRP jurisdiction to

an owner-operator, who was formerly based in such jurisdiction, will be honored in this state or any other jurisdiction for operation at the unladen weight of the vehicle(s) listed therein.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-130, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-130, filed 3/2/88.]

WAC 308-91-140 Vehicle transaction fee. How much is the vehicle transaction fee? The vehicle transaction fee is four dollars and fifty cents.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-140, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-140, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-140, filed 3/2/88.]

WAC 308-91-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-91-171 Mitigation of fees, penalties and/or interest. (1) **Under what circumstances may a fee, penalty and/or interest be mitigated?** The department may mitigate, extinguish and/or adjust fees, penalties and/or interest arising from proportional registration transactions, assessments, and/or lack of complete records.

(2) **How will the department determine whether fees, penalties and/or interest should be mitigated?** The department will review records, accounts history or other information in arriving at its decision to mitigate.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-171, filed 12/21/99, effective 1/21/00.]

WAC 308-91-172 Appeals. (1) **What are the appeal procedures?** Any person having been issued a notice of assessment for taxes, fees, penalties and/or interest who wishes to contest such notice may petition the department of licensing for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department of licensing within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, fees, penalties and/or interest that the petitioner believes to be due.

(2) **What happens after the department receives the petition for an informal hearing?** Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner is unable to attend the hearing on the date or time scheduled, the petitioner may request the department to reschedule the hearing. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person authorized to present the case.

(3) **What happens if I fail to appear for my hearing without prior notification?** Failure to appear may result in the loss of your administrative appeal rights.

(4) What happens following my informal hearing?

The department will make a determination in accordance with the Revised Code of Washington, rules, and policies established by the department.

(5) What if I do not agree with the department's informal hearing determination? You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination that the petitioner feels are in error and set forth the reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days' notice.

(6) When does my reassessment become final? The department's decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner unless further appealed.

[Statutory Authority: RCW 46.87.010, 00-01-150, § 308-91-172, filed 12/21/99, effective 1/21/00.]

Chapter 308-93 WAC**VESSEL REGISTRATION AND CERTIFICATES OF TITLE****WAC**

308-93-030	Vessels subject to excise tax, registration and titling.
308-93-040	Repealed.
308-93-079	Government exempt vessels.
308-93-090	Rented or leased vessels.
308-93-100	Repealed.
308-93-135	Repealed.
308-93-140	Decals—Placement, size, and color.
308-93-145	Vessel registration numbers—Display, size, color.
308-93-155	Repealed.
308-93-160	Excise tax exemptions—Indians.
308-93-250	Secured party not liable for acts of vessel owner.
308-93-270	Appeals to superior court from suspension, cancellation, or refusal of registration or certificate of ownership.
308-93-280	Hull identification numbers.
308-93-320	Repealed.
308-93-340	Repealed.
308-93-370	Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/).
308-93-380	Format required for name and address—Ownership in joint tenancy.
308-93-390	Vessels held in trust.
308-93-400	Multiple security interests.
308-93-410	Repealed.
308-93-490	Law enforcement sale.
308-93-500	Name change.
308-93-510	Transfer by court order.
308-93-520	Owner deceased—Release of interest by personal representative.
308-93-530	Owner incompetent—Release of interest.
308-93-540	Owner bankrupt—Release of interest.
308-93-550	Repealed.
308-93-560	Repealed.
308-93-570	Repealed.
308-93-580	Repealed.
308-93-590	Repealed.
308-93-600	Repealed.
308-93-620	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-93-040	Vessels exempted from excise tax but required to be registered and titled. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-19-026 (Order TL-RG 8), § 308-93-040, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-040, filed 11/18/83.] Repealed by
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308-93-100	99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100. Retention of registration certificate for leased or rented vessels. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-100, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-135	Vessel number required. [Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-135, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-135, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-155	Form of number. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-155, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-320	Registration certificate and decals follow vessel on transfer. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-320, filed 11/18/83.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-340	Commercial fishing vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-340, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-340, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-410	Cancel/refusal to issue certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-410, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-410, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-550	Owner deceased—Signature of personal representative. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-550, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-560	Owner deceased—Estate administered. [Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-560, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-560, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-570	Owner deceased—No will left. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-570, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-580	Owner deceased—To spouse "in lieu of homestead." [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-580, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-590	Owner deceased—In name of estate. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-590, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-600	Owner deceased—Estate not administered. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-600, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-620	Hull identification number required. [Statutory Authority: RCW 88.02.070 and 88.02.100, 98-16-030, § 308-93-620, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-620, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order

736-DOL), § 308-93-620, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and RCW 88.02.100.

WAC 308-93-030 Vessels subject to excise tax, registration and titling. What vessels are subject to excise tax, registration and titling? Unless specifically exempted under chapters 88.02 and 82.49 RCW, all vessels sixteen feet or longer equipped with propulsory machinery or sails, are subject to excise tax, registration and titling, including the following:

- (1) Amphibious vessels (vehicles);
- (2) Houseboats;
- (3) Inflatable vessels with motors;
- (4) Personal watercraft (jet ski, wet bike, etc.);
- (5) Racing vessels.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-21-097, § 308-93-030, filed 10/20/99, effective 11/20/99; 84-19-026 (Order TL-RG 8), § 308-93-030, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-030, filed 11/18/83.]

WAC 308-93-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-079 Government exempt vessels. (1) If a government agency chooses to display registration numbers and current vessel decals in addition to being clearly identifiable as a government vessel, what fees are required? Government agencies are required to pay filing and registration fees. Excise tax is not required.

(2) If the department issues a Washington registration number and current decals, is the government agency required to display them? Yes, if a registration number and decals are issued, they must be displayed as prescribed in WAC 308-93-140.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-01-027, § 308-93-079, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100, 86-10-068 (Order TL/RG 25), § 308-93-079, filed 5/7/86.]

WAC 308-93-090 Rented or leased vessels. (1) How does the department differentiate between rented and leased vessels? For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) When must rented or leased vessels, used on Washington waters, be titled and registered or required to obtain an identification document? A rented or leased vessel, used on Washington waters, must be titled and registered or have an identification document under the following circumstances. If the vessel is:

(a) Registered out of country and rented or leased, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification

document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document.

(b) Registered in a foreign jurisdiction and rented or leased by a nonresident individual, and used upon Washington waters, the owner shall purchase a Vessel 60 Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.030(11). Not more than two identification documents shall be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it shall be titled and registered in this state or removed from the waters of this state.

(c) Registered in a foreign jurisdiction and rented or leased by a Washington resident, and used upon Washington waters, the following apply:

(i) If the vessel is leased for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secure party is shown as the legal owner.

(3) Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented? Rented vessels are titled and registered in the name of the owner, not the operator. Any secured party is shown as legal owner.

(4) What documents must a Washington resident carry with them when they rent or lease a Washington registered vessel and operate the vessel on Washington waters?

(a) When the vessel is less than twenty-six feet in length and rented or leased for less than seven days, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) A copy of the current registration certificate.

(b) When the vessel is less than twenty-six feet in length and rented or leased for seven days or more, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

(c) When the vessel is twenty-six feet or more and is rented or leased, the following documents are required to be carried on the vessel:

(i) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which shall contain at least the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(ii) The original current registration certificate.

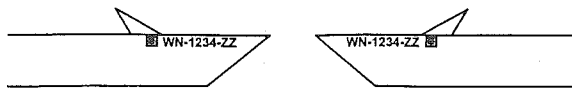
(5) Do I need to surrender my out-of-state certificate of ownership to the department when I register my leased vessel in Washington? If there is a secured party on the out-of-state certificate of ownership and shows lessee and lessor designations as required by Washington state law or rule, the certificate of ownership need not be surrendered. A certificate of registration will be issued, however, a Washington certificate of ownership will not. If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-01-027, § 308-93-090, filed 12/6/99, effective 1/6/00; 84-19-026 (Order TL-RG 8), § 308-93-090, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]

WAC 308-93-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-140 Decals—Placement, size, and color. (1) **Where do I place the decals I receive when I register my vessel in Washington?** These decals shall be placed on the vessel for which they were assigned. Decals must be affixed on (see illustration):



(a) Forward half of the vessel; and

(b) Within six inches aft of, and directly on line with, the vessel registration number as provided by WAC 308-93-145(3).

(c) For documented vessels, one decal must be affixed to each side of the forward half of the vessel for which it was assigned so it is easily visible for law enforcement.

(2) What do the vessel decals look like that are issued by the department? In accordance with 33 CFR, vessel decals are approximately three inches square. The years in which validation decals expire must be indicated by the colors blue, international orange, green, and red, in rotation beginning with blue for decals that expired in 1985.

(3) Which vessel decal shall be displayed? To legally operate your vessel on Washington waters, you must display the decal that shows your vessel is registered for the current registration year. The current decal must be placed inline and within six inches of the aft of the registration number.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-21-097, § 308-93-140, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.100 and 88.02.120, 90-08-018, § 308-93-140, filed 3/28/90, effective 4/28/90. Statutory Authority: RCW 88.02.100, 84-21-131 (Order TL/RG-10), § 308-93-140, filed 10/24/84. Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-140, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-140, filed 11/18/83.]

WAC 308-93-145 Vessel registration numbers—Display, size, color. (1) **What vessels are required to display a vessel registration number?** All vessels that are required to be registered under chapter 88.02 RCW except vessels documented with the United States Coast Guard, are required to display the vessel registration numbers.

(2) What are vessel registration numbers? Vessel registration numbers are configured in accordance with 33 CFR 174.23 and:

(a) Uniquely identify the vessel, similar to license plate numbers for vehicles;

(b) Are assigned by the department when you apply for initial registration for your vessel;

(c) Are printed on your registration certificate and certificate of ownership;

(d) The department does not provide any physical material for you to apply to your vessel.

(3) How do I display the assigned vessel registration number on my vessel? The registration number assigned shall:

(a) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by subsection (6) of this section or required by subsection (7) of this section and must be on a vertical surface;

(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: WN 5678 EF or WN-5678-EF); and

(e) Read from left to right.

(4) Are vessel registration numbers transferable from vessel to vessel? Vessel registration numbers are not transferable between vessels. Once assigned, a vessel registration number cannot be reassigned to another vessel.

(5) Does a Washington licensed dealer need to display registration numbers and decals when demonstrating or testing a vessel held for sale? Washington licensed vessel dealers shall display dealer registration numbers and decals assigned and issued by the department. Dealer registration numbers and decals shall be displayed in the following manner:

(a) The department assigned dealer vessel registration number must be painted on or attached to a backing plate;

(b) The department issued decal must be affixed within six inches aft of and directly on line with the dealer registration number as provided by WAC 308-93-145(4); and

(c) The backing plate shall be attached to the forward half of the vessel so that the number is visible from each side of the vessel when observed from outside the vessel.

(6) **How do I display my vessel registration number if my vessel's hull or superstructure is configured so that the vessel registration number would not be easily visible?** In this case, the vessel registration number must be painted on or attached to backing plates that are attached to the forward half of the vessel so that the number is visible from the outside of the vessel.

(7) **Is a tender as described in chapter 88.02 RCW required to display a vessel registration number?** Vessels used as a tender, while exempt from registration under RCW 88.02.030, must display the numbers of the parent vessel with an additional numeric digit following the last alpha character of the vessel registration number. (Example 1) WN 5678 EF 1 or WN-5678-EF-1. The second tender vessel registration number will be the next consecutive number. (Example 2) WN 5678 EF 2 or WN-5678-EF-2.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-21-097, § 308-93-145, filed 10/20/99, effective 11/20/99; 84-13-086 (Order TL-RG-2), § 308-93-145, filed 6/21/84.]

WAC 308-93-155 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-160 Excise tax exemptions—Indians.

(1) **What definitions does the department apply to this section?** For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) **What Indian reservations in Washington are recognized by the United States Department of the Interior?** The following are the only Washington "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis Confederated tribes, Colville Confederated tribes, Hoh, Jamestown S'Klallam, Kalispel, Lower Elwha Klallam, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Port Gambles S'Klallam, Puyallup, Quileute, Quinault, Samish, Sauk-Suiattle, Shoalwater Bay, Skokomish, Spokane, Squaxin, Stillaguamish, Suquamish, Swinomish, Tulalip, Upper Skagit and Yakama.

(3) **How does an Indian qualify for a vessel excise tax exemption?** To qualify for a vessel excise tax exemption, an Indian shall:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member; and

(c) Be a registered owner of the vessel for which the exemption is requested; or

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(d) Be the owner of a vessel used in the exercise of treaty fishing rights as defined in the Consent Decree, dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington.

(4) **Are vessels owned by or leased to a governing body of an Indian tribe subject to vessel excise tax?** No. Vessels owned by or leased to a governing body of an Indian tribe are not subject to vessel excise tax. Tribal treaty fishing vessels are exempt from excise tax and registration as described in WAC 308-93-700 through 308-93-770.

(5) **What documentation does the department require from a tribal member to qualify for a vessel excise tax exemption?**

(a) The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vessel must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption as it deems necessary.

(b) If the vessel is used in the exercise of treaty fishing rights, as defined in the Consent Decree dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington, the registered owner must provide proof that the vessel is registered under the provisions of WAC 308-93-700 through 308-93-770.

(6) **What information must be contained within the affidavit of exemption described in subsection (5)(a) of this section?** At the minimum, the affidavit of exemption must include the following:

(a) Description of the vessel including the year and make and either the Washington registration number or the hull identification number;

(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;

(c) The principal address of the registered owner as will be shown on the vessel registration certificate;

(d) Signature of the registered owner;

(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the registered owner is a member. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation;

(f) The position or title of the tribal authority, their telephone number and their signature.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-01-027, § 308-93-160, filed 12/6/99, effective 1/6/00; 84-13-086 (Order TL-RG-2), § 308-93-160, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-160, filed 11/18/83.]

WAC 308-93-250 Secured party not liable for acts of vessel owner. Is the secured party liable for the acts of the vessel owner?

No. The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-250, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-250, filed 11/18/83.]

WAC 308-93-270 Appeals to superior court from suspension, cancellation, or refusal of registration or certificate of ownership. May I appeal the department's decision to refuse to issue a registration or certificate of ownership or suspend or cancel a registration or certificate of ownership?

Yes. The suspension, cancellation, or refusal by the department of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC shall be conclusive unless the person whose registration or certificate is suspended, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the department to show cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the department. Service shall be in the manner prescribed for service of summons and complaint in other civil actions.

Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, cancellation, or refusal.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-270, filed 1/7/99, effective 2/7/99; 84-13-086 (Order TL-RG-2), § 308-93-270, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-270, filed 11/18/83.]

WAC 308-93-280 Hull identification numbers. (1) Is a hull identification number required to use a vessel on the waters of Washington state?

Yes. A hull identification number is required on any vessel that is used on the waters of this state unless application for hull identification number has been made and issuance of hull identification number is pending.

(2) When would a hull identification number (HIN) need to be assigned by the department?

The HIN needs to be assigned at the time of application through the vehicle field system whenever the HIN has been altered, removed, obliterated, defaced, omitted, or is otherwise absent.

(3) How is the department assigned HIN affixed to the vessel?

(a) The number shall be clearly imprinted or otherwise permanently affixed above the waterline in such a way that alteration, removal, or replacement would be obvious or evident; and

(b) The number shall be at least one quarter of an inch in height and shall be placed on:

(i) The outboard starboard side of the transom; or

(ii) The outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, if there is no transom.

(4) Can the previous HIN be reaffixed?

At the department's discretion, it may authorize the vessel owner to reattach the HIN.

(5) If a HIN is missing on a vessel that is abandoned on or along a public highway, may the vessel be processed through the abandoned vehicle process?

Yes. The department will assign a HIN at the time the purchaser applies for certificate of ownership.

(6) Is it unlawful to destroy, remove, alter, cover or deface the HIN?

Yes. It is unlawful for a person, firm, association or corporation to destroy, remove, alter, cover or deface a HIN.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-280, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-280, filed 11/18/83.]

WAC 308-93-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-370 Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/). (1) Does the department use the words "and," "or," or the slash symbol (/) when recording multiple interests on a certificate of ownership? The department no longer uses these designations when recording ownership interest. For those certificates of ownership which may have been issued using one of these designations, any registered owners so shown are considered to have equal registered owner interest in the vessel and any secured parties so shown are considered to have equal secured party interest in the vessel.

(2) Will the department use the words "and," "or," or the slash symbol (/) if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations? The department does not use these designations when recording ownership interest.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-22-059, § 308-93-370, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-370, filed 11/18/83.]

WAC 308-93-380 Format required for name and address—Ownership in joint tenancy. (1) What does joint tenancy with rights of survivorship mean when noted on a certificate of ownership? If a vessel certificate of ownership shows the owners are in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate.

(2) How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?

The application for certificate of ownership shall show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out. The address of only one owner can be accepted on the application. Example 1:

Doe, John
Doe, Jane
Doe, Mary

Joint tenants with rights of survivorship; or

Example 2:

Doe, John
Doe, Jane

Joint tenants with rights of survivorship.

(3) How is joint tenancy with rights of survivorship shown on the certificate of ownership? The certificate of ownership will be printed showing the abbreviation "JTWROS."

(4) If one of the owners dies, what additional documentation does the department require to transfer the certificate of ownership into the name(s) of the surviving owner(s)? The department requires a copy of the death certificate.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-22-059, § 308-93-380, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-380, filed 11/18/83.]

WAC 308-93-390 Vessels held in trust. (1) **How is a trust, established under chapter 11.98 RCW, shown on a certificate of ownership?** Owners who choose to designate the trust on a certificate of ownership may:

(a) Show the registered owner name with the designation trustee;

(b) Show the registered owner name with the designation trustee followed by the name of the trust as one owner. If necessary, the name of the trust will be abbreviated to comply with the department's data field size constraints on the automated vessel field system and space limitations on the certificate of ownership; or

(c) The name of the trust only.

(2) What trust documents do I need to present to apply for a certificate of ownership in the name of the trust? In addition to documents required by chapters 88.02 RCW and 308-93 WAC you will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

(3) If a vessel is titled in the name of a trust, who represents the trust for title transactions? The trustee shown on the certificate of ownership or named in the trust document(s) represents the trust on all vessel transactions with the department until such time as the trustee is replaced or the trust is terminated.

(4) What is required when the succession of trustees changes? When there is a change in the succession of trustees, the successor trustee shall do one of the following:

(a) If the certificate of ownership shows the registered owner name with the designation trustee or the registered

owner name with the designation trustee followed by the name of the trust as one owner, the new trustee must apply for a new certificate of ownership and provide documentation appointing the new or successor trustee.

(b) If the certificate of ownership is in the name of the trust only, the department does not require a new application for certificate of ownership provided the current trust documents indicate the new succession of trustees.

(5) What is required when a trust is terminated? The beneficiary must apply for a new certificate of ownership under chapter 88.02 RCW.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-22-059, § 308-93-390, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-390, filed 11/18/83.]

WAC 308-93-400 Multiple security interests. (1) **Will the department issue a certificate of ownership indicating more than one security interest?** Yes, more than one security interest(s) may be shown on the certificate of ownership.

(2) **How are additional security interests shown on the certificate of ownership?** Additional security interests are shown directly after the first security interest. Only the address of the first security interest shall be shown on the certificate of ownership.

(3) **If the lien has been satisfied with one of the secured parties shown on a certificate of ownership, how is their interest released?** When the lien has been satisfied with one of the secured parties shown on a certificate of ownership, that secured party's interest shall be released on the certificate of ownership or a department approved release of interest form. The remaining secured party(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining secured parties' name and address.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-22-059, § 308-93-400, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-400, filed 11/18/83.]

WAC 308-93-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-490 Law enforcement sale. (1) **What documentation will I receive if I purchase a vessel from law enforcement?** You will receive:

(a) A copy of the court order or a bill of sale from the selling law enforcement agency indicating the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(b) A properly released certificate of ownership; or

(c) A notarized release of interest and affidavit in lieu of title.

(2) **What ownership documents does the department require to issue a certificate of ownership for a vessel, which has been purchased at a law enforcement sale?** The department requires, in addition to other documents and fees required by chapters 46.01 and 88.02 RCW:

(a) The current certificate of ownership, if it is available; and

(b) A bill of sale from law enforcement to the purchaser stating that the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

(c) A copy of an order, describing the vessel, from any district or superior court of any county of this state authorizing law enforcement to sell the vessel.

(3) Does the sale of a vessel at a law enforcement sale remove any previous security interest? Yes, security interests are released upon the sale of a vehicle at a law enforcement sale. No additional releases of interest are required from the secured party.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-22-059, § 308-93-490, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-490, filed 11/18/83.]

WAC 308-93-500 Name change. What documentation does the department require to change my name as shown on the certificate of ownership? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

(1) A court order if the name was changed by a court action; or

(2) An affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud creditors.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-22-059, § 308-93-500, filed 11/1/99, effective 12/2/99; 84-13-086 (Order TL-RG-2), § 308-93-500, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-500, filed 11/18/83.]

WAC 308-93-510 Transfer by court order. (1) What does the department require if ownership of a vessel is awarded by court order? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

(a) A copy of the Washington state court order, or certification from the clerk of the court confirming the courts' action. The court order or certification from the clerk must describe the vessel and to whom the vessel is awarded, provided the vessel is most recently titled in Washington; or

(b) A copy of the foreign court order if a vessel for which ownership was most recently established, is in the same jurisdiction as the court action, example: California court order and California vessel ownership documents; or

(c) The court order to be filed in accordance with RCW 6.36.025 if the court order and vessel certificate of ownership are not from the same jurisdiction; or

(d) The applicant obtains a certificate of ownership in their name from a foreign jurisdiction.

(2) What information needs to be on the court order for the department to accept it? The department requires the court order to contain, at a minimum:

(a) The name of the person to whom the property is awarded;

(b) A description of the vessel(s) awarded, including the hull identification number or Washington registration number, if available;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) Does the department require all pages of the final court order? No, the department requires only copies of pages of the final court order containing:

(a) The information listed in subsection (2) of this section; and

(b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vessel and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order actually signed by the judge/commissioner.

(4) Does the copy of the court order need to be certified? The copy of the court order does not need to be certified.

(5) What does the department require if the court order does not describe the vessel by vessel identification number or Washington registration number? The department requires a certified or notarized statement from the person awarded the vessel. The statement shall describe the vessel in the court order by year, make and hull identification number as a minimum.

(6) Does the court order allow the department to remove the security interest recorded on the current certificate of ownership? The department shall:

(a) Remove the security interest if the court order specifically directs the department to do so.

(b) Not remove the security interest if not specified to do so in the court order. The new owner may:

(i) Negotiate with a secured party to obtain either a release of interest or a new security agreement; or

(ii) Petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 99-22-059, § 308-93-510, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-510, filed 11/18/83.]

WAC 308-93-520 Owner deceased—Release of interest by personal representative. (1) What is a personal representative?

A personal representative is an individual named in the last will and testament or appointed and confirmed by the court to manage the estate of a deceased person.

(2) How is the interest of the owner of record released on a vessel ownership document if an owner is deceased?

Interest is released by the signature of the personal representative on vessel ownership documents. Any unreleased registered or legal owners shall remain as such on the new certificate of ownership issued by the department.

(3) What do I need as proof of legal authority to release interest in a vessel acquired from an estate of a deceased person?

If the estate is:

- (a) Administered:
 - (i) Certified letters of testamentary; or
 - (ii) Letter of administration; or
 - (iii) Certificate of county clerk.
- (b) Joint tenants with rights of survivorship:
 - Certified copy of death certificate.
- (c) Community property:
 - (i) Certified copy of the death certificate; and
 - (ii) A copy of the community property agreement; or
 - (iii) Affidavit of inheritance.
- (d) Estate not administered:
 - (i) Certified copy of death certificate; and
 - (ii) Affidavit of inheritance; or
 - (iii) Affidavit of succession.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-07-041, § 308-93-520, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-520, filed 11/18/83.]

WAC 308-93-530 Owner incompetent—Release of interest. Who is eligible to release interest on a vessel ownership document if the owner is declared incompetent?

Only the court appointed guardian may release interest in a vessel owned by an individual who has been declared incompetent. The release of interest must be accompanied by a certified copy of the court order appointing the guardian.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-07-041, § 308-93-530, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-530, filed 11/18/83.]

WAC 308-93-540 Owner bankrupt—Release of interest. Who has the authority to release interest in a vessel when an owner has been declared bankrupt?

A trustee appointed by the court has the authority to release interest on a vessel for the owner who has been declared bankrupt. The release of interest shall be accompanied by a certified copy of the court order appointing the trustee.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 99-07-041, § 308-93-540, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-540, filed 11/18/83.]

WAC 308-93-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-560 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-580 Repealed. See Disposition Table at beginning of this chapter.

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WAC 308-93-590 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-600 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-620 Repealed. See Disposition Table at beginning of this chapter.

**Chapter 308-94 WAC
SNOWMOBILES AND OFF-ROAD AND
NONHIGHWAY VEHICLES**

WAC

308-94-170	Repealed.
308-94-181	Repealed.
308-94-191	Repealed.
308-94-200	Repealed.
308-94-210	Repealed.
308-94-220	Repealed.
308-94-240	Repealed.
308-94-250	Repealed.
308-94-261	Repealed.
308-94-265	Repealed.
308-94-270	Repealed.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

308-94-170	Certificates of title. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-170, filed 1/16/87; Order 112 MV, § 308-94-170, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
308-94-181	Vehicles titled that are not eligible for road use. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-181, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
308-94-191	Vehicles issued regular title and off-road use permits. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-191, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
308-94-200	Off-road and nonhighway vehicle use permit period. [Statutory Authority: RCW 46.01.110. 92-15-021, § 308-94-200, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-200, filed 1/16/87; Order MV-355, § 308-94-200, filed 5/10/76; Order MV-158, § 308-94-200, filed 1/2/73; Order 112 MV, § 308-94-200, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
308-94-210	Off-road and nonhighway vehicle use permit not required—When. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-210, filed 1/16/87; Order MV-158, § 308-94-210, filed 1/2/73; Order 112 MV, § 308-94-210, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
308-94-220	Display of off-road and nonhighway vehicle use permit decal. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-220, filed 1/16/87; Order MV-158, § 308-94-220, filed 1/2/73; Order 112 MV, § 308-94-220, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
308-94-240	Validating tab—Display. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-240, filed 1/16/87; Order MV-355, § 308-94-240, filed 5/10/76; Order MV-158, § 308-94-240, filed 1/2/73; Order 112 MV, § 308-94-240, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
308-94-250	The off-road and nonhighway vehicle use permit must be carried on vehicle. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-250,

- 308-94-261 filed 1/16/87; Order MV-158, § 308-94-250, filed 1/2/73; Order 112 MV, § 308-94-250, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110. Temporary off-road and nonhighway vehicle use permit. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-261, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-265 Off-road vehicle dealer permit. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-265, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-270 Off-road vehicle dealer plates—Cost. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-270, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.

WAC 308-94-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-181 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-191 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-240 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-261 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-265 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-94-270 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-94A WAC

OFF-ROAD AND NONHIGHWAY VEHICLES

WAC

- | | |
|-------------|---|
| 308-94A-005 | Certificates of ownership and registration. |
| 308-94A-010 | Annual off-road/nonhighway vehicle use permit period. |
| 308-94A-015 | Off-road/nonhighway vehicle use permit not required—When. |
| 308-94A-020 | Display of off-road/nonhighway vehicle use permit decals and validation tabs. |
| 308-94A-025 | Temporary off-road/nonhighway vehicle use permit application. |
| 308-94A-030 | Off-road vehicle dealer plate—Cost. |

WAC 308-94A-005 Certificates of ownership and registration. (1) **May I apply for a certificate of ownership for my off-road/nonhighway vehicle?** Yes, you may apply for a certificate of ownership at your local vehicle licensing office or through the department.

(2) **Do I have to purchase registration at the time of applying for certificate of ownership?** No, if you choose not to purchase registration at the time of titling, your vehicle record will be established without a road or off-road/nonhighway vehicle registration.

(3) **What are the different ways I may register my off-road/nonhighway vehicle?** You may register your off-road/nonhighway vehicle in one of the following ways:

(a) You may purchase registration for off-road/nonhighway use if the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use.

(b) If your vehicle qualifies for road use, you can purchase registration for use on the road as a motorcycle, passenger vehicle, truck, etc.; or

(c) If you are going to operate your vehicle where an off-road vehicle use permit or license is required, and your vehicle is licensed for road use, then you may purchase a temporary off-road vehicle permit for sixty days or annual off-road vehicle use permit (registration) and license without invalidating your regular road license. You are required to carry registrations on your person or on the vehicle and display license plate(s) with validating tabs assigned to those plates, and the decals with assigned validating tabs on the vehicle. The registrations may or may not expire at the same time.

(4) **Where do I carry the off-road/nonhighway temporary or annual vehicle use permit?** The off-road/nonhighway temporary or annual vehicle use permit must be carried on the vehicle on which it was assigned at all times. The permit may be carried by the operator on his or her person or in a moisture proof protective case attached to the vehicle. The use permit must be made available for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.

(5) **May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt or gravel road, or trail in Washington?** It is recommended you check with local, state, or federal authorities in the areas you intend to operate to insure you are operating in accordance with their requirements.

[Statutory Authority: RCW 46.01.110. 99-24-013, § 308-94A-005, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-010 Annual off-road/nonhighway vehicle use permit period. (1) **How long is my annual off-road/nonhighway vehicle use permit valid?** The registration year of the off-road/nonhighway annual use permit starts the day it is issued for the first time and expires the same day of the following year and is renewable annually on that date.

(2) **Under what circumstances will the registration expiration date be changed?** The registration expiration date shall change when:

(a) It has been expired for more than one year and there is no change in ownership;

(b) The registration is expired at the time ownership is transferred and the new owner applies for an off-road/non-highway annual use permit;

(c) The registered owner requests a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and tab availability; or

(d) The vehicle has subsequently been registered in another jurisdiction and:

(i) No change in ownership has occurred;

(ii) The off-road/nonhighway vehicle is being registered again in Washington; or

(iii) The previous Washington registration has expired for more than one year.

(3) **Can I get a refund for my unused portion of my off-road/nonhighway annual use permit?** No, there is no refund for the unused portion.

[Statutory Authority: RCW 46.01.110. 99-24-013, § 308-94A-010, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-015 Off-road/nonhighway vehicle use permit not required—When. When is an off-road/non-highway vehicle use permit not required? A vehicle used exclusively within the exceptions set forth in RCW 46.09.050 is not required to obtain an off-road/nonhighway vehicle use permit. Owners of off-road/nonhighway vehicles, which have been converted to, and registered as snowmobiles shall not be required to obtain off-road/nonhighway vehicle use permits.

[Statutory Authority: RCW 46.01.110. 99-24-013, § 308-94A-015, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-020 Display of off-road/nonhighway vehicle use permit decals and validation tabs. (1) How do I display the assigned off-road/nonhighway vehicle use permit number and validation tabs on my vehicle? The off-road/nonhighway use permit number and validation tabs shall be displayed by:

(a) Affixing the decals provided by the department to the right and left side or on the front and rear of the off-road vehicle. The decals shall be visible at all times; or

(b) Painting the vehicle use permit number in a manner that is readily legible and visible at all times. The characters must be at least one-inch high with a minimum of one-eighth inch stroke and in a color contrasting with the background; and

(c) Reading from left to right; and

(d) Affixing the validation month tab issued by the department no more than two inches in front of the beginning of the annual use permit decal number; and

(e) Affixing the validation year tab no more than two inches following the last digit in the annual use permit decal number.

(2) **If my off-road/nonhighway vehicle is registered for dual use, is the license plate required to be displayed?**

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Yes, the license plate must be displayed in the same manner as required for highway use.

[Statutory Authority: RCW 46.01.110. 99-24-013, § 308-94A-020, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-025 Temporary off-road/nonhighway vehicle use permit application. What information does the department require when I apply for a temporary off-road/nonhighway vehicle use permit? An application for a temporary off-road/nonhighway vehicle use permit may include the following:

(1) Name and address of the applicant;

(2) Off-road or nonhighway vehicle plate or registration number if registered in another state;

(3) Make and year of vehicle;

(4) Expiration date of the foreign state registration;

(5) Vehicle identification number; and

(6) Appropriate fees.

[Statutory Authority: RCW 46.01.110. 99-24-013, § 308-94A-025, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-030 Off-road vehicle dealer plate—Cost. What is the cost of an off-road vehicle dealer's plate? An off-road vehicle dealer shall pay three dollars and fifty cents, plus the reflectorization fee, for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 99-24-013, § 308-94A-030, filed 11/22/99, effective 12/23/99.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

308-96A-046
308-96A-050

Qualified veteran's free license.
Nonresident members of the armed forces—Plates displayed—Vehicle ownership change.

308-96A-056
308-96A-057
308-96A-061
308-96A-062

Pearl Harbor survivor license plates.
Purple Heart license plates.

Repealed.

Transfer or destruction of honorary consul special license plates.

308-96A-063
308-96A-064

Repealed.

Transfer or loss/destruction of foreign organization special license plates.

308-96A-080

Confidential/undercover license plates—Application procedures.

308-96A-085

Confidential and undercover license plates—Agency contact.

308-96A-090

Confidential or undercover license plates—Vehicle inventory.

308-96A-095

Confidential or undercover license plates—Cancellation.

308-96A-097

Repealed.

308-96A-098

Surrender and disposition of license plates.

308-96A-099

Use class descriptions.

308-96A-100

Repealed.

308-96A-101

Scale weight.

308-96A-105

Repealed.

308-96A-106

Repealed.

308-96A-110

Private bus.

308-96A-120

Repealed.

308-96A-135

Fixed load vehicles.

308-96A-136

Mopeds—License plates.

308-96A-145

Cab and chassis.

308-96A-161

Fleet registration.

308-96A-162

Repealed.

308-96A-275

Assignment of fleet registration expiration.

308-96A-306

Definitions—Disabled person special parking privileges.

308-96A-311

General provisions.

- 308-96A-312 Temporary disabled person parking placard and identification card.
- 308-96A-313 Disabled person parking placard and identification card—For permanent disabilities.
- 308-96A-314 Disabled person special license plates—Individual.
- 308-96A-316 Permanent placard and disabled person special license plates for organizations.
- 308-96A-400 Excise tax exemption—Indians.
- 308-96A-410 Study fee.
- 308-96A-505 Repealed.
- 308-96A-510 Repealed.
- 308-96A-520 Repealed.
- 308-96A-530 Veteran remembrance license plate emblems.
- 308-96A-540 Repealed.

- 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-510 Veteran license plate emblems—Fees. [Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-510, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-520 License plate emblems—How affixed. [Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-520, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-540 License plate emblems—Follow vehicle on transfer. [Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-540, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-96A-061 Honorary consul special license plates. [Statutory Authority: RCW 46.16.301 and [46.16].371, 95-17-127, § 308-96A-061, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237, 88-01-010 (Order TL/RG 39), § 308-96A-061, filed 12/7/87.] Repealed by 99-22-058, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 46.16.276.
- 308-96A-063 Foreign organization special license plate. [Statutory Authority: RCW 46.01.110 and 1996 c 139, 96-21-044, § 308-96A-063, filed 10/11/96, effective 11/11/96.] Repealed by 99-22-058, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 46.16.276.
- 308-96A-097 Confidential license plates—Records disclosure. [Statutory Authority: RCW 46.08.066, 98-16-002, § 308-96A-097, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-097, filed 5/8/85.] Repealed by 99-16-020, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 46.08.066.
- 308-96A-100 Licensing according to use instead of vehicle type. [Statutory Authority: RCW 46.01.110 and 46.16.276, 92-03-076, § 308-96A-100, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110, 87-12-023 (Order TL/RG-34), § 308-96A-100, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-100, filed 5/5/86; Order MV-328, § 308-96A-100, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
- 308-96A-105 Motor homes. [Statutory Authority: RCW 46.01.110, 90-20-140, § 308-96A-105, filed 10/3/90, effective 10/3/90. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-105, filed 5/5/86; Order MV-328, § 308-96A-105, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
- 308-96A-106 Campers titled as motor homes. [Statutory Authority: RCW 46.01.110, 90-20-140, § 308-96A-106, filed 10/3/90, effective 10/3/90.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
- 308-96A-120 Campers. [Statutory Authority: RCW 46.01.110, 90-20-140, § 308-96A-120, filed 10/3/90, effective 10/3/90. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-120, filed 5/5/86; Order MV-328, § 308-96A-120, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
- 308-96A-162 Permanent fleet registration. [Statutory Authority: RCW 46.01.110, 97-10-003, § 308-96A-162, filed 4/24/97, effective 5/25/97; 92-15-025, § 308-96A-162, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.16.335, 91-15-006, § 308-96A-162, filed 7/8/91, effective 8/8/91.] Repealed by 99-19-026, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060.
- 308-96A-505 Veteran license plate emblems—Available. [Statutory Authority: RCW 46.16.319(2), 96-13-054, § 308-96A-505, filed 6/14/96, effective 7/15/96. Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-505, filed

WAC 308-96A-046 Qualified veteran's free license.

(1) Who qualifies for the free licensing, authorized by RCW 73.04.110 and 46.16.305?

- (a) Disabled American veterans and former prisoners of war, as defined in RCW 73.04.110;
- (b) A veteran awarded the Congressional Medal of Honor as defined in RCW 46.16.305; and
- (c) Surviving spouses of a deceased former prisoner of war as defined in RCW 73.04.115, who is named as a registered owner, including lessees, may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from the annual license fee as defined in RCW 46.16.060(1). Other taxes and fees may apply.

(2) What vehicles are considered personal use vehicles? For purposes of this section, "personal use vehicle" means passenger vehicles, motor homes, motorcycles, and trucks rated at less than twelve thousand pounds gross weight. This exemption cannot be applied to vehicles belonging to business.

(3) Will I be subject to other taxes and fees? Yes, other taxes and fees may apply depending on the type of license plate requested.

(4) What must be provided to qualify for a veteran's free license? If the applicant is:

(a) A disabled American veteran, they must provide a letter of eligibility from the Washington state veteran's administration or military service confirming disability under RCW 73.04.110 with the application.

(b) A former prisoner of war or a veteran awarded the Congressional Medal of Honor must provide a confirmation of eligibility from the Washington state veteran's administration or the military service from which the veteran was discharged.

(c) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate under chapter 73.04 RCW. In addition to confirming eligibility, the surviving spouse must furnish the following:

- (i) A certified copy of the death certificate of the deceased former prisoner of war; and
- (ii) An affidavit that the applicant is not currently married.

(5) **May I transfer my veteran free license plate to another qualifying vehicle?** Yes, you may transfer your veteran free license plate to another vehicle.

(a) You must notify the department of the transfer and pay the transfer fees in effect; and

(b) If transferring the license plate to another vehicle, you must display the permanent tab issued by the department.

(6) **If I choose to retain the vehicle from which the veteran free license plate was removed, do I need to register it?** Yes, if you choose to continue to use the vehicle on the highway, the vehicle shall be registered under chapter 46.16 RCW.

(7) **How do I dispose of the veteran free license plate if I no longer qualify?** The veteran free license plate no longer in use must be surrendered to a vehicle licensing office or to the department within fifteen days as required by WAC 308-96A-098.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-046, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-046, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-046, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-046, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110 and 46.16.276, 1987 c 98 § 1 and RCW 73.04.110 as amended by 1987 c 98 § 2. 88-01-010 (Order TL/RG 39), § 308-96A-046, filed 12/7/87. Statutory Authority: RCW 46.01.110. 85-15-059 (Order TL-RG-14), § 308-96A-046, filed 7/17/85. Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-046, filed 10/24/84. Formerly WAC 308-96A-045.]

WAC 308-96A-050 Nonresident members of the armed forces—Plates displayed—Vehicle ownership change. What license plates must be displayed on a vehicle registered to a nonresident military person assigned to duty in Washington? Nonresident military personnel assigned to duty in Washington may display on their vehicle either:

(1) License plates issued from their official home of record (state of bona fide residence);

(2) License plates issued from a jurisdiction other than their official home of record until such time as that license registration is expired;

(3) Washington license plates; or

(4) License plates issued by the military commonly referred to as USA registration.

After expiration of registration from a jurisdiction other than Washington you may maintain your registration in your home of record or obtain a Washington registration.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-050, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-050, filed 5/5/86; Order MV-355, § 308-96A-050, filed 5/10/76; Order MV-328, § 308-96A-050, filed 7/24/75.]

WAC 308-96A-056 Pearl Harbor survivor license plates. (1) Who may receive Pearl Harbor survivor license plates? Pearl Harbor survivor license plates may be issued to qualified applicants as authorized in RCW 46.16.305(4).

(2) **What documentation does a Pearl Harbor survivor need to submit to obtain Pearl Harbor survivor**

license plates? In addition to the Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e), Pearl Harbor survivors applying for these license plates shall submit:

(a) Application for Pearl Harbor survivor license plate; and

(b) An armed forces document showing date of induction and date of honorable discharge from the United States Armed Force; and

(c) Proof of being a resident of this state.

(3) **What documentation does a spouse of a deceased Pearl Harbor survivor need to submit to obtain Pearl Harbor survivor license plates?**

(a) If the deceased Pearl Harbor survivor was the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit:

(i) Application for Pearl Harbor survivor license plates;

(ii) A copy of the Pearl Harbor survivor's death certificate; and

(iii) An affidavit that the applicant is not currently married.

(b) If the deceased Pearl Harbor survivor was not the recipient of Pearl Harbor survivor license plates, the surviving spouse shall submit, in addition to the Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e):

(i) Application for Pearl Harbor survivor license plates;

(ii) A copy of the Pearl Harbor survivor's death certificate;

(iii) An affidavit that the applicant is not currently married; and

(iv) A copy of the decedent's armed forces document showing date of induction and date of honorable discharge from the United States Armed Forces.

(4) **How does the spouse of a deceased Pearl Harbor survivor License plate recipient qualify to retain the Pearl Harbor survivor license plates?** To retain the Pearl Harbor survivor license plates issued to the qualifying person, the surviving spouse must:

(a) Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:

(i) A copy of the Pearl Harbor survivor recipient's death certificate; and

(ii) An affidavit that the applicant is not currently married;

(b) Be a resident of the state of Washington;

(c) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Pearl Harbor survivor special license plate is or will be used; and

(d) Not remarry. If the surviving spouse remarries, the Pearl Harbor survivor special license plate is invalid and must be removed from the vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-056, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-056, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-056, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.100, 46.16.276 and 1987 c 44. 88-01-010 (Order TL/RG 39), § 308-96A-056, filed 12/7/87.]

WAC 308-96A-057 Purple Heart license plates. (1) **Under what authority does the department issue Purple Heart license plates?** The department issues a series of special license plates, called Purple Heart license plates, under the authority of RCW 46.16.305. Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue issuing special license plates authorized under the law as it was before it was amended.

(2) **Who may receive Purple Heart license plates?** Any Washington resident who:

(a) Has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots;

(b) Was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used.

(3) **What documentation does a Purple Heart recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients applying for these license plates shall submit:

(a) Application for Purple Heart license plates; and

(b) An armed forces document showing the recipient was awarded the Purple Heart medal.

(4) **How does the spouse of a deceased Purple Heart recipient qualify to retain the Purple Heart license plates?** To retain the Purple Heart license plates issued to the qualifying person, the surviving spouse must:

(a) Be the legally recognized spouse of the qualifying person at the time of the death of the qualifying person and submit:

(i) A copy of the Purple Heart recipient's death certificate; and

(ii) An affidavit that the applicant is not currently married;

(b) Be a resident of the state of Washington;

(c) Be an owner, co-owner, lessee, or co-lessee of the vehicle on which the Purple Heart special license plate is or will be used; and

(d) Not remarry. If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-057, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-057, filed 3/11/97, effective 4/11/97; 93-14-083, § 308-96A-057, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-057, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-061 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-062 Transfer or destruction of honorary consul special license plates. (1) **May I transfer honorary consul special license plates to another qualifying person?** No, the honorary consul special license plates are assigned to a person for use on their vehicle.

(2) **What do I do with the honorary consul special license plates if I dispose of the vehicle?** Whenever the owner or lessee transfers his/her interest in the motor vehicle to which the honorary consul special license plates are issued, the plates shall be removed. The removed plates shall be either transferred to another vehicle owned or leased by the plate holder or immediately forwarded to the department to be destroyed.

(3) **How do I transfer my honorary consul special license plates to another vehicle that I own?** You may transfer the special plates to another motor vehicle owned or leased by you by:

(a) Submitting an application to the department to transfer the plates to another vehicle; and

(b) Paying a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(4) **What do I do if the honorary consul special license plates are lost, destroyed, mutilated or stolen?** If your honorary consul special license plates are lost, destroyed, mutilated or stolen, you must apply to the department for replacement license plates. The replacement plate number will be the next available sequential number.

[Statutory Authority: RCW 46.01.110 and 46.16.276. 99-22-058, § 308-96A-062, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.16.301 and [46.16].371. 95-17-127, § 308-96A-062, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237. 88-01-010 (Order TL/RG 39), § 308-96A-062, filed 12/7/87.]

WAC 308-96A-063 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates. (1) **May I transfer foreign organization special license plates to another qualifying person?** No, the foreign organization special license plates are permanently assigned to a person and cannot be reassigned to another person.

(2) **What do I do with the foreign organization special license plates if I dispose of the vehicle?** Whenever the owner or lessee transfers his/her interest in the passenger vehicle to which the foreign organization special license plates are issued, the plates shall be removed. The removed plates shall be either transferred to another qualifying passenger vehicle or immediately forwarded to the department to be destroyed.

(3) **How do I transfer foreign organization special license plates to another vehicle?** You may transfer the special plates to another qualifying passenger vehicle owned or leased by an officer of a foreign organization by:

(a) Submitting an application to the department to transfer the plates to another qualifying passenger vehicle; and

(b) Paying a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(4) **What do I do if the foreign organization special license plates are lost, destroyed, mutilated or stolen?** If your foreign organization special license plates are lost, destroyed, mutilated or stolen, you must apply to the department for replacement license plate. The replacement plate number will be the next available sequential number.

[Statutory Authority: RCW 46.01.110 and 46.16.276, 99-22-058, § 308-96A-064, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 1996 c 139, 96-21-044, § 308-96A-064, filed 10/11/96, effective 11/11/96.]

WAC 308-96A-080 Confidential/undercover license plates—Application procedures. (1) **What are confidential and undercover license plates as referred to in RCW 46.08.066?** Confidential and undercover license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

(2) **What are my registration options under RCW 46.08.066?** You may choose to register a publicly owned or operated vehicle in the confidential/undercover license plate program in one of the following ways:

(a) Selecting the undercover option will show fictitious names and addresses on the registration certificates and other department records subject to public disclosure; or

(b) Selecting the confidential license plate option will show the public agency names and addresses on the registration certificates and other department records subject to public disclosure.

(3) **What safeguards shall a public agency use to select a fictitious name and address?** Public agencies shall certify on the application that precautions have been taken to ensure that the use of citizens' names and legitimate licensed Washington businesses have not been used.

(4) **Who may apply for a confidential license plate?** Only public agencies identified in RCW 46.08.066 are authorized to apply for confidential license plates.

(5) **How does a public agency apply for confidential or undercover license plates?** A public agency requesting confidential or undercover license plates shall provide:

(a) A completed application form approved by the department and signed by the public agency head or designated contact person. The agency shall indicate on the application form which type of registration is needed (confidential or undercover).

(b) A copy of the current certificate of ownership, registration certificate or other documents approved by the department showing the vehicle is owned or operated by the public agency.

[Statutory Authority: RCW 46.08.066, 99-16-020, § 308-96A-080, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-080, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-080, filed 5/8/85.]

WAC 308-96A-085 Confidential and undercover license plates—Agency contact. (1) **Who may represent a public agency regarding confidential or undercover license plates?** The public agency head may designate a maximum of two agency employees to represent the agency regarding confidential license plates. The public agency head

shall provide the name, signature, title, address, telephone number, and if available, FAX number and e-mail address of each designee.

(2) **How often does the public agency contact information need to be updated?** The public agency contact information shall be updated, in writing, annually or within thirty days of any change in the agency head or designee.

[Statutory Authority: RCW 46.08.066, 99-16-020, § 308-96A-085, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-085, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-085, filed 5/8/85.]

WAC 308-96A-090 Confidential or undercover license plates—Vehicle inventory. (1) **How does the department maintain a current inventory listing of vehicles with confidential or undercover license plates?**

(a) The department provides an inventory list of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the confidential/undercover vehicle license plate program. Each public agency verifies the accuracy of the information by:

(i) Correcting any erroneous information;

(ii) Deleting vehicles no longer in the program, by marking plainly on the list "deleted" next to the vehicle that needs to be deleted;

(iii) Adding vehicles in the program, that are not shown on the inventory list. Submit the request/application (copy if already submitted) to verify adding a vehicle to the list;

(iv) Signing the inventory list certifying that all confidential and undercover license plates shown on the list are being utilized under RCW 46.08.066; and

(v) Returning the updated inventory list to the department by the date requested.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) **What action does the department take if inventory listings are not returned?** The department may refuse to renew a vehicle(s) shown on the quarterly inventory list until the public agency has complied with the requirements of subsection (1) of this section.

[Statutory Authority: RCW 46.08.066, 99-16-020, § 308-96A-090, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-090, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-090, filed 5/8/85.]

WAC 308-96A-095 Confidential or undercover license plates—Cancellation. (1) **Who may cancel confidential or undercover license plates?** The department may cancel or refuse to renew confidential or undercover license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066. A public agency may request cancellation of their confidential or undercover license plates when the license plates are no longer required.

(2) **How are confidential or undercover license plates cancelled?** Confidential or undercover license plates are cancelled when the public agency notifies the department in writing that the confidential or undercover license plates are no longer required, and indicate whether the license plates and registration:

(a) Are being returned to the department; or

(b) Have been destroyed.

The department shall delete the confidential or under-cover license plates record from the program.

[Statutory Authority: RCW 46.08.066, 99-16-020, § 308-96A-095, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-095, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-095, filed 5/8/85.]

WAC 308-96A-097 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-098 Surrender and disposition of license plates. (1) **What license plates are required to be surrendered?** Only license plates authorized under RCW 46.16.301 and 46.16.280, and dealer/manufacture plates are required to be surrendered. Wreckers and scrap processors, hulk haulers shall dispose of license plates according to chapter 308-65 WAC.

(2) **Where do I surrender my Washington vehicle license plates?** You may surrender your Washington vehicle license plates in the following manner:

- (a) Take them to your local vehicle licensing office;
- (b) Mail them to the department of licensing in Olympia, Washington.

(3) **What do Washington vehicle licensing offices do with surrendered license plates?**

- (a) License plates surrendered to Washington vehicle licensing offices will be invalidated to make them unusable;
- (b) Washington vehicle licensing offices will recycle or otherwise dispose of the invalidated plates that have been surrendered.

(4) **If I choose to dispose of the Washington vehicle license plates that are no longer valid, how is this done?** Other than license plates indicated in subsection (1) of this

section, you may dispose of your invalid Washington vehicle license plates in the following ways:

- (a) Remove or invalidate the month and year tabs and bend the plates so they are no longer usable;
- (b) Shred the entire license plate; or
- (c) After the month and year tab have been removed or invalidated, recycle the license plate in such a way that it cannot be confused with a valid Washington license plate.

(5) **How does the department dispose of my surrendered Washington vehicle license plate?** Once the department has received the Washington vehicle license plate, it shall surrender them to the department of general administration for disposal under RCW 43.19.1919.

[Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060, 99-19-026, § 308-96A-098, filed 9/8/99, effective 10/9/99.]

WAC 308-96A-099 Use class descriptions. (1) **Why does the department assign use classes to vehicles?**

The department assigns use classes to:

- (a) Assess the proper license fees and excise tax for vehicles;
- (b) Assign special brands on subsequent owner's certificate of ownership;
- (c) Apply certain restrictions on the use of the vehicles, which prints on the vehicle registrations;
- (d) Assign the proper license plates.

(2) **Under what authority does the department assign use classes to vehicles?**

The department assigns use classes under the authority of RCW 46.16.040.

(3) **What use classes does the department assign and when do they apply?**

The use classes the department assigns are described below:

ABBREVIATION	TRANSLATION	DESCRIPTION
CAB	TAXI CAB	Vehicle is used for carrying passengers between two points for compensation for an on-demand trip rather than a scheduled route. A vehicle with this use class may not carry any luggage or commodities that do not belong to a passenger being carried at the same time. In other words, the vehicle cannot just carry cargo between two points.
C/G	CONVERTER GEAR	Vehicle is an axle that is used to convert a semi-trailer to a full trailer. A converter gear may be titled but may not be licensed.
CMB	COMBINATION	Vehicle is either (1) a power unit with a declared gross weight of 42,000 pounds or more and towing a trailer; or (2) a trailing unit with permanent plates. The trailer may be towed only by a power unit with a CMB use class, or FCB depending on what is being hauled.
CMP	CAMPER	Vehicle is a slide-in pickup camper (not a canopy) as defined in RCW 46.04.085. Even if the owner has chosen to permanently attach the camper to the pickup, the units need to be titled and licensed separately.
COM	COMMERCIAL	Vehicle is either (1) a power unit that does not pull a trailer or that pulls a trailer but the gross weight for the truck and trailer does not exceed 40,000 pounds; or (2) a trailing unit that is titled in a business name (including the name of a farm). A commercial trailer may be towed by a vehicle with PAS, TRK, COM, CMB, FAR or FCB use classes. If the trailer is being towed by a vehicle with FAR or FCB use class, the use of the trailer (items carried, etc.,) must meet the farm use class requirements.

ABBREVIATION	TRANSLATION	DESCRIPTION
CYC	MOTORCYCLE	Vehicle is a motorcycle, motor driven cycle or scooter. A moped does not qualify to be licensed as a motorcycle as defined in RCW 46.04.330 and 46.04.332.
EX	EXEMPT	Vehicle can be any type of vehicle, which is owned by a city, county or state government agency or federally recognized Indian tribe located in the state of Washington. This includes school buses, which are owned or leased by school districts. If the school district contracts a company to provide total bus service, such as the bus, the driver and the maintenance, and the vehicle is registered in the name of the school district as registered owner, the vehicle qualifies for exempt license plates.
FAR	FARM	Vehicle is a truck (or tractor) used to transport the farmer's own farm, orchard or dairy products as defined in RCW 46.16.090, or aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse. The vehicle may also be used to transport the farmer's own farm supplies.
FCB	FARM COMBINATION	Vehicle is (1) a power unit (not a trailer) with a declared gross weight of 42,000 pounds or more and towing a trailer; and (2) meets the criteria of FAR use class above.
FED	FEDERAL	Vehicle is owned by the federal government of the United States. Like exempt vehicles, this could be any type of vehicle. This does not include vehicles displaying license plates issued by the federal government.
FEX	FARM EXEMPT	Vehicle is used exclusively in agricultural pursuits on farms as defined in RCW 46.16.010(3) and 46.04.181. The vehicle is usually a truck, but it could also be a bus, a motorcycle or off-road cycle.
FIX	FIXED LOAD	Vehicle as defined in RCW 46.16.070(1). These vehicles have a unique use class because they are exempt from the law, which requires vehicles with a scale weight of more than six thousand pounds to have a declared gross weight of at least 150 percent of the scale weight. The basic license fee is based on the declared gross weight, or the next two thousand pound increment above the scale weight, or the next two thousand pound increment above the legal maximum gross weight as determined by the Washington state patrol or department of transportation. Fixed load vehicles are the only ones whose gross weight may actually be less than their scale weight, depending on their legal maximum gross weight. An oversize permit is required in addition to the registration in these cases.
F/H	FOR HIRE	Vehicle is used to transport people and/or commodities for compensation as defined in RCW 46.72.010. A for hire permit from business and professions division (BPD) is required.
H/C	HORSELESS CARRIAGE	Vehicle is a motorized vehicle over 40 years old with limited used as defined in RCW 46.16.307. The vehicle may not be used for normal transportation to and from work, to go to the store and pick up groceries, and so on.
H/D	HOUSE DOLLY	Vehicle constructed and used exclusively to move buildings or homes.
LOG	LOGGING	Vehicle is a truck or trailer used exclusively for hauling logs.
MH	MOTOR HOME	Motorized vehicle designed for human habitation and defined in RCW 46.04.305
MOB	MOBILE HOME	Vehicle is a manufactured home as defined in RCW 46.04.302. Mobile homes are titled but generally not registered because of their size. Manufactured homes are taxed by the county, either as personal property or real property.
ORV	OFF-ROAD VEHICLE	Vehicle is used off-road. A vehicle licensed only as an ORV may not be operated on public roadways or ocean beaches.
PAS	PASSENGER	Vehicle is used to transport passengers as defined in RCW 46.04.382. Typically passenger cars, utility or multipurpose vehicles, passenger vans, and private busses are licensed as passenger vehicles.
PED	MOPED	Vehicle as defined in RCW 46.04.304 and subject to the restrictions in RCW 46.61.710.

ABBREVIATION	TRANSLATION	DESCRIPTION
PER	PERSONAL	Vehicle is a personal use trailer as defined in RCW 46.16.065. Trailers owned by businesses or used for commercial purposes do not qualify for this use class.
RES	RESTORED	Vehicle is a motorized collector vehicle over 30 years old with limited use as defined in RCW 46.16.307. The vehicle may display either a collector vehicle license plate provided by the department or a license plate, which must have been first issued, for use the year the vehicle was manufactured. The vehicle must be currently registered in order to be assigned this use class and receive a special collector license plate or authority to use a restored license plate.
SCH	SCHOOL	Vehicle is owned and operated by a private school meeting the accreditation requirements of RCW 28A.195.010. The vehicle is used to transport children to and from school or in connection with school activities.
SNO	SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.020(2).
SNX	EXEMPT SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.010(2) and owned by a city, county or state agency.
STA	STAGE	Vehicle is used as an auto stage as defined in RCW 46.04.050.
TLR	TRAILER	Vehicle is a personal use trailer as defined in RCW 46.04.620 but does not meet the size criteria for a PER use class. Trailers used by businesses or others for commercial purposes do not qualify for this use class.
TOW	TOW	Vehicle is a tow truck as defined in RCW 46.16.079 and 46.55.010(8). If the vehicle carries other vehicles, it does not qualify for the TOW use class and must be licensed as COM.
TRK	TRUCK	Vehicle is a personal use, light duty truck, with a declared gross weight of twelve thousand pounds or less. Trucks used for business or commercial purposes do not qualify for the TRK use class.
TVL	TRAVEL TRAILER	Vehicle is a travel trailer as defined in RCW 46.04.623, which includes park models of four hundred square feet or less and camp/tent trailers. It is designed and manufactured for temporary habitation.

(4) What use classes may the department assign to specific types of vehicles?

Use classes are assigned as listed below:

VEHICLE TYPE	USE CLASS	SPECIAL REQUIREMENTS
PASSENGER CARS	CAB, COM, EX, FED, F/H, H/C, PAS, RES, ORV, FEX, STA	COM-Scale weight, Statement of use F/H and STA-Scale weight, Number of seats
LIGHT DUTY TRUCKS (INCLUDING SMALL VANS)	COM, EX, FAR, FED, FEX, H/C, RES, STA, TOW, TRK, FIX, F/H, ORV	F/H and STA-Number of seats All use classes-Scale weight
MEDIUM/HEAVY DUTY TRUCKS (INCLUDING BUSES)	CMB, COM, EX, FAR, FCB, FEX, FIX, LOG, SCH, TOW, TRK, FED, H/C, RES, F/H	F/H and STA-Number of seats All use classes-Scale weight
TRAILERS	C/G, CMB, COM, EX, FEX, LOG, PER, TLR, FED	PER-Number of wheels All use classes-Scale weight
CYCLES		
MOTORCYCLES	CYC, EX, FED, FEX, H/C, ORV, RES	
MOPEDS	EX, FED, FEX, ORV, PED	
SNOWMOBILES	SNO, SNX	
UTILITY/MULTIPURPOSE VEHICLES	CAB, COM, EX, FED, F/H, PAS, STA, TRK, FAR, FEX, H/C, ORV, RES, SCH	COM, F/H, STA, TRK, FAR and FEX-Scale weight F/H and STA-Number of seats
RECREATION VEHICLES		
TRAVEL TRAILERS (INCLUDING CAMP AND TENT TRAILERS)	EX, FED, TVL	
CAMPERS	CMP, EX, FED	
MOTOR HOMES	EX, FED, MH	

NOTE: Gross weight and seat requirements per RCW 46.16.040.

(5) Do all powered three-wheeled vehicles need to be licensed as motorcycles?

No. If the vehicle qualifies as a motorcycle as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a motorcycle for street use. However, if the vehicle has a bench seat and a steering wheel, it will be licensed as a passenger vehicle or truck.

(6) What license plates and use class will be assigned to my for hire vehicle?

The license plates and use class assigned to your for hire vehicle depends upon how you use your vehicle. All for hire vehicles transport passengers and commodities for compensation. For hire vehicles include cabulances, limousines, taxi cabs, and busses hauling passengers for compensation in addition to transporting school children. There are two use classes and license plate combinations assigned to for hire vehicles:

(a) CAB use class vehicles are assigned passenger license plates. These vehicles are used exclusively for transporting passengers and their possessions; and

(b) F/H use class vehicles are assigned truck license plates. These vehicles not only transport passengers for compensation, but also transport commodities, without passengers, for compensation.

(7) When may truck license plates be assigned to my passenger vehicle?

Truck license plates may be assigned to your passenger vehicle whenever the vehicle is used to transport commodities, produce, freight or animals for commercial purposes. The use class would be COM instead of PAS. This would require a title application, a scale weight slip and a certified/notarized statement of use describing how the vehicle will be used commercially.

(8) When may passenger license plates be assigned to my pick-up truck?

Passenger license plates may only be assigned to your pick-up truck if it has been modified to qualify as a passenger vehicle. The department requires confirmation from the Washington state patrol that the vehicle has been modified to qualify for passenger use.

(9) What use classes and license plates will be assigned to school buses?

(a) EX use class and county exempt license plates will be assigned to a school bus owned or leased by an exempt agency (school district);

(b) SCH use class and passenger license plates will be assigned to a school bus owned or leased by an accredited private school; or

(c) F/H use class and truck license plates will be assigned to school buses used for transporting passengers for compensation and not used exclusively for transporting school children to and from school or school related activities.

(10) May I license my motorcycle or any other motor vehicle for both road and off road use?

Yes, you may license your motorcycle or any other motor vehicle for both uses as long as the vehicle qualifies for road use. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

(11) May I license my amphibious vehicle as a vehicle and a vessel?

Yes, you may license your amphibious vehicle for both uses as long as it qualifies for both uses. You will receive two registration certificates showing the vehicle is licensed for

both uses. However, the certificate of ownership will show the use class associated with the road use.

(12) May I license my truck, truck tractor or tractor as a motor home?

Yes, you may license your truck, truck tractor or tractor as a motor home if:

(a) The vehicle meets the definition of a motor home in RCW 46.04.305; and

(b) You provide a Washington state patrol inspection confirming your vehicle may be licensed as a motor home; and

(c) You certify the vehicle will be used exclusively as a motor home and is not used for commercial use.

(13) Is my truck, truck tractor or tractor which I use exclusively for towing my travel trailer licensed differently than any other like truck?

No. Your truck, truck tractor or tractor used exclusively for towing your travel trailer must be licensed in accordance with RCW 46.16.070. Depending on scale weight the use class will be TRK or COM.

[Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-099, filed 2/24/99, effective 3/27/99.]

WAC 308-96A-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-101 Scale weight. (1) What is scale weight?

Scale weight is the weight of a vehicle without a load.

(2) When does the department require the scale weight of my vehicle?

The department requires the scale weight of your vehicle when:

(a) The use class requires gross weight under RCW 46.16.070 and 46.16.090;

(b) The vehicle is a trailer;

(c) The use class is F/H or STA;

(d) The vehicle is powered by propane, natural gas or butane;

(e) There is a discrepancy between the scale weight on department records or supporting documents and the actual weight of the vehicle; or

(f) The vehicle has been structurally modified changing the empty weight.

(3) What sources does the department accept for scale weight verification?

The department will accept:

(a) The shipping weight as shown on a manufacturer's statement/certificate of origin or factory invoice;

(b) A weight slip from a certified scale;

(c) Information provided by any guidebook or other publication of recognized standing in the vehicle industry;

(d) Unladen or scale weight as shown on supporting documentation issued by another jurisdiction; or

(e) In extenuating circumstances and as approved by the department, either a weight slip from a noncertified scale or an agreement reached between the applicant and the department.

[Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-101, filed 2/24/99, effective 3/27/99.]

WAC 308-96A-105 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-106 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-110 Private bus. When may a vehicle be licensed as a private bus?

A vehicle may be licensed as a private bus without a load license if it carries passengers without compensation and is:

- (1) Used by a hotel, resort or lodge to transport guests;
- (2) Used by a parking service to transport parking customers to and from a transportation terminal or other destination;
- (3) Used by its owner to transport an athletic team, an educational group, members of a religious organization, a show troupe or similar organization;
- (4) Used by its owner to transport family, guests or employees;
- (5) Used, as a school bus by a private school not accredited by the superintendent of public instruction.

[Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-110, filed 2/24/99, effective 3/27/99; Order MV-328, § 308-96A-110, filed 7/24/75.]

WAC 308-96A-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-135 Fixed load vehicles. (1) What is a fixed load vehicle?

A fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

(2) Am I required to pay excise tax when I license my fixed load vehicle?

Washington law requires vehicles used on the public highways to be assessed excise tax. If your fixed load vehicle is used incidentally on the public highways and its primary purpose is not transportation, you may be eligible to place your vehicle on the county personal property tax rolls. If you provide the department with proof that your vehicle is listed on the county personal property tax rolls, you will pay personal property tax in lieu of excise tax.

[Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-135, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-135, filed 5/5/86; Order MV-328, § 308-96A-135, filed 7/24/75.]

WAC 308-96A-136 Mopeds—License plates. (1) Will the department issue a license plate to my moped?

The department will issue a motorcycle series license plate for your moped when you make proper application.

The number on the license plate serves as the moped's registration number as required in RCW 46.16.630.

(2) How do I display my license plate on my moped?

The license plate shall be displayed on the rear of your moped as provided in RCW 46.16.240.

[Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-136, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-136, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-136, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-136, filed 5/28/87.]

WAC 308-96A-145 Cab and chassis. (1) What is a cab and chassis?

A cab and chassis is an incomplete truck shipped from the manufacturer. The customer chooses the type of bed to be installed.

(2) Will the department issue a certificate of ownership for my cab and chassis?

Yes. However, because the cab and chassis is an incomplete vehicle, when the body or special equipment has been installed you must apply for a new certificate of ownership to reflect the correct series and body type, scale weight and the completed vehicle's new value.

(3) Will the department issue a certificate of registration for my cab and chassis?

Yes, if you intend to use the vehicle on the public highways. The gross weight will be limited to one hundred fifty percent of the scale weight. Gross weight is rounded up to the nearest two thousand pound increment and may not be increased until the certificate of ownership is corrected to reflect the completed vehicle information.

(4) What do I need to provide the department when my cab and chassis has been converted to a complete vehicle and I am applying for a new license and certificate of ownership?

Whether you titled the cab and chassis or waited until the vehicle was completed before titling, you need to provide the department with the following before you use the completed vehicle on the public highways:

- (a) Proof of ownership for the cab and chassis;
- (b) Proof of ownership for the equipment installed to make it a complete vehicle;
- (c) A weight slip from a certified scale;
- (d) Proof or payment of sales or use tax on the equipment installed to make a complete vehicle; and
- (e) Applicable fees and excise tax for any increased value of the completed vehicle.

[Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-145, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-145, filed 5/5/86; Order MV-328, § 308-96A-145, filed 7/24/75.]

WAC 308-96A-161 Fleet registration. (1) What is the purpose of the fleet program? The department recognizes and understands that there are businesses and individual registered owners within the state of Washington that have a valid need to license all their vehicles on the same date and receive a single billing notice. The purpose of the fleet program is to provide such a process.

(2) What types of fleet programs are available? There are two types of fleet programs:

(a) Regular fleet - To participate in the regular fleet program, the owner(s) must:

(i) Have five or more vehicles, all currently registered for highway use; and

(ii) All vehicles participating must be titled and registered in exact name agreement; and

(iii) All vehicles participating will be assigned a December 31 annual expiration. Monthly gross weight license may be purchased for vehicles participating in the regular fleet program.

(b) Permanent fleet - To participate in the permanent fleet program, the owner must:

(i) Have one hundred or more vehicles used for commercial purpose; and

(ii) All participating vehicles must be currently registered for highway use; and

(iii) All vehicles participating must be titled and registered in exact name agreement; and

(iv) All vehicles participating will receive a December 31 annual expiration. Monthly gross weight license may **not** be purchased for vehicles participating in the permanent fleet program.

(3) **How do I join the fleet program?** Any owner who qualifies to participate in the fleet program may contact the department or your local Washington vehicle licensing office.

(4) **Are there any vehicles that may not be part of a fleet?** Yes, there are vehicles that may not be part of a fleet. Those vehicles include:

(a) Snowmobiles;

(b) Trailers with plates issued a permanent license plate under RCW 46.16.068;

(c) Vehicles licensed as daily rental under RCW 82.44.023; and

(d) Any vehicle not required to annually renew.

(5) **When will the department remove me from the fleet program?** The department will remove you from the fleet program at your request or if you fail to maintain the required minimum number of currently registered vehicles for the chosen fleet program. The fleet identifier code will be automatically canceled and will cause removal of all of the owner's vehicles from the chosen fleet program.

[Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-161, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110. 97-10-003, § 308-96A-161, filed 4/24/97, effective 5/25/97; 92-15-025, § 308-96A-161, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-161, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-162 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-275 Assignment of fleet registration expiration. (1) **When do fleet vehicle registrations expire?** Fleet vehicle registrations expire December 31 annually.

(2) **How does the department adjust registration fees to assign a December 31 registration expiration date for a fleet vehicle?**

(a) When you add an unlicensed vehicle to your fleet, the number of month's registration fees are abated to correspond with the number of months of registration. For example:

(i) If you add a vehicle to your fleet between October 1 and December 30 of the current year, you will be required to purchase more than twelve months of registration to obtain a December 31 vehicle registration expiration date for the following December 31;

(ii) If you add a vehicle to your fleet between February 1 and September 30, you will be required to purchase less than twelve months of registration to obtain a December 31 vehicle registration expiration date for the current year;

(iii) If you add a vehicle to your fleet between December 31 and January 31, you will be required to purchase twelve months of registration to obtain a vehicle registration expiration date for the next year.

(b) When you add a currently registered vehicle to your fleet, the number of month's registration fees abated from the date of current registration expiration to December 31, as applied in (a) of this subsection not to exceed eighteen months;

(c) The department will charge a full month's fees for any partial month.

[Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-275, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-275, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-275, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-275, filed 5/5/86; Order MV-355, § 308-96A-275, filed 5/10/76.]

WAC 308-96A-306 Definitions—Disabled person special parking privileges. For the purposes of determining eligibility for special disabled person parking placards and license plates, the following definitions apply:

(1) "Licensed physician" means, for the purpose of determining the disability that limits the ability to walk and meets the criteria set forth in RCW 46.16.381(1), a health care provider licensed by the department of health to provide health care whose scope of practice includes those areas covered in the statute. Licensed physician includes chiropractic physicians, naturopaths, medical doctors, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(2) "Permanent" means a licensed physician has certified that the qualifying disability condition is expected to last at least five years.

(3) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s) and identification card.

(4) "Identification card" means the identification card referred to in RCW 46.16.381(3).

(5) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(6) "Privilege" means the right to utilize the benefits associated with the permit.

(7) "Expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the month and year of issuance of a permanent placard, as specified by the department on the placard.

(8) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(9) "Signature" means any memorandum, mark, or sign made with intent to authenticate an application for a placard, or the subscription of any person thereto as provided in RCW 9A.04.110(23).

(10) "Application" means the form provided by the department that must be completed by the individual and physician or the form that must be completed by the organization.

[Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-306, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-306, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-306, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-306, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-306, filed 5/28/87.]

WAC 308-96A-311 General provisions. (1) How do I qualify for a disabled person parking privilege?

In order to qualify for a disabled person parking privilege, a licensed physician must certify that you have a disability that limits or impairs the ability to walk and that you meet one of the requirements listed in RCW 46.16.381 (1)(a) through (g).

(2) What types of placards are issued?

The types of placards you may receive are:

- (a) Temporary; or
- (b) Permanent.

(3) How do I apply for a disabled person parking privilege?

To apply for the disabled person parking privilege, a licensed physician must complete and certify his or her portion of the application. Then, you must complete and sign your portion of the application and submit it to the department as provided in WAC 308-96A-312 (temporary placard), WAC 308-96A-313 (permanent placard) or WAC 308-96A-314 (special license plates).

(4) Who may sign the application for the disabled person that is unable to sign or is a minor? When the disabled person is unable to sign or is a minor the application may be signed by an authorized representative of the disabled person. The application shall then be accompanied by a copy of one of the following:

- (a) A power of attorney;
- (b) A Washington state court order or certification from the clerk of court confirming the court's action; or
- (c) An affidavit explaining why the applicant is unable to sign and explaining the signing person's association with the applicant.

(5) When is the disabled person parking privilege no longer valid?

The disabled person parking privilege is no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists; or
- (d) If the privilege was issued in error.

(6) Why is the identification card issued? The identification card is issued to assist law enforcement in determining that the person who is using the disabled person parking placard or disabled person special license plate is the person to whom the privilege was issued.

(7) Must I present the identification card upon request of law enforcement? Yes. Your identification card must be shown upon request of any law enforcement officer, parking enforcement officer or volunteer appointed for purposes of issuing notices of parking infractions.

[Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-311, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-311, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-312 Temporary disabled person parking placard and identification card. (1) Where and how may I obtain a temporary disabled person parking placard and identification card issued to a person with a temporary disability?

You may obtain a temporary disabled person parking placard issued to a person with a temporary disability at Washington vehicle licensing offices by submitting a completed and signed application certified by a licensed physician. You will receive your identification card in the mail.

(2) How long is the temporary disabled person parking placard and identification card issued to a person with a temporary disability valid?

The temporary disabled person parking placard and identification card issued to a person with a temporary disability is valid for up to six months from the date of issuance by the department.

(3) Can my temporary disabled person parking placard and identification card issued to a person with a temporary disability be extended?

No. If your condition continues beyond the expiration date, you may obtain a new temporary disabled person parking placard and identification card issued to a person with a temporary disability by submitting a completed and signed new application certified by a licensed physician.

(4) What happens if the temporary disabled person parking placard or identification card issued to a person with a temporary disability is lost, mutilated, destroyed, or stolen?

If you wish to replace your temporary disabled person parking placard or identification card, issued to a person with a temporary disability, complete and sign a statement explaining what happened to the placard or identification card. A new temporary disabled person parking placard or identification card issued to a person with a temporary disability will be issued indicating the original expiration date.

(5) When is the temporary disabled person parking placard and identification card issued to a person with a temporary disability no longer valid?

The placard and identification card are no longer valid:

- (a) Upon expiration of the privilege;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If a replacement placard and identification card has been issued; or
- (e) If the privilege was issued in error.

(6) What should I do when my temporary placard and identification card issued to a person with a temporary disability are no longer valid? When your temporary placard and identification card issued to a person with a temporary disability are no longer valid, they should be destroyed.

[Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-312, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-312, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-313 Disabled person parking placard and identification card—For permanent disabilities. (1) Where are disabled person parking placard(s) and identification cards issued to persons with a permanent disability?

Disabled persons parking placards for persons with a permanent disability are issued at Washington vehicle licensing offices. Identification cards may be applied for at the time the disabled placard is issued and will be mailed to you.

(2) When do disabled person parking placard(s) expire? Disabled person parking placard(s) issued to persons with a permanent disability are issued for not less than five years from the month and year of issuance, and expires on the last day of the month specified on the placard. Example: If a permanent placard is marked to expire in May 2003, it expires on May 31, 2003.

(3) What happens if the disabled person parking placard or identification card issued to persons with a permanent disability is lost, mutilated, destroyed, or stolen? If you wish to replace your permanent disabled person parking placard or identification card that was issued to persons with a permanent disability, complete and sign a statement explaining what happened to the placard or identification card. A new disabled person parking placard or identification card will be issued indicating the original expiration date. The identification card will be mailed to you.

(4) How do I renew my permanent disabled person parking placard(s) that were issued to persons with a permanent disability? The department will mail you a renewal notice to qualifying individuals prior to expiration. The parking placard issued to persons with a permanent disability is renewed by submitting a completed renewal notice or new application with existing identification card at Washington vehicle licensing office. You will receive new disabled person parking placard that was issued to persons with a permanent disability and you will receive a new identification card in the mail.

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(5) When are the disabled person parking placard(s) issued to persons with a permanent disability no longer valid?

The disabled person parking placard issued to persons with a permanent disability is no longer valid:

- (a) Upon expiration of the placard;
- (b) Upon death of the disabled person;
- (c) If the disability no longer exists;
- (d) If the privilege was issued in error; or
- (e) If a replacement parking placard issued to persons with a permanent disability has been issued.

(6) What do I receive when I apply for a disabled person parking privilege for my permanent disability?

You may receive:

- (a) One placard;
- (b) One set of special license plates;
- (c) One placard and one set of special license plates; or
- (d) Two placards.

(7) How do I obtain a second disabled person parking placard?

If you have only one disabled person parking placard, you may obtain a second placard upon written request.

[Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-313, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-313, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-314 Disabled person special license plates—Individual. (1) Where can I obtain a disabled person special license plate and identification card?

Disabled person special license plates are available at Washington vehicle licensing offices only. You will receive the identification card in the mail.

(2) How do I obtain disabled person special license plates?

In order to receive disabled person special license plates:

- (a) Your name must be shown on the department's record as being a registered owner of the vehicle; and
- (b) You must submit a completed application certified by a licensed physician or have a disabled person privilege established with the department.

(3) When do the disabled person special license plates and identification card expire?

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate expires five years from the month of issuance of the privilege.

(4) When are the disabled person special license plates no longer valid?

The disabled person special license plates are no longer valid when:

- (a) The plates expire;
- (b) The privilege expires;
- (c) Upon death of the disabled person;
- (d) If the disability no longer exists; or
- (e) The disabled person special license plates have been cancelled by department administrative action; or
- (f) If the privilege was issued in error.

(5) How do I replace a disabled person special license plates if they become lost, mutilated, destroyed, or stolen?

You shall complete and sign a statement explaining what happened to the disabled person special license plates. New special disabled person license plates will be issued indicating the current expiration date. This voids the previously issued plates.

[Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-314, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-314, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations. (1) When can a qualifying organization use disabled person special license plates or special disabled person parking placards?

Qualifying organizations may only use disabled person special license plates or disabled person parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) How does an organization qualify for disabled person special license plates and permanent disabled person parking placards?

The organization must meet the criteria in RCW 46.16.381(3).

(3) How does a qualifying organization apply for disabled person special license plates and permanent disabled person parking placards?

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

(4) Where does a qualifying organization obtain disabled person parking placard(s) or disabled person special license plates?

A qualifying organization may obtain permanent disabled person parking placard(s) and disabled persons special license plates at Washington vehicle licensing office.

(5) Is a qualifying organization issued an identification card?

No. An identification card shall not be issued for an organization.

(6) When does the permanent disabled person parking placard(s) issued to a qualifying organization expire?

The permanent disabled person parking placard(s) expires five years from the date of issuance.

(7) When do the disabled person special license plates issued to a qualifying organization no longer valid?

The disabled person special license plates are no longer valid when:

- (a) The plates expire;
- (b) The privilege expires;
- (c) The vehicle is no longer being used for the purpose of transporting disabled persons;
- (d) The disabled person special license plates have been cancelled by department administrative action;
- (e) The organization no longer qualifies;

(f) The organization's business license is cancelled or expires; or

(g) If the privilege was issued in error.

(8) How does a qualifying organization replace permanent disabled person parking placards or disabled person special license plates if they become lost, mutilated, destroyed, or stolen?

The organization shall complete and sign a statement explaining what happened to the placards or disabled person special license plates. New permanent disabled person parking placards or disabled person special license plates will be issued indicating the current expiration date. This voids the previously issued permanent placards or plates.

(9) How does a qualifying organization renew their permanent disabled person parking placard?

The department will send a disabled person parking renewal notice to the qualifying organization before the privilege expires. The privilege is renewed by submitting the completed and signed renewal notice to the department. A new application may be submitted in lieu of the renewal notice. Upon receipt of the properly completed and signed renewal notice or application the department will issue new placards.

(10) When are the disabled person parking placards, issued to qualifying organizations, no longer valid?

Disabled persons parking placards are no longer valid when:

- (a) The organization no longer qualifies;
- (b) The organization's business license is canceled or expires;
- (c) The placard or disabled person special license plates were issued in error; or
- (d) A replacement has been issued.

[Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-316, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-316, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-400 Excise tax exemption—Indians.

(1) What definitions does the department apply to this section? For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) What Indian reservations in Washington are recognized by the United States Department of the Interior? The following are the only Washington "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis Confederated tribes, Colville Confederated tribes, Hoh tribe, Jamestown S'klallam tribe, Kalispell tribe, Lower Elwha Klallam tribe, Lummi Nation,

Makah tribe, Muckleshoot tribe, Nisqually tribe, Nooksack tribe, Port Gamble S'klallam tribe, Puyallup tribe, Quileute tribe, Quinault Nation, Samish Nation, Sauk-Suiattle tribe, Shoalwater Bay tribe, Skokomish tribe, Spokane tribe, Squaxin Island tribe, Stillaguamish tribe, Suquamish tribe, Swinomish tribe, Tulalip tribes, Upper Skagit tribe, Yakama Nation.

(3) **How does an Indian qualify for a motor vehicle excise tax exemption?** To qualify for a motor vehicle excise tax exemption, an Indian shall:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW; and

(c) Be a registered owner of the vehicle for which the exemption is requested.

(4) **Are vehicles owned or leased by a governing body of an Indian tribe subject to motor vehicle excise tax?** No. Vehicles owned or leased by a governing body of an Indian tribe are not subject to motor vehicle excise tax as provided in RCW 46.16.020 and 46.16.022. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(5) **What documentation does the department require from a tribal member to qualify for a motor vehicle excise tax exemption?** The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vehicle must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption, as it deems necessary.

(6) **What information must be contained within the affidavit of exemption described in subsection (5) of this section?** At the minimum, the affidavit of exemption must include the following:

(a) Description of the vehicle including the year and make and either the license plate number or the vehicle identification number;

(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;

(c) The principal address of the registered owner as will be shown on the vehicle registration certificate;

(d) Signature of the registered owner;

(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the registered owner is a member. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation;

(f) The position or title of the tribal authority, their telephone number and their signature.

(7) **Are there any types of vehicles for which the Indian excise tax exemption does not apply?** No, the Indian excise tax exemption applies to all types of vehicles for which excise tax is due.

[Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-400, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-400, filed 5/28/87. Statutory Authority: RCW 82.44.020 and 82.44.060. 83-08-052 (Order 714-DOL), § 308-96A-400, filed 4/1/83.]

WAC 308-96A-410 Study fee. (1) There is a study fee authorized by RCW 46.16.061. Are there any vehicles not subject to this study fee? For the purpose of assessing the study fee as applied to motor vehicles in RCW 46.16.061, the term "motor vehicle" will not include nonpowered vehicles, nor those vehicles registering under chapters 46.09 and 46.10 RCW, RCW 46.16.070 and 46.16.085.

(2) **When is the study fee due?** The study fee will be assessed at time of annual registration regardless of the number of months in the registration year.

[Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-410, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-410, filed 5/28/87.]

WAC 308-96A-505 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-510 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-520 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-530 Veteran remembrance license plate emblems. (1) What veteran remembrance license plate emblems are available? The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

(b) The United States flag waving on a staff without wording (referred to as the flag emblem); and

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) **Who may purchase veteran remembrance emblems?** Only registered owners authorized in RCW 46.16.319 (2) and (3) may purchase veteran remembrance license plate emblems.

(3) **When I purchase veteran remembrance license plate emblems what will I receive?** In addition to a receipt, you will receive an emblem package including:

(a) One US veteran emblem;

(b) One US flag emblem; and

(c) One campaign ribbon emblem; or

(d) Two campaign ribbon emblems; or

(e) Two US flag emblems.

(4) **How much will I be charged for the veteran remembrance license plate emblem package?** In addition to fees authorized in RCW 46.01.140 (5)(b), a fee of ten dollars is collected for each package.

(5) **How shall I affix my veteran remembrance license plate emblems?** In addition to the requirements and limitations in RCW 46.16.327:

(a) The VETERAN emblem shall be displayed between the bottom license plate bolt holes;

(b) The FLAG emblem shall be displayed to the left of the bottom left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate;

(c) The CAMPAIGN emblem shall be displayed to the right of the bottom right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two CAMPAIGN emblems may be affixed to any one license plate;

(6) **Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate?** No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

(7) **May I transfer my veteran remembrance license plate emblems to different vehicles?** Veteran remembrance license plate emblems may be transferred to another vehicle only if they have been affixed to a specialized license plate which may be transferred to other vehicles. Otherwise, the veteran remembrance license plate emblems are transferred to the new owner of the vehicle upon transfer of ownership.

(8) **May I obtain a replacement veteran remembrance license plate emblem package?** You may obtain replacement veteran remembrance emblems:

(a) For the fee in subsection (4) of this section; or

(b) For no fee if the original set of emblems purchased has become faded and nonrecognizable.

(9) **How may any vehicle license plate emblem other than veteran remembrance license plate emblems be displayed on a Washington vehicle license plate?** Any vehicle license plate emblem other than veteran remembrance license plate emblems shall be displayed on vehicle license plates only at the bottom of the plate beneath the identification numbers/letters.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060. 00-01-151, § 308-96A-530, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-530, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-540 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-100 WAC

DRIVERS' LICENSES—SPECIAL PROVISIONS

WAC

308-100-050 Fees.

WAC 308-100-050 Fees. The basic fee for obtaining or renewing any class of commercial driver's license shall be twenty dollars, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The examination fee for each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations, shall be ten dollars. The applicant may take the same knowledge examination(s) up to three times without paying an additional fee. The examination fee for each classified skill examination or combination of skill examinations conducted by the department shall be fifty dollars. These fees are in addition to the regular drivers' licensing fees. If the department is conducting the written examination in a group setting, the payment of the basic fee and knowledge examination fee may be deferred until the applicant completes his or her application for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.20.470 and 46.20.505. 00-02-017, § 308-100-050, filed 12/27/99, effective 7/1/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-050, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-050, filed 1/19/82; Order 691101, § 308-100-050, filed 11/26/69; Order 1, § 308-100-050, filed 1/5/68.]

Chapter 308-104 WAC DRIVERS' LICENSES

WAC

308-104-016
308-104-109

Motorcycle endorsement fees.
Extension of driver's license.

WAC 308-104-016 Motorcycle endorsement fees. The endorsement fee for the initial motorcycle endorsement shall be ten dollars, and the subsequent renewal endorsement fee shall be twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall be five dollars for each year that the endorsement is renewed or extended.

[Statutory Authority: RCW 46.01.110, 46.20.470 and 46.20.505. 00-02-017, § 308-104-016, filed 12/27/99, effective 7/1/00.]

WAC 308-104-109 Extension of driver's license. A person who is outside the state when his or her driver's license expires may extend the driver's license for the period he or she is outside of the state, plus sixty days. Regardless of the length of time for which it has been extended, a license that has been extended must be renewed within sixty days of the person's return to the state. No license shall be extended for more than four years beyond the date of its expiration.

To extend his or her driver's license, an applicant must apply in writing on a form provided by the department. The form shall require the applicant to state under penalty of perjury that he or she will be out of the state when his or her license expires and that he or she will be unable to return to the state to renew his or her license before it expires. The director may require such information or examination as the director deems necessary to determine whether any facts

exist which would bar the issuance of an extension or to determine the applicant's fitness to operate a motor vehicle safely, including a medical examination or a vision examination.

An extension of a person's driver's license does not change the expiration date of a license for purposes of RCW 46.20.181.

[Statutory Authority: RCW 43.24.140, 99-05-032, § 308-104-109, filed 2/10/99, effective 3/13/99.]

Chapter 308-124 WAC

REAL ESTATE BROKERS AND SALESPERSONS— GENERAL PROVISIONS

WAC

308-124-001	Repealed.
308-124-005	Repealed.
308-124-007	Meetings.
308-124-021	Definitions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124-001	Promulgation—Authority. [Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124-001, filed 10/7/87; Order RE 120, § 308-124-001, filed 9/20/77; Order RE 114, § 308-124-001, filed 7/2/75 (Repealed and amended by Order RE 114, filed 7/2/75); Order RE 107, § 308-124-001, filed 7/20/73; Promulgation to Rules 1-6 (WAC 308-124-010 through 308-124-060), filed 3/24/60.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.
308-124-005	Organization. [Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124-005, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124-005, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124-005, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124-005, filed 10/7/87; 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

WAC 308-124-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-124-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-124-007 Meetings. The real estate commission meets quarterly, March, June, September and December or at the call of the director. Individuals desiring to be informed as to date, time, place and agenda of the meeting must make a written request to the real estate program. Annual notice of the commission's yearly schedule will be published by the code reviser at the beginning of each new year.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124-007, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124-007, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124-007, filed 10/7/87; Order RE 114, § 308-124-007, filed

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7/2/75; Order RE-104, § 308-124-007, filed 2/16/72; Order RE-103, § 308-124-007, filed 12/14/71.]

WAC 308-124-021 Definitions. Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 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.

(1) "Designated broker" is the natural person designated by a corporation, limited liability company, limited liability partnership or partnership to act as a broker on behalf of the corporation, limited liability company, limited liability partnership or partnership. The designated broker must be an officer of the corporation, manager or member of the limited liability company, partner of the limited liability partnership or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(2) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(3) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(4) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124-021, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040, 98-01-107, § 308-124-021, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124-021, filed 11/15/90, effective 12/16/90; 88-24-059 (Order PM 811), § 308-124-021, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124-021, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124-021, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.]

Chapter 308-124A WAC

REAL ESTATE—LICENSING AND EXAMINATION

WAC

308-124A-200	Corporate or copartnership applicants for licenses— Proof required.
308-124A-460	Real estate brokers and salespersons and land development representative fees.

WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required. The minimum qualifications for a corporation, limited liability company, limited liability partnership or partnership to receive a broker's license are:

(1) An officer in the corporation, a manager or member in the limited liability company, a partner in the limited liability partnership or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation, limited liability company, limited liability partnership or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

(3) Licenses issued to corporations, limited liability companies, limited liability partnerships and partnerships expire two years from the date of issuance which date will be the renewal date.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124A-200, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124A-200, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124A-200, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124A-200, filed 9/30/88. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-200, filed 8/18/87, effective 10/1/87. Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-200, filed 2/10/81; Order RE 114, § 308-124A-200, filed 7/2/75.]

WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees. These fees are applicable to all original licenses, examination services, and fee generating services issued or performed after June 30, 1999, and all renewals for existing licenses with expiration date after June 30, 1999. The following fees for a two-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	\$138.25
Reexamination	138.25
Original license	170.00
License renewal	170.00
Late renewal with penalty	196.50
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	26.50
Real estate broker - Branch office:	
Original license	\$159.50
License renewal	159.50
Late renewal with penalty	186.00
Duplicate license	26.50
Name or address change	26.50
Real estate salesperson:	
Application/examination	\$138.25
Reexamination	138.25
Original license	106.25
License renewal	106.25
Late renewal with penalty	132.75
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	26.50

The following fee shall be charged annually for land development representatives:

Land development representative:	
Registration	26.50

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124A-460, filed

1/14/99, effective 7/1/99. Statutory Authority: RCW 18.85.040. 93-24-096, § 308-124A-460, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-460, filed 11/15/90, effective 12/16/90. Statutory Authority: RCW 18.85.220 and 43.24.086. 90-02-048, § 308-124A-460, filed 12/29/89, effective 1/29/90. Statutory Authority: RCW 18.85.040. 89-08-009 (Order PM 829), § 308-124A-460, filed 3/24/89. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-460, filed 8/18/87, effective 10/1/87.]

**Chapter 308-124B WAC
REAL ESTATE—BROKER'S OFFICE**

WAC

308-124B-140	Multiple business usage of office.
308-124B-145	Two or more real estate businesses in same location.
308-124B-150	Office requirement for brokers actively licensed in another jurisdiction.

WAC 308-124B-140 Multiple business usage of office. A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, business activity. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-140, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-140, filed 8/13/82.]

WAC 308-124B-145 Two or more real estate businesses in same location. Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the brokerage business firms results.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-145, filed 1/14/99, effective 2/14/99.]

WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction. The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the Washington location where trust account and transaction records are maintained. Such records are required to be maintained for three years. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Spokane, Seattle, or Olympia) nearest to the location of the records to sign the audit report.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-150, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-150, filed 3/1/88.]

Chapter 308-124C WAC

REAL ESTATE—RECORDS AND RESPONSIBILITIES

WAC

308-124C-010 Licensee's responsibilities.

WAC 308-124C-010 Licensee's responsibilities. (1) The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though another person or persons may be assigned by the broker the duties of preparation, custody or recording.

(2) 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 18.85 RCW.

(3) It is the responsibility of each and every licensee to keep the director informed of his or her current mailing address.

(4) It is the broker's responsibility to ensure accessibility of their offices and records to auditors of the department. The broker shall provide copies of required records upon demand by the director or the director's authorized representative.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124C-010, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124C-010, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124C-010, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.]

Chapter 308-124D WAC

REAL ESTATE—OPERATIONAL PROCEDURES

WAC

308-124D-061 Broker supervision of affiliated licensees.
308-124D-070 Discriminatory acts—Prohibition.
308-124D-080 Payment of earned commissions.

WAC 308-124D-061 Broker supervision of affiliated licensees. (1) A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management responsibility for all real estate brokerage activities of the business or he/she does not exercise adequate supervision over the activities of his or her licensed salespersons, associate brokers or branch managers as required by chapter 18.85 RCW.

(2) Individual and designated brokers shall be responsible for supervising the conduct of all associate brokers and salespersons licensed to them, whether in an individual capacity or through a corporate, limited liability company,

limited liability partnership or partnership entity. A broker shall not be held responsible for inadequate supervision if:

(a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;

(b) Reasonable procedures had been established to verify that adequate supervision was being performed;

(c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(d) The broker did not participate in the violation;

(e) The broker did not ratify the violation; and

(f) The broker did not attempt to avoid learning of the violation.

(3) A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person. The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-061, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124D-061, filed 12/17/97, effective 1/17/98; 90-01-044, § 308-124D-061, filed 12/14/89, effective 1/14/90.]

WAC 308-124D-070 Discriminatory acts—Prohibition. (1) Real estate licensees shall not:

(a) Refuse to communicate to the owner of a listed property any written offer, concerning the same, made by any person or persons because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(b) Refuse to negotiate for the sale or rental of, or otherwise make available or deny, real property to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(c) Discriminate against any person in the terms, conditions, privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(d) Make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap, or an intention to make any such preference, limitation or discrimination.

(e) Represent to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap that any real property is not available for inspection, sale or rental when such real property is in fact available.

(f) Induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or

prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(2) Nothing in this regulation shall be construed to define or restrict the power of any other federal, state or local government agency to pursue such measures as such agency may deem appropriate to ensure that the opportunity to purchase, rent or lease real property is made available to all persons without regard to race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-070, filed 1/14/99, effective 2/14/99.]

WAC 308-124D-080 Payment of earned commissions. A broker is permitted to disburse by check earned commissions from the real estate broker's business bank account to any legal, authorized business entity wholly owned by his or her affiliated licensees.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-080, filed 1/14/99, effective 2/14/99.]

Chapter 308-124F WAC

REAL ESTATE—MISCELLANEOUS PROVISIONS

WAC

308-124F-010 through 308-124F-030 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124F-010	Real estate office in same building as residence requirements. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124F-010, filed 10/7/87; 81-05-015 (Order RE 129), § 308-124F-010, filed 2/10/81; Order RE 114, § 308-124F-010, filed 7/2/75.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.
308-124F-020	Discriminatory acts—Prohibition. [Statutory Authority: RCW 18.85.040. 92-21-035, § 308-124F-020, filed 10/15/92, effective 11/15/92; Order RE 114, § 308-124F-020, filed 7/2/75.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.
308-124F-030	Misuse of broker's license—Prohibited. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124F-030, filed 8/13/82; Order RE 114, § 308-124F-030, filed 7/2/75.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

WAC 308-124F-010 through 308-124F-030 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-125 WAC

REAL ESTATE APPRAISERS

WAC

308-125-090	Continuing education required.
308-125-120	Fees and charges.
308-125-200	Standards of practice.

WAC 308-125-090 Continuing education required.

(1) As a prerequisite to renewal of certification or licensure, the holder of a certificate or license shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification or licensure shall be the completion by the applicant of twenty classroom hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the term of certification or licensure immediately preceding renewal: Provided, That effective January 1, 1998, the number of classroom hours is twenty-eight; further, every other renewal period, the holder of a certificate or license will present evidence of successful completion of at least fifteen hours of approved USPAP related continuing education. The hours of USPAP education may be included in the total education hours submitted for both the current and previous renewal periods.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of two hours in length and be directly related to real estate appraising. However, a maximum of one-half of the continuing education hours required for renewal can be in two-hour seminars or courses.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours. The exception is the fifteen-hour Uniform Standards of Professional Appraisal Practice (USPAP) course when required by the course provider.

(5) The requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials.

(6) Courses or seminars taken to satisfy the continuing education requirement for general real estate appraisers, should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Arbitrations.
- (c) Business courses related to practice of real estate.
- (d) Construction estimating.
- (e) Ethics and standards of professional practice.
- (f) Land use planning, zoning, and taxation.
- (g) Management, leasing, brokerage, timesharing.
- (h) Property development.
- (i) Real estate appraisal (valuations/evaluations).
- (j) Real estate financing and investment.
- (k) Real estate law.
- (l) Real estate litigation.
- (m) Real estate related computer applications.
- (n) Real estate securities and syndication.
- (o) Real property exchange.
- (p) Such other presentations approved by the director.

(7) Courses or seminars taken to satisfy the continuing education requirement for residential real estate appraisers should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Business courses related to practice of real estate.

- (c) Construction estimation.
 - (d) Ethics and standards of professional practice.
 - (e) Land use planning, zoning, taxation.
 - (f) Property development.
 - (g) Real estate financing and investment.
 - (h) Real estate law.
 - (i) Real estate related computer applications.
 - (j) Real estate securities and syndication.
 - (k) Real property exchange.
 - (l) Real estate feasibility and marketability studies.
 - (m) Such other presentations approved by the director.
 - (n) Real estate securities and syndication.
 - (o) Real estate property exchange.
 - (p) Such other presentations approved by the director.
- (8) Courses or seminars taken to satisfy the continuing education requirement for licensed real estate appraisers should include coverage of real estate appraisal related topics, such as:
- (a) Ad valorem taxation.
 - (b) Arbitration.
 - (c) Business courses related to practice of real estate appraisal.
 - (d) Construction estimating.
 - (e) Ethics and standards of professional practice.
 - (f) Land use planning, zoning, and taxation.
 - (g) Management, leasing brokerage, timesharing.
 - (h) Property development.
 - (i) Real estate appraisal (valuations/evaluations).
 - (j) Real estate law.
 - (k) Real estate litigation.
 - (l) Real estate financing and investment.
 - (m) Real estate appraisal related computer applications.
 - (n) Real estate securities and syndication.
 - (o) Real property exchange.
 - (p) Such other presentations approved by the director.

[Statutory Authority: RCW 18.140.030(8), 99-11-039, § 308-125-090, filed 5/14/99, effective 6/14/99. Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-090, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-090, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-090, filed 2/5/91, effective 3/8/91.]

WAC 308-125-120 Fees and charges. The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$196.00
(2) Examination	100.00**
(3) Reexamination	100.00**
(4) Original certification	106.00*
(5) Certification renewal	302.00*
(6) Late renewal penalty	38.00
(7) Duplicate certificate	28.00
(8) Certification history record	27.00
(9) Application for reciprocity	196.00
(10) Original certification via reciprocity	106.00*
(11) Temporary practice	150.00

*Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee

"no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

** Charges for categories marked with a double asterisk are determined by contract with an outside testing service.

[Statutory Authority: RCW 43.24.086, 99-04-075, § 308-125-120, filed 2/2/99, effective 3/5/99; 97-21-077, § 308-125-120, filed 10/17/97, effective 1/1/98; 97-16-042, § 308-125-120, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-120, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1)(14) and chapter 18.40 RCW, 92-18-018, § 308-125-120, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-120, filed 2/5/91, effective 3/8/91.]

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the 1999 edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are exempt from the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

[Statutory Authority: RCW 43.24.086, 99-04-074, § 308-125-200, filed 2/2/99, effective 3/5/99; 98-17-083, § 308-125-200, filed 8/18/98, effective 9/18/98. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-200, filed 2/5/91, effective 3/8/91.]

**Chapter 308-129 WAC
SELLERS OF TRAVEL**

WAC
308-129-110

Seller of travel registration fees.

WAC 308-129-110 Seller of travel registration fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	\$234.00
Registration renewal	234.00
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

[Statutory Authority: RCW 19.138.170(1), 00-01-128, § 308-129-110, filed 12/20/99, effective 1/20/00. Statutory Authority: Chapter 19.138 RCW, 96-14-092, § 308-129-110, filed 7/2/96, effective 8/2/96.]

**Chapter 308-330 WAC
WASHINGTON MODEL TRAFFIC ORDINANCE**

WAC
308-330-300

RCW sections adopted—Certificates of ownership and registrations.

308-330-307 RCW sections adopted—Driver licenses-identicards.
 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault.

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.103, 46.12.160, 46.12.210, 46.12.215, 46.12.220, 46.12.250, 46.12.260, 46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

[Statutory Authority: RCW 46.90.010. 99-04-070, § 308-330-300, filed 2/1/99, effective 3/4/99; 97-10-068, § 308-330-300, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-300, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-300, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-300, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-300, filed 12/13/93, effective 7/1/94.]

WAC 308-330-307 RCW sections adopted—Driver licenses-identicards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.005, 46.20.015, 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.190, 46.20.220, 46.20.308, 46.20.3101, 46.20.336, 46.20.338, 46.20.342, 46.20.343, 46.20.391, 46.20.394, 46.20.410, 46.20.420, 46.20.430, 46.20.500, 46.20.510, 46.20.550, 46.20.720, 46.20.730, 46.20.740, and 46.20.750.

[Statutory Authority: RCW 46.90.010. 99-04-070, § 308-330-307, filed 2/1/99, effective 3/4/99. Statutory Authority: RCW 46.90.010 and 1997 c 66 and c 229. 97-16-041, § 308-330-307, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-307, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-307, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-307, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-307, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-307, filed 12/13/93, effective 7/1/94.]

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.503, 46.61.504, 46.61.5054, 46.61.5055, 46.61.50571, 46.61.5058, 46.61.506, 46.61.513, 46.61.517, 46.61.519, 46.61.5191, 46.61.5195, 46.61.5249, 46.61.525, 46.61.527, 46.61.530, 46.61.535, and 46.61.540.

[Statutory Authority: RCW 46.90.010. 99-04-070, § 308-330-425, filed 2/1/99, effective 3/4/99. Statutory Authority: RCW 46.90.010 and 1997 c 66 and c 229. 97-16-041, § 308-330-425, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-425, filed 5/5/97, effective 6/5/97; 95-23-042, § 308-330-425, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-425, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-425, filed 12/13/93, effective 7/1/94.]

Chapter 308-400 WAC

STANDARDIZED FILING FORMS AND PROCEDURES—UNIFORM COMMERCIAL CODE, CROP LIENS, AND PROCESSOR AND PREPARER LIENS FOR AGRICULTURAL DAIRY AND COMMERCIAL FISH PRODUCTS AND CERTAIN FEDERAL LIENS

WAC

308-400-030	Definitions.
308-400-050	Repealed.
308-400-053	Acceptance of documents for filing.
308-400-054	Repealed.
308-400-058	Signature requirements.
308-400-059	Termination statement, statement of discharge lien termination statement and certificate of release.
308-400-062	Incompatible actions.
308-400-070	Repealed.
308-400-095	Fees.
308-400-120	Forms, fees, and procedures—Filing federal liens.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-400-050	Official approval of standard forms. [Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035. 93-01-061, § 308-400-050, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-050, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-050, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-050, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-050, filed 2/9/82. Formerly WAC 434-16-050.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.
308-400-054	Power of attorney. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-054, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-054, filed 6/9/82.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.
308-400-070	Request for certificate of information. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-070, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-070, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-070, filed 2/9/82. Formerly WAC 434-16-080.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.

WAC 308-400-030 Definitions. As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code or crop lien or processor or preparer filing procedure.

"Person" includes groups of persons, corporations, cooperatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Title 62A RCW and chapters 60.11, 60.13, and 60.68 RCW.

"Claimant" means a person who claims or asserts a right, demand, or claim.

"Secured" means supported or backed by security or collateral.

"Standard filing form" means the filing form that meets the requirements regarding specifications, dimensions, and location of information as approved by the department of licensing. A UCC form approved by the International Association of Corporation Administrators is approved as a standard filing form.

"Nonstandard filing form" means any filing form that does not meet the standard filing form requirements regarding specifications, dimensions, and location of information as approved by the department of licensing.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13 and 60.68 RCW. 00-02-013, § 308-400-030, filed 12/27/99, effective 2/1/00; 99-06-003, § 308-400-030, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-030, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-030, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-030, filed 2/9/82. Formerly WAC 434-16-030.]

WAC 308-400-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-400-053 Acceptance of documents for filing. (1) The department of licensing, Uniform Commercial Code section, does not, by accepting or rejecting a document submitted for filing, determine the legal validity of the document.

(2) When proper filing fees are submitted, the filing officer will accept for filing, documents that meet the basic filing requirements described by statute.

(3) The filing officer will return, without filing, any continuation that is received after the expiration of the original financing statement. Documents must be received on the business day immediately following a Sunday or holiday.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-053, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-053, filed 12/2/86, effective 1/1/87.]

WAC 308-400-054 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-400-058 Signature requirements. (1) A financing statement must be signed by each person listed by name as the debtor.

(2) If a financing statement or filing form lists collateral clearly identified to multiple secured parties, either on the original financing statement or by partial assignment, individual secured parties may terminate their clearly identified security interest(s) without the signature(s) of the remaining secured parties.

(3) When a filing form is signed by someone in a representative capacity, the signer must be identified as the representative.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-058, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-058, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order

BLS 105), § 308-400-058, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-058, filed 6/9/82.]

WAC 308-400-059 Termination statement, statement of discharge lien termination statement and certificate of release. (1) A "termination statement" is used to terminate a security interest under a financing statement (RCW 62A.9-404). A "statement of discharge" is used to discharge a processor or preparer lien which has been filed with a filing officer (RCW 60.13.060). A "lien termination statement" is used for terminating a crop lien pursuant to chapter 60.11 RCW.

(2) For a security interest under a financing statement, whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, a secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a properly signed termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A secured party's failure to file such a termination statement or to send such a termination statement within ten days after proper demand therefor, the secured party shall be liable to the debtor for one hundred dollars plus any damages caused to the debtor by such failure.

(3) For a processor or preparer lien which has been filed with the filing officer, if the producer has received full payment for the obligation, the producer shall promptly file with the filing officer a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

(4) For a crop lien, the lienholder shall file with the filing officer a lien termination statement within fifteen days following receipt of full payment of the amount of the lien. Failure to file a lien termination statement by the lienholder or its assignee shall cause the lienholder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated plus damages incurred by the debtor due to the failure of the lienholder to terminate the lien.

(5) Failure to file a statement of discharge or a lien termination statement with the department of licensing may result in retention of filings records beyond the duration of the secured interest or the lien.

(6) Certificate of release of notice of federal lien. Federal certificates of release shall be filed in accordance with provisions of the Uniform Federal Lien Registration Act, chapter 60.68 RCW.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-059, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-059, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-059, filed 12/2/86, effective 1/1/87.]

WAC 308-400-062 Incompatible actions. The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-062, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-062, filed 6/9/82.]

WAC 308-400-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-400-095 Fees. (1) Beginning July 1, 1993, a standard filing fee of twelve dollars and fifty cents shall be charged for filing and indexing each of the following statement types of standard filing forms up to two pages in length. A fee of one dollar per page shall be charged for each additional page.

- (a) Original financing statement pursuant to RCW 62A.9-403;
- (b) Deed of trust or mortgage pursuant to RCW 62A.9-302;
- (c) Continuation statement pursuant to RCW 62A.9-403;
- (d) Separate statement of assignment pursuant to RCW 62A.9-405;
- (e) Statement of partial release pursuant to RCW 62A.9-406;
- (f) Statement of amendment pursuant to RCW 62A.9-402;
- (g) Processor or preparer lien pursuant to chapter 60.13 RCW;
- (h) Crop lien pursuant to chapter 60.11 RCW;
- (i) Notice of federal tax lien pursuant to chapter 60.68 RCW.

(2) A nonstandard filing fee at a rate double the standard filing fee shall be charged for the filing and indexing of each statement on a nonstandard filing form up to two pages in length, pursuant to RCW 62A.9-409, 60.11.040, 60.13.040, and chapter 60.68 RCW. A fee of one dollar per page shall be charged for each additional page.

(3) A fee of [eighteen] [seventeen] dollars and [twenty-eight] [seventy] cents shall be charged for a certificate of information pursuant to RCW 62A.9-407.

(4) A fee of twenty-five dollars [and eighty-three cents] shall be charged for certificate of information and copies of any filed financing and related statements naming a particular debtor.

(5) An additional fee shall be charged for each page transmitted to the purchaser by facsimile. The fee amount shall be one dollar per page for the first five pages, and fifty cents per page for the sixth page and subsequent pages.

(6) A fee of two dollars shall be charged for each debtor name look up.

(7) A fee of one dollar shall be charged for each computer printout of filing information.

(8) A fee of two dollars shall be charged for each microfilm copy.

(9) A fee of two dollars shall be charged for the certification of each document copy.

(10) Data base information shall be made available on magnetic tape and microfilm pursuant to contract between the department and purchaser. Costs will be specified in the contract.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13 and 60.68 RCW. 00-02-013, § 308-400-095, filed 12/27/99, effective 2/1/00; 99-22-040, § 308-400-095, filed 10/29/99, effective 12/1/99; 99-06-003, § 308-400-095, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 43.24.086, 62A.9-409, 60.11.040, 60.13.040 and 60.68.035. 93-01-061, § 308-400-095, filed 12/11/92, effective 7/1/93. Statutory Authority: RCW 62A.9-409(1) and 36.18.010. 90-04-050, § 308-400-095, filed 2/1/90, effective 3/4/90. Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-095, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-095, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-095, filed 7/30/87.]

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 308-400-120 Forms, fees, and procedures—Filing federal liens. The filing fees and procedures for filing information with and obtaining information from the department of licensing pertaining to notice of federal liens pursuant to chapter 60.68 RCW shall correspond to the filing fees and procedures prescribed by the department of licensing pursuant to Article 62A.9 RCW. The filing forms shall be those forms approved between the department of licensing and the Internal Revenue Service.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-400-120, filed 2/18/99, effective 4/1/99. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-120, filed 3/1/89.]

Chapter 308-410 WAC

UNIFORM COMMERCIAL CODE FIELD ACCESS

WAC

308-410-050	Repealed.
308-410-070	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-410-050	Standard for allocating users. [Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-050, filed 1/19/88.] Repealed by 99-06-003, filed 2/18/99, effective 4/1/99. Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW.
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WAC 308-410-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-410-070 Fees. The fees for use of the Uniform Commercial Code field access system shall be based on a preestablished rate per hour for use of mainframe computer time. The specific fees for access and use shall be contained in the user contract.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, and 60.68 RCW. 99-06-003, § 308-410-070, filed 2/18/99, effective 4/1/99. Statutory Authority:

RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-070, filed 1/19/88.]

Title 314 WAC

LIQUOR CONTROL BOARD

Chapters

314-04	Hearings.
314-08	Practice and procedure.
314-10	Sale and distribution of tobacco products.
314-12	General—Applicable to all licensees.
314-14	Alcohol server training program.
314-16	Retail licensees.
314-37	Liquor vendors.
314-60	Public records.
314-68	Importation of alcoholic beverages for personal or household use.

Chapter 314-04 WAC

HEARINGS

WAC

314-04-005	What are the procedures for a licensee to be notified of an alleged violation of a board statute or regulation?
314-04-006	Are the notification procedures different for an alleged first-time violation of a board statute or regulation?
314-04-007	What options does a licensee have once he/she receives a notice of initial board action?
314-04-010	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-04-010	Method. [Resolution No. 1, filed 6/13/63; Rule 114, filed 6/13/63.] Repealed by 99-15-023, filed 7/12/99, effective 8/12/99. Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3).
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WAC 314-04-005 What are the procedures for a licensee to be notified of an alleged violation of a board statute or regulation? (1) When an enforcement agent believes that a licensee has violated a board statute or regulation, the agent will prepare an administrative violation notice (AVN), which will include a brief narrative description of the violation(s) the agent is charging and the dates of the violation(s).

(2) The agent will give a copy of this AVN to the licensee and to the supervisor in the board enforcement region where the licensee is located.

(3) After the supervisor reviews and approves the AVN, it will be routed to the headquarters office of the enforcement and education division.

(4) After the headquarters office of the enforcement and education division reviews and concurs with the AVN, it will be routed to the office of the attorney general.

(5) An assistant attorney general will review the proposed charge to make sure it is legally sufficient. Once the assistant attorney general has approved the AVN, it will be sent to the board's hearing coordinator.

(6) The board's hearing coordinator will circulate the AVN to the board members for review.

(7) Once the board members have approved the AVN, the board's hearing coordinator will send a notice of initial

board action to the licensee. This notice of initial board action will notify the licensee of the charged violation(s) and the recommended penalty as outlined in WAC 314-12-170 and 314-12-300 through WAC 314-12-340, and will offer the licensee the options outlined in WAC 314-04-007.

[Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-005, filed 6/2/99, effective 7/3/99; Order 35, § 314-04-005, filed 7/2/75.]

WAC 314-04-006 Are the notification procedures different for an alleged first-time violation of a board statute or regulation? (1) A board enforcement agent may immediately issue an AVN notice to a licensee without going through the steps outlined in WAC 314-04-005 (2) through (7), under the following conditions:

(a) The charge would be the first time a licensee has violated the specific statute or regulation; and

(b) The agent believes the standard penalty is appropriate.

(2) The AVN will contain the recommended standard penalty and will notify the licensee of the option to request an administrative hearing in writing within ten days of receipt of the AVN or to request a settlement conference.

(3) No further review will be made of the charge by the board members or by the office of the attorney general.

(4) The AVN will constitute the notice of initial board action in these cases and the remaining steps in the prehearing procedure as outlined in WAC 314-04-007 will be followed.

[Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-006, filed 6/2/99, effective 7/3/99.]

WAC 314-04-007 What options does a licensee have once he/she receives a notice of initial board action? (1) When a licensee receives a notice of initial board action, the licensee has ten days from receipt of the notice to:

(a) Accept the recommended penalty; or

(b) Request a settlement conference; or

(c) Request an administrative hearing in writing.

(2) What are the procedures when a licensee requests a settlement conference?

(a) If the licensee requests a settlement conference, the agent in charge or designee in the enforcement region where the licensee is located will schedule a conference with the licensee.

(b) Both the licensee and the agent in charge or designee will discuss the circumstances surrounding the charge, the recommended penalty, and any aggravating or mitigating factors.

(c) If a compromise is reached, the agent in charge or designee will prepare a proposed settlement agreement and will forward it to the board for approval.

(i) If the board approves the compromise, a copy of the signed settlement agreement will be sent to the licensee, and will conclude the case.

(ii) If the board does not approve the compromise, the board will notify the licensee of the decision. The licensee will be given the option of agreeing to any changes the board has made in the agreement, or of requesting an administrative