

[Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-370, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-370, filed 5/9/01, effective 9/1/01.]

Title 308 WAC

LICENSING, DEPARTMENT OF

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

Chapters

| | |
|----------------|--|
| 308-08 | Practice and procedure. |
| 308-13 | Board of registration for landscape architects. |
| 308-15 | Geologist licensing services. |
| 308-29 | Collection agencies and repossession services. |
| 308-32 | Debt adjusters. |
| 308-56A | Certificates of title—Motor vehicles, etc. |
| 308-57 | Motor vehicle excise tax. |
| 308-63 | Wreckers. |
| 308-72 | Motor vehicle fuel tax. |
| 308-77 | Special fuel tax rules and regulations. |
| 308-78 | Aircraft fuel tax. |
| 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. |
| 308-97 | Vehicle license interstate and intransit permits. |
| 308-100 | Drivers' licenses—Special provisions. |
| 308-390 | Uniform Commercial Code, revised Article 9. |
| 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 308-08 WAC

PRACTICE AND PROCEDURE

WAC

| | |
|------------|--|
| 308-08-085 | Requests for adjudicative proceedings. |
|------------|--|

WAC 308-08-085 Requests for adjudicative proceedings. (1) All applications requesting that the department of licensing conduct an adjudicative proceeding, including but not limited to requests for a hearing in a proceeding initiated by the department shall be made on the applicable form for such requests provided by the department or on a form which is substantially similar.

(2) Applications to the department for an adjudicative proceeding shall be made within the following time limitations:

(a) Within twenty calendar days of service, as defined in WAC 10-08-110 (2) and (3), the applicant of a written notice

of an opportunity to request a hearing upon agency action, or contemplated agency action; or

(b) Within twenty calendar days from notice to the applicant from any source of administrative action by the department which the applicant believes has or will adversely affect the applicant.

(3) Failure of an applicant to file an application for an adjudicative proceeding within the time limits set forth in subsections (2)(a) or (2)(b) above, constitutes a default and results in the loss of the applicant's right to an adjudicative proceeding, and the department may proceed to resolve the case pursuant to RCW 34.05.440(1).

(4) The department shall not grant any request for an adjudicative proceeding to an applicant who does, or will, not have standing to request judicial review of the agency actions, or contemplated agency actions, pursuant to RCW 34.05.530.

(5) The department shall process applications for adjudicative proceedings as provided in RCW 34.05.416 and 34.05.419.

[Statutory Authority: RCW 34.05.416 and 34.05.419. 01-03-129, § 308-08-085, filed 1/23/01, effective 2/23/01. Statutory Authority: RCW 34.05.220 (1)(a). 90-21-086, § 308-08-085, filed 10/17/90, effective 11/17/90.]

Chapter 308-13 WAC

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

WAC

| | |
|------------|---------------------------------------|
| 308-13-150 | Landscape architect fees and charges. |
|------------|---------------------------------------|

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates for examination:

| 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 charges collected from candidates shall be paid to CLARB for the costs of the examinations.

| Examination and Sections | Charges |
|---|-----------|
| Entire examination | \$ 660.00 |
| Examination sections: | |
| Section A: Legal and administrative aspects of practice | 50.00 |
| Section B: Analytical aspects of practice | 90.00 |
| Section C: | |
| Planning and site design | 185.00 |
| Section D: | |

Structural considerations and materials
and methods of construction 150.00

Section E:

Grading, drainage and stormwater man-
agement 185.00

[Statutory Authority: RCW 18.96.060 and 43.24.086. 01-15-034, § 308-13-150, filed 7/12/01, effective 8/12/01; 01-04-002, § 308-13-150, filed 1/25/01, effective 2/25/01; 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.]

Chapter 308-15 WAC GEOLOGIST LICENSING SERVICES

WAC

| | |
|------------|--|
| 308-15-010 | State board of licensing. |
| 308-15-020 | Definitions. |
| 308-15-030 | How do I apply for a geologist license? |
| 308-15-040 | What are the minimum requirements to be eligible for a geologist or specialty license? |
| 308-15-050 | What is the examination process to be licensed as a geologist? |
| 308-15-060 | How do I obtain a geologist or specialty license by reciprocity? |
| 308-15-070 | Do I need a stamp? |
| 308-15-075 | When do I need to use my stamp? |
| 308-15-080 | What do I need to know about renewing or reinstating my license? |
| 308-15-090 | What are the specialty licenses, qualifications and processes for licensure? |
| 308-15-100 | What is a brief adjudicative proceeding (BAP)? |
| 308-15-101 | When can a brief adjudicative proceeding (BAP) be requested? |
| 308-15-102 | What records are required for a brief adjudicative proceeding (BAP)? |
| 308-15-103 | How are brief adjudicative proceedings (BAPs) conducted? |
| 308-15-150 | Fees. |

WAC 308-15-010 State board of licensing. (1) **Meetings:** The Washington state geologist licensing board, hereafter called the board, will hold its regular public meeting annually in March. Special public meetings may be held at such times and places as the board may find necessary. Public notice of all public meetings will be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

(2) **Rules of order:** The latest edition of *Robert's Rules of Order* will govern the conduct of business at meetings and sessions of the board.

(3) **Officers:** The board will elect a chair, a vice-chair and a secretary. Beginning with the March 2002 meeting, the board will elect officers for the ensuing year at its regular annual meeting.

(4) **Quorum:** A quorum at any regular or special meeting or session will consist of four members of the board.

(5) **Licensed geologists:** The board will maintain a roster of licensed geologists.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-010, filed 5/25/01, effective 6/25/01.]

WAC 308-15-020 Definitions. (1) **"Geological work of a character satisfactory to the board"** means that the applicant's qualifying work history consists of professional experience in the practice of geology. Professional geological work is work performed at a professional level that requires the application of professional knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision. Professional geological work specifically does not include routine activities by themselves such as drafting, sampling, sample preparation, routine laboratory work, or core logging, where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. It also does not include engineering or other physical sciences where geological investigation, analysis and interpretation are minimal or lacking. Professional specialty experience is considered to meet this definition.

(2) **"Professional specialty practice of a character satisfactory to the board"** means that the applicant has qualifying work history pertinent to the specialty that meets the standards for professional geologic work defined above. Elements, typical applications, types of projects, and required knowledge, skills and abilities for the engineering geologist and hydrogeologist specialties are outlined in WAC 308-15-090.

(3) **"Year of professional practice"** means at least 1600 hours of work in the practice during a year. Examples of a "year of professional practice" include 200 eight-hour days or 160 ten-hour days during a year. Part-time work will be counted on a prorated basis.

(4) **"Year of professional specialty practice"** means at least 1600 hours of work in a specialty during a calendar year, per examples given in subsection (3) of this section.

(5) **"Geologic interpretation," as applied to the practice of geology and its specialties,** is the iterative process by which geologists, using generally accepted geologic principles, determine geologic history, origin and process from observation and testing of rock, soil and water characteristics, contents, distribution, orientation, lateral and vertical continuity; and resulting landforms.

(6) **"Geologic mapping"** is the process by which geologic observations, data and interpretations are gathered, located and portrayed, such as in plan view and on cross-sections. Information and data are gathered in a format on geologic maps and cross-sections, at a level of detail and at a frequency of data points appropriate for the application and the scale of the portrayal.

(7) **"Grandparenting"** means the issuance of a license as a geologist, engineering geologist, or hydrogeologist within one year after July 1, 2001, or for licensing in a new specialty within one year of recognition of the specialty by

the board, without further written examination, if the applicant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.

(8) **"Reciprocity"** means the issuance of a license without examination as a geologist or specialty geologist to a person who holds a license or certificate of qualifications issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant meets the requirements outlined in WAC 308-15-040 and, for a specialty, WAC 308-15-090.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-020, filed 5/25/01, effective 6/25/01.]

WAC 308-15-030 How do I apply for a geologist license? (1) Contact the board to obtain the application forms and instructions.

(2) Review the available options for licensure:

(a) Examination in WAC 308-15-050;

(b) Reciprocity in WAC 308-15-060; and

(c) Grandparenting in WAC 308-15-020(7).

If you are applying for licensure by examination, your application must be received by the date specified in the application instructions.

(3) Solicit references and transcripts in the format and on the forms as specified in the application instructions.

(4) Send your application forms to the address noted on the form, along with applicable fees, references and transcripts.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-030, filed 5/25/01, effective 6/25/01.]

WAC 308-15-040 What are the minimum requirements to be eligible for a geologist or specialty license? You are eligible for licensure as a professional geologist or specialist if you meet the following minimum requirements:

(1) You are of good moral character, as attested to by two references.

(2) You have graduated from an accredited college or university with a degree in geology, engineering geology, hydrogeology or one of the related geological sciences, or educational equivalents, and completed a minimum of 30 semester/45 quarter hours or their equivalent of course work in geological science. This includes classes in physical geology, historical geology, structural geology, mineralogy/petrology and sedimentary geology/stratigraphy. If you do not meet these requirements, you must demonstrate to the board that you have completed educational equivalents. You must document your college or university educational experience by submitting official sealed transcripts to the board.

(3) You have at least five years of professional geological or specialty practice or, if applying for a specialty, five years of specialty practice satisfactory to the board, after receipt of a bachelor's degree. The following education and experience criteria qualify toward accumulation of the required years of professional work:

(a) You will receive up to two years' credit, one year for each year of full time graduate study in geology, engineering geology, hydrogeology or one of the related geological sciences, as documented in the transcripts provided;

(b) You must have at least three years of geological experience under the supervision of state-licensed geologists or specialty geologists or others who, in the opinion of the board, are qualified to have responsible charge as provided by the information supplied on forms provided by the board.

(i) Your geological experience may include geological research or teaching at the university or college level which, in the judgment of the board, is comparable to experience obtained in the practice of geology or a specialty.

(ii) If requested by the board, you may be required to submit one or more reports which were prepared by you or where you contributed to their preparation.

(c) If you are applying under the grandparenting provisions in this chapter, you may comply with this requirement by providing documentation of geological experience where you were the person in responsible charge and meet the requirements in (b) of this subsection.

(4) You must have passed a geologist examination and, if applying for a specialty, a specialty examination, unless you are eligible for licensure by grandparenting. All examinations must be adopted by or acceptable to the board.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-040, filed 5/25/01, effective 6/25/01.]

WAC 308-15-050 What is the examination process to be licensed as a geologist? (1) Beginning July 1, 2002, you will be required to take and pass an examination to become a licensed geologist in the state of Washington.

(2) The board has adopted the national Association of State Boards of Geology (ASBOG) standardized examination. You will be notified of the date and time of the examination when you receive your application packet.

(a) **Nature of the examination:** Information on the examination is available on the ASBOG website. The examination currently consists of two parts: Fundamentals of Geology (FG) and Practice of Geology (PG). Each part of the examination is four hours long.

(b) **Testing location and date:** The location and testing date will be posted on the department of licensing's geologist website. The examination is administered every March and September.

(c) **Applying for the examination:** To apply for the examination, you must submit the following to the board:

(i) Completed state geologist licensing application form;

(ii) Professional and personal references required to document five years of professional experience; and

(iii) Official sealed transcripts.

(3) **Fees:** You must send in your examination and application fees with your application. The application must be received by the date specified in the application instructions. If you do not meet the requirements for licensing, only your examination fees will be refunded. Fees are listed in WAC 308-15-150.

(4) **Special accommodations:** If you have a disability, the board will provide accommodations consistent with the Americans with Disabilities Act. You should request special accommodations at least ninety days prior to the examination date.

(5) **Notification of scoring:** The board will notify you by mail of your examination score within ninety days of taking the examination.

(6) **Failing the examination:** If you fail the examination, for a fee you can request:

(a) A report showing the failed subject areas; or

(b) To review the examination, question by question, at a location specified by the board. You will be allowed to see the test and review those questions you failed and those you answered correctly. An answer key is not provided and you are not allowed to keep or copy the examination.

(7) **Retake of examination:** You must submit a request on a form provided by the board and the required fees to retake either part of the examination.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-050, filed 5/25/01, effective 6/25/01.]

WAC 308-15-060 How do I obtain a geologist or specialty license by reciprocity. To obtain a license as a geologist or specialty geologist without further examination, you must meet all of the following criteria:

(1) Your education and experience qualifications must meet the requirements of WAC 308-15-040 and, if applying for specialty geologist license, WAC 308-15-090;

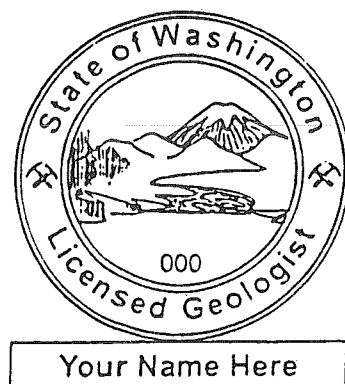
(2) You currently must hold a valid geologist or specialty geologist license, registration, or certification issued by a state or jurisdiction approved by the board; and

(3) You must have passed the geologist examination adopted by or acceptable to the board. If you are applying for a specialty geologist license, you must also have passed a specialty geologist examination adopted by or acceptable to the board.

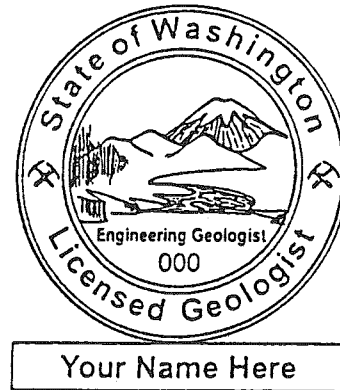
[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-060, filed 5/25/01, effective 6/25/01.]

WAC 308-15-070 Do I need a stamp? Upon licensure, you must obtain a stamp bearing your name, license number, and the legend "State of Washington Licensed Geologist." If you are licensed as an engineering geologist or hydrogeologist, the specialty must be noted on the stamp. Facsimiles of the stamps of the designs authorized by the director are shown below.

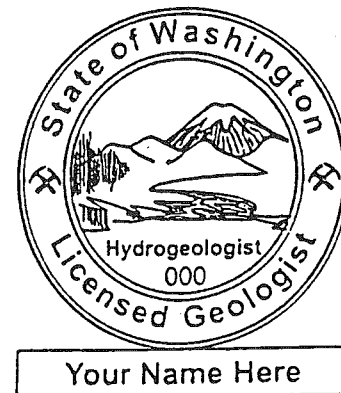
Geologist stamp here



Engineering geologist stamp here



Hydrogeologist stamp here



[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-070, filed 5/25/01, effective 6/25/01.]

WAC 308-15-075 When do I need to use my stamp?

(1) You must stamp, sign, and date every final geology or specialty geology report, letter report, or document that is prepared by you or prepared under your supervision or direction and submitted to other parties.

(a) All figures, maps, and plates bound within final reports or documents do not need to be individually stamped, signed and dated. Unbound final figures, maps, and plates must be individually stamped, signed and dated.

(b) Preliminary or draft geology or specialty geology work does not have to be stamped, but the documents and all associated figures, maps, and plates must be clearly marked as preliminary or draft.

(2) You must stamp, sign, and date every final geology or specialty geology design and specification that is prepared by you or prepared under your supervision or direction. Preliminary or draft geology or specialty geology design and specification drawings do not have to be stamped, but each design and specification must be clearly marked as preliminary or draft.

(3) If you stamp, sign and date work that you have only reviewed, you are responsible to the same extent as if you prepared the report, design or specification.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-075, filed 5/25/01, effective 6/25/01.]

WAC 308-15-080 What do I need to know about renewing or reinstating my license? (1) **Term of license:** Your license will be issued for a period of one year.

(2) **Address changes:** Your renewal notice will be sent to the address of record. You must notify the geologist licensing board in writing within thirty days of any address changes.

(3) **Renewal date:** Your license renewal date will be your birth date.

(a) If your license is issued during the first year of the program (July 1, 2001, through June 30, 2002), your renewal date will be the first birth date to occur after July 1, 2002. However, if your next birth date is within three months of the initial date of issuance of the license, your original license will expire on the second birthday following issuance of your original license.

(b) If your license is issued after June 30, 2002, your renewal after the first year of the program will be for a one-year period, due on your birth date. However, if your next birth date is within three months of the initial date of issuance of your license, your license will expire on the second birthday following issuance of your original license.

(4) **Renewal fee and late fee:** You must pay the prescribed renewal fee to the department of licensing on or before the expiration date. If you fail to pay your license renewal fee within ninety days following the expiration date, you must pay the renewal fee plus a late fee equal to one additional year's renewal fee.

(5) **Reinstatement:** In addition to the fees outlined in subsection (4) of this section, if you fail to pay a renewal fee for a period of five years or more, you may be reinstated upon payment of all delinquent renewal fees, the current year's renewal fee, and a late fee equal to an additional year's renewal fee. In addition to the payment of delinquent fees and a reinstatement fee, you must submit the following:

(a) A summary of the current law and rules governing geologists;

(b) A professional resume of your geologist activities during the delinquent period, including licensure in another jurisdiction, with sufficient detail to demonstrate to the board that your skills have been maintained; and

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

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-080, filed 5/25/01, effective 6/25/01.]

WAC 308-15-090 What are the specialty licenses, qualifications and processes for licensure? (1) The types of specialty licenses are engineering geologist and hydrogeologist. In addition to being a licensed geologist, if your practice is predominantly specialty geologic work as outlined in (a)(i) and (ii) or (b)(i) and (ii) of this subsection, you must have a license to practice the specialty.

(a) **Engineering geologist.**

(i) **Elements of the engineering geologist specialty:** In addition to tasks commonly performed by licensed geologists, the practice of engineering geology includes the designation and classification of geotechnical soil and rock units using engineering soil and rock classification systems. The

relationship between the strength characteristics of soil and rock, the effects of ground and surface water and current and past surficial geologic processes, including slope, fluvial and coastal processes, as well as deep-seated geologic processes such as volcanic activity and seismicity, on landform development are interpreted. Geotechnical zones or domains are designated for each site or area based on soil and rock strength characteristics, common landforms, related geologic processes or other pertinent factors. Proposed developmental modifications such as removing vegetation, using various types of earth materials in construction, applying loads to foundations, constructing cut or fill slopes, and modifying ground or surface water characteristics, are then evaluated and, where appropriate, analyzed to predict likely changes in types and rates of surficial geologic processes. Surficial and deep-seated geologic processes are likewise evaluated and analyzed to predict their effect on proposed development or use.

(ii) **Typical engineering geologic applications and types of projects:** Engineering geology is applied during all project phases, from project conception through planning, design, construction and, where warranted, closure. Planning-level engineering geology work is commonly conducted in response to forest practice regulations, critical areas ordinances for various jurisdictions, and the State Environmental Policy Act. Typical planning-level engineering geology applications include: Timber harvest planning, proposed siting of residential and commercial developments and other buildings and facilities, and alternative route selection for roads, rail lines, trails and utilities. Site-specific civil engineering projects where engineering geologic services are commonly applied include: Road, trail and railroad cuts, fills, and tunnels; foundations for bridges and other drainage structures; retaining walls, dams, buildings, water towers, power transmission line towers, slope, channel and shoreline stabilization facilities, fish ladders, ski lifts and other structures; landings for logging; airport landing strips, rock bolt systems and blasting plans.

(iii) **Knowledge, skills and abilities required for licensure as an engineering geologist:** In addition to being licensed as a geologist in the state of Washington, you must also possess the following knowledge, skills and abilities in order to be licensed as an engineering geologist:

(A) Knowledge of the geology of the state of Washington; (B) Skill and ability in use of geotechnical field classification systems for soil and rock;

(C) Ability to recognize landforms resulting from surficial and deep-seated geologic processes;

(D) Knowledge of and ability to evaluate and analyze soil and rock mechanical relationships related to geologic materials and surficial geologic processes;

(E) Knowledge of the appropriate application of geotechnical laboratory testing methods;

(F) Ability to interpret and portray engineering geologic information and data three-dimensionally, at a scale appropriate for site-specific application; and

(G) Knowledge and understanding of the principles of grading codes, as well as critical areas, shoreline and other pertinent regulations.

(b) **Hydrogeologist.**

(i) **Elements of the hydrogeologist specialty.** In addition to tasks commonly performed by licensed geologists, the practice of hydrogeology involves the study of the movement of water and other fluids through geologic materials, the mechanical, physical, chemical, and thermal interaction of fluids with geologic materials, and the transport of energy and chemical constituents by fluids in the subsurface.

(ii) **Typical hydrogeologic applications and types of projects.** Typical applications include regional or basin ground water resource quantity and quality characterization and development; protection of ground water resources; waste site subsurface characterization; design of vadose and saturated zone cleanups; design, testing, and construction supervision of test, production, recharge, injection, remediation, dewatering and resource protection wells; fluid flow and transport modeling; dewatering system design; and evaluation of potential impacts caused by proposed activities on the quantity and quality of ground water and potential mitigations.

(iii) **Knowledge, skills and abilities required for licensure as a hydrogeologist:** In addition to being licensed as a geologist in the state of Washington, you must also possess the following knowledge, skills and abilities in order to be licensed as a hydrogeologist:

(A) Knowledge of the hydrogeology of the state of Washington;

(B) Knowledge of and skill in applying the principles of vadose and saturated zone hydraulics, and ground water quantity and quality;

(C) Knowledge of federal, state, county and local regulations applicable to ground water resources;

(D) Ability to apply elementary soil and rock mechanics in relation to ground water, including the description of soil and rock samples; and

(E) Ability to prepare and interpret logs as they relate to subsurface fluid movement, interaction with geologic materials, and transport of energy and chemical constituents.

(2) Process required for licensure in a specialty.

(a) **Documentation of specialty experience:** To obtain a specialty license, you must provide a documented record of five years of experience in the applicable geologic specialty, per WAC 308-15-040.

(b) **Documentation of specialty education and training:** In addition to the educational requirements outlined for geologists under WAC 308-15-040, you must complete advanced study, seminars or on-the-job training pertinent to the specialty and acceptable to the board. Examples of academic training pertinent to engineering geology include classes in engineering geology, environmental geology, rock and soil mechanics, geomorphology, volcanology and seismicity. Examples of seminars pertinent to engineering geology include slope stability, rock slope engineering, tunneling, blast design, shoreline processes and engineering geologic field methods short courses. Examples of academic training pertinent to hydrogeology include classes in hydrogeology, geomorphology, hydraulics and advanced geochemistry. Examples of seminars pertinent to hydrogeology include classes taught by experts in the discipline, classes offered in hydrogeologic computer modeling, and various seminars and

symposia on ground water, geochemical forensics and ground water law and regulations.

(c) **Examination requirements for specialty licensure:** During the period July 1, 2001, to June 30, 2002, a license in a specialty can be obtained by "grandparenting" as outlined in WAC 308-15-040. Following the period ending June 30, 2002, a license in a specialty can be obtained through reciprocity, as outlined in WAC 308-15-040. For those who are not eligible for grandparenting, a specialty examination is required in addition to the examination described for geologist licensure in WAC 308-15-040. An examination will be required for each specialty license and will be administered as needed.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-090, filed 5/25/01, effective 6/25/01.]

WAC 308-15-100 What is a brief adjudicative proceeding (BAP)? The board adopts RCW 34.05.482 through 34.05.494 of the Administrative Procedure Act to administer brief adjudicative proceedings (BAP). These proceedings are conducted at the request of an applicant for reasons set out in subsection 308-15-101 or at the discretion of the board chair per RCW 34.05.482.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-100, filed 5/25/01, effective 6/25/01.]

WAC 308-15-101 When can a brief adjudicative proceeding (BAP) be requested? Requests for a BAP will be conducted where the matter is limited solely to one or more of the following issues:

(1) To determine whether an applicant for licensing meets the minimum criteria for licensing to practice as a geologist in this state and the board proposes to deny the application;

(2) To determine whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the board;

(3) To determine whether an applicant for or in the examination process will be denied to sit for future examinations; and

(4) To determine whether a license holder requesting renewal or reinstatement has submitted all required information and meets minimum criteria for renewal or reinstatement.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-101, filed 5/25/01, effective 6/25/01.]

WAC 308-15-102 What records are required for a brief adjudicative proceeding (BAP)? (1) Original or renewal license: The preliminary record for an application for an original or renewal license will include:

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

(b) All documents relied on by the program in proposing to deny the application, renewal, reinstatement or approval; and (c) All correspondence between the applicant for license, renewal, reinstatement or approval and the program regarding the application.

(2) Final order or agreement: The preliminary record to determine compliance with a previously issued final order or agreement will include:

(a) The previously issued final order or agreement; and
(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; and

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

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

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-102, filed 5/25/01, effective 6/25/01.]

WAC 308-15-103 How are brief adjudicative proceedings (BAPs) conducted? (1) A presiding officer, designated by the director, conducts brief adjudicative proceedings. The presiding officer will have agency expertise in the subject matter but will not have personally participated in the decision to issue the initiating document.

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

(3) The presiding officer may, at 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 may employ agency expertise as a basis for a decision.

(6) The presiding officer will not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer will enter an initial order.

[Statutory Authority: Chapter 18.220 RCW. 01-12-023, § 308-15-103, filed 5/25/01, effective 6/25/01.]

WAC 308-15-150 Fees.

| Type of Fee | Amount |
|---|--------|
| Geologist License | |
| Application fee | 100.00 |
| Application fee - Reciprocity | 200.00 |
| Initial License | 100.00 |
| Examination | |
| Fundamentals of Geology (vendor charge) | 125.00 |
| Practice of Geology (vendor charge) | 150.00 |
| Administration fee for reexamination | 65.00 |
| Review of Examination | |
| Manual regrade (vendor charge) | 50.00 |
| Administrative fee for regrade | 15.00 |

| Type of Fee | Amount |
|--|--------|
| Late fee (if examination is scheduled less than 30 days prior to Examination date - vendor charge) | 25.00 |
| Specialty License | |
| Specialty fee (if you are also applying for geologist license) | |
| Application fee - 1 Specialty | 200.00 |
| Application fee - 2 Specialties | 300.00 |
| Application fee - Reciprocity - 1 Specialty | 350.00 |
| Application fee - Reciprocity - 2 Specialties | 500.00 |
| Initial license - 1 Specialty | 185.00 |
| Initial license - 2 Specialties | 270.00 |
| Fee per Specialty (if you are a licensed geologist) | |
| Application fee | 100.00 |
| Application fee - Reciprocity | 150.00 |
| Initial license | 85.00 |
| Examination fee per Specialty | 300.00 |
| Examination review | 100.00 |
| Renewal Fees | |
| Annual Renewal fee (geologist) | 100.00 |
| Additional fee for late renewal (geologist) | 100.00 |
| Annual Renewal fee (geologist plus 1 specialty) | 185.00 |
| Additional fee for late renewal (geologist plus 1 specialty) | 185.00 |
| Annual Renewal fee (geologist plus 2 specialties) | 270.00 |
| Additional fee for late renewal (geologist plus 2 specialties) | 270.00 |
| Miscellaneous Fees | |
| Duplicate License or Wall Certificate | 25.00 |
| Certification of license records to other jurisdictions | 45.00 |
| Proctor Examination in another Jurisdiction | 100.00 |

[Statutory Authority: Chapter 18.220 RCW. 01-12-022, § 308-15-150, filed 5/25/01, effective 6/25/01.]

Chapter 308-29 WAC

COLLECTION AGENCIES AND REPOSSESSION SERVICES

| WAC | |
|------------|--|
| 308-29-010 | Definitions. |
| 308-29-020 | Financial statement. |
| 308-29-025 | What records must a licensee maintain at the licensed location? |
| 308-29-030 | Do licensees have to notify the director of changes in ownership, officers, directors, or managing employees? |
| 308-29-045 | Collection agency fees. |
| 308-29-050 | Are licensees required to notify the director of lawsuits, judgments, etc., involving the licensee or its employees? |
| 308-29-060 | What are the licensees' obligations when transferring an interest in a collection agency? |
| 308-29-070 | Disclosure of rate of interest. |
| 308-29-080 | Does a collection agency have to notify the credit reporting agency when the debt is satisfied? |

| | |
|------------|---|
| 308-29-090 | Application of brief adjudicative proceedings. |
| 308-29-100 | Preliminary record in brief adjudicative proceedings. |
| 308-29-110 | Conduct of brief adjudicative proceedings. |
| 308-29-120 | Appeal process for brief adjudicative proceedings. |

WAC 308-29-010 Definitions. (1) Words and terms used in these rules have the same meaning as each has under chapter 19.16 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Branch office" is any location physically separated from the principal place of business of a licensee where the licensee conducts any activity meeting the criteria of a collection agency or out-of-state collection agency as defined in RCW 19.16.100.

(3) "Repossession services" conducted by any person shall not be deemed a collection agency as defined in RCW 19.16.100, unless such person is repossessing or is attempting to repossess property for a third party and is authorized to accept cash or any other thing of value from the debtor in lieu of actual repossession.

(4) "Managing employee" is an individual who has the general power to exercise judgment and discretion in acting on behalf of the licensee on an overall or partial basis and who does not act in an inferior capacity under close supervision or direction of a superior authority (as distinguished from a nonmanaging employee who is told what to do and has no discretion about what he or she can and cannot do and who is responsible to an immediate superior).

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-010, filed 5/22/01, effective 6/22/01; Order PL-123, § 308-29-010, filed 5/17/72.]

WAC 308-29-020 Financial statement. Each applicant must submit a current (within prior three months) financial statement of assets and liabilities. Such statement shall be submitted in the manner and form prescribed by the director. Whenever a licensee applies for annual license renewal, such licensee must sign the renewal form that contains a certification:

(1) That the collection agency's true net worth complies with the requirements of RCW 19.16.245; and

(2) That the trust account(s) have sufficient funds to pay all obligations to clients.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-020, filed 5/22/01, effective 6/22/01; Order PL-123, § 308-29-020, filed 5/17/72.]

WAC 308-29-025 What records must a licensee maintain at the licensed location? Required records:

The collection agency must maintain the following records at the licensed location:

(1) Bank trust records.

(a) Duplicate receipt book or cash receipts journal recording all receipts showing date received and the customer who paid;

(b) Sequentially numbered checks with check register or cash disbursement journal or check stubs showing the purpose of the disbursement and the client account it is debited to;

(c) Bank deposit slips verifying the date deposited and reconciled with receipt book or cash receipts journal;

(d) Client's accounting ledger or client remittance report summarizing all moneys received and all moneys disbursed for each client collection account; and

(e) Reconciled bank statements and canceled checks for all trust bank accounts.

(2) Other records.

(a) Copies of all financial statements of licensee showing solvency;

(b) Annotations of significant events or conversations with debtors;

(c) Transactions folders containing all agreements, contracts, documents, statements and correspondence for each debtor and client (may be maintained electronically or on other retrievable medium); and

(d) Collection agreements authorizing the licensee to collect debts or a schedule listing all fees or charges to be charged to the debtor or client.

Accuracy, accessibility and retention of records:

All required records shall be accurately posted, kept up-to-date and kept at the address where the collection agent is licensed to do business. Such records shall be retained and available for inspection by the director or the director's authorized representative during normal business hours. The collection agent shall provide copies of required records upon demand by the director or the director's authorized representative.

(3) Licensee's responsibilities:

(a) The licensee shall be responsible for the custody, safety and the accuracy of entries in all required records. The licensee retains this responsibility even though another person or persons assume the duties of preparation, custody or recording.

(b) The licensee shall obtain copies of the Collection Agency Act (chapter 19.16 RCW) and the rules implementing the act (chapter 308-29 WAC) and be knowledgeable of these laws and rules in their most recent version.

(c) The licensee must ensure accessibility of the licensed location and records to the director or the director's representative.

(4) Administration of trust funds and client property:

(a) A licensee who receives funds or moneys from any debtor, client or customer shall hold the funds or moneys in trust for the purposes of the agreement and shall not utilize such funds or moneys for the benefit of the licensee or any person not entitled to such benefit.

(b) All funds or moneys received shall be deposited into a federally insured banking institution.

(c) The trust bank account will be in the licensee's name and identified as a trust account.

(d) Preauthorization of regular disbursements or deductions on an ongoing basis by financial institutions is not permitted for multiclient accounts.

(e) When a contract between the licensee and client expires, terminates, or is no longer in existence, the licensee shall give a closing statement to the client summarizing all receipts and payments since the last statement and shall return all instruments and client property to the client within thirty days after written demand from the client, or as specified in the client contract.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-025, filed 5/22/01, effective 6/22/01.]

WAC 308-29-030 Do licensees have to notify the director of changes in ownership, officers, directors, or managing employees? (1) Each licensee shall notify the director in writing:

- (a) Within ten business days of any change in its ownership;
- (b) Within ten business days of any change in officers, directors, or managing employees of each office location.

The notification shall consist of reporting the individual's name, position, address and effective date of change.

(2) If requested by the department, each licensee shall notify the department in writing of any additional information regarding the change or changes in subsection (1) of this section within ten days after the mailing of the request.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-030, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-030, filed 5/20/87; Order PL-141, § 308-29-030, filed 12/18/72.]

WAC 308-29-045 Collection agency fees. The following fees shall be charged by the business and professions division of the department of licensing:

| Title of Fee | Fee |
|--------------------------------------|----------|
| Collection agency—Main office: | |
| Original application | \$650.00 |
| Investigation (nonrefundable) | 250.00 |
| Renewal | 600.00 |
| Late renewal penalty | 400.00 |
| Reregistration fee after 30 days | 1,650.00 |
| Duplicate license | 15.00 |
| Branch office (with WA main office): | |
| Original application | 350.00 |
| Renewal | 350.00 |
| Late renewal penalty | 200.00 |
| Reregistration fee after 30 days | 900.00 |
| Duplicate license | 15.00 |

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-045, filed 5/22/01, effective 6/22/01. Statutory Authority: RCW 43.24.086. 90-06-052, § 308-29-045, filed 3/2/90, effective 4/2/90; 87-10-028 (Order PM 650), § 308-29-045, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-29-045, filed 11/2/83; 83-17-031 (Order PL 442), § 308-29-045, filed 8/10/83. Formerly WAC 308-29-040.]

WAC 308-29-050 Are licensees required to notify the director of lawsuits, judgments, etc., involving the licensee or its employees? (1) Within thirty days after the entry of any judgment against the licensee or any owner, officer, director or managing employee of a nonindividual licensee, the licensee shall notify the director in writing of the judgment, if the judgment arises out of any of the practices prohibited in RCW 19.16.250 or of any of the grounds set forth in RCW 19.16.120.

(2) Within thirty days after the filing, service or knowledge of a tax lien or warrant filed against the licensee or any owner, officer, director or managing employee of a nonindividual licensee, the licensee shall notify the director in writing of the lien or warrant.

(3) Within thirty days after the filing, service or knowledge of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a defendant, the licensee shall notify the director in writing of such matter if it:

- (a) Involves alleged violations of RCW 19.16.210; or
- (b) Is or purports to be brought on behalf of the state of Washington or three or more persons.

(4) Within thirty days after the licensee or any owner, officer, director or managing employee of a nonindividual licensee files a petition for bankruptcy, the licensee shall notify the director in writing of the filing of the petition.

(5) The written notification shall be sent by certified or registered mail and shall identify:

- The names of all parties, plaintiff and defendant;
- The court in which the action is commenced; and
- The cause number assigned to the action.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-050, filed 5/22/01, effective 6/22/01; 79-06-084 (Order PL-306), § 308-29-050, filed 6/1/79.]

WAC 308-29-060 What are the licensees' obligations when transferring an interest in a collection agency? (1)

In order to transfer the licensee's interest in a collection agency or out-of-state collection agency, unless the transfer is due to the death of an individual licensee, the licensee shall notify all of its clients with open accounts, or cause such clients to be notified, of the transfer of the licensee's interest.

(2) The instrument by which the interest is transferred shall be in writing, and shall indicate:

(a) That the license or branch office certificate granted under chapter 19.16 RCW is not assignable or transferable, that the transfer of the licensee's interest in the business does not include such license or certificate, that the transferee of the interest must apply for a license and/or certificate in accordance with the law, and that the transferee of the interest may not act, assume to act, or advertise as a collection agency or out-of-state collection agency as defined in chapter 19.16 RCW, without first having applied for and obtained a license under that chapter;

(b) Which party to the transaction bears responsibility for payment to clients of amounts due them between the date the instrument is executed and the effective date of the transfer;

(c) Which party to the transaction bears responsibility for maintaining and preserving the records of the collection agency or out-of-state collection agency as prescribed by RCW 19.16.230 and these rules;

(d) Whether the transfer of interest includes the right to use of the business name or trade name of the collection agency or out-of-state collection agency; and

(e) Which party to the transaction bears responsibility for providing written notice of the transfer to the clients of the collection agency who have open accounts with the collection agency or out-of-state collection agency.

(3) The licensee must provide the director a copy of the instrument transferring the licensee's interest signed by all parties to the transaction and shall indicate the effective date of the transfer.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-060, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-060, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-060, filed 6/27/86; 79-06-084 (Order PL-306), § 308-29-060, filed 6/1/79.]

WAC 308-29-070 Disclosure of rate of interest.

Whenever a collection agency is required pursuant to RCW 19.16.250 (8)(c) to disclose to the debtor that interest charges are being added to the original obligation, the collection agency must also disclose to the debtor the rate of interest. The rate of interest cannot exceed the legal maximum rate established in chapter 19.52 RCW.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-070, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-070, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-070, filed 6/27/86.]

WAC 308-29-080 Does a collection agency have to notify the credit reporting agency when the debt is satisfied? If a collection agency informs a credit-reporting agency of the existence of a claim, the collection agency shall promptly notify the credit-reporting agency that the claim has been satisfied. In the absence of other applicable law, "promptly" shall mean within forty-five days after satisfaction of the claim.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-080, filed 5/22/01, effective 6/22/01; 87-11-064 (Order PM 653), § 308-29-080, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-080, filed 6/27/86.]

WAC 308-29-090 Application of brief adjudicative proceedings. The board adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request of an applicant or licensee, or at the discretion of the board chair pursuant to RCW 34.05.482, for the categories of matters set out below. Brief adjudicative proceedings may be conducted where the matter is limited solely to one or more of the following issues:

(1) Whether an applicant for licensure meets the minimum criteria for a license to practice as a collection agency, out-of-state collection agency, or collection agency branch office in this state and the board 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 board;

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

(4) Whether a license holder meets the surety bond requirements to maintain their license and the board proposes to terminate the license.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-090, filed 5/22/01, effective 6/22/01.]

WAC 308-29-100 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license shall consist of:

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

(b) All documents relied upon by the department of licensing collection agency program in proposing to deny the license, renewal, or reinstatement; and

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

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

(a) The previously issued final order or agreement;

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

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

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

(3) The preliminary record with respect to determination of compliance with the surety bond requirements shall consist of:

(a) The surety bond cancellation notice from the insurance company;

(b) All documents relied upon by the program in proposing to terminate the license; and

(c) All correspondence between the license holder and the program regarding the surety bond cancellation.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-100, filed 5/22/01, effective 6/22/01.]

WAC 308-29-110 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer designated by the board. The presiding officer for brief adjudicative proceedings shall have agency expertise in the subject matter but shall not have personally participated in the decision to issue the initiating document.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative 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 agency expertise as a basis for decision.

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

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-110, filed 5/22/01, effective 6/22/01.]

WAC 308-29-120 Appeal process for brief adjudicative proceedings. If you do not receive satisfaction from the brief adjudicative proceeding, you may appeal to the board

for an administrative review. The board must receive your written appeal within twenty-one days after the brief adjudicative proceeding order is posted in the United States mail. The board considers your appeal and either upholds or overrules the brief adjudicative proceeding decision. The board's decision, also called an order, is mailed to you.

[Statutory Authority: [RCW 19.16.410]. 01-11-132, § 308-29-120, filed 5/22/01, effective 6/22/01.]

Chapter 308-32 WAC DEBT ADJUSTERS

WAC

308-32-100 through 308-32-120 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 308-32-100 | Application of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-050, § 308-32-100, filed 5/1/97, effective 6/1/97.] Repealed by 01-03-065, filed 1/12/01, effective 2/12/01. |
| 308-32-110 | Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-050, § 308-32-110, filed 5/1/97, effective 6/1/97.] Repealed by 01-03-065, filed 1/12/01, effective 2/12/01. |
| 308-32-120 | Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-050, § 308-32-120, filed 5/1/97, effective 6/1/97.] Repealed by 01-03-065, filed 1/12/01, effective 2/12/01. |

WAC 308-32-100 through 308-32-120 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-56A WAC CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.

WAC

| | |
|-------------|---|
| 308-56A-021 | Assessment criteria for penalty fee. |
| 308-56A-065 | Vehicles held in trust. |
| 308-56A-090 | Disclosure of individual vehicle owner information. |
| 308-56A-095 | Repealed. |
| 308-56A-115 | Vehicles from jurisdiction other than Washington. |
| 308-56A-150 | Certificate of vehicle inspection. |
| 308-56A-270 | Forms of signature. |
| 308-56A-310 | Personal property lien—Chattel, landlord. |
| 308-56A-335 | Owner deceased. |
| 308-56A-355 | Repealed. |
| 308-56A-460 | Destroyed or wrecked vehicle rebuilt. |
| 308-56A-505 | Elimination of manufactured home title—Eligibility. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|-------------|--|
| 308-56A-095 | Commercial parking companies. [Statutory Authority: RCW 46.01.110 and 1997 c 33. 97-19-015, § 308-56A-095, filed 9/5/97, effective 10/6/97.] Repealed by 02-01-123, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. |
| 308-56A-355 | Owner deceased—In name of estate. [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.] Repealed by 01-03-002, filed 1/4/01, effective 2/4/01. Statutory Authority: RCW 46.01.110. |

WAC 308-56A-021 Assessment criteria for penalty fee. (1) What is the penalty fee? When a used vehicle with a Washington certificate of ownership is sold, the purchaser

has fifteen days to transfer the vehicle ownership into their name. If they wait until the 16th day or later from the date of sale, a penalty fee may be assessed as described in RCW 46.16.101(6).

(2) Are there exceptions when a penalty fee may be assessed when applying for certificate of ownership on the 16th day from the date of sale or later as described in RCW 46.12.101(6)? Yes, if:

- (a) The vehicle was delivered to the purchaser after the date of sale indicated on the supporting documents;
- (b) There are conflicting dates on supporting documents;
- (c) There is no date on the certificate of ownership or other supporting documents;
- (d) The date on the certificate of ownership has been altered;
- (e) The purchaser is incarcerated or sequestered by a judiciary system;
- (f) The purchaser files a seller's report of sale thinking they have filed an application to transfer certificate of ownership;
- (g) The purchaser of a vehicle sells it before transferring ownership into their name and the new purchaser can prove they purchased the vehicle within fifteen days of making application; or
- (h) The director determines other reasons are valid.

Note: Subsection (2)(a) through (g) of this section require an affidavit attesting to the actual date of delivery and reason for exception to the penalty.

(3) When are penalty fees for late application for certificate of ownership not assessed? Penalty fees are not assessed for late application for certificate of ownership under the following conditions:

- (a) The vehicle is not motorized;
- (b) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed);
- (c) A Washington record cannot be found;
- (d) Department of licensing records indicate the vehicle has been destroyed;
- (e) The vehicle is being titled as home made or assembled for the first time;
- (f) The vehicle is acquired as a result of:
 - (i) Inheritance or community property;
 - (ii) Divorce settlement;
 - (iii) Other legal action affecting ownership of the vehicle;
- (iv) Lease buyout;
- (g) The vehicle is a snowmobile; or
- (h) The director determines other reasons are valid.

[Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-56A-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-021, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-021, filed 6/3/98, effective 7/4/98. 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-021, filed 10/9/87.]

WAC 308-56A-065 Vehicles held in trust. (1) How is a trust 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. Trusts established under chapter 23.90 RCW must also provide notarized/certified documentation from the secretary of state showing the trust is registered with the state of Washington.

(3) **If a vehicle is titled in the name of a trust, who represents the trust for title transactions?** Any trustee designated in the trust document represents the trust on all vehicle transactions with the department unless that trustee is replaced or the trust is terminated.

(4) **What is required when a successor trustee is appointed?** If the name of the trustee who has been succeeded, is shown on the certificate of ownership 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 new owner of the vehicle must apply for a new certificate of ownership under chapter 46.12 RCW.

[Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-56A-065, filed 3/27/01, effective 4/27/01. 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-090 Disclosure of individual vehicle owner information. (1) What vehicle record owner information is protected from disclosure? Vehicle information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information; and
- (d) Telephone numbers.

(2) **Who may receive disclosure of individual vehicle owner names and addresses?**

(a) Government agencies that require use of name and address information in their normal course of business;

(b) Any business entity that requires use of name and address information in their normal course of business in accordance with these rules;

(c) Vehicle manufacturers who require vehicle ownership information for recall of their product;

(d) Individuals that provide proof of personal identification:

- (i) For vehicles currently registered in their name; or

(ii) For vehicles they can provide a bill of sale or acceptable documents indicating that they purchased the vehicle.

Business and government entities requesting disclosure of individual vehicle owner names and addresses must enter into a disclosure agreement with the department.

(3) **What documentation does the department require to disclose vehicle owner name(s) and address(es)?** The department requires:

(a) A signed and notarized vehicle/vessel record disclosure request application form provided by the department and completed by the applicant indicating the specific purpose for which the information will be used; and

(b) A disclosure agreement with the department as required by RCW 46.12.380.

(c) Acceptable business entity verification; or

(d) A contract with the department.

(4) **What is acceptable business verification?** For purposes of this section acceptable business verification includes:

(a) If the requester is a licensed Washington business, a copy of its current master business license;

(b) If the requester is a business that is not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license.

(5) **Does a business need to supply a new form and copy of the business license each time vehicle information is requested?** Yes, each time a request is made for vehicle information a new form and copy of the business license is needed, unless a contract exists between the business and the department.

(6) **If a business entity has entered into a contract or agreement with the department, is a separate request for each inquiry required?** No. If a business entity has entered into a signed contract between the business and the department, a separate request for each inquiry is not required.

(7) **Are businesses allowed individual owner information on vehicle records?** Yes, if a business requires individual owner information to conduct its regular business and qualifies under RCW 46.12.380 and 18 U.S.C. 27.21 (commonly known as Driver Privacy Protection Act), it may receive individual vehicle owner information.

(8) **Who may release the vehicle owner name and address information?**

(a) The public disclosure unit of the vehicle services division of the department of licensing; or

(b) Agents and subagents, but only when disclosing information for purposes described in subsection (2)(d) of this section.

(9) **When may the department disclose the individual name(s) and address(es) of vehicle owners?** Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose names and addresses of vehicle owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(10) **What does the term "unsolicited business contact" mean?** The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(11) **Is the department required to notify the vehicle owner when ownership information is disclosed?** When the department grants a request from an attorney or private investigator for information under this section, the department will provide notice to the vehicle owner that the request has been granted. The notice will provide the name and address of the requesting party. Additionally, if a contract holder releases owner information to a private investigator or attorney, they must notify the vehicle owner that a request has been granted, and include the name and address of the requesting party.

(12) **How long will the department retain the request for disclosure of vehicle owner information?** The department will retain the request for disclosure for three years.

(13) **Who is responsible for assuring that the information is used appropriately?** Any person, business, entity or association that receives vehicle owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

[Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. 02-01-123, § 308-56A-090, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-090, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-090, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 42.17.250(1), 46.01.110, 46.12.151 and 46.12.380. 96-03-047, § 308-56A-090, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 46.01.110 and 88.02.070. 91-03-088, § 308-56A-090, filed 1/18/91, effective 2/18/91.]

WAC 308-56A-095 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-56A-115 Vehicles from jurisdiction other than Washington. (1) **What ownership documents are required to title and license a vehicle not currently titled or licensed in the state of Washington?**

(a) If the vehicle was acquired from an agency of the United States government, the original or a copy of the bill of

sale issued by the United States government must accompany the application for certificate of ownership. When a bill of sale covers more than one vehicle, a photocopy may be accepted when:

(i) United States federal government already registered and/or titled in Washington with an FED use class, the purchaser needs a bill of sale and the current registration for an NTI or when title is issued in Washington, need title properly released.

(ii) A secured odometer disclosure completed only by the transferee/buyer if the vehicle falls within the federal odometer criteria.

(b) If a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the most current title issued by that state. The department will accept a copy of the current title when it is being held by the lien holder and is not available.

(c) If a vehicle is titled in another country, the application for certificate of ownership must be accompanied by the most current title or ownership document issued by that jurisdiction. If the country from which the vehicle is imported cancels the vehicle title and/or registration for export, the application for certificate of ownership must be accompanied by documents showing proof of ownership and evidence of the cancellation.

(d) If a member of the United States armed forces owns the vehicle and the vehicle has been registered by the United States government military entity, the application for certificate of ownership shall be accompanied by the registration certificate as proof of ownership. If there is a lien holder, the United States armed forces member must contact the lien holder and obtain a copy of the ownership documents being held.

(2) **What ownership documents are required to obtain a certificate of ownership for a vehicle from a jurisdiction that by policy or law does not title or register certain classes of vehicles based on age, type, or other criteria?**

(a) If the vehicle is from a jurisdiction that by policy or law does not title a specific vehicle, but does register it, the department will accept the registration as an ownership document. If the applicant is not the owner shown on the registration, a bill of sale or release of interest is also required.

(b) If the vehicle is from a jurisdiction that neither registers nor titles, the department will accept a statement from the applicant certifying when and where they purchased the vehicle, and that the previous jurisdiction does not title or register this type of vehicle. A bill of sale is required for vehicles brought in from such jurisdiction. A statement certifying how the vehicle was acquired must be submitted at the time of application. The Washington certificate of ownership may contain a special notation if issued under these circumstances. If the bill of sale is not available, ownership in doubt procedures from WAC 308-56A-210 apply.

(3) **What ownership documents are required to title a vehicle from a titling jurisdiction which has refused to issue a title document for a specific vehicle?**

If the jurisdiction has refused to issue title, Washington will require the customer to comply with ownership in doubt

procedures from WAC 308-56A-210. In those cases where a title was refused for reasons not applicable to Washington, the department may consider issuing a title with the appropriate documentation.

(4) What additional documentation is required if my vehicle is from a foreign country?

The application for certificate of ownership must be accompanied by:

(a) An approved United States Department of Treasury Customs Service form properly executed authorizing the vehicle entry into this country. Applications for certificate of ownership for vehicles imported from Puerto Rico need not be accompanied by a customs document;

(b) An English translation for any document provided which is not in the English language. The translator shall provide a notarized/certified affidavit attesting to the accuracy of the translation;

(c) A release of interest from the owners shown on the ownership documents, as provided in WAC 308-56A-210, if the applicant is not the owner shown; and

(d) The current valid ownership document.

(5) What if my vehicle does not pass the EPA?

If the vehicle does not conform with all applicable federal motor vehicle safety standards or federal air pollution control regulations, and the United States Customs Service will not issue a custom document, the department will not issue a certificate of ownership or registration for the vehicle.

(6) What if there is no indication that my vehicle is from a nontitle or nonregistration jurisdiction, and no other jurisdiction has a record of my vehicle?

If there is no indication that your vehicle is from a nontitle or nonregistration jurisdiction, and no jurisdiction has a record for your vehicle, you need to follow ownership in doubt procedures in WAC 308-56A-210.

[Statutory Authority: RCW 46.01.110, 01-20-010, § 308-56A-115, filed 9/20/01, effective 10/21/01; 99-01-014, § 308-56A-115, filed 12/7/98, effective 1/7/99; 93-14-084, § 308-56A-115, filed 6/30/93, effective 7/31/93; Order MV 208, § 308-56A-115, filed 7/31/74.]

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) Reported destroyed since the last certificate of ownership was issued;

(b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent, for example, if there is a reason to believe the vehicle identification number has been removed, defaced, altered, destroyed, or if it has become illegible or is missing;

(d) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;

(e) A used vehicle and no Washington record can be found unless the vehicle is titled or registered in a state or jurisdiction other than Washington;

(f) A kit vehicle not previously titled as such (if no vehicle identification number previously assigned);

(g) A street rod not previously titled as such;

(h) A glider kit not previously titled as such;

(i) Questionable as to ownership;

(j) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or

(k) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.

(2) What fee is charged for a Washington state patrol VIN inspection? The VIN inspection fee is fifty dollars as authorized by chapter 46.12 RCW unless:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(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 country 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 (k) of this section and held for sale by a licensed dealer.

(5) Is the vehicle identification number inspection certificate provided by the Washington state patrol (WSP) valid other than in Washington state? In accordance with WSP rules, the inspection certificate provided by the WSP is valid only in Washington state except as otherwise specified by the Washington state patrol.

(6) Why are the words "register" and "registered" used in place of "title" and "titled" in chapter 125, Laws of 2001? The words "register" and "registered" are used in place of "title" and "titled" in chapter 125, Laws of 2001 because RCW 46.12.010 requires vehicles registered in this state to also have a certificate of ownership. For the purposes of section 3, chapter 125, Laws of 2001, the registration process is not complete until it is confirmed that the vehicle is

not stolen. Certificate of ownership will not be issued and the license tabs and registration certificate shall be invalid for vehicles which have been confirmed stolen.

[Statutory Authority: RCW 46.01.110. 01-20-010, § 308-56A-150, filed 9/20/01, effective 10/21/01. 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-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, name stamp, 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 designated to sign on behalf of the business; and

(c) The title or position of that person.

[Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. 02-01-123, § 308-56A-270, filed 12/19/01, effective 1/19/02. 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-310 Personal property lien—Chattel, landlord. (1) What is a chattel lien? For the purposes of this section a "chattel lien" means: A lien obtained by any person, firm or company who provides services or materials for a vehicle at the owner's request, in the event of nonpayment by the owner. A person or firm that provides services or material for a vehicle at the owner's request may obtain a lien on such vehicle. In the event of nonpayment the lien may be foreclosed as provided by law.

(2) What document does the department require to issue a certificate of ownership for a vehicle obtained through the chattel lien process? In addition to other documents required by law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vehicle to the claimant.

(3) When is a court order required by the department 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 of record requested the services; or

(c) There is an existing lien holder on record; or

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

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

(d) There is more than one lien claimed against the vehicle.

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

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

(4) What is a landlord lien? For the purposes of vehicle licensing and titling, a landlord lien is an encumbrance on a vehicle as security for the payment of moneys owing for rent.

(5) What documents does the department require to issue a certificate of ownership for a vehicle, obtained through the landlord lien process? In addition to other documents required by law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vehicle to the claimant.

(6) 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) The vehicle owner of record is someone other than the person owing for rent; or

(c) There is an existing lien holder on record.

(i) In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(A) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

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

(d) There is more than one lien against the vehicle.

(i) In order to remove any existing lien holders from the record, the court order must specifically authorize the removal of any lien. If it does not, the claimant may:

(A) Negotiate with the lien holders to obtain either a release of interest or a new security agreement; or

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

(7) Why is a court order required for a landlord lien if there is a lien holder on the existing record? In order to record a secured interest on a Washington certificate of ownership, there must be a security agreement between the registered owner and the legal owner except for government liens as provided in law.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-56A-310, filed 10/18/01, effective 11/18/01. Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-56A-310, filed 3/27/01, effective 4/27/01. 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-335 Owner deceased. (1) What titling options are available when a vehicle owner is deceased?

(a) The vehicle can be titled in the name of the estate; or
(b) The vehicle ownership may be released by a personal representative and transferred into the name of a new owner; or

(c) The surviving owner may transfer into their name if joint tenancy was indicated on the certificate of ownership.

(2) How can a vehicle be titled in the name of the estate of the deceased? The signature of a personal representative as described in RCW 11.02.005(1) is required to release interest for the deceased owner. The vehicle may then be titled and licensed in the name of the estate of the deceased pending final settlement of the estate. A copy of the court order appointing or confirming the personal representative must be attached to the application for certificate of ownership.

(3) How will the name of the estate be shown on the certificate of ownership? The name will be shown as "Estate of (deceased's name)."

(4) What do I need as documentation to release or transfer interest in a vehicle acquired from an estate of a deceased person?

If the estate is:

(a) Administered:

- (i) Letters of testamentary; or
- (ii) Letter of administration; or
- (iii) Certificate of county clerk.

(b) Joint tenants with rights of survivorship:
Copy of death certificate.

(c) Community property:

- (i) Copy of the death certificate; and
- (ii) A copy of the community property agreement.

(d) Not administered:

- (i) Copy of death certificate; and
- (ii) Affidavit of inheritance; or
- (iii) Affidavit of succession.

[Statutory Authority: RCW 46.01.110. 01-03-002, § 308-56A-335, filed 1/4/01, effective 2/4/01; 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-355 Repealed. See Disposition Table at beginning of this chapter.

[2002 WAC Supp—page 1486]

WAC 308-56A-460 Destroyed or wrecked vehicle rebuilt. (1) What is a destroyed or wrecked vehicle? For the purposes of this section:

(a) A destroyed vehicle means vehicles of any age that have been reported wrecked or destroyed by the owner, licensed wrecker, scrap processor or insurance company and includes salvage vehicles as defined in RCW 46.12.005; and

(b) A wrecked vehicle is defined in RCW 46.80.010(4).

(2) Who may report destroyed or wrecked vehicles and how are those vehicles reported to the department? Destroyed vehicles may be reported to the department by:

(a) Insurance companies. A vehicle becomes insurance destroyed under RCW 46.12.070 when:

(i) An insurance company in possession of a certificate of ownership for a vehicle that has been destroyed submits to the department the current certificate of ownership indicating the vehicle is "DESTROYED," the insurance company name and address and the date of loss; or

(ii) The Total Loss Claim Settlement form (TD 420 074) completed in its entirety is received by the department (settlement is defined in subsection (4) of this section).

(b) Government or self-insured entities: Any government agency or self-insured entity reports the vehicle is a total loss by indicating on the certificate of ownership or affidavit of loss/release of interest that the vehicle is "DESTROYED" and, the date of loss.

(c) Other owners (owner destroyed); and

A vehicle is considered destroyed by an individual when:

(i) The individual submits to the department the certificate of ownership, properly released by the registered and/or legal owner(s), when applicable, and indicates on the face of the ownership document "DESTROYED," the date and location of destruction on the front of the certificate of ownership; or

(ii) The owner submits an affidavit of loss/release of interest with a notation on the document in the same manner as (c)(i) of this subsection; and

(iii) A written statement indicating the vehicle has been destroyed, to include year, make, model, and vehicle identification number.

(d) Washington licensed vehicle wreckers. A vehicle becomes wrecker destroyed when the Washington licensed wrecker submits a written report to the department as required in RCW 46.80.090.

(3) After the certificate of ownership has been surrendered, how do I sell my destroyed vehicle? After the certificate of ownership has been surrendered, you may sell your destroyed vehicle in the following ways:

(a) After the vehicle has been reported destroyed under RCW 46.12.070, the insurer using a bill of sale instead of a release of interest on a certificate of ownership may sell the vehicle. The bill of sale shall be signed by a representative of the insurer and provide their title of office. The representative's signature need not be notarized or certified.

(b) After a vehicle has been reported destroyed under RCW 46.12.070 and the registered owner retains the vehicle, the vehicle may be sold in its present condition using a bill of sale. The bill of sale must be signed by the owner and the owner's signature must be notarized or certified.

(c) A motor vehicle wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance

with (a) and (b) of this subsection in lieu of a certificate of ownership to comply with RCW 46.80.090.

(4) When is an insurance claim considered settled? For the purpose of this section, those vehicles described in RCW 46.12.070, the settlement of an insurance claim as a total loss, less salvage value shall mean the date on which an insurance company actually makes payment to the claimant for the damage.

(5) If a vehicle has been reported to the department as destroyed or wrecked, may the license plate(s) remain with the vehicle? Depending on the situation the vehicle license plates may stay with the vehicle:

(a) If the vehicle has been reported insurance destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(b) If the owner of record has reported the vehicle as destroyed, regular vehicle license plates may remain with the vehicle unless the license plates assigned to the vehicle are severely damaged.

(c) If the vehicle has been reported destroyed by a Washington licensed wrecker, new vehicle license plates are required since the Washington licensed vehicle wrecker must remove the current license plates as required by WAC 308-63-070(7).

(6) What is required of a Washington licensed vehicle dealer before they can sell a vehicle that has been reported destroyed or wrecked? Except as permitted by RCW 46.70.101 (1)(b)(viii) before a vehicle dealer may sell a destroyed or wrecked vehicle under their Washington vehicle dealer license, the dealer must:

(a) Rebuild the vehicle to standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles; and

(b) Obtain a Washington state patrol inspection; and

(c) Apply for and receive a certificate of ownership for the vehicle, issued in the name of the vehicle dealer.

(7) What does "WAREBUILT" mean on a Washington certificate of ownership? The "WAREBUILT" designation, as required by RCW 46.12.075, on a vehicle certificate of ownership means that the vehicle is of a model year that is less than six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged and has been reported as destroyed under RCW 46.12.070 or 46.80.010(4) and the vehicle has been rebuilt and inspected under RCW 46.12.030.

(8) For a vehicle described in subsection (7) of this section, will the certificate of ownership and registration always indicate "WAREBUILT"? Yes, the certificate of ownership and registration shall prominently display a "REBUILT" designation on the front of the document. This designation will continue to appear on every subsequent certificate of ownership and registration issued for this vehicle.

(9) If I purchase a vehicle that has been reported to the department as wrecked/destroyed/salvaged or a total loss and has not been retitled, what documentation and fees are required to get a certificate of ownership? The documentation required to obtain a certificate of ownership after the vehicle's destruction is:

(a) All documents and fees required by chapters 46.01, 46.12, and 46.16 RCW; and

(b) A notarized/certified release of interest or a notarized/certified bill of sale from the owner of the vehicle transferring ownership, except that a bill of sale from a licensed vehicle wrecker or insurer need not be notarized or certified;

(c) An inspection by the Washington state patrol or other person authorized by the director to perform vehicle inspection;

Note: Receipts of all parts used for reconstruction of the vehicle need to be kept and made available upon request at the time of inspection.

(d) An odometer statement, if applicable.

[Statutory Authority: RCW 46.01.110. 01-20-010, § 308-56A-460, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 46.01.110 and 46.12.070. 00-06-025, § 308-56A-460, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110. 92-15-024, § 308-56A-460, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-56A-460, filed 1/29/91, effective 3/1/91; Order MV 208, § 308-56A-460, filed 7/31/74.]

WAC 308-56A-505 Elimination of manufactured home title—Eligibility. (1) **May I eliminate the vehicle title on my manufactured home?** You may eliminate the vehicle title on your manufactured home provided you own or are purchasing the manufactured home and the land to which it is affixed as defined in RCW 65.20.020 and 65.20.030.

(2) **How do I apply to eliminate the vehicle title on my manufactured home?** You must complete and record a manufactured home title elimination application. The application to eliminate title under chapter 46.12 RCW, and record ownership as real property under chapter 65.20 RCW or to transfer ownership in real property to a title under chapter 46.12 RCW, must be signed by all persons having an interest in the land and in the manufactured home as defined in RCW 65.20.020.

(3) **What conditions must be met before the certificate of ownership can be eliminated?** The following conditions must be met before the certificate of ownership will be eliminated:

(a) The manufactured home must be affixed or be in the process of being affixed to the land.

(b) The building permit office certification box on the application must be completed by the issuing authority stating that the home was affixed or that a building permit has been issued for this purpose as described in RCW 65.20.040(3).

(c) If the title company is involved in the elimination transaction, they must certify that the legal description of the land is true and correct per real property records.

(d) The county auditor's recording office must certify that the manufactured home title elimination application has been completed correctly and that the applicant has sufficient documentation to proceed with recording the application.

(e) The completed application must be recorded in the county auditor's office in the county in which the manufactured home and land are located.

(4) **How do I record my manufactured home title elimination with the department?** To record your manufactured home title elimination you must:

- (a) Submit the recorded manufactured home title elimination application to the department for processing;
- (b) Pay the applicable fees; and
- (c) Receive a confirmation letter from the department that your manufactured home title has been eliminated.

If an applicant fails to complete the elimination process after the documents are recorded, the elimination may be void.

(5) **What are the fees for elimination of a manufactured home title?** The fees for elimination of a manufactured home title are as follows:

- (a) Fees as provided in RCW 46.01.140 for each application.
- (b) Fees as provided in RCW 46.12.040 for each application.
- (c) A fee of fifteen dollars for each application to transfer a new or used manufactured home as provided in RCW 59.22.080.
- (d) A fee of twenty-five dollars for each application to defray the cost of processing documents and performing services as required by chapter 65.20 RCW.

[Statutory Authority: RCW 65.20.110. 01-11-069, § 308-56A-505, filed 5/14/01, effective 6/14/01; 00-06-004, § 308-56A-505, filed 2/18/00, effective 3/20/00; 90-11-091, § 308-56A-505, filed 5/18/90, effective 6/18/90.]

Chapter 308-57 WAC MOTOR VEHICLE EXCISE TAX

WAC

| | |
|------------|---------------------------------------|
| 308-57-005 | Definitions. |
| 308-57-010 | Premise for assessing RTA excise tax. |
| 308-57-020 | Modified vehicles. |
| 308-57-030 | Declaration of value. |
| 308-57-110 | RTA excise tax fee schedule. |
| 308-57-120 | Repealed. |
| 308-57-130 | Repealed. |
| 308-57-135 | Repealed. |
| 308-57-140 | RTA excise tax exemptions. |
| 308-57-210 | RTA excise tax in even dollars. |
| 308-57-230 | Fleet abatement. |
| 308-57-240 | Nonfleet abatement. |
| 308-57-500 | Repealed. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 308-57-120 | Excise tax fee schedules two and six. [Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-120, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-120, filed 1/29/91, effective 3/1/91.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110. |
| 308-57-130 | Excise tax fee schedule three. [Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-130, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-130, filed 1/29/91, effective 3/1/91.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110. |
| 308-57-135 | Excise tax fee schedule four. [Statutory Authority: RCW 46.01.110. 97-12-015, § 308-57-135, filed 5/28/97, effective 6/28/97.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110. |
| 308-57-500 | Personal use motor vehicle excise tax credit—Qualifications. [Statutory Authority: RCW 46.12.225 and |

46.01.110. 99-13-151, § 308-57-500, filed 6/21/99, effective 7/22/99.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110.

WAC 308-57-005 Definitions. The following definitions apply to the terminology used in this chapter:

(1) "RTA excise tax schedule" means the value depreciation table described in RCW 82.44.041(1) for use in the Central Puget Sound Regional Transit Authority area.

(2) "Fleet" means any person with five or more vehicles registered in the same name.

(3) "Light duty truck" means a truck which is smaller than a truck type power unit. The empty scale weight is six thousand pounds or less. It includes vehicles such as pickup trucks, vans, and utility vehicles.

(4) "MSRP" means the base manufacturer's suggested retail price as defined in RCW 82.44.041(3) and 82.50.425.

(5) "Purchase price" means the selling price of the vehicle before deducting for trade-in value or adding sales/use tax.

(6) "Registered within a county" means the county which the vehicle registered owner indicates as their resident address.

(7) "Tax code" means a two-digit alpha, numeric, or alpha-numeric representation of a value assigned by the department of revenue to passenger vehicles, light duty trucks, and motor homes prior to vehicle model year 1986. This value represents the value of the vehicle when first offered for sale. In 1986 and thereafter, the MSRP is used to represent the value of the vehicle.

(8) "Truck type power unit" means trucks as defined in RCW 82.44.010(3). This includes vehicles with FIX (fixed load), or TOW (tow truck) use classes, regardless of scale weight; CMB (combination), COM (commercial), FAR (farm), FCB (farm combination), F/H (for hire), LOG (logging trucks), STA (stage), and TRK (trucks whose empty scale weights exceed six thousand pounds and whose declared gross weight does not exceed twelve thousand pounds) use class.

(9) "Truck type trailing unit" means trailers as defined in RCW 82.44.010(3). This includes trailers with CMB (combination), LOG (logging), and COM (commercial) use classes.

(10) "Value code" means the value which is used to calculate the excise tax. In determining the value code, it may be a tax code, purchase price, assessor's appraisal, or MSRP.

(11) "Regional Transit Authority" or "(RTA)" means the Central Puget Sound Regional Transit Authority or Sound Transit.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-005, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-005, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-005, filed 1/29/91, effective 3/1/91.]

WAC 308-57-010 Premise for assessing RTA excise tax. All trailers and all vehicles where MSRP is not available are taxed according to the most recent purchase price and purchase year and the depreciation rates in the RTA excise tax fee schedule. All other vehicles as noted on the first MSRP, the year of service or value year are taxed using the value of the vehicle and the RTA excise tax fee schedule.

Current physical condition, mileage, or monetary value of a particular vehicle is not used to determine excise tax.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-010, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-010, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-010, filed 1/29/91, effective 3/1/91.]

WAC 308-57-020 Modified vehicles. All new or unused vehicles modified by a licensed manufacturer, shall be taxed according to the MSRP provided by the modifying manufacturer plus the cost involved in converting the vehicle. Modified vehicles include, but are not limited to, vans, pickups, utility vehicles and limousines, incomplete vehicles and kits. If the vehicle is modified by someone other than a licensed manufacturer, the original MSRP issued for the vehicle prior to the modifications plus the costs of the modifications shall be used.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-020, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-020, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-020, filed 1/29/91, effective 3/1/91.]

WAC 308-57-030 Declaration of value. If there is no value code for a model year 1985 or older model vehicle and there is no MSRP information available for a model year 1986 or newer model vehicle, the owner may be required to provide a certified declaration of original value and supporting documentation to be used as the basis for assessing the RTA excise tax.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-030, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-030, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-030, filed 1/29/91, effective 3/1/91.]

WAC 308-57-110 RTA excise tax fee schedule. Vehicles with the following use classes are assessed RTA excise tax as defined in RCW 81.104.160:

CAB (taxicab)

COM (commercial) (if powered and the scale weight is six thousand pounds or less)

CYC (motorcycle)

F/H (for hire) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less)

LOG (if powered and under six thousand pounds scale weight or if nonpowered)

MH (motor home)

PAS (passenger)

PER (nonpowered personal use trailer)

STA (stage) (if six or fewer seats or if more than six seats and the scale weight is six thousand pounds or less)

TLR (nonpowered trailer)

TRK (if the scale weight is six thousand pounds or less)

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-110, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-110, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-110, filed 1/29/91, effective 3/1/91.]

WAC 308-57-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-57-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-57-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-57-140 RTA excise tax exemptions. The following vehicles are exempt from RTA excise taxes imposed in chapter 81.104 RCW:

(1) Vehicles with tax code 95 (vehicles taxed as personal property, such as mobile homes);

(2) Vehicles with the following use classes:

C/G (converter gear),

CMB (combination),

CMP (campers),

COM (commercial if powered over 6,000 pounds scale weight or commercial nonpowered),

EX (exempt),

FAR (farm),

FCB (farm combination),

FED (federally owned),

FEX (farm exempt),

F/H (for hire if over 6,000 pounds scale weight and more than six seats),

FIX (fixed load),

H/C (horseless carriage),

H/D (house moving dolly),

LOG (if powered and over 6,000 pounds scale weight),

MOB (mobile home),

PED (moped),

ORV (off road vehicle),

RES (restored),

SCH (private school),

SNO (snowmobile), or

SNX (exempt snowmobile),

STA (stage if over 6,000 pounds scale weight and more than six seats),

TOW (tow trucks),

TRK (if over 6,000 pounds scale weight and 12,000 pounds or less gross weight),

TVL (travel trailer);

(3) Vehicles registered under WAC 308-96A-050, (non-resident members of the armed forces);

(4) Vehicles registered under WAC 308-96A-400, (Indian tribes and tribal members);

(5) Vehicles registered under WAC 308-96A-046, (disabled American veterans or former prisoner of war);

(6) Vehicles registered under WAC 308-96A-180, (rental cars);

(7) Passenger motor vehicles registered under WAC 308-96A-175 and 308-96A-176, ride-sharing and transportation needs ride-sharing vehicles;

(8) Vehicles registered under WAC 308-96A-063, Foreign organization special license plate;

(9) Vehicles registered under RCW 46.16.305, Medal of Honor recipients.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-140, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-140, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-140, filed 1/29/91, effective 3/1/91.]

WAC 308-57-210 RTA excise tax in even dollars. RTA excise taxes are rounded to the nearest whole dollar.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-210, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-210, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-210, filed 1/29/91, effective 3/1/91.]

WAC 308-57-230 Fleet abatement. A fleet vehicle, which is required to have a December registration expiration date, will be charged RTA excise tax based on the current depreciation rate for the number of months required to license through December 31 of the current year. If the number of months to December 31 is fewer than four, an additional twelve months RTA excise tax will be charged at the current depreciation rate.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-230, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-230, filed 5/28/97, effective 6/28/97; 92-15-024, § 308-57-230, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-230, filed 1/29/91, effective 3/1/91.]

WAC 308-57-240 Nonfleet abatement. With department approval, the owner of a nonfleet vehicle may change the vehicle's registration expiration date. The owner will be assessed RTA excise tax based on the current depreciation rate for the number of months from the current expiration to the requested expiration date. The new expiration date must be greater than twelve months but not more than eighteen months from the current registration expiration date. New expiration dates may only be granted when validation tabs for the desired month and year are available.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-57-240, filed 6/6/01, effective 7/7/01; 97-12-015, § 308-57-240, filed 5/28/97, effective 6/28/97. Statutory Authority: RCW 46.01.110 and 43.17.060. 91-04-026, § 308-57-240, filed 1/29/91, effective 3/1/91.]

WAC 308-57-500 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-63 WAC WRECKERS

WAC

| | |
|------------|---|
| 308-63-010 | Definitions—General. |
| 308-63-040 | Wreckers—Application for license. |
| 308-63-070 | Wreckers—General procedures and requirements. |
| 308-63-100 | Wreckers—Must furnish bill of sale for parts. |

WAC 308-63-010 Definitions—General. (1) Department - means the department of licensing of the state of Washington.

(2) Director - means the director of the department of licensing.

(3) Destroy - means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle either (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

[2002 WAC Supp—page 1490]

(4) Acquire - shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-63-080.

(5) Custody - means the possession of a vehicle that the wrecker owns but for which ownership documents required in WAC 308-63-080 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others.

(6) Obscure - means to screen the wrecker activity from public view.

[Statutory Authority: RCW 46.80.140. 01-03-141, § 308-63-010, filed 1/24/01, effective 2/24/01. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-010, filed 4/6/93, effective 5/7/93.]

WAC 308-63-040 Wreckers—Application for license. How must I apply for a vehicle wrecker license?

An original or renewal application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police of any city with a population over five thousand; otherwise, by a member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that the applicant's vehicle(s) are properly identified in accordance with WAC 308-63-070(5).

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated by the applicant for towing or transportation of vehicles in the conduct of the business. Each endorsement shall identify the vehicle by make, model, year or other adequate description, and identification number.

[Statutory Authority: RCW 46.80.140. 01-03-141, § 308-63-040, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-040, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140. 93-08-076, § 308-63-040, filed 4/6/93, effective 5/7/93.]

WAC 308-63-070 Wreckers—General procedures and requirements. Vehicle wreckers shall comply with all rules and regulations relative to the handling of vehicle parts or vehicles to be dismantled.

(1) Enclosure. The activities of a vehicle wrecker shall be conducted entirely within the established place of business. A physical barrier shall designate the boundary of the wrecking yard. Where necessary to obscure public view of the premises, it shall be enclosed by a sight-obscuring wall or fence at least eight feet high.

(a) Where required, such sight-obscuring wall or fence shall be painted or stained in a neutral shade to blend with the surrounding premises. If the fence is made of chain link, it must have sufficient slats or other construction to obscure public view of the premises.

(b) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(c) All enclosures and barriers shall be kept in good repair.

(d) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

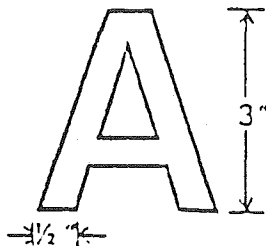
(e) Exceptions to this section must be granted in writing by the department.

(2) Additional places of business. Each licensed wrecker may maintain one or more additional places of business within the same county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) of this section. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

(3) Change of address. The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) Display of license certificate. The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and the current business telephone number of the licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch in solid width and shall be at least three inches high. See example.



(6) License plates from vehicles entered into the wrecking yard shall be removed within twenty-four hours. Plates on vehicles in the segregated area may be left on until the vehicle is entered into the wrecking yard. The wrecker shall destroy such plates prior to submitting the monthly report for the month the vehicle was entered into the wrecking yard.

(7) Major component parts. Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat. The term "drive axle" means a differential assembly.

(8) Vehicles in custody and awaiting approved ownership documents, as provided under WAC 308-63-080, must be placed in a segregated storage area within the wrecking yard which must be designated by a physical barrier. Vehicles may remain in this area after ownership documents have arrived and the vehicle has been properly entered into the wrecking yard inventory. There will be no dismantling or parts removal in this area. The physical barrier may be port-

ble, made of substantial posts and connected by a chain, cable, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer however, there will be no storage of vehicle parts.

[Statutory Authority: RCW 46.80.140, 01-03-141, § 308-63-070, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-070, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, 93-08-076, § 308-63-070, filed 4/6/93, effective 5/7/93.]

WAC 308-63-100 Wreckers—Must furnish bill of sale for parts. What document must I use to sell a vehicle part? No wrecker may sell a motor vehicle part unless he/she gives the purchaser a bill of sale for such part. Whenever the wrecker sells a motor, frame, or other major component part, except for a core part, the bill of sale must describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken.

No wrecker may sell vehicles to a scrap processor or to a hulk hauler for transportation to a scrap processor without giving the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle by yard number. The wrecker shall retain a copy of such invoices for inspection purposes.

[Statutory Authority: RCW 46.80.140, 01-03-141, § 308-63-100, filed 1/24/01, effective 2/24/01; 00-13-019, § 308-63-100, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, 93-08-076, § 308-63-100, filed 4/6/93, effective 5/7/93.]

Chapter 308-72 WAC MOTOR VEHICLE FUEL TAX

WAC

| | |
|--------------|--|
| 308-72-500 | Repealed. |
| 308-72-501 | Repealed. |
| 308-72-503 | Repealed. |
| 308-72-505 | Repealed. |
| 308-72-509 | Repealed. |
| 308-72-50901 | Waiving of bond requirement. |
| 308-72-512 | Repealed. |
| 308-72-540 | Repealed. |
| 308-72-542 | Repealed. |
| 308-72-550 | Repealed. |
| 308-72-555 | Repealed. |
| 308-72-557 | Repealed. |
| 308-72-560 | Repealed. |
| 308-72-570 | Repealed. |
| 308-72-610 | Repealed. |
| 308-72-615 | Repealed. |
| 308-72-620 | Repealed. |
| 308-72-630 | Repealed. |
| 308-72-640 | Repealed. |
| 308-72-650 | Repealed. |
| 308-72-660 | Repealed. |
| 308-72-665 | Repealed. |
| 308-72-670 | Repealed. |
| 308-72-680 | Repealed. |
| 308-72-690 | Repealed. |
| 308-72-700 | Repealed. |
| 308-72-710 | Repealed. |
| 308-72-800 | Definitions. |
| 308-72-805 | Payment due dates for motor vehicle fuel taxes. |
| 308-72-810 | Collateral requirements in lieu of surety bond(s). |
| 308-72-815 | Cancellation or revocation of motor vehicle fuel license(s). |
| 308-72-820 | Tax exempt transactions. |
| 308-72-830 | Tax exempt sales. |
| 308-72-835 | Tax exempt losses. |
| 308-72-840 | Delinquent account notification process. |
| 308-72-845 | Refund for bad debt loss (other than a motor fuel supplier). |

| | |
|------------|---|
| 308-72-850 | Records. |
| 308-72-855 | IFTA records. |
| 308-72-860 | Investigatory power. |
| 308-72-865 | Invoices issued by licensees. |
| 308-72-870 | Minimum tax payment/refund. |
| 308-72-880 | Filing of refund claims for nonlicensees. |
| 308-72-885 | Interest assessment on refund claims. |
| 308-72-890 | Invoice requirements for refunds to nonlicensees. |
| 308-72-895 | Refund records. |
| 308-72-900 | Refunds to dealer delivering fuel exclusively for marine use. |
| 308-72-905 | Power take-off use. |
| 308-72-910 | On board computers or recording devices. |
| 308-72-915 | Special rules and requirements for fuel tax refunds. |
| 308-72-920 | Use tax. |
| 308-72-925 | Mitigation of penalties and interest. |
| 308-72-930 | Appeals. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | | |
|------------|--|------------|
| 308-72-500 | Motor vehicle fuel. [Order 107MV, § 308-72-500, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| 308-72-501 | Exports. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-501, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-560 |
| 308-72-503 | Motor vehicle fuel supplier. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-503, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-570 |
| 308-72-505 | Electronic fund transfers. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-505, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| 308-72-509 | Bonding requirements. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-509, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-509, filed 6/14/90, effective 7/15/90.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-610 |
| 308-72-512 | Cancellation of license. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-512, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-512, filed 3/22/88.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-615 |
| 308-72-540 | Tax exempt transactions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-540, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-540, filed 6/14/90, effective 7/15/90; 88-07-095 (Order PFT 88-003), § 308-72-540, filed 3/22/88; Order 107MV, § 308-72-540, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-620 |
| 308-72-542 | Tax exempt sales to qualified personnel of foreign governments. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-542, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-542, filed 6/14/90, effective 7/15/90.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-630 |
| 308-72-550 | Tax exempt losses. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-550, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-550, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-640 |
| 308-72-555 | Delinquent account notification process. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-555, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-650 |
| 308-72-557 | Refund for bad debt loss (other than a motor fuel supplier). [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-557, filed 11/19/98, | 308-72-660 |
| | effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-665 |
| | Records. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-560, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-560, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-670 |
| | Invoices. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-570, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 90-13-037 (Order PFT 90-03), § 308-72-570, filed 6/14/90, effective 7/15/90; Order 107MV, § 308-72-570, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-680 |
| | Refund claim number. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-610, filed 11/19/98, effective 1/1/99; Order 470-DOL, § 308-72-610, filed 12/30/77; Order MV 175, § 308-72-610, filed 10/24/73; Order 107MV, § 308-72-610, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | 308-72-690 |
| | Interest assessment on refund claims. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-615, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Filing of claim. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-620, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-620, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Invoice requirements, seller responsibility. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-630, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-630, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Records. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-640, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-640, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Refunds to dealer delivering fuel exclusively for marine use. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-650, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-650, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Power take-off use. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-660, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.36.435. 94-11-055, § 308-72-660, filed 5/10/94, effective 6/10/94; Order 107MV, § 308-72-660, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | On board computers or recording devices. [Statutory Authority: RCW 82.36.435. 94-11-055, § 308-72-665, filed 5/10/94, effective 6/10/94.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Auxiliary engines. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-72-670, filed 11/19/98, effective 1/1/99; Order 107MV, § 308-72-670, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Gasoline lost or destroyed. [Order 107MV, § 308-72-680, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Special rules and requirements for fuel tax refunds. [Statutory Authority: RCW 82.36.435. 94-11-055, § 308-72-690, filed 5/10/94, effective 6/10/94; 90-13-037 (Order PFT 90-03), § 308-72-690, filed 6/14/90, effective 7/15/90; Order 107MV, § 308-72-690, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |
| | Use tax. [Order 107MV, § 308-72-700, filed 9/10/71.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435. | |

308-72-710 Mitigation of penalties and interest. [Statutory Authority: RCW 82.36.435. 92-01-016, § 308-72-710, filed 12/6/91, effective 1/6/92.] Repealed by 01-22-072, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.36.435.

WAC 308-72-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-501 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-503 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-505 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-509 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-50901 Waiving of bond requirement.
(1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes. The department may waive the bonding requirement of a licensed distributor if, upon determination by the department, the licensed distributor has sufficient financial instruments to extinguish any Washington state fuel tax liability, including penalties and interest, incurred while acting as a licensed distributor.

(2) **What is considered a financial instrument?** For purposes of this rule, a financial instrument is either:

(a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability incurred by the distributor; or

(b) Lawful money of the United States, or bonds or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?** You may qualify to have your bonding requirement waived upon:

(a) Filing a notarized statement with the department stating that your line(s) of credit with your financial institution(s) and your fuel supplier(s) is at a sufficient amount to include product cost and state fuel taxes. You must indicate the name of the financial institution(s), the account number(s) and dollar value of your line(s) of credit, and the name(s) of your fuel supplier(s). You must authorize the department to access this information with your financial institution(s) and supplier(s) for verification purposes; or

(b) Depositing in a financial institution an amount equal to the estimated monthly fuel tax payments and assigning this deposit to the department as security for performance under chapter 82.36 RCW; and

(c) Providing the department with documentation, satisfactory to the department, indicating that the supplier(s) will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the line(s) of credit, if applicable.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.36 RCW and 308-72 WAC.

(5) **What if I no longer maintain a line of credit or financial instrument?** You must provide a surety bond to the department in the amount required by chapter 82.36 RCW, with a coverage commencement date on or before the date the line of credit or financial instrument was extinguished.

[Statutory Authority: RCW 82.36.435 and 82.38.260. 02-02-010, § 308-72-50901, filed 12/20/01, effective 1/20/02.]

WAC 308-72-512 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-540 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-542 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-555 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-557 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-560 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-610 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-615 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-620 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-630 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-640 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-650 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-660 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-665 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-670 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-680 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-690 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-700 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-710 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-72-800 Definitions. (1) "Gasoline" means finished gasoline and gasoline blendstocks as defined in Code of Federal Regulations (CFR) 48.481-1 (e)(3). Finished gasoline means all products (including gasohol) that are commonly or commercially known or sold as gasoline and are suitable for use as motor fuel. The product must have an octane rating of 75 or more.

(2) "Export" means to obtain motor vehicle fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the motor vehicle fuel tax, motor vehicle fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country. The exporter must be licensed or registered, if required, in that state, province, or country of destination.

(3) "Motor vehicle fuel" means any product commonly or commercially sold as gasoline as defined in CFR 48.481-1 (e)(3). The blending of any product(s) or chemical(s) with gasoline or any other inflammable liquid and the resultant product is sold or used for the propulsion of motor vehicles shall be considered a motor vehicle fuel subject to the provisions of chapter 82.36 RCW.

(4) "Motor vehicle fuel supplier" means a person who is licensed as a supplier under chapter 82.36 RCW, and must hold a federal certificate of registry issued under the Internal Revenue Code authorizing the person to enter into federal tax free transactions on motor vehicle fuel in the bulk transfer-terminal system.

(5) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of motor vehicle fuel.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-800, filed 11/1/01, effective 12/2/01.]

WAC 308-72-805 Payment due dates for motor vehicle fuel taxes. (1) **What if the payment due date falls on a Saturday, Sunday or state legal holiday and payment is by electronic funds transfer?** If you are paying your motor vehicle fuel tax by electronic funds transfer, you must transfer the funds by the state business day immediately preceding the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

(2) **What if my payment is not made by electronic funds transfer?** If you are not paying your motor vehicle fuel tax by electronic funds transfer, then payment is due on

the next state business day. (For example, if the payment due date falls on Saturday, the payment must be postmarked by Monday.)

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-805, filed 11/1/01, effective 12/2/01.]

WAC 308-72-810 Collateral requirements in lieu of surety bond(s). (1) **What other forms of collateral will the department accept in lieu of a surety bond?** The department will accept certificates of deposit of lawful money of the United States in any of the following forms:

(a) Automatically renewable certificate(s) of deposit insured by the federal deposit insurance corporation, made in the name of the licensee or applicant for the license, payable to or assigned to the Washington state treasurer; or

(b) Certificate(s) of deposit or share account issued by a savings and loan association insured by the federal savings and loan insurance corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(c) Certificate(s) of deposit or share account, issued by a credit union doing business in the state of Washington and insured by the Washington credit union share guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer; or

(d) Cash deposits are acceptable, however interest will not accrue.

(2) **Do I earn interest on my certificates of deposit?** Yes, the certificate and/or the assignment forms shall contain the provision that interest earned will be payable to the depositor. Assignments may only be canceled upon written authorization of the department.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-810, filed 11/1/01, effective 12/2/01.]

WAC 308-72-815 Cancellation or revocation of motor vehicle fuel license(s). (1) **Under what circumstances will my license be canceled?** Pursuant to RCW 82.36.190, a license may be canceled by the department under the following circumstances:

(a) Upon written request of the licensee, the cancellation will become effective within sixty days from receipt of the written request.

(b) Upon investigation and sixty days' notice to the licensee if the department determines the licensee is no longer engaged in the sale or distribution of motor vehicle fuel for a period of six consecutive months prior to the cancellation.

(c) Upon failure to file a new surety bond or to make deposits (cash) in accordance with RCW 82.36.060, or when the surety bond issuer requests to be released or discharged.

(d) Upon failure to file new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

(2) **How do I request to have my license canceled?** A written request for cancellation and any required tax returns up to the date of cancellation must be forwarded to the department with a remittance of any tax, penalty and interest due.

(3) **Under what circumstances may my license be suspended or revoked?** A license suspension or revocation is initiated by the department for cause as defined in RCW 82.36.190.

(4) **What happens when my license is canceled, suspended or revoked?** The department will notify all motor vehicle fuel suppliers, importers, exporters, blenders and distributors of the change in license status.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-815, filed 11/1/01, effective 12/2/01.]

WAC 308-72-820 Tax exempt transactions. (1) **When are export transactions tax exempt?** Exemption of the motor vehicle fuel tax may be claimed under the following circumstances:

(a) Fuel owned by the exporter and delivered by the exporter to a customer at a point outside the state by means of equipment owned and operated or controlled by the licensee.

(b) By a licensee for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the licensee claiming the export actually and, in fact, retains title to, and control over, said fuel until actual delivery to its destination out of the state of Washington.

(2) **When are sales to the United States armed forces and National Guard tax exempt?** A licensed supplier is authorized to remove motor vehicle fuel from the bulk transfer terminal system without the imposition of the tax when the motor vehicle fuel is delivered:

(a) To the United States armed forces or National Guard under a bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(3) **Are sales to qualified foreign diplomatic and consular missions tax exempt?** Tax exempt sales of motor vehicle fuel may be made to qualified foreign diplomatic, consular missions and their qualified personnel if the diplomatic, consular missions and qualified personnel maintain tax exempt credit card accounts. Motor vehicle fuel purchased by cash is not tax exempt.

(4) **What is required for a licensee to issue a credit card to qualified foreign government personnel?** Application must be accompanied by Form DSP-99A, issued by the Office of Foreign Missions, United States Department of State, and approved by that office.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-820, filed 11/1/01, effective 12/2/01.]

WAC 308-72-830 Tax exempt sales. (1) **How are tax exempt sales reported to the department?** Tax exempt sales shall be reported and supported by Schedule 10, Uniform Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841). A separate schedule for each category of exempt sales must be submitted with the tax return. For export sales, a separate Schedule 10 must be submitted for each state or foreign jurisdiction of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) **What if the delivery is onto a federally recognized Indian reservation or onto Indian country?** In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-830, filed 11/1/01, effective 12/2/01.]

WAC 308-72-835 Tax exempt losses. (1) **What is considered a tax exempt loss?** Credit for or a refund of the motor vehicle fuel tax paid may be taken when the licensee or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost if documents in support of the loss are submitted to the department for approval as provided in RCW 82.36.370.

(2) **What is acceptable proof of loss?** Acceptable proof of loss shall consist of:

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedure(s) used in the determination of the quantity of fuel lost;

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate and/or deal with fuel losses; or witness to the loss;

(c) A bill of lading or other shipping document(s);

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(3) **Are deductions for losses from bulk storage allowed?** Yes, motor vehicle fuel that has been proven lost or destroyed, prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system, is allowed as a deduction as provided in RCW 82.36.370.

(4) **How long shall I retain my evidence substantiating my loss?** Documentary evidence substantiating losses shall be retained by the licensee for five years.

(5) **May I claim a deduction for unproved losses?** No, unproved losses will be considered as distribution and subject to fuel tax.

(6) **Am I liable for fuel taxes when one of my employees or agents causes a loss of fuel?** Yes, charges for losses made by employees or agents of the licensee who fail to satisfactorily account for fuel shall be invoiced inclusive of the

fuel tax. Other losses shall be accounted for and supported by proof.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-835, filed 11/1/01, effective 12/2/01.]

WAC 308-72-840 Delinquent account notification process. (1) **What steps must be taken when a licensed motor vehicle fuel distributor does not pay a licensed motor vehicle fuel supplier the motor vehicle fuel tax when due?**

(a) When a licensed distributor does not pay a licensed supplier the motor vehicle fuel taxes that are due, the supplier must notify the department no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or legal holiday, the supplier must notify the department on the next business day.

(b) The supplier must complete the form that has been developed by the department for this purpose or timely provide written notification to the department. Receipt of written notification constitutes evidence that the distributor has failed to pay the motor vehicle fuel taxes owed.

(2) **What action will the department take when notified by the supplier of the distributor's failure to pay?** The department will suspend the distributor's license for non-payment of motor vehicle fuel tax due the supplier and notify all suppliers of the suspension in the following ways:

(a) Posting notification of the suspension on the department's website;

(b) Transmission of the notification via electronic mail or facsimile; and

(c) Mailing of the notification via U.S. mail.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-840, filed 11/1/01, effective 12/2/01.]

WAC 308-72-845 Refund for bad debt loss (other than a motor fuel supplier). (1) **Can taxes paid on worthless accounts receivable be refunded?** Yes, a refund may be requested for tax paid on a worthless accounts receivable under RCW 82.36.373 if you:

(a) Are a licensed motor vehicle fuel importer, motor vehicle fuel blender, or motor vehicle fuel distributor; and

(b) Paid tax on an account found to be a worthless accounts receivable; and

(c) Charged off the amount as a bad debt on your federal income tax return; and

(d) Filed the claim within five years of the date of sale.

(2) **What documentation must be submitted to the department to claim a refund on a bad debt that has been charged off?** The following must be submitted:

(a) The portion of the federal income tax return and a supporting schedule that lists the bad debt as being charged off; and

(b) Invoices supporting fuel sales being claimed as bad debt; and

(c) Name and address of the purchaser; and

(d) Motor vehicle fuel tax return; or

(e) Refund claim form.

[2002 WAC Supp—page 1496]

(3) **Can a tax refund be claimed for expenses related to the collection of a bad debt?** No, a tax refund cannot be claimed for expenses incurred in collecting a bad debt.

(4) **If motor vehicle fuel tax previously declared as worthless accounts receivable is collected, how is it remitted to the department?**

(a) A motor vehicle fuel importer or motor vehicle fuel blender that collects any motor vehicle fuel tax previously taken as a tax refund on a worthless accounts receivable must remit the motor vehicle fuel tax with the tax return for the reporting period the motor vehicle fuel tax was collected in.

(b) A motor vehicle fuel distributor must remit the motor vehicle fuel tax collected, with a form provided by the department, no later than the last state business day of the month following the month of collection.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-845, filed 11/1/01, effective 12/2/01.]

WAC 308-72-850 Records. What motor vehicle fuel records must be kept? Every person licensed or required to be licensed shall maintain a complete monthly stock summary of the gallons of motor vehicle fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

(1) Physical inventories of bulk storage plants taken at the close of each calendar month.

(2) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(3) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports and other documents relative to the acquisition of fuel.

(4) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursements of fuel.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-850, filed 11/1/01, effective 12/2/01.]

WAC 308-72-855 IFTA records. Are there additional recordkeeping requirements for IFTA motor vehicle fuel users when leasing a vehicle? Yes. A lessor of a vehicle who is an IFTA motor vehicle fuel user shall also maintain records of each trip and all mileage when the lessor's vehicle is operated by the lessee for less than thirty days. The lessor must obtain from the lessee, and retain in the lessor files, the original copy of all invoices substantiating claims by the lessor for purchases of tax paid motor vehicle fuel. If a lease is for more than thirty days, the lease agreement will determine who maintains the records.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-855, filed 11/1/01, effective 12/2/01.]

WAC 308-72-860 Investigatory power. What investigatory powers does the department have? For the purpose of any investigation or proceeding under this chapter and chapter 82.36 RCW, the director or any designated officer may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda,

agreements, or other documents or records which the director deems relevant or material to the inquiry.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-860, filed 11/1/01, effective 12/2/01.]

WAC 308-72-865 Invoices issued by licensees. (1)

When is an invoice issued? Every licensee shall issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice or other documentation containing required information must be produced if required by the department or to support a refund claim.

(2) What information must appear on each invoice?

Each invoice must include the following information:

- (a) The name and address of the seller;
- (b) The name, address, and motor vehicle fuel tax license number, if applicable, of the purchaser;
- (c) The date of delivery (month, day and year);
- (d) The location of the point of shipment. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (e) The physical address of the fuel delivery or exchange if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;
- (f) Name of carrier transporting fuel;
- (g) Name of product sold;
- (h) The number of U.S. gallons of product sold (must indicate net or gross gallons);
- (i) The price per gallon and total amount charged;
- (j) A statement on the invoice indicating whether the fuel has been sold without the Washington state fuel tax;
- (k) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

(3) What happens if a purchaser's invoice is lost or destroyed? If an invoice is lost or destroyed the seller shall issue a duplicate or copy containing all information that appeared on the original invoice, if requested by the purchaser. The copies shall be plainly marked "copy" or "duplicate."

(4) What happens if an incorrect invoice is issued to the purchaser? The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

(5) What documentation does a licensed supplier, importer or blender need in order to support taxable motor vehicle fuel consumed for their own use? Fuel used in motor vehicles or for other taxable purposes by a licensed supplier, importer or blender shall be supported by records covering the total fuel used during the reporting period.

(6) What documentation does a distributor need in order to claim a refund for nontaxable use of motor vehicle fuel? If motor vehicle fuel is used for a purpose subject to tax refund, the distributor must have supporting invoices or records indicating the use of the motor vehicle fuel and the type(s) of equipment it is used in.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-865, filed 11/1/01, effective 12/2/01.]

WAC 308-72-870 Minimum tax payment/refund.

What is the minimum tax payment or refund? Each tax return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be issued. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-870, filed 11/1/01, effective 12/2/01.]

WAC 308-72-880 Filing of refund claims for nonlicensees. (1) How do I apply for a refund?

Any person claiming a refund of the motor vehicle fuel tax must make application to the department and be issued a refund permit number.

(2) When can I file a refund claim? A refund claim may be filed at any time not to exceed a thirteen-month time limit from the date of purchase. If you claim a refund for fuel purchased in any month of a claimed period, you may not claim additional purchases for that month on another claim. The department will use the postmark date to determine the eligibility of the claim.

(3) Do I need to send in my invoices with the refund claim request? If your refund claim request is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim unless required by the department. If your refund claim request is more than one hundred dollars, purchase invoices are required. If electronic invoices were issued to the claimant, paper copies of the invoices or other documentation containing required information must be submitted with the refund claim.

(4) How shall I account for my inventory on my refund claim form? Any fuel on hand (by physical measurement) at the end of the claim period should be indicated on the claim as ending inventory and should be reported as a beginning inventory on the next refund claim form. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim that established the inventory. All invoices for the total fuel purchased must be submitted with each claim unless the amount of the claim is one hundred dollars or less.

(5) As a licensed distributor do I need to send in supporting summary schedules and invoices with my refund claim request? Yes. Summary schedules must be provided by the distributor. Invoices may be requested by the department.

(6) Who may sign a refund claim form? The following persons may sign a refund claim form:

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;
- (c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) Can invoices be in a different name than what is on the claim form? No, invoices made out in other names will not be accepted.

(8) **Can I request that my refund be assigned to another person?** Yes, if a letter of assignment is attached, signed by the person to whom the invoice was issued, designating the payee.

(9) **How long will it take until I receive my refund?** Properly completed refund claims will be processed and mailed within thirty business days of date of receipt.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-880, filed 11/1/01, effective 12/2/01.]

WAC 308-72-885 Interest assessment on refund claims. When would the department pay interest on my refund claim? If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day period within which the department must issue the refund begins on the date the properly filed and completed refund claim is received and date stamped by the department. The postmark date on the envelope is not considered the received date for this purpose.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-885, filed 11/1/01, effective 12/2/01.]

WAC 308-72-890 Invoice requirements for refunds to nonlicensees. (1) What are the invoice requirements? The seller of motor vehicle fuel is required to issue to each purchaser separate invoices for each purchase of fuel. However, a single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by this subsection: Provided, That each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of this subsection for single deliveries.

(2) **What information must be included on the invoice?** Each invoice must contain the following information:

- (a) Name and address of the seller;
- (b) Kind or type of fuel and number of gallons purchased;
- (c) Complete date of sale (month, day and year);
- (d) Price per gallon; and
- (e) Total amount of sale.

(3) **Will the department accept invoices with altered, corrected or erased information?** Invoices that indicate alterations, corrections or erasures shall be voided and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year. If an electronic invoice was issued, then a paper copy of the electronic invoice or other documentation containing required information must be submitted.

(4) **What happens if an invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller may issue a duplicate or copy containing the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the first invoice. The copies shall be plainly marked "copy" or "duplicate."

(5) **What happens if I issued an incorrect invoice to the purchaser?** Sellers of fuel shall issue a corrected invoice

to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice. Only one invoice shall be issued for any one delivery.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-890, filed 11/1/01, effective 12/2/01.]

WAC 308-72-895 Refund records. (1) What records does the department require to be retained by each claimant? Each claimant shall retain records that reflect all motor vehicle fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used.

Failure of the claimant to maintain the required records or to accede to a demand for examination of them constitutes a waiver of all rights to the refund. If the claimant maintains electronic invoices, paper copies of these invoices or other documentation containing required information must be produced, upon demand of the department.

(2) **What records must be maintained to support a refund claim for each of the following uses?**

(a) Use of fuel from bulk storage. Fuel purchased and delivered into bulk storage for taxable and nontaxable use must be accounted for by detail withdrawal records to show the manner in which used.

(b) Use of fuel from other than bulk storage. Fuel purchased in small containers, ten gallons or less, for nonhighway use should be identified by the purchaser on the purchase invoice, i.e., boats, tractors, power saws, etc.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-895, filed 11/1/01, effective 12/2/01.]

WAC 308-72-900 Refunds to dealer delivering fuel exclusively for marine use. (1) When can a marine dealer file a refund claim? Marine dealers may file claim for refund under the following conditions:

(a) Motor vehicle fuel must be delivered directly into the fuel tanks connected to the engine of any marine vessel owned or operated by the purchaser;

(b) The purchaser must be a holder of a valid motor vehicle fuel tax refund claim number at the time of sale.

(2) **What documentation is needed to apply for a refund for a marine dealer?** The purchaser must provide the dealer with a refund claim number at the time of purchase and the refund claim shall be supported by:

(a) Invoices covering fuel deliveries into the dealer's storage facilities.

(b) Invoices covering tax exempt sales of motor vehicle fuel. These invoices shall, in addition to the applicable invoice requirements of WAC 308-72-630, contain:

(i) A Washington registration number or an official registration number from another jurisdiction;

(ii) The applicable sales tax;

(iii) A statement on the invoice indicating the fuel has been sold without the Washington state fuel tax.

(c) A marine exemption certificate issued by the department, completed by the marine dealer and signed by the purchaser assigning refund rights to the distributor.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-900, filed 11/1/01, effective 12/2/01.]

WAC 308-72-905 Power take-off use. (1) **What is power take-off use?** Fuel used in a motor vehicle engine to operate auxiliary equipment provided that the fuel used is supplied from the propulsion tank of the motor vehicle.

(2) **What is not considered auxiliary equipment?** Equipment that is considered an integral part of the operation of the vehicle, such as air conditioning, power steering, generator, etc.

(3) **What formula does the department use in determining power take-off usage for fuel and heating oil pumping?**

(a) For gasoline used in pumping fuel oil or heating oil by means of a power take-off unit on a delivery truck at the rate of three-fourths of one gallon for each one thousand gallons of fuel or heating oil delivered. Fuel oil delivery truck operators must maintain records which show the total gallons of fuel oil or heating oil pumped by each vehicle for which refund is claimed together with supporting documentation.

(b) For gasoline used in operating a power take-off unit on any of the vehicles listed herein when direct measurement is not feasible, the tax exemption is calculated at the rate specified as a percentage of the total Washington taxable fuel used by the vehicles:

| | |
|---|-----|
| Cement mixer | 25% |
| Fire trucks (private) | 25% |
| Mobile cranes | 25% |
| Garbage trucks (with load compactor) | 25% |
| Sewer cleaning truck/jet vactor | 25% |
| Super suckers | 25% |
| Line truck with digger/derrick or aerial lift | 20% |
| Log truck with self loader | 20% |
| Refrigeration trucks | 20% |
| Sweeper trucks (must be motor vehicle) | 20% |
| Boom truck/block boom | 15% |
| Bulk feed truck | 15% |
| Dump trailers | 15% |
| Dump trucks | 15% |
| Hot asphalt distribution truck | 15% |
| Leaf truck | 15% |
| Lime spreader | 15% |
| Pneumatic tank truck | 15% |
| Salt spreader on dump truck | 15% |
| Seeder truck | 15% |
| Semiwrecker | 15% |
| Service truck with jack hammer/drill | 15% |
| Snow plow | 15% |
| Spray truck | 15% |
| Tank transport | 15% |
| Tank trucks | 15% |
| Truck with PTO hydraulic winch | 15% |
| Wrecker | 15% |
| Car carrier with hydraulic winch | 10% |

| | |
|---------------------|------|
| Carpet cleaning van | 10% |
| Others | 7.5% |

(4) **What if my fuel consumption is greater than the percentages indicated?** If a claimant can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) **What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of gasoline purchased, except that invoices for gasoline used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington power take-off and power pumping credits shall accompany each claim for refund.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-905, filed 11/1/01, effective 12/2/01.]

WAC 308-72-910 On board computers or recording devices. Can I use on board computers or recording devices to record mileage? Yes, the use of on board computers or recording devices for the production of mileage records required by the International Fuel Tax Agreement (IFTA) shall be governed by the requirements or procedures adopted by the International Fuel Tax Agreement (IFTA).

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-910, filed 11/1/01, effective 12/2/01.]

WAC 308-72-915 Special rules and requirements for fuel tax refunds. (1) **Can I claim a refund for motor vehicle fuel used in my recreational snowmobile?** No. Motor vehicle fuel tax refunds are prohibited by RCW 46.10.160(2).

(2) **Can I claim a refund for motor vehicle fuel used in my unlicensed recreational off road vehicles, all terrain vehicles and snowmobiles?** No, any recreational use of off road vehicles, all terrain vehicles and snowmobiles, although considered a nonhighway use of fuel, shall not be claimed for refund of the motor vehicle fuel tax paid.

(3) **Can I claim a refund for motor vehicle fuel used in my unlicensed off road vehicles, all terrain vehicles and snowmobiles?** Yes, if the motor vehicle fuel is used for non-recreational purposes such as farming, logging, and construction. Off road vehicles, all terrain vehicles and snowmobiles are defined in RCW 46.09.020, 46.10.010 (3) and (2) respectively.

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-915, filed 11/1/01, effective 12/2/01.]

WAC 308-72-920 Use tax. (1) **Will use tax be deducted from my refund claim?** Yes, use tax may be deducted from your fuel tax refund amount as imposed by chapter 82.12 RCW.

(2) **How is use tax computed?** The claimant may calculate the use tax amount using the actual use tax rate(s) and actual cost per gallon or the department will calculate the use tax amount using an average use tax rate and average price per gallon. Either method chosen by the claimant must be

used for each refund claim submitted during a calendar year, unless there has been a change in the department's estimated average fuel cost during that period. If computed by the department, the department will use an estimate of the statewide average fuel cost and an estimated use tax rate. The statewide average cost and use tax rate will be reviewed every six months and adjusted as necessary. If there is any dispute over the method of calculation, the taxpayer will be required to use actual cost of the fuel and use tax rate(s).

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-920, filed 11/1/01, effective 12/2/01.]

WAC 308-72-925 Mitigation of penalties and interest. (1) **Under what circumstances may a fee, penalty and/or interest be mitigated?** The department, in its discretion, may mitigate, extinguish and/or adjust fees, 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, assessments, and/or lack of complete records.

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

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-925, filed 11/1/01, effective 12/2/01.]

WAC 308-72-930 Appeals. (1) **What are the appeal procedures?** Any person having been issued a notice of assessment for taxes, penalties, and/or interest who wishes to contest such notice may petition the department 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 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, penalties and/or interest that you believe 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 you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

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

(4) **What happens following my informal hearing?** The department will make determination in accordance with the Revised Code of Washington, administrative 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 you feel are in error and set forth the reasons for believing the decision should be amended. The department

will establish a time and place for a formal hearing and give you at least ten days' notice.

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

[Statutory Authority: RCW 82.36.435. 01-22-072, § 308-72-930, filed 11/1/01, effective 12/2/01.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

| | |
|--------------|--|
| 308-77-005 | Definitions. |
| 308-77-010 | Repealed. |
| 308-77-015 | Incidental use/exemptions. |
| 308-77-020 | Repealed. |
| 308-77-025 | Issuance of license. |
| 308-77-035 | Cancellation or revocation of special fuel license(s). |
| 308-77-040 | Repealed. |
| 308-77-04401 | Waiving of bond requirements. |
| 308-77-050 | Repealed. |
| 308-77-075 | Payment due dates for special fuel taxes. |
| 308-77-085 | Minimum tax payment/refund. |
| 308-77-091 | Repealed. |
| 308-77-092 | Refund for bad debt loss (other than a special fuel supplier). |
| 308-77-093 | Delinquent account notification process. |
| 308-77-095 | Repealed. |
| 308-77-097 | IFTA recordkeeping requirements. |
| 308-77-099 | Invoices issued by licensees. |
| 308-77-101 | Tax exempt sales. |
| 308-77-102 | Appeals. |
| 308-77-103 | Mitigation of penalties and interest. |
| 308-77-104 | Filing of refund claim. |
| 308-77-105 | Repealed. |
| 308-77-106 | Use tax. |
| 308-77-107 | Interest assessment on refund claims. |
| 308-77-109 | Invoice requirements for refund to nonlicensees. |
| 308-77-110 | Repealed. |
| 308-77-112 | Power take-off use. |
| 308-77-114 | Unauthorized use of dyed diesel. |
| 308-77-115 | Repealed. |
| 308-77-116 | Records. |
| 308-77-150 | Repealed. |
| 308-77-160 | Repealed. |
| 308-77-165 | Repealed. |
| 308-77-190 | Repealed. |
| 308-77-215 | Repealed. |
| 308-77-220 | Repealed. |
| 308-77-225 | Repealed. |
| 308-77-230 | Repealed. |
| 308-77-250 | Repealed. |
| 308-77-260 | Repealed. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|--|
| 308-77-010 | Definitions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-010, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.37.170. 94-11-029, § 308-77-010, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-010, filed 8/1/79; Order 475-DOL, § 308-77-010, filed 12/30/77; Order MV-191, § 308-77-010, filed 3/27/74; Order MV-137, § 308-77-010, filed 6/1/72; Order 114 MV, § 308-77-010, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260. |
| 308-77-020 | Incidental use/exemptions. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-020, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-020, filed 8/1/79; Order 114 MV, § 308-77-020, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260. |

- 308-77-040 Issuance of license. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-040, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 92-01-014, § 308-77-040, filed 12/6/91, effective 1/6/92; 90-13-038 (Order PFT 90-04), § 308-77-040, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-040, filed 1/6/89. Statutory Authority: RCW 82.38.260. 86-02-058 (Order TL-RG-24), § 308-77-040, filed 12/31/85; 79-08-140 (Order 548 DOL), § 308-77-040, filed 8/1/79; Order 475-DOL, § 308-77-040, filed 12/30/77; Order MV-191, § 308-77-040, filed 3/27/74; Order MV-175, § 308-77-040, filed 10/24/73; Order 114 MV, § 308-77-040, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-050 Cancellation or revocation of license. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-050, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-050, filed 8/1/79; Order 114 MV, § 308-77-050, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-091 Electronic fund transfers. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-091, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-095 Minimum tax payment. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-095, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.37.170. 94-11-029, § 308-77-095, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-095, filed 8/1/79.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-105 Refund for bad debt loss (other than a special fuel supplier). [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-105, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-110 Allowance of credit or refund of tax paid. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-110, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-110, filed 8/1/79; Order 114 MV, § 308-77-110, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-115 Delinquent account notification process. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-115, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-150 Records, receipts and invoices. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-150, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-150, filed 8/1/79; Order 114 MV, § 308-77-150, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-160 Sales invoices. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-160, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-160, filed 8/1/79; Order 114 MV, § 308-77-160, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-165 Export sales. [Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-77-165, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-165, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 90-13-038 (Order PFT 90-04), § 308-77-165, filed 6/14/90, effective 7/15/90.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-190 Audit appeal procedure. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-190, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-190, filed 8/1/79.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-215 Mitigation of penalties and interest. [Statutory Authority: RCW 82.38.260. 92-01-014, § 308-77-215, filed 12/6/91, effective 1/6/92.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-220 Filing of refund claim. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-220, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-220, filed 8/1/79; Order 114 MV, § 308-77-220, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-225 Interest assessment on refund claims. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-225, filed 11/19/98, effective 1/1/99.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-230 Invoice requirements for refund purposes. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-230, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-230, filed 8/1/79; Order 114 MV, § 308-77-230, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-250 Power take-off use. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-250, filed 11/19/98, effective 1/1/99. Statutory Authority: RCW 82.37.170. 94-11-029, § 308-77-250, filed 5/9/94, effective 6/9/94. Statutory Authority: RCW 82.38.260. 91-03-017, § 308-77-250, filed 1/7/91, effective 2/7/91; 79-08-140 (Order 548 DOL), § 308-77-250, filed 8/1/79; Order MV 137, § 308-77-250, filed 6/1/72; Order 114 MV, § 308-77-250, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.
- 308-77-260 Auxiliary engines. [Statutory Authority: RCW 82.36.435 and 82.38.260. 98-24-011, § 308-77-260, filed 11/19/98, effective 1/1/99; Order 114 MV, § 308-77-260, filed 11/26/71.] Repealed by 01-22-073, filed 11/1/01, effective 12/2/01. Statutory Authority: RCW 82.38.260.

WAC 308-77-005 Definitions. (1) "Special fuel" as defined in RCW 82.38.020(23) includes diesel fuel, propane, natural gas, kerosene and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by chapter 82.36 RCW.

(2) "Publicly owned fire fighting equipment" means equipment owned and used exclusively for fire fighting by any agency or political subdivision of the state of Washington.

(3) "Farmer" means any person engaged in the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations.

(4) "Logging company" means any person engaged in the business of cutting timber.

(5) "Construction company" means any person, firm, partnership or corporation who or which is engaged in the business of a contractor.

(6) "Contractor" means any person in the pursuit of an independent business that undertakes to, or offers to under-

take, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, improvement attached to real estate, including the installation of carpeting and/or floor covering, the erection of scaffolding, roofing and siding.

(7) "Export" means to obtain special fuel in this state for sale or distribution outside this state. To be considered an "export" and qualify for exemption from the special fuel tax, special fuel obtained outside the bulk transfer terminal system must be physically off-loaded in the destination state, province, or foreign country and the exporter must be licensed or registered, if required, in the state, province, or country of destination.

(8) "Special fuel supplier" means a person who is licensed as a supplier under chapter 82.38 RCW and must hold a federal certificate of registry issued under the Internal Revenue Code authorizing the person to enter into federal tax free transactions on special fuel in the bulk transfer-terminal system.

(9) "Invoice" means any document, paper or electronic, evidencing the transfer of ownership of special fuel.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-005, filed 11/1/01, effective 12/2/01.]

WAC 308-77-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-015 Incidental use/exemptions. (1) When is fuel used during the incidental operation of a nonlicensed vehicle exempt the special fuel tax? Fuel is exempt the special fuel tax if the vehicle is not licensed or required to be licensed under chapter 46.16 or 46.87 RCW and is operated between two pieces of private property for a distance not exceeding fifteen miles. The movement of the vehicle must be incidental to the primary use of the vehicle.

(2) **Are there any circumstances in which off highway fuel use is considered taxable?** If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway does not exceed one mile.

A continuous trip means a vehicular movement involving the use of a highway for the transportation of persons or property from one place to another or, in the instance of a round trip, from the point of origin of the movement to the point of destination and return to the point of origin.

(3) **Are sales to qualified foreign diplomatic and consular missions tax exempt?** Tax exempt sales of special fuel may be made to qualified foreign diplomatic, consular missions and their qualified personnel if the diplomatic, consular missions, and qualified personnel maintain tax-exempt credit card accounts. Special fuel purchased by cash is not tax exempt.

(4) **What is required for a licensee to issue a credit card to qualified foreign government personnel?** Application must be accompanied by Form DSP-99A, issued by the

Office of Foreign Missions, United States Department of State, and approved by that office.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-015, filed 11/1/01, effective 12/2/01.]

WAC 308-77-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-025 Issuance of license. (1) If I have separate businesses at different locations or more than one fleet of vehicles, can I obtain more than one license? Yes. Fuel tax licensees who conduct business at separate locations or operate more than one fleet of vehicles may request a license for each separate business location and/or fleet.

(2) **When is a special fuel tax trip permit required?** If you are not an International Fuel Tax Agreement licensee, a special fuel tax permit must be purchased when entering this state if the vehicle being operated has:

(a) Two axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand pounds; or

(b) Three or more axles regardless of weight; or

(c) Is a combination of vehicles, when the combined gross vehicle weight or registered gross vehicle weight exceeds twenty-six thousand pounds.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-025, filed 11/1/01, effective 12/2/01.]

WAC 308-77-035 Cancellation or revocation of special fuel license(s). (1) Under what circumstances will my special fuel license be canceled? A license may be canceled by the department under the following circumstances:

(a) Upon written request of the licensee. The cancellation will become effective within sixty days from receipt of the written request.

(b) Upon investigation and sixty days' notice to the licensee if the department determines the licensee is no longer engaged in the sale or distribution of special fuel for a period of six consecutive months prior to the cancellation.

(c) Upon failure to file a new or additional surety bond or to make deposits in accordance with RCW 82.38.130, or when the surety bond issuer requests to be released or discharged.

(d) Upon failure to file a new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

(2) **How do I request to have my license canceled?** A written request for cancellation and any required tax returns up to the date of cancellation must be forwarded to the department with a remittance of any tax, penalty and interest due.

(3) **Under what circumstances may my license be suspended or revoked?** A license suspension or revocation is initiated by the department for cause as defined in chapter 82.38 RCW.

(4) **What happens when my license is canceled, suspended or revoked?** The department will notify all special

fuel suppliers, importers, exporters, blenders and distributors of the change in license status.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-035, filed 11/1/01, effective 12/2/01.]

WAC 308-77-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-04401 Waiving of bond requirements.

(1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes. The department may waive the bonding requirement of a licensed distributor if, upon determination by the department, the licensed distributor has sufficient financial instruments to extinguish any Washington state fuel tax liability, including penalties and interest, incurred while acting as a licensed distributor.

(2) **What is considered a financial instrument?** For purposes of this rule, a financial instrument is either:

(a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability incurred by the distributor.

(b) Lawful money of the United States, or bonds or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?** You may qualify to have your bonding requirement waived upon:

(a) Filing a notarized statement with the department stating that your line(s) of credit with your financial institution(s) and your fuel supplier(s) is at a sufficient amount to include product cost and state fuel taxes. You must indicate the name of the financial institution(s), the account number(s) and dollar value of your line(s) of credit, and the name(s) of your fuel supplier(s). You must authorize the department to access this information with your financial institution(s) and supplier(s) for verification purposes; or

(b) Depositing in a financial institution an amount equal to the estimated monthly fuel tax payments and assigning this deposit to the department, as security for performance under chapter 82.38 RCW; and

(c) Providing the department with documentation, satisfactory to the department, indicating that the supplier(s) will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the line(s) of credit, if applicable.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.38 RCW and 308-77 WAC.

(5) **What if I no longer maintain a line of credit or financial instrument?** You must provide a surety bond to the department in the amount required by chapter 82.38 RCW, with a coverage commencement date on or before the date the line of credit or financial instrument was extinguished.

[Statutory Authority: RCW 82.36.435 and 82.38.260. 02-02-010, § 308-77-04401, filed 12/20/01, effective 1/20/02.]

WAC 308-77-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-075 Payment due dates for special fuel taxes. (1) **What if the payment due date falls on a Saturday, Sunday or state legal holiday and payment is by electronic funds transfer?** If you are paying your special fuel tax by electronic funds transfer, you must transfer the funds by the state business day immediately preceding the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

(2) **What if my payment is not made by electronic funds transfer?** If you are not paying your special fuel tax by electronic funds transfer, then payment is due on the next state business day. (For example, if the payment due date falls on Saturday, you must submit payment by Monday.)

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-075, filed 11/1/01, effective 12/2/01.]

WAC 308-77-085 Minimum tax payment/refund.

What is the minimum tax payment or refund? Each tax return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be issued. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-085, filed 11/1/01, effective 12/2/01.]

WAC 308-77-091 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-092 Refund for bad debt loss (other than a special fuel supplier). (1) **Can taxes paid on worthless accounts receivable be refunded?** Yes, a refund may be requested for tax paid on a worthless accounts receivable under RCW 82.38.071 if you:

(a) Are a licensed special fuel importer, special fuel blender, or special fuel distributor; and

(b) Paid tax on an account found to be a worthless accounts receivable; and

(c) Charged off the amount as a bad debt on your federal income tax return; and

(d) Filed the claim within five years of the date of sale.

(2) **What documentation must be submitted to the department to claim a refund on a bad debt that has been charged off?** The following must be submitted:

(a) The portion of the federal income tax return and a supporting schedule that lists the bad debt as being charged off; and

(b) Invoices supporting fuel sales being claimed as bad debt; and

(c) Name and address of purchaser; and

(d) Special fuel tax return; or

(e) Refund claim form.

(3) **Can a tax refund be claimed for expenses related to the collection of a bad debt?** No, a tax refund cannot be claimed for expenses incurred in collecting a bad debt.

(4) **If special fuel tax previously declared as a worthless account receivable is collected, how is it remitted to the department?**

(a) A special fuel importer or special fuel blender that collects any special fuel tax previously taken as a tax credit on a worthless account receivable must remit the special fuel tax with the tax return for the reporting period the special fuel tax was collected or on forms prescribed by the department.

(b) A special fuel distributor must remit the special fuel tax collected with a form provided by the department no later than the last state business day of the month following the month of collection.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-092, filed 11/1/01, effective 12/2/01.]

WAC 308-77-093 Delinquent account notification process. (1) What steps must be taken when a licensed special fuel distributor does not pay a licensed special fuel supplier the special fuel tax when due?

(a) When a licensed distributor does not pay a licensed supplier the special fuel taxes which are due, the supplier must notify the department no later than twenty calendar days from the date the fuel tax was due to the supplier. If that twentieth day falls on a Saturday, Sunday, or legal holiday, the supplier must notify the department on the next business day.

(b) The supplier must complete the form that has been developed by the department for this purpose or timely provide written notification to the department. Receipt of written notification constitutes evidence that the distributor has failed to pay the special fuel taxes owed.

(2) **What action will the department take when notified by the supplier of the distributor's failure to pay?** The department will suspend the distributor's license for non-payment of special fuel tax due the supplier and notify all suppliers of the suspension in the following ways:

(a) Posting notification of the suspension on the department's website;

(b) Transmission of the notification via electronic mail or facsimile; and

(c) Mailing of the notification via U.S. mail.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-093, filed 11/1/01, effective 12/2/01.]

WAC 308-77-095 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-097 IFTA recordkeeping requirements. Are there additional recordkeeping requirements for IFTA special fuel users when leasing a vehicle? Yes. A lessor of a vehicle who is an IFTA special fuel user shall also maintain records of each trip and all mileage when the lessor's vehicle is operated by the lessee for less than thirty days. The lessor must obtain from the lessee, and retain in the lessor files, the original copy of all invoices substantiating claims by the lessor for purchases of tax paid special fuel. If a lease is for more than thirty days, the lease agreement will determine who maintains the records.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-097, filed 11/1/01, effective 12/2/01.]

[2002 WAC Supp.—page 1504]

WAC 308-77-099 Invoices issued by licensees. (1) When is an invoice issued? Every licensee shall issue an invoice at the time of sale. If an electronic invoice is issued, a paper copy of the invoice or other documentation containing required information must be produced if required by the department or to support a refund claim.

(2) **What information must appear on each invoice?** Each invoice must include the following information:

(a) The name and address of the seller;

(b) The name, address, and special fuel tax license number, if applicable, of the purchaser;

(c) The date of delivery (month, day and year);

(d) The location of the point of shipment. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;

(e) The physical address of the fuel delivery or exchange, if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are allowed if the definitions of the alphanumeric codes are provided to the department;

(f) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place;

(g) Name of carrier transporting fuel;

(h) Name of product sold;

(i) The number of U.S. gallons of product sold (must indicate net or gross gallons);

(j) The price per gallon and total amount charged;

(k) A statement on the invoice indicating whether the fuel has been sold without the Washington state fuel tax.

(3) **What happens if a purchaser's invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller shall issue a duplicate or copy containing all information that appeared on the original invoice, if requested by the purchaser. The copies shall be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

(5) **What documentation does a licensed supplier, importer or blender need in order to support taxable special fuel consumed for their own use?** Fuel used in motor vehicles or for other taxable purposes by a licensed supplier, importer or blender shall be supported by records covering the total fuel used during the reporting period.

(6) **What documentation does a distributor need in order to claim a refund for nontaxable use of special fuel?** If special fuel is used for a purpose subject to tax refund, the distributor must have supporting invoices or records indicating the use of the special fuel and the type(s) of equipment it is used in.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-099, filed 11/1/01, effective 12/2/01.]

WAC 308-77-101 Tax exempt sales. How are tax exempt sales reported to the department?

(1) Tax exempt sales shall be reported and supported by Schedule 10, Uniform Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841). A separate schedule for each category of exempt sales must be submitted with the tax return. For export sales, a separate Schedule 10 must be submitted for each state or foreign jurisdiction of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

(2) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States, Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-101, filed 11/1/01, effective 12/2/01.]

WAC 308-77-102 Appeals. (1) **What are the appeal procedures?** Any person having been issued a notice of assessment for taxes, penalties, and/or interest who wishes to contest such notice may petition the department 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 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, interest, and/or penalties which you believe 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 you by mail at least ten days prior to the scheduled date. If you are unable to attend the hearing on the date or time scheduled, you may request the department to reschedule the hearing.

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

(4) **What happens following my informal hearing?** The department will make a determination in accordance with the Revised Code of Washington, administrative 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 you feel are in error and set forth the reasons for believing the decision should be amended. The department will establish a time and place for a formal hearing and give you at least ten days' notice.

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

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-102, filed 11/1/01, effective 12/2/01.]

WAC 308-77-103 Mitigation of penalties and interest. (1) **Under what circumstances may a fee, penalty and/or interest be mitigated?** The department, in its discretion, may mitigate, extinguish, and/or adjust fees, penalties, dyed special fuel 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, license revocation penalties, assessments, lack of complete records, and/or the unlawful use of dyed special fuel.

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

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-103, filed 11/1/01, effective 12/2/01.]

WAC 308-77-104 Filing of refund claim. (1) **How do I apply for a refund?** Any person claiming a refund of the special fuel tax must make application to the department and be issued a refund permit number.

(2) **When can I file a refund claim?** A refund claim may be filed at any time not to exceed a thirteen-month time limit from the date of purchase. If you claim a refund for fuel purchased in any month of a claimed period, you may not claim additional purchases for that month on another claim. The department will use the postmark date to determine the eligibility of the claim.

(3) **Do I need to send in my invoices with the refund claim request?** If your refund claim request is one hundred dollars or less, you do not have to send your purchase invoices with your refund claim unless required by the department. If your refund claim request is more than one hundred dollars, purchase invoices are required. If electronic invoices were issued to the claimant, paper copies of the invoices or other documentation containing required information must be submitted with the refund claim.

(4) **How shall I account for my inventory on my refund claim form?** Any fuel on hand (by physical measurement) at the end of the claim period should be indicated on the claim as ending inventory and should be reported as a beginning inventory on the next refund claim form. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim that established the inventory. All invoices for the total fuel purchased must be submitted with each claim unless the amount of the claim is one hundred dollars or less.

(5) **As a licensed distributor do I need to send in supporting summary schedules and invoices with my refund claim request?** Yes. Summary schedules must be provided by the distributor. Invoices may be requested by the department.

(6) **Who may sign a refund claim form?** The following persons may sign a refund claim form:

- (a) Individuals - permit holder;
- (b) Partnership - any one of the partners;

(c) Business firm or corporation - owner, corporate officer or other authorized agent.

(7) **Can invoices be in a different name than what is on the claim form?** No, invoices made out in other names will not be accepted.

(8) **Can I request that my refund be assigned to another person?** Yes, if a letter of assignment is attached, signed by the person to whom the invoice was issued, designating the payee.

(9) **How long will it take until I receive my refund?** Properly completed refund claims will be processed and mailed within thirty business days of date of receipt.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-104, filed 11/1/01, effective 12/2/01.]

WAC 308-77-105 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-106 Use tax. (1) **Is use tax deducted from my refund claim?** Yes, the use tax may be deducted from your fuel tax refund amount as imposed by chapter 82.12 RCW.

(2) **How is use tax computed?** The claimant may calculate the use tax amount using the actual use tax rate(s) and actual cost per gallon or the department will calculate the use tax amount using an average use tax rate and average price per gallon. Either method chosen by the claimant must be used for each refund claim submitted during a calendar year, unless there has been a change in the department's estimated average fuel cost during that period. If computed by the department, the department will use an estimate of the statewide average fuel cost and an estimated use tax rate. The statewide average cost and use tax rate will be reviewed every six months and adjusted as necessary. If there is any dispute over the method of calculation, the taxpayer will be required to use actual cost of the fuel and use tax rate(s).

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-106, filed 11/1/01, effective 12/2/01.]

WAC 308-77-107 Interest assessment on refund claims. When would the department pay interest on my refund claim? If the department does not issue the refund within thirty business days, interest is due. The first day of the thirty-day period within which the department must issue the refund begins on the date the properly filed and completed refund claim is received and date stamped by the department. The postmark date on the envelope is not considered the received date for this purpose.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-107, filed 11/1/01, effective 12/2/01.]

WAC 308-77-109 Invoice requirements for refund to nonlicensees. (1) **What are the invoice requirements?** The seller of special fuel is required to issue to each purchaser separate invoices for each purchase of fuel. However, a single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by this subsection. Provided, That

each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of this subsection for single deliveries.

(2) **What information must be included on the invoice?** Each invoice must contain the following information:

- (a) Name and address of the seller;
- (b) Kind or type of fuel and number of gallons purchased;
- (c) Complete date of sale (month, day and year);
- (d) Price per gallon; and
- (e) Total amount of sale.

(3) **Will the department accept invoices with altered, corrected or erased information?** Invoices which indicate alterations, corrections or erasures shall be voided and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year. If an electronic invoice was issued, then a paper copy of the electronic invoice or other documentation containing required information must be submitted.

(4) **What happens if an invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller may issue a duplicate or copy containing the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the first invoice. The copies shall be plainly marked "copy" or "duplicate."

(5) **What happens if I issued an incorrect invoice to the purchaser?** Sellers of fuel must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice. Only one invoice shall be issued for any one delivery.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-109, filed 11/1/01, effective 12/2/01.]

WAC 308-77-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-112 Power take-off use. (1) **What is power take-off use?** Fuel used in a motor vehicle engine to operate auxiliary equipment provided that the fuel used is supplied from the propulsion tank of the motor vehicle.

(2) **What is not considered auxiliary equipment?** Equipment that is considered an integral part of the operation of the vehicle, such as air conditioning, power steering, generator, etc.

(3) **What formula does the department use in determining power take-off usage?** For special fuel used in operating a power take-off unit on any of the vehicles listed herein when direct measurement is not feasible, the tax exemption is calculated at the rate specified as a percentage of the total Washington taxable fuel used by the vehicles:

| | |
|--------------------------------------|-----|
| Cement mixer | 25% |
| Fire trucks (private) | 25% |
| Mobile cranes | 25% |
| Garbage trucks (with load compactor) | 25% |
| Sewer cleaning truck/jet vactor | 25% |

| | |
|---|------|
| Super suckers | 25% |
| Line truck with digger/derrick or aerial lift | 20% |
| Log truck with self loader | 20% |
| Refrigeration trucks | 20% |
| Sweeper trucks (must be motor vehicle) | 20% |
| Boom truck/block boom | 15% |
| Bulk feed truck | 15% |
| Dump trailers | 15% |
| Dump trucks | 15% |
| Hot asphalt distribution truck | 15% |
| Leaf truck | 15% |
| Lime spreader | 15% |
| Pneumatic tank truck | 15% |
| Salt spreader on dump truck | 15% |
| Seeder truck | 15% |
| Semiwrecker | 15% |
| Service truck with jack hammer/drill | 15% |
| Snow plow | 15% |
| Spray truck | 15% |
| Tank transport | 15% |
| Tank trucks | 15% |
| Truck with PTO hydraulic winch | 15% |
| Wrecker | 15% |
| Car carrier with hydraulic winch | 10% |
| Carpet cleaning van | 10% |
| Others | 7.5% |

(4) **What if my fuel consumption is greater than the percentages indicated?** If a claimant can provide satisfactory documentation and records to show that the fuel consumed by the power take-off is greater than the percentages indicated, the department may grant the higher percentage on a case-by-case basis.

(5) **What documents must accompany the refund claims?** All claims must be accompanied by valid purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable. A support schedule for Washington power take-off and power pumping credits shall accompany each claim for refund.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-112, filed 11/1/01, effective 12/2/01.]

WAC 308-77-114 Unauthorized use of dyed diesel.

(1) **Is there any dye concentration in diesel fuel for which the department cannot assess penalties for unlawful use?** No. The department may assess on any dyed diesel fuel found in licensed vehicles, vehicles required to be licensed, or in bulk storage tanks used to fuel licensed or required to be licensed vehicles.

(2) **Who may the department assess a penalty for unlawful use of dyed diesel?** The department may assess:

- (a) The operator of the vehicle; and/or
- (b) The registered owner(s) of the vehicle; and/or
- (c) Any other person or entity responsible for the operation, maintenance or fueling of the vehicle.

(3) **If dyed diesel is discovered in the fuel supply tank(s) of vehicles, when must the fuel be removed from the involved vehicle(s)?** The dyed diesel fuel must be

removed from the vehicle(s) within twenty-four hours from the time of discovery. Additional violations on the same vehicle(s) detected after the twenty-four-hour period will be considered as separate violations.

(4) **May the department assess dyed diesel penalties on the fuel in bulk storage tank(s)?** Yes, if the department determines that any dyed diesel fuel from the bulk storage tank(s) has been used for unlawful purposes in any vehicle(s). Fuel remaining in the bulk storage fuel tank(s) will be considered for on highway use.

(5) **How is the dyed diesel fuel in bulk storage tank(s) assessed?** Once dyed diesel fuel from bulk storage has been used for unlawful purposes, an assessment will be based on the capacity or estimated quantity of dyed diesel fuel in the bulk storage tank(s) without regard to how this fuel will be used.

(6) **What if the department or authorized representative is denied access to inspect the fuel in diesel vehicle(s) or bulk storage tank(s)?** The penalty in RCW 82.38.170(13) will be applied to the capacity of the bulk storage tank(s) and/or to the vehicles subject to the refusal. All licenses issued under this chapter may be subject to cancellation and/or revocation under RCW 82.38.120(9) and 82.38.130.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-114, filed 11/1/01, effective 12/2/01.]

WAC 308-77-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-116 Records. What special fuel records must be kept? (1) Every person licensed or required to be licensed shall maintain a complete monthly stock summary of the gallons of special fuel reflecting inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month.

(b) Meter readings taken at the close of each calendar month for pumps through which fuel is dispensed.

(c) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel.

(d) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursement of fuel.

(2) **What records must a licensed dyed special fuel user keep?** The recordkeeping requirements of this section also apply to dyed special fuel:

(a) Purchased and used by licensed dyed special fuel users; and

(b) Authorized for use on the highway.

[Statutory Authority: RCW 82.38.260. 01-22-073, § 308-77-116, filed 11/1/01, effective 12/2/01.]

WAC 308-77-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-160 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-165 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-215 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-225 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-260 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-78 WAC AIRCRAFT FUEL TAX

WAC

| | |
|------------|--|
| 308-78-010 | Definitions. |
| 308-78-020 | Bond requirements and collection. |
| 308-78-030 | Required reports. |
| 308-78-035 | Minimum tax payment/refund. |
| 308-78-040 | Tax exempt sales by licensed distributors. |
| 308-78-045 | Tax exempt use and circumstances. |
| 308-78-046 | Tax exempt losses. |
| 308-78-060 | Repealed. |
| 308-78-070 | Records. |
| 308-78-075 | Invoices issued by licensees. |
| 308-78-080 | Refunds. |
| 308-78-090 | Mitigation of penalties and/or interest. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 308-78-060 | Tax exempt losses. [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.] Repealed by 01-08-083, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.100. |
|------------|---|

WAC 308-78-010 Definitions. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW and chapter 308-72 WAC or a special fuel under chapter 82.38 RCW and chapter 308-78 WAC when used to propel an aircraft.

(2) "User" means any person other than a distributor who is certified to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(3) "Local service commuter" means an air taxi operator who operates at least five round trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

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

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-010, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.040. 90-13-039 (Order PFT 90-05), § 308-78-010, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.42.030. 86-02-057 (Order TL-RG-23), § 308-78-010, filed 12/31/85. Statutory Authority: RCW 82.42.040. 85-04-027 (Order PFT 85-001), § 308-78-010, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-010, filed 10/6/82; Order 69-10-2, § 308-78-010, filed 10/29/69; Rules (part), filed 9/12/67; Emergency Rules (part), filed 7/21/67.]

WAC 308-78-020 Bond requirements and collection.

(1) **Are bonds required for aircraft fuel distributors?** Yes, every aircraft fuel distributor must be bonded as provided in chapter 82.36 RCW and/or chapter 82.42 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 chapters 82.36 and 82.42 RCW for unpaid aircraft fuel taxes.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-020, filed 4/4/01, effective 5/5/01. 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, 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) **What if the payment due date falls on a Saturday, Sunday or state legal holiday?** Payment is due by the state business day immediately preceding the due date. (For example, if the payment due date falls on Saturday, you must transfer the funds by Friday.)

(3) **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.

(4) **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 82.42.100. 01-08-083, § 308-78-030, filed 4/4/01, effective 5/5/01. 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 308-78-035 Minimum tax payment/refund. **What is the minimum tax payment or refund?** Each tax

return that declares a tax liability of ten dollars or less need not make remittance; conversely, a refund of ten dollars or less will not be allowed. A computation error on the tax return which results in an additional tax liability in the amount of ten dollars or less will be accepted without further collection action.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-035, filed 4/4/01, effective 5/5/01.]

WAC 308-78-040 Tax exempt sales by licensed distributors. 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 any of the following:

- (1) A destination outside the state;
- (2) United States or foreign government agencies;
- (3) 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;
- (4) Another licensed distributor;
- (5) To a purchaser who delivers the fuel for export under RCW 82.42.030 or 82.42.070; or
- (6) Into the bulk storage tank of a certified user.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-040, filed 4/4/01, effective 5/5/01. 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 and circumstances. What are the conditions under which a refund of aircraft fuel tax can be claimed? Refund of the aircraft fuel tax paid may be claimed for the following uses or circumstances:

- (1) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under part 121 of the Federal Aviation Administration Regulations, and local service commuters.
- (2) Testing and experimental purposes in the manufacture or remanufacture of aircraft and for flight operations or experimental testing following manufacture, repair prior to delivery to a customer, or experimental testing of another aircraft.
- (3) Aircraft crew training in Washington state for certified air carriers.
- (4) When applying pesticides, herbicides, or other agricultural chemicals under conditions defined in RCW 82.42.020.
- (5) Exportation of fuel from this state for use outside this state under the same conditions as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.
- (6) Use of fuel in nonhighway equipment, other than aircraft, as provided for the refund of motor vehicle fuel in chapter 82.36 RCW and special fuel in chapter 82.38 RCW.

(7) Sales to the United States or foreign government agencies by a distributor who has paid the aircraft fuel tax. The distributor shall file an exemption certificate provided by the department. This certificate shall contain an assignment to the distributor of the purchaser's right to a refund.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-045, filed 4/4/01, effective 5/5/01. 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 308-78-046 Tax exempt losses. (1) What is considered a tax exempt loss? 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 the verified leakage is five hundred gallons or more.

(3) 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 are not permitted.

(4) What is acceptable proof of loss? Acceptable proof of loss will consist of the following:

(a) An affidavit by a person having direct knowledge of the circumstances of the loss, explaining the circumstances surrounding the loss, quantity of fuel lost, fuel salvaged, disposition of salvaged fuel, and procedures used in determining the quantity of fuel lost;

(b) A signed statement by a federal or jurisdictional official who has authority to investigate fuel losses, or a witness to the loss;

(c) A bill of lading or shipping document;

(d) A statement by the licensee establishing ownership of the fuel at the time of loss.

(5) How long must I retain my evidence substantiating the loss? Documentary evidence substantiating losses shall be retained by the licensee for five years.

(6) Am I liable for fuel taxes if one of my employees or agents causes a loss of fuel? Yes, charges for losses made by employees or agents who fail to satisfactorily account for fuel shall be invoiced inclusive of the fuel tax. Other losses shall be substantiated by proof acceptable to the department.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-046, filed 4/4/01, effective 5/5/01.]

WAC 308-78-060 Repealed. See Disposition Table at beginning of this chapter.

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) 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;

(e) 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 82.42.100. 01-08-083, § 308-78-070, filed 4/4/01, effective 5/5/01. 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 308-78-075 Invoices issued by licensees. (1) When is an invoice issued? Every licensee shall issue an invoice at the time of sale, distribution or use. If an electronic invoice is issued, a paper copy of the invoice must be produced if required by the department or to support a refund claim.

(2) **What information must appear on each invoice?** Each invoice must include the following information:

- (a) The name and address of the seller;
- (b) The name, address and aircraft fuel tax number, if applicable, of the purchaser for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers;
- (c) The date of delivery (month, day and year);
- (d) The location of the point of shipment. Alphanumeric codes are not allowed;
- (e) The physical address of delivery, if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are not allowed;
- (f) Name of carrier transporting fuel;
- (g) Name of product sold;
- (h) The gross number of U.S. gallons of product sold;
- (i) The price per gallon and the total amount charged;
- (j) A statement on the invoice indicating whether the fuel has been sold with or without the Washington state fuel tax;
- (k) In the case of a delivery onto a federally recognized Indian reservation or onto Indian country, the invoice must identify the state within the contiguous United States,

Hawaii, Alaska, District of Columbia, U.S. possession, or Canadian Province in which the delivery took place.

(3) **What happens if an invoice is lost or destroyed?** If an invoice is lost or destroyed, the seller shall issue a duplicate or copy containing all information that appeared on the original invoice. The copies shall be plainly marked "copy" or "duplicate."

(4) **What happens if an incorrect invoice is issued to the purchaser?** The seller must retrieve the incorrect invoice and issue a corrected invoice to the purchaser.

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-075, filed 4/4/01, effective 5/5/01.]

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) **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.

(3) **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 82.42.100. 01-08-083, § 308-78-080, filed 4/4/01, effective 5/5/01. 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 fee, a penalty and/or interest be mitigated? The department may mitigate, extinguish and/or adjust fees, penalties, and/or interest arising from late or missing fuel tax returns, unpaid or underpaid taxes, lack of complete records, license revocation penalties and assessments.

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

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

[Statutory Authority: RCW 82.42.100. 01-08-083, § 308-78-090, filed 4/4/01, effective 5/5/01. 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 308-93 WAC

VESSEL REGISTRATION AND CERTIFICATES OF TITLE

WAC

| | |
|------------|--|
| 308-93-010 | Definitions. |
| 308-93-030 | Vessels subject to excise tax, registration and titling. |
| 308-93-050 | Vessels exempted from registration, excise tax and titling. |
| 308-93-055 | Foreign vessels operating in this state—Identification document required. |
| 308-93-056 | Out of country vessel operating in this state—Identification document required. |
| 308-93-060 | Registration period. |
| 308-93-069 | Application for certificate of ownership—Accompanied by. |
| 308-93-070 | Application for certificate of ownership/registration. |
| 308-93-071 | Class "A" and Class "B" certificate of ownership. |
| 308-93-073 | Repealed. |
| 308-93-078 | Temporary use of an unregistered vessel. |
| 308-93-079 | Government exempt vessels. |
| 308-93-087 | Disclosure of names and addresses of individual vessel owners. |
| 308-93-088 | Disclosure violations, penalties. |
| 308-93-089 | Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. |
| 308-93-090 | Leased or rented vessels. |
| 308-93-145 | Vessel registration numbers—Display, size, color. |
| 308-93-160 | Excise tax exemptions—Indians. |
| 308-93-285 | Vessel length measurement. |
| 308-93-350 | Erasures and alterations and incorrect information. |
| 308-93-360 | Application for certificate of ownership required. |
| 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. |
| 308-93-445 | Personal property lien—Chattel, landlord. |
| 308-93-490 | Law enforcement sale. |
| 308-93-500 | Name change. |
| 308-93-510 | Transfer by court order. |
| 308-93-640 | Reciprocity. |
| 308-93-660 | Repealed. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|------------|---|
| 308-93-073 | New vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 98-16-030, § 308-93-073, filed 7/29/98, effective 8/29/98. 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), § 308-93-073, filed 5/7/86.] Repealed by 01-08-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.100. |
| 308-93-660 | Destruction of records by department. [Statutory Authority: RCW 88.02.070 and 88.02.100. 99-01-134, § 308-93-660, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-660, filed 3/28/90, effective 4/28/90.] Repealed by 01-16-105, filed 7/30/01, effective 8/30/01. Statutory Authority: RCW 88.02.070, 88.02.100. |

WAC 308-93-010 Definitions. The following definitions apply to the rules in this chapter:

- (1) "Bare boat" means a vessel rented without a crew.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.
- (3) "Certificate of ownership" means the ownership document issued by the department or other jurisdiction, sometimes referred to as a title.
- (4) "Charter vessel" means a vessel rented with a crew.

(5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(6) "Conveyance" means transfer of title of a vessel from one person to another.

(7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known.

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

(9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.

(10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft.

(11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(12) "Exclusively" means solely and without exception.

(13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction.

(14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self propulsion by mechanical means or wind.

(15) "Identification documents" means the registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

(16) "Issuing authority" means the Coast Guard where a number system has not been approved or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard. (Also see definition for out of country vessel.)

(17) "Legal owner/secured party" means a person or business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.

(18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

(19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.

(20) "Out of country vessel" means a vessel registered or numbered by the laws of another country or has a valid United States Customs Service Cruising License.

(21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(22) "Paperless title" means electronic ownership record.

(23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

(24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as jet ski or wet bike.

(25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

(27) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

(29) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(30) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(31) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

(32) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

(33) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(34) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

(35) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(36) "Waters of this state" means any waters within the territorial limits of this state as defined in U.S. Code: Title 43, Section 1312.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-072, § 308-93-010, filed 10/18/01, effective 11/18/01; 01-03-128, § 308-93-010, filed 1/23/01, effective 2/23/01; 00-11-131, § 308-93-010, filed 5/23/00, effective 6/23/00; 98-16-029, § 308-93-010, filed 7/29/98, effective 7/30/98. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-010, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-010, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.120 and 88.02.100. 90-08-018, § 308-93-010, filed 3/28/90, effective 4/28/90; 87-09-073 (Order TL/RG-32), § 308-93-010, filed 4/22/87. 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), § 308-93-010, filed 5/7/86. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-010, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-010, filed 11/18/83.]

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

subject to excise tax, registration and titling, including the following:

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

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-030, filed 1/23/01, effective 2/23/01; 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 308-93-050 Vessels exempted from registration, excise tax and titling. What vessels are exempt from registration, titling, and the assessment of excise tax? The following vessels are exempt from registration, titling, and the assessment of excise tax:

- (1) Vessels exempt from registration under RCW 88.02.030, including but not limited to:
 - (a) Commercial fishing vessels;
 - (b) Barges as defined in CFR 46;
 - (c) Documented charter vessels, including, bare boat and time share charters;
- (2) Vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-050, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-050, filed 7/29/98, effective 7/30/98. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-050, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 93-14-082, § 308-93-050, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31. 92-03-075, § 308-93-050, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-050, filed 3/28/90, effective 4/28/90. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-050, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-050, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-050, filed 11/18/83.]

WAC 308-93-055 Foreign vessels operating in this state—Identification document required. (1) What documentation must be carried aboard a foreign vessel when being operated upon the waters of this state? The current foreign vessel registration is valid for the first sixty days of operation. In addition the following must apply:

- (a) The foreign vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, if the vessel is remaining in this state for personal use or enjoyment.
- (b) On or before the sixty-first day of use, the foreign vessel owner must obtain a vessel sixty-day temporary identification document issued by the department, its agents or subagents.
- (c) A second vessel sixty-day temporary identification document must be purchased on or before the one hundred twenty-first day of use in this state.

(2) What must I provide to obtain a vessel sixty-day temporary identification document? You must provide the following:

(a) Proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per vessel sixty-day temporary identification document.

(3) How many vessel sixty-day temporary identification documents may be obtained? Not more than two vessel sixty-day temporary identification documents may be obtained in any continuous twelve-month period for any single vessel. The twelve months begins on the date the vessel first entered this state.

(4) How do I display the vessel sixty-day temporary identification document? The vessel sixty-day temporary identification document must be:

(a) Kept aboard the vessel at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) If the vessel owner is not available, how do I obtain a vessel sixty-day temporary identification document? If the vessel owner is not available, the person applying for the vessel sixty-day temporary identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the vessel owner's out-of-state driver's license or photo identification; and

(c) Copy of the foreign vessel registration certificate.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-03-128, § 308-93-055, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-055, filed 7/29/98, effective 7/30/98.]

WAC 308-93-056 Out of country vessel operating in this state—Identification document required. (1) What documentation must be carried aboard an out of country vessel when being operated upon the waters of this state?

(a) The current out of country vessel registration or a United States Customs Service Cruising License is valid for the first sixty days of operation when the vessel is remaining in this state for personal use or enjoyment.

(b) The foreign vessel must have been issued a valid number or registration issued by a country other than the United States or a United States Customs Service Cruising License

(c) On or before the sixty-first day of use, the out of country vessel owner must obtain a vessel out of country permanent identification document issued by the department, its agents or subagents.

(2) What must I provide to obtain a vessel out of country permanent identification document? You must provide the following:

(a) Proof of identification as described in WAC 308-56A-275(2);

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable.

(3) How many vessel out of country permanent identification documents may be obtained? One, the vessel out of country permanent identification document is valid as long as the vessel continues to be registered in a country other than the United States or has a United States Customs Service Cruising License. New owners may apply for a corrected vessel out of country permanent identification document listing the new owner's name and address. The new owner shall pay a nonrefundable fee of three dollars plus a filing fee and subagent fee, if applicable.

(4) How do I display the vessel out of country permanent identification document? The vessel out of country permanent identification document must be:

(a) Kept aboard the vessel at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) If the vessel owner is not available, how do I obtain a vessel out of country permanent identification document? If the vessel owner is not available, the person applying for the vessel out of country permanent identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the valid registration numbers issued by a country other than the United States or a United States Customs Service Cruising License.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-03-128, § 308-93-056, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-056, filed 7/29/98, effective 7/30/98.]

WAC 308-93-060 Registration period. (1) What is the length of a vessel registration period? The vessel registration period is July 1 of the current year through June 30 of the following year for purposes of RCW 88.02.050.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed in chapter 82.49 RCW will be assessed through the current registration period.

(2) How will my excise tax be calculated if I purchase or transfer a vessel in a month other than July? When registering a vessel in Washington for the first time and assigning a registration period of fewer than twelve months or transferring ownership of a vessel for which the registration has expired, the annual excise tax shall be reduced by one-twelfth for each full month of the registration period you did not own or possess the vessel. The registration fee will

not be reduced. Excise tax on renewals will be assessed twelve months of excise tax.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-060, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-060, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-060, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-060, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-060, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-060, filed 11/18/83.]

WAC 308-93-069 Application for certificate of ownership—Accompanied by. (1) **What documentation must accompany my application for certificate of ownership for my vessel?** Vessel owners must submit with their application for certificate of ownership all proper fees and excise tax and the following documentation:

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department shall not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, including dealers, have released or assigned their interest thereon, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership shall be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available shall be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) Proof of sales tax paid;

(vi) Release of interest;

(vii) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) The registration, if it is from a nontitle state;

(vi) Proof of sales tax paid;

(vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;

(viii) An affidavit in lieu of title;

(ix) Release of interest;

(x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(2) **Will the department accept an application if any information is found to be inaccurate?** Upon application for a vessel certificate of ownership an authorized agent or employee must verify the application and supporting documents to ensure accuracy. If all requirements are not met, an authorized agent or employee shall refuse to accept the application.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-069, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-069, filed 7/29/98, effective 8/29/98.]

WAC 308-93-070 Application for certificate of ownership/registration. (1) **When am I required to register my vessel in Washington?** Current foreign registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

(2) **What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration?** Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

(a) Expiration date of the certificate of registration;

(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) The department-assigned customer account number for each owner of the vessel including secured parties if available;

(d) The address at which one of the owners regularly receives mail;

(e) The mailing address of the first secured party;

(f) The Washington registration number as assigned;

(g) Make and model year;

- (h) Length of vessel;
- (i) Type of power (gasoline, diesel, etc.);
- (j) Primary use (commercial, pleasure, etc.);
- (k) Primary method of propulsion (inboard, sail, etc.);
- (l) Type of vessel (runabout, cabin, etc.);
- (m) Primary vessel construction (fiberglass, wood, etc.);
- (n) County of moorage;
- (o) Hull identification number, if one has been assigned;
- (p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

- (q) United States Coast Guard document number, if applicable.

(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate of ownership? In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-070, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-070, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-93-070, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-93-070, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 88.02.070 and [88.02].100. 93-14-082, § 308-93-070, filed 6/30/93, effective 7/31/93; 92-24-035, § 308-93-070, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31. 92-03-075, § 308-93-070, filed 1/14/92, effective 2/14/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-070, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-070, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

WAC 308-93-071 Class "A" and Class "B" certificate of ownership. Is there more than one class of certificate of ownership for my vessel? From June 30, 1985, through June 30, 1990, there were two classes of vessel certificate of ownership: Class "A" and Class "B."

Effective July 1, 1990, the "A" and "B" classifications of vessel certificate of ownership were discontinued. All vessel certificate of ownership, regardless of any classification previously assigned are considered to be exclusive evidence of ownership unless a person can provide sufficient evidence the certificate of ownership was issued in error or is invalid for some other reason.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-071, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-071, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-071, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-071, filed 11/19/85.]

WAC 308-93-073 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-93-078 Temporary use of an unregistered vessel. May a vessel be operated on the waters of this state if it is not registered? An unregistered vessel may be operated on the waters of this state for fifteen consecutive days from the date of purchase using the notarized bill of sale in lieu of a registration certificate. The notarized bill of sale shall be carried on the vessel and contain:

- (1) The name and address of the purchaser;
- (2) The model year, make, and hull identification number of the vessel;
- (3) The date of sale; and
- (4) The name, address and signature of the seller.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-078, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-078, filed 7/29/98, effective 8/29/98. 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), § 308-93-078, filed 5/7/86.]

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 but are not subject to excise tax.

(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, 88.02.100. 01-03-128, § 308-93-079, filed 1/23/01, effective 2/23/01; 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 308-93-087 Disclosure of names and addresses of individual vessel owners. (1) What vessel record information is protected from disclosure?

Vessel information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Uniform Business Identifier; and
- (d) Telephone numbers.

(2) Who may receive disclosure of individual vessel owner names and addresses?

- (a) Government agencies;
- (b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;
- (c) Vessel manufacturers who require vessel ownership information for recall of their own products;
- (d) A vessel owner for their own vessel; or
- (e) Individuals who meet the criteria listed in subsection (6) of this section.

(3) What documentation does the department require to disclose vessel owner names and addresses?

The department requires:

- (a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Acceptable business entity verification.

(4) What is acceptable business verification?

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

(6) When may an individual be provided vessel owner name and address information?

(a) When the owner of record is requesting the information; or

(b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information of record to obtain a release of interest.

(7) Who may release the vessel owner name and address information?

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

(8) When may the department disclose the names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used;

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information; and

(d) Individuals who meet the criteria listed in subsection (6) of this section.

(9) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(10) Is the department required to notify the vessel owner when ownership information is disclosed?

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

(11) How long will the department retain the request for disclosure of vessel owner information?

The department will retain the request for disclosure for three years.

(12) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-087, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-087, filed 12/21/98, effective 1/21/99; 92-24-035, § 308-93-087, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070, 88-24-003 (Order TL/RG 47), § 308-93-087, filed 11/29/88.]

WAC 308-93-088 Disclosure violations, penalties. (1) What are violations of chapter 42.17 and 46.12 RCW, this chapter, or a disclosure agreement with the department?

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

(2) What are the penalties associated with these violations?

The department may suspend or revoke for up to five years the privilege of obtaining vessel record information.

In addition:

(a) The unauthorized disclosure of information from a department vessel record; or

(b) The use of a false representation to obtain information from the department's vessel records; or

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or both such fine and imprisonment for each violation.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-088, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-088, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380, 96-03-046, § 308-93-088, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-088, filed 11/25/92, effective 12/26/92.]

WAC 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. (1) What vessel record information is protected?

Vessel information protected under chapters 42.17 and 46.12 RCW and Executive Order 00-03 for vehicles includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information;
- (d) Telephone numbers;
- (e) Uniform Business Identifier; and
- (f) Bank account information.

(2) Who may receive list disclosure of individual vessel owner names and addresses?

In addition to any other authority that it may have, the department of licensing may furnish lists of registered and legal owners of vessels only for the purposes specified in this section to:

(a) The manufactures of vessels, or their authorized agents, to be used to enable those manufactures to carry out the provisions of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) and the Code of Federal Regulations adopted by the United States Coast Guard;

(b) Any governmental agency of the United States or Canada, or political subdivisions, to be used by them or their authorized commercial agents or contractors only in connection with the enforcement of the laws governing the operation of a vessel or vessel safety programs administered by that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(c) A person, organization or entity for the purposes of compiling statistical data relating to vessel demographics in this state. The department may provide only a specific part of the list that is required for completion of the work required of the person, organization or entity;

(d) An authorized agent or contractor of the department to be used only in connection with providing vessel excise tax, licensing and registration information to vessel dealers; or

(e) Any business regularly making loans to other persons to finance the purchase of vessels, to be used to assist the person requesting the list to determine ownership of specific vessel for the purpose of determining whether or not to provide such financing.

(3) What documentation is needed to receive lists of vessel owner names and addresses?

Each entity must submit the following to the department:

- (a) A record disclosure request form provided by the department and completed by the applicant; and
- (b) Verification of the applicant's identity as a business; and
- (c) A formal agreement between the requester and the department.

(4) What is acceptable verification?

For purposes of this section acceptable business verification includes:

- (a) If a licensed Washington business, a copy of its current unexpired master business license;
- (b) If a business not required to be licensed in this state, its federal identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;
- (c) If an attorney, a copy of the current bar card;
- (d) If a private investigator, a copy of the current private investigator's license; or
- (e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity or governmental agency has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business or governmental agency has entered into an agreement with the department, a separate request for each inquiry is not required if the information will be used as originally stated.

(6) Who may release list of vessel owner name and address information?

The department of licensing, vehicle services division's public disclosure/records/contracts section, is authorized to release lists of names and addresses to qualified applicants.

(7) When may the department disclose lists of names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

- (a) The requesting party is a business entity that requests the information for use in their normal course of business;
- (b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and

specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

No, except when the information is granted to an attorney or private investigator. The department will then provide the owner of the vessel with notification; the notice will also contain the name and address of the requesting party.

(10) How long will the department retain the request for lists of names and address disclosure?

The department will retain the requests for three years unless a contract for ongoing receipt of information is entered into.

(11) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department or state and federal laws and regulations.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-089, filed 7/30/01, effective 8/30/01.]

WAC 308-93-090 Leased or rented vessels. (1) What is the difference between leased and rented 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 leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document? A leased or rented 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 leased or rented, 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 and a copy of the valid registration issued by a country other than the United States or a United States Customs Service Cruising License.

(b) Registered in a foreign jurisdiction and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty 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 may be purchased in any twelve continuous months. If the vessel owner is not available, the person(s) applying for the identification document must 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 must be titled and registered in this state or removed from the waters of this state.

(c) Registered in a foreign jurisdiction and leased or rented 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 secured party is shown as the legal owner on the certificate of ownership.

(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 on the certificate of ownership.

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

(a) When the vessel is less than twenty-six feet in length and leased or rented for less than seven days, the following documents must 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 must contain 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 leased or rented for seven days or more, the following documents must 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 must contain 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 leased or rented, 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) Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington? Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certificate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

(b) 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, 88.02.100, 01-03-128, § 308-93-090, filed 1/23/01, effective 2/23/01; 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 308-93-145 Vessel registration numbers—Display, size, color. (1) **What vessels are required to display a vessel registration number?** All vessels registered under chapter 88.02 RCW are required to display the vessel registration numbers. Vessels documented by the United States Coast Guard are prohibited from displaying the registration number.

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

(a) Uniquely identify a vessel (the same way license plate numbers identify a vehicle);

(b) Are assigned by the department when you apply for initial registration for your vessel or when a vessel owner is retaining the registration number issued by the United States Coast Guard prior to July 1984;

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

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

(a) Be painted on or permanently attached to each side of the forward half of the vessel and easily visible for law enforcement except as allowed by subsection (6) of this section or required by subsection (9) 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 must display dealer registration numbers and decals assigned and issued by the department. Dealer registration numbers and decals must be displayed in the following manner:

(a) The department assigned dealer vessel registration number must be permanently 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 308-90-070(1); and

(c) The backing plate must 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 permanently 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) Are any numbers other than those issued by an issuing authority allowed on the front half of my vessel? No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority (as defined in WAC 308-93-010) for that vessel on its forward half.

(8) Are there any letters that may not be used in the configuration of a vessel registration number? Yes, the letters I, O, and Q. Registration numbers that currently contain I, O, and Q will be reassigned by the department upon registration renewal due on or after July 1, 2004.

(9) 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 number following the letter of the vessel registration number. (Example a) WN 5678 EF 1 or WN-5678-EF-1. The second tender vessel registration number will be the next consecutive number. (Example b) WN 5678 EF 2 or WN-5678-EF-2.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 01-11-100, § 308-93-145, filed 5/21/01, effective 6/21/01; 00-23-094, § 308-93-145, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 88.02.100, 00-09-065, § 308-93-145, filed 4/18/00, effective 5/19/00. 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 308-93-160 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 country" 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 country" by the United States Department of the Interior as referenced in 18 USC 1151 and CFR 25.

(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 tribes in Washington are recognized by the United States Department of the Interior? The only Washington "Indian tribes" are those currently recognized as such by the United States Department of the Interior. As of the effective date of this rule there are twenty-eight federally recognized Indian tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its website, www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
(360) 753-2411

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

(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

(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 position or title of the tribal authority, their telephone number and their signature must appear on the certification. 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.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-160, filed 1/23/01, effective 2/23/01; 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 308-93-285 Vessel length measurement. (1) How is the length of my vessel calculated? The overall length of a vessel provided by the owner on application for certificate of ownership must be rounded down to the nearest whole foot. Vessel measurement must be from the tip of the bow to the stern of the vessel down the centerline but not including boomkins, swim ladders, outboard engines, or other extremities.

(2) How do I change the recorded length of my vessel if incorrect? Changing the recorded vessel length, unless incorrectly entered by the department requires:

(a) Verification of remeasurement from:

(i) A law enforcement agency; or

(ii) A port agency; or

(iii) The United States Coast Guard; or

(iv) Authorized representatives of the department.

(b) Documentation from the vessel manufacturer providing the correct length for that model vessel.

(c) Verification must be on agency letterhead and include the vessel description and signature of an authorized representative.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-285, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-285, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-285, filed 11/25/92, effective 12/26/92.]

WAC 308-93-350 Erasures and alterations and incorrect information. (1) **Will the department accept an application for certificate of ownership if the certificate of ownership or supporting documents have been altered?** The department may refuse to accept any certificate of ownership when ownership or vessel 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 a supporting document 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 vessel dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure has been made on a title, a notarized/certified 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 notarized/certified release of interest.

(d) If a name is erroneously shown on the title as the purchaser, the department may require a statement from the seller or owner (of record) that the sale was not completed.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-350, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-350, filed 7/29/98, effective 8/29/98; 84-13-086 (Order TL-RG-2), § 308-93-350, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-350, filed 11/18/83.]

WAC 308-93-360 Application for certificate of ownership required. When is a certificate of ownership required? An application for certificate of ownership is required when:

(1) A person purchases a new vessel unless otherwise exempt from chapter 88.02 RCW.

(2) There is a change of ownership due to:

(a) Sale;

(b) Gift;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of an owner;

(f) Proprietorship or partnership forming a corporation, whether or not the business name is changing; or

(g) Proprietorship or partnership purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed.

(3) There is a name change of:

(a) The owner;

(b) The secured party; or

(c) A business entity as shown on the current certificate of ownership.

(4) There is no change in the owner of the vessel but the certificate of ownership needs to be reissued because:

(a) A lien has been satisfied and the lien holder's name needs to be removed;

(b) A lien holder's name needs to be added. If a secondary lien holder is being added, the address of only the primary lien holder will be recorded;

(c) There is a change of lien holders;

(d) There has been a structural change in the vessel that changes the physical description of the vessel on the current certificate of ownership; or

(e) The vessel hull identification number has been altered, or removed, or needs to be corrected on the vessel or on the certificate of ownership.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-360, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-360, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-360, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-360, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-360, filed 11/18/83.]

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 have been issued using one of these designations, any registered owners shown are considered to have equal registered owner interest in the vessel and any secured parties 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?** No. The department does not use these designations when recording ownership interest.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-370, filed 10/18/01, effective 11/18/01; 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 (JTWROS) 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 issued by a government entity and an application for certificate of ownership signed by the surviving owner(s).

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership shows 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."

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-380, filed 10/18/01, effective 11/18/01; 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 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?** You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees. Trusts established under chapter 23.90 RCW must provide notarized/certified documentation from the secretary of state showing the trust is registered with the state of Washington.

(3) **If a vessel is titled in the name of a trust, who represents the trust for title transactions?** Any trustee designated in the trust document represents the trust on all vessel transactions with the department unless that trustee is replaced or the trust is terminated.

(4) **What is required when the succession of trustees is appointed?** If the name of the trustee who has been succeeded is shown on the certificate of ownership, 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?** If the termination of the trust results in a change of ownership for the vessel, the new owner must apply for a new certificate of ownership under chapter 88.02 RCW.

[Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-93-390, filed 3/27/01, effective 4/27/01. 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 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 on the next name line, directly after the first security interest. Only the address of the first security interest is 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 will 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. 01-21-071, § 308-93-400, filed 10/18/01, effective 11/18/01; 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 308-93-445 Personal property lien—Chattel, landlord. (1) What is a chattel lien? For the purposes of this section, a "chattel lien" means: A lien obtained by any person, firm or company who provides services or materials for a vessel at the owner's request, in the event of nonpayment by the owner. A person or firm that provides services or material for a vessel at the owner's request may obtain a lien on such vessel. In the event of nonpayment the lien may be foreclosed as provided by law.

(2) **What documentation does the department require to issue a certificate of ownership for a vessel obtained through the chattel lien process?** In addition to other documents required by law or rule, the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vessel to the claimant.

(3) **When is a court order required by the department to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) The vessel is no longer in the possession of the person/business who is claiming the chattel/landlord lien; or

(b) Someone other than the owner of record requested the services; or

(c) There is an existing lien holder on record; or

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

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

(d) There is more than one lien claimed against the vessel.

In order to remove an existing lien holder from record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

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

(4) **What is a landlord lien?** For the purposes of vessel licensing and titling, a landlord lien is an encumbrance on a vessel as security for the payment of moneys owed for rent.

(5) **Can a landlord lien be attached to a vessel adrift?** Vessels adrift as defined in RCW 88.26.020 do not qualify for landlord liens.

(6) **Can a landlord lien be attached to a vessel moored in a private marina?** No, lien foreclosures are defined in RCW 60.10.020 and 61.10.023.

(7) **What documents does the department require to issue a certificate of ownership for a vessel obtained through the landlord lien procedure?** In addition to other documents required by law or rule the department requires:

(a) A completed affidavit of sale chattel/landlord lien form provided or approved by the department; or

(b) A copy of a court order awarding the vessel to the claimant:

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant 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 secured interest resolved.

(8) **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 vessel is no longer in the possession of the person/business who is claiming the landlord lien; or

(b) The vessel owner of record is someone other than the person owing for rent; or

(c) There is an existing lien holder on record.

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

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

(d) There is more than one lien against the vessel.

In order to remove an existing lien holder from the record, the court order must specifically authorize the removal of the lien. If it does not, the claimant may:

(i) Negotiate with the lien holder to obtain either a release of interest or a new security agreement; or

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

(9) **Why is a court order required for a landlord lien if there is a lien holder on the existing record?** In order to

record a security interest on a Washington certificate of ownership, there must be a security agreement between the registered owner and the legal owner except for government liens as provided in law. The security agreement on record was not established between the legal owner and the new applicant.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-445, filed 10/18/01, effective 11/18/01.]

WAC 308-93-490 Law enforcement sale. (1) **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?** In addition to other documents and fees required by chapters 46.01 and 88.02 RCW the department requires:

(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.

(2) **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 vessel 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. 01-21-071, § 308-93-490, filed 10/18/01, effective 11/18/01; 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 copy of a court order from any district or superior court of this state authorizing the change of name 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.

(3) **What documentation does the department require to change the name of a business or corporation as shown on the certificate of ownership?**

(a) If two or more businesses merge and a new UBI number is created, applications for each vessel in the new company name and documentation substantiating the name change and/or merger. All certificates of ownership changing from the previous business name(s) to the new business are processed as transfers.

(b) If two or more businesses merge and one of the UBI numbers is retained for the new business, notarized signatures are required on the new application. The certificate of ownership transactions for the business whose UBI number is retained will be processed as name change transactions; cer-

tificate of ownership transactions from the other business will be processed as transfers.

(c) If a business has changed names without a change in ownership, documentation such as a copy of the new business or corporate license must be submitted with the application for certificate of ownership and the existing ownership document or an affidavit in lieu. The certificate of ownership will be reissued in the new business name.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-500, filed 10/18/01, effective 11/18/01; 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, for each of the specific situations the department requires the following:

(a) If the vessel is most recently titled in Washington, a copy of the court order from any district or superior court of any county of this state, 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; or

(b) If the vessel for which ownership was most recently established, is in the same jurisdiction as the court action, a copy of the foreign court order is required. For example: A California court order and California vessel ownership documents; or

(c) If the court order and vessel for which ownership was most recently established are not from the same jurisdiction, the court order is required to be filed in accordance with RCW 6.36.025 prior to being submitted with the application for certificate of ownership.

(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 and/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) 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 must describe the vessel in the court order by year, make, and hull identification number as a minimum.

(4) 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 signed by the judge/commissioner.

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

(6) Will the department remove the security interest recorded on the current certificate of ownership with a court order? The department will:

(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 unless the new owner has obtained either a release of interest or a new security agreement or 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. 01-21-071, § 308-93-510, filed 10/18/01, effective 11/18/01; 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 308-93-640 Reciprocity. Is my foreign registration valid in Washington? Current foreign registration will be recognized for a period of sixty days to the extent a similar reciprocity is granted for vessels registered in the state of Washington. However, on or before the sixty-first day of use in this state, the owner of a foreign vessel must obtain a two-month vessel identification document issued by the department, its agents or subagents in accordance with WAC 308-93-055 if the state of principal use is not changing to Washington and the vessel owner wishes to keep the vessel located on Washington waters.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-640, filed 3/27/01, effective 4/27/01; 98-16-029, § 308-93-640, filed 7/29/98, effective 7/30/98; 84-19-026 (Order TL-RG 8), § 308-93-640, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-640, filed 11/18/83.]

WAC 308-93-660 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-94 WAC

SNOWMOBILES AND OFF-ROAD AND NONHIGHWAY VEHICLES

WAC

| | |
|------------|---|
| 308-94-030 | Snowmobile registration application—Registration year. |
| 308-94-050 | Snowmobile registration, decals and validating tab—Display. |
| 308-94-080 | Nonresident temporary snowmobile permit. |
| 308-94-100 | Snowmobile dealer license, license plates, costs, rented snowmobiles. |
| 308-94-105 | Delivery of snowmobile on dealer temporary permit. |

WAC 308-94-030 Snowmobile registration application—Registration year. (1) What must be included on an

application to register a snowmobile? An application for an original or transfer registration of a snowmobile must include:

- (a) The name and address of each registered owner(s); and
- (b) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and
- (c) The purchase price and year of purchase or declared value and year of declaration; and
- (d) Proof of payment of sales or use tax, or satisfactory proof that sales or use tax is not due as established by the department of revenue; and
- (e) A copy of any of the following:
 - (i) Previously issued registration certificate;
 - (ii) Certificate of ownership from a foreign jurisdiction;
 - (iii) Manufacturer's certificate of origin;
 - (iv) A bill of sale;
 - (v) A purchase agreement; or
 - (vi) Other department approved documentation; and
- (f) Certificate of fact explaining how the snowmobile was acquired; and
- (g) Applicable fees.

(2) **How are security interests recorded?** Security interests must be recorded with the Uniform Commercial Code Section of the department, and will not be recorded on the snowmobile registration.

(3) **What is the registration period for snowmobiles?** The registration period for snowmobiles is October 1 through September 30 of the following year. Regardless of the date acquired, there is no abatement of the snowmobile registration fee.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-030, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-030, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110. 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-94-030, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-94-030, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 46.01.110. 92-15-021, § 308-94-030, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-030, filed 1/16/87; Order 111 MV, § 308-94-030, filed 10/5/71.]

WAC 308-94-050 Snowmobile registration, decals and validating tab—Display. (1) **Where do I carry the snowmobile registration certificate?** A snowmobile registration certificate must be:

- (a) Carried in the snowmobile for which it was issued; or
- (b) Carried on the person of the snowmobile operator; and
- (c) Be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

(2) **How are snowmobile decals/tabs displayed?**

(a) Decals showing the registration numbers must be affixed to the right and left sides or on the front and rear of each side of the snowmobile below the windshield on the hood cowl and located so that snow, passenger, driver or load will not obscure them.

(b) The month tabs must be located no more than two inches in front of the first digit of the decal showing the registration number. Validating year tab must be located no more than two inches from the last digit of the decals showing the registration number.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-050, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-050, filed 3/30/98, effective 4/30/98; 87-03-041 (Order TL/RG 29), § 308-94-050, filed 1/16/87; Order 111 MV, § 308-94-050, filed 10/5/71.]

WAC 308-94-080 Nonresident temporary snowmobile permit. What information is required to obtain a nonresident temporary snowmobile permit?

(1) An application for a nonresident temporary permit shall include:

- (a) Name and address of the applicant;
- (b) Plate or registration number and expiration date, if registered in another jurisdiction;
- (c) Make, vehicle identification number, model year, and method of propulsion of the snowmobile; and
- (2) Applicable fees.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-080, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-080, filed 3/30/98, effective 4/30/98; 92-15-021, § 308-94-080, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-080, filed 1/16/87; Order 111 MV, § 308-94-080, filed 10/5/71.]

WAC 308-94-100 Snowmobile dealer license, license plates, costs, rented snowmobiles. (1) **How long is a snowmobile dealer license valid?** Snowmobile dealer licenses are valid for one year from the date of issue.

(2) **Are there restrictions for the use of the snowmobile dealer license plate?** Yes.

(a) Dealers may not test or demonstrate a snowmobile without either a valid Washington snowmobile registration or a valid snowmobile dealer license plate.

(b) Snowmobile dealer license plates may be used only for testing or demonstrating a snowmobile and must be displayed on the snowmobile so that snow, passenger, driver or load will not obscure the license plate.

(c) Snowmobile dealer license plates must not be used on rented snowmobiles.

(3) **What are the fees for a snowmobile dealer license?** A snowmobile dealer shall pay three dollars and fifty cents plus the fifty cent reflectorization fee for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-100, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-100, filed 3/30/98, effective 4/30/98; 87-03-041 (Order TL/RG 29), § 308-94-100, filed 1/16/87; Order 111 MV, § 308-94-100, filed 10/5/71.]

WAC 308-94-105 Delivery of snowmobile on dealer temporary permit. (1) **How are snowmobile dealer temporary permits used?** By licensed snowmobile dealers as a dealer temporary permit.

(2) **How is the dealer temporary permit application issued and completed?**

(a) The dealer temporary permit application is issued by and must be completed by the selling dealer.

(b) The application must be signed by the registered owner(s).

(c) The dealer must collect all fees required for registration of a snowmobile.

(d) The dealer must detach the hard copy of the dealer permit and 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 snowmobile is physically delivered to the customer/purchaser.

(e) The application copies must be used by the dealer to apply for registration of the snowmobile. Except as provided in chapter 46.10 RCW the selling dealer must submit the application and all registration fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date of sale.

(f) The hard copy of the permit and a purchase order identifying the snowmobile and the date on which the snowmobile is delivered to the customer must be carried on the snowmobile or on the person operating the snowmobile at all times the snowmobile is operated on the temporary permit.

(3) **How long is the dealer temporary permit valid?** The dealer temporary permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is delivered to the customer.

(4) **What restrictions apply to the dealer temporary permit?**

- (a) The dealer temporary permit must not:
- (b) Be issued for a dealer inventoried or a dealer or dealer-employee operated snowmobile;
- (c) Be issued as a demonstration permit;
- (d) Be issued for a snowmobile processed as a courtesy delivery.

(5) **Are fees paid for the dealer temporary permit application forms refundable?** Fees paid for dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a snowmobile dealer.

(6) **Is the dealer reimbursed for the cost of the dealer temporary permit when used?** Yes, a credit in the amount of the permit form fee will be credited when the permit is used by the snowmobile dealer to make application for a snowmobile registration.

(7) **Is the dealer required to keep a record of the permits?** Yes, the dealer must maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Snowmobile purchaser's names;
- (b) Vehicle identification number;
- (c) Dates of snowmobile sales and deliveries; and
- (d) Date and location of purchase of each permit form and the permit number.

(8) **Is the dealer required to submit the application for registration within a certain period of time?** Yes, the dealer must submit the application for registration in accordance with WAC 380-94-030 within forty-five days from the date of delivery of the snowmobile to the customer.

The director may excuse late applications only in situations where applications are delayed for reasons beyond the control of the dealer.

[Statutory Authority: RCW 46.01.110, 01-11-070, § 308-94-105, filed 5/14/01, effective 6/14/01.]

[2002 WAC Supp—page 1526]

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 (registration) period. |
| 308-94A-015 | Off-road/nonhighway vehicle use permit (registration) 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 Washington vehicle licensing office or through the department. If the vehicle is not eligible for road use, the certificate of ownership will show **not eligible for road use**.

(2) **Do I have to purchase registration when applying for certificate of ownership?** No, if you choose not to purchase registration when titling your vehicle, the 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) If the manufacturer's statement of origin or certificate of ownership indicates the vehicle is not eligible for road use, you may only purchase an off-road use permit (registration);

(b) If your vehicle is eligible for road use under chapter 46.16 RCW you may purchase registration for road use off-road use or both; or

(c) If your vehicle is not licensed for off-road use, you may purchase a temporary off-road vehicle permit.

(4) **What information does the department require I apply for an off-road/nonhighway vehicle use permit?** An application for an off-road/nonhighway vehicle use permit must include the following:

- (a) Name and address of the applicant;
- (b) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (c) Make and year of vehicle;
- (d) Expiration date of the foreign state registration;
- (e) Vehicle identification number;
- (f) Appropriate fees; and
- (g) Signature of the registered owner(s).

(5) **Where do I carry the temporary or annual off-road/nonhighway use permit?** The permit may be carried by the operator or in a moisture proof protective case attached to the vehicle. The use permit must be made available at all times for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.

(6) **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. 01-13-008, § 308-94A-005, filed 6/8/01, effective 7/9/01; 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 (registration) period. (1) **How long is an off-road/nonhighway vehicle use permit (registration) valid?** The registration year of the off-road/nonhighway use permit (registration) begins the day it is issued and expires the same day of the following year.

(2) **Under what circumstances will the registration expiration date be changed?** The expiration date of the off-road use permit will change when:

- (a) It has been expired for more than one year;
 - (b) The registration is expired at the time ownership is transferred and the new owner renews the registration;
 - (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, but no certificate of ownership has been issued, in another jurisdiction and:
 - (i) No change in ownership has occurred; and
 - (ii) The off-road/nonhighway vehicle is being registered again in Washington; and
 - (iii) The previous Washington registration has expired.
- (3) **Can I get a refund for the unused portion of my off-road/nonhighway use permit (registration)?** No, there is no refund for the unused portion.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-010, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-010, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-015 Off-road/nonhighway vehicle use permit (registration) not required—When. When are off-road/nonhighway vehicle(s) not required to be registered? Vehicles exempted in RCW 46.09.050 and 46.09.020 are not required to obtain off-road/nonhighway vehicle use permit (registration).

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-015, filed 6/8/01, effective 7/9/01; 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 off-road/nonhighway vehicle use permit number and validation tabs on my vehicle?** Display off-road/nonhighway use permit number and validation tabs by:

- (a) Affixing the decals provided by the department to the right and left side or on the rear of the off-road vehicle. The decals must 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) **Is a license plate required if my off-road/nonhighway vehicle is registered for dual use?** Yes, the license plate must be displayed in the same manner as required for highway use.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-020, filed 6/8/01, effective 7/9/01; 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 must 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;
- (6) Appropriate fees; and
- (7) Signature of registered owner(s).

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-025, filed 6/8/01, effective 7/9/01; 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 must pay three dollars and fifty cents, plus the reflectorization fee of fifty cents for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-030, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-030, filed 11/22/99, effective 12/23/99.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

| | |
|-------------|---|
| 308-96A-005 | Terminology—Definitions. |
| 308-96A-015 | Replacement certificate of registration—Documents required. |
| 308-96A-026 | Vehicle transit permit. |
| 308-96A-065 | Personalized license plates. |
| 308-96A-066 | Repealed. |
| 308-96A-067 | Repealed. |
| 308-96A-068 | Repealed. |
| 308-96A-070 | Amateur radio operator special license plates. |
| 308-96A-071 | Military affiliate radio system special license plates. |
| 308-96A-072 | Square dancer license plates. |
| 308-96A-073 | Antique vehicle—Horseless carriage license plate. |
| 308-96A-074 | Antique vehicle—Collector vehicle license plates. |
| 308-96A-099 | Use class descriptions. |
| 308-96A-135 | Fixed load vehicles. |
| 308-96A-145 | Cab and chassis. |

| | |
|-------------|--|
| 308-96A-175 | Ride-sharing vehicles. |
| 308-96A-176 | Special transportation needs for ride-share vehicles. |
| 308-96A-177 | Replacement of license plates. |
| 308-96A-202 | Power units towing trailers with permanent registrations. |
| 308-96A-203 | Permanent trailer registrations. |
| 308-96A-260 | Assignment of original registration year. |
| 308-96A-295 | Display of tabs. |
| 308-96A-300 | Changing assigned registration year. |
| 308-96A-345 | Repealed. |
| 308-96A-350 | Outstanding parking violations—Information to be supplied by issuing jurisdiction. |
| 308-96A-355 | Satisfaction of parking violations—Information to be supplied by issuing jurisdiction. |
| 308-96A-365 | Reinstatement of parking violation. |
| 308-96A-400 | Excise tax exemption—Indians. |
| 308-96A-410 | Repealed. |
| 308-96A-550 | Vehicle special collegiate license plates. |
| 308-96A-560 | Special vehicle license plates—Criteria for continued issuance. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

| | |
|-------------|---|
| 308-96A-066 | Denial or cancellation of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-066, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-066, filed 6/30/93, effective 7/31/93.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. |
| 308-96A-067 | Reissuance or reinstatement of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-067, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. |
| 308-96A-068 | Issuance of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-068, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. |
| 308-96A-345 | Definitions. [Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 00-03-057, § 308-96A-345, filed 1/18/00, effective 2/18/00; 91-04-024, § 308-96A-345, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-345, filed 8/15/84.] Repealed by 01-17-017, filed 8/3/01, effective 9/3/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. |
| 308-96A-410 | Study fee. [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.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110. |

WAC 308-96A-005 Terminology—Definitions.

Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

(1) "Affidavit of loss" means a department form used by an applicant, to indicate that a title, registration, license tab, or decal has been lost, stolen, mutilated or destroyed. The form is completed and signed under oath in the presence of an official, such as a notary public, or certified by a license clerk or the authorized agent for a dealership, when a vehicle is in their inventory for resale.

(2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)

(3) "Application" means a form provided or approved by the department to apply for different types of services and documents.

(4) "Cab and chassis" is a truck manufactured and sold with only a cab and the frame and running gear. (WAC 308-96A-145.)

(5) "Certificate of license registration" means a document issued by the department and required by RCW 46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050. The certificate of license registration is renewed annually.

(6) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is at least thirty years old.

(7) "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.

(8) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(9) "Department" means the department of licensing. (RCW 46.04.162.)

(10) "Disabled persons parking placard expiration date" means:

(a) The last day of the month specified on a temporary placard; or

(b) Not less than five years from the end of the month and year of issuance of a permanent placard, as specified by the department on the placard. (RCW 46.16.381.)

(11) "Expiration day and month."

(a) "Date of expiration" or "expiration date" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

(12) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(13) "Fixed load vehicle" is specified in RCW 46.16.070 and described in WAC 308-96A-099.

(14) "Gross weight" means gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

(15) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(16) "Indian country" 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 country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

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

(18) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

(19) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative.

(20) "Jurisdiction seal" means a method of verifying authenticity of court documents, which is provided by the jurisdiction that issued the citation. A jurisdiction seal is an embossed seal or stamp provided by the jurisdiction.

(21) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

(22) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

(23) "License tab fees" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW.

(24) "Licensed physician" for the purpose of disabled person parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, advanced registered nurse practitioners, osteopathic physicians and podiatric physicians. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(25) "Motorhome" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

(26) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

(27) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

(28) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(29) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(30) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(31) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department.

(32) "Permanent" in reference to disabled person parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.) Disabled persons parking privileges must be renewed every five years.

(33) "Permit" in reference to disabled person parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for disabled person parking privileges. (RCW 46.16.381.)

(34) "Personalized license plates" are plates denoting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

(35) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor

plates, means passenger vehicles, motorhomes, motorcycles, and trucks with designated gross vehicle weight at no more than twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(36) "Placard" means a document issued to persons who qualify for special disabled person parking privileges under RCW 46.16.381 and are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and individual serial number.

(37) "Prebill" or "renewal notice" means the notice to renew a vehicle license provided by the department approximately sixty days prior to the current expiration year.

(38) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381. (WAC 308-96A-316.)

(39) "Privilege" in reference to disabled person's parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(40) "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.

(41) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-56A-161.)

(42) "Rental car" means a car that is rented as defined in RCW 46.04.465.

(43) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070 and 46.16.111.)

(44) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(45) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

(46) "Subagent" means individual(s), business, organization, or political entity appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(47) "Tab(s)" means decals, issued by the department, affixed to the rear license plate to identify the registration expiration month or year for a specific vehicle.

(48) "Tonnage," "declared gross weight" and "declared combined gross weight" are used interchangeably when referring to the amount of weight declared by an owner when licensing a vehicle as described in RCW 46.16.070 and 46.16.111.

(49) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of

ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

(50) "Unprocessed" as used in parking ticket system means no update of the computer record has occurred.

(51) "Use classes" means those vehicles described in WAC 308-96A-099.

(52) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-005, filed 8/3/01, effective 9/3/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.17.276. 00-09-008, § 308-96A-005, filed 4/6/00, effective 5/7/00. Statutory Authority: RCW 46.01.110. 97-10-003, § 308-96A-005, filed 4/24/97, effective 5/25/97. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-96A-005, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-005, filed 6/30/93, effective 7/31/93; 92-15-025, § 308-96A-005, 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-005, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-005, filed 7/8/91, effective 8/8/91. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-005, 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-005, filed 5/5/86; Order MV-355, § 308-96A-005, filed 5/10/76; Order MV-328, § 308-96A-005, filed 7/24/75.]

WAC 308-96A-015 Replacement certificate of registration—Documents required. (1) How do I obtain a replacement certificate of registration?

You obtain a replacement certificate of registration by applying, either in person or by mail, at a Washington vehicle licensing office and paying appropriate fees.

(2) When do I need to replace my certificate of registration?

You need to replace your certificate of registration if it is lost, stolen, destroyed, or mutilated.

(3) Who can apply for a replacement certificate of registration?

The registered owner must apply for a replacement certificate of registration. If there is more than one registered owner, one of the registered owners need apply for a replacement certificate of registration.

(4) What documentation do I need to apply for a replacement certificate of registration?

You need an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. Identification will be required. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent.

(5) Where do I get an affidavit of loss?

An affidavit of loss/release of interest form may be obtained at a vehicle licensing office, by mail or by accessing the department's website at www.wa.gov/dol.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-015, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-015, filed 9/21/98, effective 10/22/98. 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-015, filed 5/5/86; Order MV-328, § 308-96A-015, filed 7/24/75.]

WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration. It does not allow unrestricted use of the vehicle.

(2) How may a vehicle transit permit be used?

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

(3) Where do I obtain a vehicle transit permit?

You may obtain a vehicle transit permit from:

- (a) Washington vehicle licensing offices;
- (b) Drivers services-licensing services offices; or
- (c) Washington state patrol. (Only at weigh scales and for one day only.)

(4) How long is the vehicle transit permit valid?

The permit is valid for a maximum of two days.

(5) What information is required to issue the vehicle transit permit?

(a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;

- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;
- (d) The date or dates on which the permit is valid, for a maximum of two days;
- (e) Applicant's signature; and
- (f) Signature of vehicle licensing agent or issuing authority.

(6) How much does a vehicle transit permit cost?

There is no fee for the vehicle transit permit, however vehicle-licensing subagents may charge a service fee.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-026, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-026, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-026, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.16.276. 86-23-045 (Order TL/RG 28), § 308-96A-026, filed 11/18/86.]

WAC 308-96A-065 Personalized license plates. (1) What is a personalized license plate? Personalized license plates are plates reflecting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570 and 46.16.580.

(2) **Are there any restrictions on the use of letters and numbers on personalized license plates?** Personalized license plates may be issued with one to seven characters. Motorcycles and motorcycle trailers can have up to six characters. The letters "I" and "O" and the numbers "1" (one) and "0" (zero) may not be issued as single-digit plates.

(3) **When may the department deny an application for or cancel personalized plates?**

(a) The department may deny an application for personalized license plates or cancel personalized license plates previously issued if it determines the plate configuration to be:

- (i) Offensive to good taste and decency;
- (ii) Potentially misleading;
- (iii) Vulgar, profane or sexually suggestive in nature;
- (iv) A racial, ethnic, lifestyle or gender slur;
- (v) Related to alcohol or to illegal activities or substances;
- (vi) Blasphemous;
- (vii) Derogatory;
- (viii) Slanderous;
- (ix) A duplication of license plate or decal numbers provided in chapter 46.09, 46.10 or 46.16 RCW; or
- (x) Contrary to the department's mission to promote highway safety.

(b) If the personalized license plates are canceled due to one or more reasons specified in subsection (3) of this section, the vehicle owner may:

(i) Apply for a refund for the fee paid under RCW 46.16.585 and 46.16.606 for such license plates; or

(ii) Instead of a refund, apply for and upon approval be issued personalized license plates with a different configuration without payment of additional personalized license plate fees.

(c) The department may cancel personalized license plates if they are:

(i) Not renewed by the owner within forty-five days of the vehicle expiration; or

(ii) Removed from a vehicle and not transferred to a replacement vehicle within thirty days; or

(iii) Transferred to a new owner who does not make proper application for the plates within twenty-five days.

(4) If my registration for personalized license plates has elapsed, how do I get them reinstated or reissued?

(a) If you are an owner of a personalized license plate and do not renew it within forty-five days, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(b) If you purchase a vehicle with a personalized plate and do not transfer the ownership of the personalized plate within twenty-five days, you forfeit ownership of the plate. The department will make that personalized plate available to the first applicant for that plate configuration.

(c) If you are the owner of a personalized license plate who does not transfer the plate as described in subsection (4)(b) of this section, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(5) Can I transfer my personalized license plate? Yes, if you are the owner(s) of a vehicle with personalized license plates and sell, trade or otherwise transfer ownership of the vehicle, you may transfer the plates to another vehicle within thirty days; (the personalized license plates may be transferred at any vehicle licensing office or through a vehicle dealer if the owner wishes to transfer a plate to a dealer-purchased vehicle) or transfer the plates to a new owner. If the plates are transferred to a new owner, the current owner must provide the new owner with a notarized/certified release of interest for the plates. The new owner must make application

to the department within twenty-five days, including payment of the original personalized license plate fee.

(6) How do I dispose of my personalized vehicle license plates?

(a) You may turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration; or

(b) If your vehicle has personalized license plates and is sold to a wrecker or you accept a total loss claim from your insurance company and you choose not to retain the salvage, you must either transfer the plates to another vehicle within thirty days or turn the plates in to the department with a notarized release of interest from all registered owner(s) relinquishing the right to that personalized license plate.

(7) Will I ever have to replace my personalized vehicle license plate? Yes, the personalized license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-065, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-065, filed 4/8/98, effective 5/9/98; 91-15-006, § 308-96A-065, filed 7/8/91, effective 8/8/91. Statutory Authority: RCW 46.16.276 and 46.16.600. 88-12-043 (Order TL/RG 41), § 308-96A-065, filed 5/27/88. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-065, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-065, filed 10/24/84; Order MV-328, § 308-96A-065, filed 7/24/75.]

WAC 308-96A-066 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-067 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-068 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-070 Amateur radio operator special license plates. (1) **Who may apply for amateur radio operator vehicle special license plate(s)?** Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

(2) **What documents are required to receive an amateur radio operator vehicle special license plate?** In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

(3) **How will the amateur radio operator license plates be displayed?** The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and

assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW 46.16.305.

(4) **Are there any special fees required to obtain the amateur radio operator license plates?** In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and an additional five dollars any time the plates are transferred to another vehicle.

(5) **When are the amateur radio operator special license plates canceled?** The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate.

(6) **Will I ever have to exchange my amateur radio operator special license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-070, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-070, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-070, filed 1/29/91, effective 3/1/91; Order MV-328, § 308-96A-070, filed 7/24/75.]

WAC 308-96A-071 Military affiliate radio system special license plates. (1) **Who may apply for the military affiliate radio system station special license plates?** Any person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) **Can a MARS special license plate be issued for my motorcycle?** No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) **What documents are required to receive MARS special license plates?** In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The recipient of these plates must notify the department when the MARS station license has been canceled.

(4) **Are there any special fees required to obtain the MARS license plates?** In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the plate and an additional five dollars any time the plates are transferred to another vehicle.

(5) **When are the MARS license plates canceled?** The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate.

(6) **Will I ever have to exchange my MARS license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-071, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-071, filed 4/8/98, effective 5/9/98; 91-15-006, § 308-96A-071, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-072 Square dancer license plates. (1) **Who may apply for square dancer license plates?** The registered owner of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of square dancers.

(2) **What vehicles may display square dancer license plates?** Square dancer license plates may be issued for vehicles required to display two license plates under RCW 46.16.233. Vehicles licensed under the provisions of chapter 46.87 RCW are not eligible for square dancer license plates.

(3) **Are special license fees required for square dancer license plates?** A special license plate fee of forty dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued.

(4) **Will I ever have to exchange my square dancer license plates?** Yes, the department has determined that all license plates be replaced on a seven-year rotation schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-072, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-072, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-072, filed 3/11/97, effective 4/11/97; 93-14-083, § 308-96A-072, filed 6/30/93, effective 7/31/93.]

WAC 308-96A-073 Antique vehicle—Horseless carriage license plate. (1) **Who may apply for a horseless carriage license plate?**

(a) The owner(s) of any motor vehicle which is:

- (i) At least forty years old; and
- (ii) Capable of being operated upon the highway; and
- (iii) Currently registered in Washington; and

(iv) Operated primarily as a collector vehicle may apply to the department for a special horseless carriage license plate to be used in lieu of regular issue license plates.

(2) **How is a horseless carriage license plate displayed?** The horseless carriage license plate must be displayed on the rear of the vehicle for which it was issued. The horseless carriage license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(3) **What additional fees are required to obtain a horseless carriage license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this horseless carriage license plate.

(4) **Will I ever have to replace my horseless carriage license plates?** No, the horseless carriage license plates are exempt from the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-073, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-073, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-96A-073, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-073, filed 1/29/91, effective 3/1/91.]

WAC 308-96A-074 Antique vehicle—Collector vehicle license plates. (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate. The plate has Washington printed at the top and the words "Collector Vehicle" to the right of the numbers. The smaller size collector vehicle license plate is available for motorcycles and the owner must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

- (a) At least thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle may be issued a collector vehicle license plate.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for use in the year of the vehicle's manufacture. The restored license plate may be used instead of a collector vehicle

license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue.

This plate must be displayed on the vehicle for which it was issued and may be retained by the owner if the vehicle ownership changes. The owner must display the single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle.

(6) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department may require the certificate of ownership be submitted if that vehicle is not already assigned a title purpose only number.

(7) **Will I ever have to replace my collector vehicle license plate?** No, the collector vehicle license plates are exempt from the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-074, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-074, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-96A-074, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-074, filed 1/29/91, effective 3/1/91.]

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 taxes 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. |

| ABBREVIATION | TRANSLATION | DESCRIPTION |
|--------------|--------------------|---|
| 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. |
| 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 |

| ABBREVIATION | TRANSLATION | DESCRIPTION |
|--------------|-------------------|--|
| 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. |
| 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 seating capacity required for F/H and STA-Scale weight, if more than six 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 | |

| VEHICLE TYPE | USE CLASS | SPECIAL REQUIREMENTS |
|---|---|---|
| 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 as defined in RCW 46.04.330 or 46.04.332, 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 46.01.110. 01-12-099, § 308-96A-099, filed 6/6/01, effective 7/7/01. 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-135 Fixed load vehicles. What is a fixed load vehicle?

A fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-135, filed 6/6/01, effective 7/7/01. 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.]

tive 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-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 taxes for any increased value of the completed vehicle.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-145, filed 6/6/01, effective 7/7/01. 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-175 Ride-sharing vehicles. (1) When may the department issue a ride share special license plate? Ride share special license plates may be issued when:

The owner of a passenger motor vehicle is primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner must then provide:

(a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list must be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(c) A passenger motor vehicle owned, rented or leased by a government agency may be issued special ride-share license plates for the vehicle described on the approved ride-sharing application.

(2) Can the ride-share license plate be transferred to another vehicle? To transfer license plates to another vehicle, the owner must make:

(a) Application to and receive approval by the department for the replacement passenger motor vehicle; and

(b) Pay a five dollar license plate transfer fee and any other appropriate licensing fees.

(3) What happens when I remove or transfer special ride-share plates from my vehicle? When you remove or transfer special ride-share license plates from one vehicle to another, you must:

(a) Purchase replacement license plates if the vehicle will be operated on public highways; and

(b) Pay applicable RTA excise tax for the remaining license registration period for the vehicle, if the registered owner resides in the RTA taxing district.

(4) What happens when the ride-share vehicle is sold or transferred to another person?

(a) When a ride-share vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ownership under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Recertify that the vehicle is used as a commuter ride-share vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

(5) Will I ever have to replace my ride-share vehicle license plate? Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-175, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-175, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110, 46.74.010 and 1996 c 244. 96-21-043, § 308-96A-175, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-96A-175, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 175 § 2. 88-01-010 (Order TL/RG 39), § 308-96A-175, filed 12/7/87.]

WAC 308-96A-176 Special transportation needs for ride-share vehicles. (1) **Who may request application for special transportation needs for ride-share vehicles?** Private, nonprofit transportation providers furnishing ride share for persons with special transportation needs under chapter 81.66 RCW may be issued special ride-share license plates under RCW 46.16.023 for passenger motor vehicles. The transportation provider must make application for special ride-share license plates on a form approved by the department. The application must include:

(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;

(b) Payment of all fees required under chapter 46.12 RCW; and

(c) Payment for the special ride-share license plate fee as provided in RCW 46.16.023.

(2) **What is a passenger motor vehicle?** For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motor home;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus-type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motor home; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motor home.

(3) **What happens when a transportation provider removes the special ride-share license plate or transfers the plate to another vehicle?**

(a) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plate fee, vehicle registration fee and abated RTA vehicle excise tax if necessary must be collected if the vehicle will continue to be operated on public highways. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted will be due and payable to the department of revenue.

(b) If the special license plates are to be transferred to another vehicle, a new application for exemption must be filed as required under subsection (1) of this section with payment of the license plate transfer fee provided in RCW 46.16.023(2).

(4) **What is required to retain my ride-share exemption when I renew my registration?** When applying for registration renewal, the transportation provider must recertify that the vehicle is being used to provide transportation for persons with special transportation needs to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to registered owners of ride-share vehicles for filing with registration renewal applications.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-176, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-176, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110, 46.74.010 and 1996 c 244. 96-21-043, § 308-96A-176, filed 10/11/96, effective 11/11/96.]

WAC 308-96A-177 Replacement of license plates.

(1) **What license plates are required to be replaced?** Vehicles that have license plates seven years or older that include:

(a) Standard issue;

(b) Collegiate;

(c) HAM/MARS (the department will replace the plates with the same configuration);

(d) Personalized (the department will replace the plates with the same configuration);

(e) Ride share;

(f) Disabled persons;

(g) Disabled veterans;

(h) Pearl Harbor survivors;

(i) Purple heart;

(j) Stadium;

(k) Square dancer;

(l) Consular;

(m) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds and under;

(n) Prisoner of war.

(2) **What license plates are exempt from the replacement requirement?**

(a) Prorated vehicles over 16,000 pounds;

(b) Commercial vehicles with declared gross weight over 26,000 pounds;

(c) Collector vehicle, horseless carriage vehicle and restored plates;

(d) Exempt plates issued to government agencies; and

(e) Medal of honor.

(3) **When are license plates required to be replaced?** License plates are required to be replaced every seven years. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-177, filed 4/30/01, effective 5/31/01.]

WAC 308-96A-202 Power units towing trailers with permanent registrations. (1) **What determines if I pay the higher gross weight fees?**

If the declared gross weight of the power unit exceeds forty thousand pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combination (CMB) or farm combination (FCB) use class. This results in higher gross weight fees.

(2) How do I change to a CMB or FCB use class during the registration year?

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

(b) Immediately attach the combination decals between the lower boltholes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

(3) What if I change to a CMB or FCB use class at renewal time?

If you change use class at renewal time, you will pay the gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

(4) What if I change from CMB or FCB to COM or FAR?

If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. Excess gross weight fees may be used to purchase additional months of gross weight to the end of the current registration year.

(5) If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

(6) If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?

No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650.

[Statutory Authority: RCW 46.01.110, 01-12-099, § 308-96A-202, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135, 99-01-133, § 308-96A-202, filed 12/21/98, effective 1/21/99.]

WAC 308-96A-203 Permanent trailer registrations.

(1) Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

(2) How does the power unit need to be licensed to tow a trailer with a permanent registration?

The power unit must have a combination (CMB) or farm combination (FCB) use class.

(3) How does the power unit qualify for the CMB or FCB use class?

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

(4) If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually. And your trailer plate will have a permanent trailer validation tab assigned to it.

(5) Are there any restrictions on the use of the trailer with permanent plates?

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

(6) How long is the permanent registration valid?

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

(a) Addition or deletion of spouse or co-owner; or

(b) Change of lessee with the same lessor.

(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of application to the expiration date shown on the vehicle record. A partial month requires a full month's fees. The license plates must be replaced when ownership changes on a trailer with CMB use class.

(8) What type of plates do I display on a trailer with a permanent registration?

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

(9) How is the expiration date established for a permanent trailer registration?

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

(10) Do I need to get a new plate when I get a permanent trailer registration?

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and the new owner does not wish to license the trailer, may a title purpose only title be issued?

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

(a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or

(b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?

No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-203, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 99-01-133, § 308-96A-203, filed 12/21/98, effective 1/21/99.]

WAC 308-96A-260 Assignment of original registration year. How are registration years assigned?

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW 46.16.006 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state and county exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits must be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29 expiration date will be reassigned to March 1.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-260, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-260, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-260, 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-260, filed 5/5/86. Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-96A-260, filed 3/26/86; Order MV-355, § 308-96A-260, filed 5/10/76.]

WAC 308-96A-295 Display of tabs. (1) What are tabs?

Tabs are decals affixed to the rear license plate as indicated on the license plate to identify the registration expiration month or year for a specific vehicle.

(2) Which tabs are valid to be displayed on the vehicle license plate? Tabs depicting the current registration expiration month and year must be displayed on the rear vehicle license plate in the area designated on the license plate. Expired month and year tabs may be displayed on the front vehicle license plate for vehicles that are required to display a front license plate.

(3) Does this rule apply to all vehicles? No, vehicles registered under the provisions of the International Registration Plan must display tabs depicting current registration

expiration month and year on both the front and rear vehicle license plates of the power unit.

(4) When is the requirement for rear license plate tabs effective? The requirement for rear license plate tabs is effective for vehicle registration expiration periods after December 31, 2001.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225. 01-09-079, § 308-96A-295, filed 4/17/01, effective 5/18/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-295, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-295, filed 6/30/93, effective 7/31/93. 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-295, filed 5/5/86; Order MV-355, § 308-96A-295, filed 5/10/76.]

WAC 308-96A-300 Changing assigned registration year. When will the assigned registration year of a vehicle be changed?

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request 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 license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When a vehicle has been sold and the registration is no longer valid. (Example: When a vehicle has been sold with expired tabs, a new expiration date will be assigned at the time of registration renewal.)

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-300, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-300, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-300, 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-300, 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-300, filed 5/5/86; Order MV-355, § 308-96A-300, filed 5/10/76.]

WAC 308-96A-345 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-350 Outstanding parking violations—Information to be supplied by issuing jurisdiction.

(1) How is the department notified of outstanding (unpaid) parking violations? The jurisdiction notifies the department of outstanding parking violations. The notice will include the following:

(a) Jurisdiction name.

(b) NCIC number/originating agency identifier (ORI).

(c) Parking violation number.

(d) Date parking violation was issued.

(e) Vehicle license plate number.

(f) Fine and penalty amount.

(g) Jurisdiction seal, except if filed electronically.

(h) Signature and date when required on form, except if filed electronically.

(2) When will the department accept parking violations for a vehicle data base record by a jurisdiction? An

original report against a vehicle record must contain a minimum of two outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless the vehicle record indicates all existing violations have been paid and no further violations have been accrued in the thirteen months following the payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of two violations.

(3) What methods do jurisdictions use to notify the department of parking violations? Information must be provided in accordance with department instructions by:

- (a) A form issued by the department;
- (b) A computer listing sheet; or
- (c) Electronic format.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216. 01-17-091, § 308-96A-350, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216. 00-03-057, § 308-96A-350, filed 1/18/00, effective 2/18/00; 91-04-024, § 308-96A-350, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-350, filed 8/15/84.]

WAC 308-96A-355 Satisfaction of parking violations—Information to be supplied by issuing jurisdiction. What happens when outstanding parking violations are satisfied? Upon satisfaction of parking violations previously reported as outstanding against a vehicle, the issuing jurisdiction must:

(1) Furnish the registered owner with a proof of payment form; and

(2) Supply the department with the following information within ten days of satisfaction of the parking violations. The information must be on a form approved by the department, on a computer listing sheet or electronic format in accordance with department instructions containing:

- (a) Jurisdiction name,
- (b) NCIC number/originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Date of satisfaction,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically.

Information must be provided on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216. 01-17-091, § 308-96A-355, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216. 00-03-057, § 308-96A-355, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-355, filed 8/15/84.]

WAC 308-96A-365 Reinstatement of parking violation. (1) Can a parking violation be reinstated on a vehicle record after it has been reported by the jurisdiction as satisfied? A parking violation previously reported as satisfied will be reinstated on the vehicle record upon:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties;

(c) Departmental error.

(2) How is a parking violation reinstated that has been previously reported as satisfied? The jurisdiction seeking reinstatement of a parking violation must supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number/originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Fine and penalty amount,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically,
- (i) Reason for reinstatement.

Information must be on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216. 01-17-091, § 308-96A-365, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216. 00-03-057, § 308-96A-365, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-365, filed 8/15/84.]

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 country" 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 country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and C.F.R. 25.

(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 Indian country.

(2) What Indian country tribes in Washington are recognized by the United States Department of the Interior? The only Washington "Indian tribes" are those currently recognized as such by the United States Department of the Interior. As of the effective date of this rule, there are twenty-eight federally recognized tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its website www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
360-753-2411

(3) How does an Indian qualify for a motor vehicle excise tax exemption? To qualify for an RTA 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 Indian country of the tribe of which they are a member; 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 RTA excise tax?** No. Vehicles owned or leased by a governing body of an Indian tribe are not subject to the RTA excise tax as provided in RCW 46.16.020 and 46.16.022.

(5) **What documentation does the department require from a tribal member to qualify for an RTA 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 and the new address is located inside the RTA boundary. 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, their enrollment numbers and the address in Indian country where the registered owner lives, as will be shown on the vehicle registration certificate; and enrollment or Bureau of Indian Affairs number;

(c) Signature of the registered owner;

(d) A certification of an authorized tribal authority representing the Indian tribe of which the registered owner is a member. The position or title of the tribal authority, their telephone number and their signature must appear on the certification. 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 Indian country;

(e) 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 RTA excise tax exemption does not apply?** No, the Indian RTA excise tax exemption applies to all types of vehicles for which RTA excise tax is due.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-400, filed 6/6/01, effective 7/7/01. 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-550 Vehicle special collegiate license plates. (1) **What are the criteria for establishing collegiate**

license plates? The department must approve an application for special collegiate license plate series from an institution of higher education according to RCW 46.16.324. The following criteria must be satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design.

(b) The plates will consist of numbers, letters, or figures or any combination thereof not exceeding seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic, lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(f) The plate must be designed so that it can be easily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized or exempt license plate(s).

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. The design must be approved by the department based on compatibility with the basic license plate design.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to the registered owner of the vehicle regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to obtain the same license plate number if my plate is lost, defaced, or destroyed?** Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in

RCW 46.16.270. New collegiate license plates will be issued bearing the next available license plate number.

(7) **Will I ever have to replace my collegiate license plate?** Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-550, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-550, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. 95-11-043, § 308-96A-550, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-550, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-560 Special vehicle license plates—Criteria for continued issuance. What criteria are used to discontinue issuing special vehicle license plates? Except those license plates issued under RCW 46.16.301, 46.16.305 and 46.16.324 the department may discontinue issuing special vehicle license plates after determining that less than five hundred special license plates in the approved configuration are purchased annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-560, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-560, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. 95-11-043, § 308-96A-560, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-560, filed 6/30/93, effective 7/31/93; 91-03-091, § 308-96A-560, filed 1/18/91, effective 2/18/91.]

Chapter 308-97 WAC

VEHICLE LICENSE INTERSTATE AND INTRANSIT PERMITS

WAC

308-97-230

Appointment of vehicle trip permit agents.

WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and nongovernment organizations.

(2) How does a nongovernment organization obtain approval to sell vehicle trip permits?

Nongovernment organizations must:

- (a) Apply to the department;
- (b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;
- (c) Provide a surety bond; and
- (d) Provide transmission fee schedule if issuing permits electronically.

(3) How do I obtain an application to become an agent for selling trip permits?

Any nongovernment organization may obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are the components of the agreement?

The components of the agreement require the agent to:

- (a) Timely account and pay all permit fees;

- (b) Subject their books and records to periodic audit;

- (c) Pay interest and penalties upon any deficiency;

- (d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

- (e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals shall be accompanied by the appropriate fees and any documents required by the department;

- (f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for. For the purposes of this section, "excise tax" means the tax collected as explained in RCW 46.16.160(9).

(5) What are the requirements of a surety bond?

The requirements of a surety bond are to:

- (a) Be on a form provided by the department;

- (b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;

- (c) Be executed by the applicant as principal;

- (d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

- (e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) What is the agent fee for selling a vehicle transit permit?

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) How may vehicle trip permits be issued?

Vehicle trip permits may be issued by:

- (a) Original two-part manual form;

- (b) Facsimile of the two-part manual form; or

- (c) Authorized electronic form.

(8) If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) What happens if the agent fails to comply with the agreement?

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16.160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent shall return to the department any vehicle trip permits in inventory and any money owed to the department.

[Statutory Authority: RCW 46.01.110 and chapter 82.44 RCW. 01-17-085, § 308-97-230, filed 8/17/01, effective 9/17/01. Statutory Authority: RCW 46.16.160. 98-23-026, § 308-97-230, filed 11/9/98, effective 12/10/98; 81-16-010 (Order DOL 634), § 308-97-230, filed 7/24/81. Statutory Authority: RCW 46.01.110. 80-13-001 (Order DOL 591), § 308-97-230, filed 9/4/80.]

Chapter 308-100 WAC**DRIVERS' LICENSES—SPECIAL PROVISIONS****WAC**

308-100-140 Third party tester.

WAC 308-100-140 Third party tester. The department may enter into an agreement with third party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third party tester exists in the location covered by the third party tester, and that the third party tester is otherwise qualified. In counties where there are no third party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an agreement with a third party tester for any length of time upon a showing of good cause. An agreement between the department and a third party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion. The department may renew an agreement if it has determined that a need for a third party tester still exists in the location covered by the third party tester.

[Statutory Authority: RCW 46.01.110 and 46.25.060. 01-09-062, § 308-100-140, filed 4/16/01, effective 5/17/01. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-140, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-140, filed 8/24/89, effective 9/24/89.]

Chapter 308-390 WAC**UNIFORM COMMERCIAL CODE, REVISED
ARTICLE 9**

(Formerly chapters 308-400 and 308-410 WAC)

WAC

308-390-100 General provisions.
308-390-101 Definitions.
308-390-102 UCC record delivery and time of filing.
308-390-103 Search request delivery.
308-390-104 Forms.
308-390-105 Fees.
308-390-106 Expedited services.
308-390-107 Methods of payment.
308-390-108 Overpayment and underpayment policies.
308-390-109 Bulk records.
308-390-200 Acceptance and refusal of records.
308-390-201 Multiple names.
308-390-202 Deadline for filing a continuation statement.
308-390-203 Acknowledgment.
308-390-204 Grounds for refusal.
308-390-300 UCC information management system.
308-390-301 Primary data elements.
308-390-302 Names of debtors who are individuals.
308-390-303 Names of debtors that are organizations.
308-390-304 Estates.
308-390-305 Trusts.
308-390-306 Initial financing statement.
308-390-307 Amendment.
308-390-308 Assignment of powers of secured party of record.
308-390-309 Status of parties upon filing a continuation.
308-390-310 Status of parties upon filing a termination.
308-390-311 Correction statement.
308-390-312 Procedure upon lapse.
308-390-313 XML records.
308-390-314 EDI documents.
308-390-315 Direct on-line (non-XML) filing and search procedures.
308-390-400 Filing and data entry procedures.

308-390-401 Errors of the filing officer.
308-390-402 Notice of bankruptcy.
308-390-403 Data entry of names.
308-390-500 Search requests and reports.
308-390-501 Search requests.
308-390-502 Rules applied to search requests.
308-390-503 Optional information.
308-390-504 Search responses.
308-390-505 Transition.
308-390-600 Other lien notices.
308-390-601 Agricultural liens.
308-390-602 Preparer or processor lien.
308-390-603 Notice of liens in favor of a governmental body.

WAC 308-390-100 General provisions. (1) These rules are adopted under the authority of Revised Article 9 of the Uniform Commercial Code, chapter 62A.9A RCW. The rules set forth in this chapter are effective with respect to financing statements filed on or after July 1, 2001, and to predecessor filings in effect immediately prior to that date.

(2) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial. In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does none of the following:

- (a) Determine the legal sufficiency or insufficiency of a record.
- (b) Determine that a security interest in collateral exists or does not exist.
- (c) Determine that information in the record is correct or incorrect, in whole or in part.
- (d) Create a presumption that information in the record is correct or incorrect, in whole or in part.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-100, filed 4/27/01, effective 7/1/01.]

WAC 308-390-101 Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule shall have the respective meanings given such terms in chapter 62A.9A RCW.

(1) "ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the department of licensing.

(2) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(3) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(4) "Certified search" is a certified record of information maintained by the filing office.

(5) "Continuation" shall have the meaning prescribed by RCW 62A.9A-102(27).

(6) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(7) "File number" shall have the meaning prescribed by RCW 62A.9A-519(b).

(8) "Filing office" and "filing officer" mean the department of licensing and the director of the department of licensing or designee.

(9) "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

(10) "Financing statement" shall have the meaning prescribed by RCW 62A.9A-102(39).

(11) "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

(12) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

(13) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

(14) "On-line services" means the interactive internet application for filing and search functions.

(15) "Organization" means a legal person who is not an individual.

(16) "Organizational number" means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation.

(17) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(18) "Secured party of record" shall have the meaning prescribed in RCW 62A.9A-511.

(19) "Termination statement" shall have the meaning prescribed by RCW 62A.9A-102(79).

(20) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(21) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

(22) "UCC website" means the series of related internet web pages provided for on-line filing and search functions.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-101, filed 4/27/01, effective 7/1/01.]

WAC 308-390-102 UCC record delivery and time of filing. UCC documents may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is when the UCC document is received by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(2) Express mail delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will

have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(3) Postal service delivery, to the filing office's mailing address. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(4) Electronic mail and telefacsimile delivery, to the filing office's e-mail address or the filing office's fax filing telephone number, are not accepted.

(5) Electronic filing. Financing statements may be entered on-line after July 1, 2001, as described in WAC 308-390-313 and 308-390-315. The time of filing of a financing statement delivered by direct on-line access or by web page data entry is the time that the filing office's information management system analyzes the relevant transmission, determines that all the required elements of the transmission have been received in a required format, and acknowledges acceptance to that system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-102, filed 4/27/01, effective 7/1/01.]

WAC 308-390-103 Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-103, filed 4/27/01, effective 7/1/01.]

WAC 308-390-104 Forms. Only the forms prescribed by RCW 62A.9A-521 and other forms approved by the filing office shall be accepted.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-104, filed 4/27/01, effective 7/1/01.]

WAC 308-390-105 Fees. (1) The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format is \$13.28. If there are additional pages, the fee is \$1.00 for each additional page. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$10.00.

(2) For an initial financing statement that indicates that it is filed in connection with a public-finance transaction or in connection with a manufactured-home transaction will be filed at the fee provided in subsection (1) of this section.

(3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$18.80. The fee for filing and indexing a UCC search request communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$15.00.

(4) UCC search—Copies. The fee for a UCC search and copies of all relevant documents is \$26.57.

(5) UCC search—Partial copies. The fee for a UCC search and copies of first pages only is \$20.00.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-105, filed 4/27/01, effective 7/1/01.]

WAC 308-390-106 Expedited services. Expedited services are not provided.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-106, filed 4/27/01, effective 7/1/01.]

WAC 308-390-107 Methods of payment. Filing fees and fees for public records services may be paid by the following methods:

(1) Cash. Payment in cash shall be accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks and money orders made payable to the department of licensing shall be accepted if they are drawn on a bank acceptable to the filing office.

(3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

(4) Credit cards. The filing office shall accept payment by credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. This method of payment is accepted for on-line services only.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-107, filed 4/27/01, effective 7/1/01.]

WAC 308-390-108 Overpayment and underpayment policies. (1) Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter. The filing officer shall refund an overpayment of \$9.99 or less only upon the written request of the remitter.

(2) Underpayment. Upon receipt of a document with an insufficient fee, a copy of the document shall be returned to the remitter as provided in WAC 308-390-204(2). A refund shall be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer's office. Warrants shall be redeemed within one hundred eighty days from date of issue and will not be reissued.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-108, filed 4/27/01, effective 7/1/01.]

WAC 308-390-109 Bulk records. Bulk data from the UCC information management system shall be available in a format approved by the department. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from the filing officer upon request. Charges shall be determined by written agreement between the department and the purchaser.

[2002 WAC Supp—page 1546]

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-109, filed 4/27/01, effective 7/1/01.]

WAC 308-390-200 Acceptance and refusal of records. The following filing requirements are in addition to those outlined in chapter 62A.9A RCW.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-200, filed 4/27/01, effective 7/1/01.]

WAC 308-390-201 Multiple names. (1) To file multiple debtor names on a paper submittal, a filer must provide the additional names in boxes 2 or 11 only of the national UCC Financing Statement and box 7 only on the national UCC Financing Statement Amendment. Debtor names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

(2) To file multiple secured party names on a paper submittal, a filer must provide the additional names in box 12 only of the national UCC Financing Statement Addendum and box 7 of the national UCC Financing Statement Amendment. Secured party names appearing in other boxes or on attachments will not be indexed. There is no limit to the number of addendum pages that may be attached.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-201, filed 4/27/01, effective 7/1/01.]

WAC 308-390-202 Deadline for filing a continuation statement. (1) The first day on which a continuation may be filed is the date corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses, although filing by certain means may not be possible on the date if the filing office is not open on that date. The relevant lapse date for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-202, filed 4/27/01, effective 7/1/01.]

WAC 308-390-203 Acknowledgment. (1) If there is no ground for refusal of the document, an acknowledgment is prepared and sent to the address provided in box B of the national forms. If the financing statement was tendered by on-line access, the notice or acknowledgment is transmitted to the remitter by on-line response.

(2) The acknowledgment will show the financing statement as it was recorded. The filer shall be responsible for verifying that the information was recorded accurately. If an input error is detected, the filer must notify the filing office within ninety days of the date of filing and the record will be corrected as provided in WAC 308-390-401. If no objection to the department of licensing record is communicated by the

filer within ninety days, the record will be deemed identical to the filing submitted.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-203, filed 4/27/01, effective 7/1/01.]

WAC 308-390-204 Grounds for refusal. (1) In addition to the grounds listed in RCW 62A.9A-516 allowing the filing officer to refuse a UCC record, the filing officer shall refuse a UCC record if:

(a) The record contains illegible information. The term "illegible" is not limited to refer only to written expressions on paper; it requires machine-readable transmission in all formats. Labels and imprints from an ink stamp are illegible.

(b) No address is given in the address field. As used in this section, address is deemed to include city and state.

(c) The information on the financing statement form is not machine-printed. Attachments to the form, however, may be handwritten.

(d) The filing officer is unable to decipher the information provided.

(2) Procedure upon refusal. If the filing officer finds grounds to refuse a financing statement, the filing officer shall return an image of the document to the remitter and shall refund the filing fee in the form of a warrant issued by the state treasurer's office.

(3) Multiple secured parties. If the record contains more than one secured party or assignee name or address and some names or addresses are missing, the grounds for refusal shall be applied to each secured party separately.

(4) Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

(5) Refusal errors. If, within ninety days of the date of the refusal notice, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer shall file the UCC record with the filing date and time the UCC record was originally tendered for filing. The filing officer shall also file a statement noting when and why the record was changed.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-204, filed 4/27/01, effective 7/1/01.]

WAC 308-390-300 UCC information management system. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements which have not lapsed. The rules in this section describe the UCC information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-300, filed 4/27/01, effective 7/1/01.]

WAC 308-390-301 Primary data elements. The primary data elements used in the UCC information management system are the following:

(1) Identification numbers.

(a) Each initial financing statement is identified by its file number as described in RCW 62A.9A-519(b). Identification of the initial financing statement is permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

(b) A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

(5) Status of financing statement. In the information management system, each financing statement has a status of lapsed or unlapsed.

(6) Page count. The total number of pages in a UCC document is maintained in the information management system.

(7) Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in RCW 62A.9A-515.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-301, filed 4/27/01, effective 7/1/01.]

WAC 308-390-302 Names of debtors who are individuals. For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC record who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., "Cher") in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be

entered in the UCC information management system. However, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are entered in a field designated for name suffixes. In either case, they will be entered into the information management system exactly as received.

(4) Truncation—Individual names. Personal name fields in the UCC data base are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- (a) First name: 100 characters.
- (b) Middle name: 100 characters.
- (c) Last name: 100 characters.
- (d) Suffix: 10 characters.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-302, filed 4/27/01, effective 7/1/01.]

WAC 308-390-303 Names of debtors that are organizations. This rule applies to the name of an organization who is a debtor or a secured party on a UCC record.

(1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) Truncation—Organization names. The organization name field in the UCC data base is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-303, filed 4/27/01, effective 7/1/01.]

WAC 308-390-304 Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under WAC 308-390-302.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-304, filed 4/27/01, effective 7/1/01.]

WAC 308-390-305 Trusts. If the trust is named in its organic record(s), its full legal name, as set forth in such record(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC record that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property

held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under WAC 308-390-403.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-305, filed 4/27/01, effective 7/1/01.]

WAC 308-390-306 Initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. The status of a debtor named on the record shall be active and shall continue as active until one year after the financing statement lapses.

(3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-306, filed 4/27/01, effective 7/1/01.]

WAC 308-390-307 Amendment. Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

(a) Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

(b) Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC records that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will reveal such initial financing statement and such related UCC records. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

(c) Secured party name change. An amendment that changes the name of a secured party has no effect on the sta-

tus of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

(d) Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

(e) Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

(f) Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(g) Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-307, filed 4/27/01, effective 7/1/01.]

WAC 308-390-308 Assignment of powers of secured party of record. (1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-308, filed 4/27/01, effective 7/1/01.]

WAC 308-390-309 Status of parties upon filing a continuation. (1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-309, filed 4/27/01, effective 7/1/01.]

WAC 308-390-310 Status of parties upon filing a termination. (1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information

management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-310, filed 4/27/01, effective 7/1/01.]

WAC 308-390-311 Correction statement. (1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-311, filed 4/27/01, effective 7/1/01.]

WAC 308-390-312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement lapsed and the financing statement will no longer be made available to a searcher unless unlapsed statements are requested by the searcher and the financing statement is still retrievable by the information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-312, filed 4/27/01, effective 7/1/01.]

WAC 308-390-313 XML records. (1) The Extensible Markup Language (XML format), as adopted by the International Association of Corporation Administrators, is adopted in this state for electronic transmission of UCC records. At the request of an authorized XML remitter, the filing officer shall identify which versions and releases of the XML format are acceptable to the filing office.

(2) Implementation guide. The filing office publishes an implementation guide that prescribes the use of the XML format. The guide shall be available to the public upon request.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-313, filed 4/27/01, effective 7/1/01.]

WAC 308-390-314 EDI documents. Electronic data interchange (EDI) of UCC records using ANSI X12 154 standards is not an accepted form of electronic transmission.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-314, filed 4/27/01, effective 7/1/01.]

WAC 308-390-315 Direct on-line (non-XML) filing and search procedures. (1) Direct on-line filing and search services are available to any person with internet access to the UCC website. On-line services require payment by credit card or an ACH account number as provided in WAC 308-390-107.

(2) Record filing procedures. Initial financing statements and amendments may be filed via the UCC website that allows entry of the information permitted on the national forms. A record which is created by the filer in this manner is

subject to all of the provisions of this chapter as if it were a paper document submitted to the filing office, except that attachments may not be submitted. Instructions on how to file are provided on the website.

(3) Search request procedures. A certified search naming a particular debtor may be obtained via the UCC website. A request that is created by the filer in this manner is subject to all of the provisions of this chapter as if it were a paper search request submitted to the filing office. Copies of individual financing statements may be ordered on-line, but will not be displayed or transmitted on-line. Copies will be deposited in the U.S. Postal Service within two business days following receipt of the request. Instructions on how to request a certified search are provided on the website.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-315, filed 4/27/01, effective 7/1/01.]

WAC 308-390-400 Filing and data entry procedures.

This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC record. Except as provided in these rules, data are transferred from a UCC record to the information management system exactly as the data are set forth in the record or search request. No effort is made to correct errors of any kind.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-400, filed 4/27/01, effective 7/1/01.]

WAC 308-390-401 Errors of the filing officer. The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction occurs after the filing officer has issued a certification date, the filing officer shall file a filing officer statement in the UCC information management system identifying the record to which it relates, the date of the correction, and explaining the nature of the corrective action taken. The record shall be preserved as long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-401, filed 4/27/01, effective 7/1/01.]

WAC 308-390-402 Notice of bankruptcy. The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-402, filed 4/27/01, effective 7/1/01.]

WAC 308-390-403 Data entry of names. A record should designate whether a name is a name of an individual or an organization. If the name is that of an individual, the first, middle and last names and any suffix shall be given.

(1) Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.

(2) Individual names. The filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-403, filed 4/27/01, effective 7/1/01.]

WAC 308-390-500 Search requests and reports. General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor, the name of the secured party, and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-500, filed 4/27/01, effective 7/1/01.]

WAC 308-390-501 Search requests. Search requests shall contain the following information:

(1) Name searched. A customer's search request should state the full correct name of the debtor or the name variant to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted.

(2) Fee. The appropriate fee shall be enclosed, payable by a method described in WAC 308-390-107.

(3) Search request with filing. If a filer requests a search at the time a UCC record is filed, the name searched will be the debtor name as set forth on the form. The requesting party shall be the remitter of the UCC document, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC document is filed.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-501, filed 4/27/01, effective 7/1/01.]

WAC 308-390-502 Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

(1) There is no limit to the number of matches that may be returned in response to the search criteria.

(2) No distinction is made between upper and lower case letters.

(3) Punctuation marks and accents are disregarded.

(4) Words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

(5) The word "the" at the beginning of the search criteria is disregarded.

(6) All spaces are disregarded.

(7) For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith"

would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unlapsed financing statements and exactly match the name requested, as modified.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-502, filed 4/27/01, effective 7/1/01.]

WAC 308-390-503 Optional information. A UCC search request must be submitted on an approved form and may contain any of the following information:

(1) The request may limit the records requested by limiting them by the city of the debtor, the date of filing (or a range of filing dates), or specific file number(s). A report created by the filing officer in response to such a request shall contain the statement:

"A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

(2) The request may ask for copies of all pages or of first pages only of UCC documents identified on the primary search response.

(3) The request may ask for a listing of all financing statements and notices that include a named secured party in a specific city and state. Copies may not be requested.

(4) The request may ask for records of lien notices only, or by type of lien.

(5) The request may ask for all records maintained by the information management system including those that have lapsed within the last twelve months.

(6) Instructions to return results by express mail will be honored if the remitter includes a prepaid way-bill or account number and the requested mode is available to the filing office.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-503, filed 4/27/01, effective 7/1/01.]

WAC 308-390-504 Search responses. Reports created in response to a search request shall include the following:

(1) Filing officer. Identification of the filing officer and the certification of the filing officer required by RCW 62A.9A-523.

(2) Report date. The date the report was generated.

(3) Name searched. Identification of the name searched.

(4) Certification date. The certification date and time for which the search is effective.

(5) Identification of initial financing statements. Identification of each unlapsed initial financing statement or lien filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.

(6) History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.

(7) Copies. Copies of all UCC records revealed by the search and requested by the searcher.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-504, filed 4/27/01, effective 7/1/01.]

WAC 308-390-505 Transition. For five years after the on-line search application is made available, a person may browse the UCC data base at no cost for the purpose of identifying debtor names to be searched. Instructions on how to use the browse function are provided on the UCC website. The noncertified response to a debtor name browse will include whether or not an exact name match occurred and if so, in what city the debtor resides. A data browse may not reveal all filings against the debtor searched, or may reveal filings against other debtors, and the searcher bears the risk of relying on the uncertified inquiry.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-505, filed 4/27/01, effective 7/1/01.]

WAC 308-390-600 Other lien notices. Notices of certain liens are filed in the UCC office and are included in search reports.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-600, filed 4/27/01, effective 7/1/01.]

WAC 308-390-601 Agricultural liens. Agricultural liens are filed in the same manner as an initial financing statement. The filer shall designate the statement as an agricultural lien in box 5. The lien shall be indexed by debtor name and will be revealed by searches as provided in WAC 308-390-504.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-601, filed 4/27/01, effective 7/1/01.]

WAC 308-390-602 Preparer or processor lien. (1) A producer or commercial fisherman may authenticate a record evidencing a preparer or processor lien using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by adding the following statutory requirements prescribed in RCW 60.13.040:

(a) Designate the statement as a preparer or processor lien by marking "Non-UCC Filing" (not AG-lien) in box 5 and naming the type of lien in box 8.

(b) Identify name and address of the preparer, processor, or conditioner to be charged with the lien in box 1.

(c) Identify name and address of the lien holder in box 3.

(d) Describe the agricultural product or fish to be charged with the lien in box 4.

(e) State the amount of the debt and the date on which payment was due in box 10 of the Addendum.

(2) Where to file. File in the department of licensing as provided in WAC 308-390-102.

(3) Fee. The fees are the same as provided in WAC 308-390-105.

(4) Duration. The lien lapses five years after the date of filing unless continued as provided in WAC 308-390-202.

(5) Mechanics of search. All liens and financing statements are revealed in a search as provided in WAC 308-390-504.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-602, filed 4/27/01, effective 7/1/01.]

WAC 308-390-603 Notice of liens in favor of a governmental body. Records of certain governmental liens are maintained by the filing office under statutes other than the UCC and are treated in a manner substantially similar to UCC records. These liens are included on all searches as provided in WAC 308-390-504.

(1) Notice of Federal Tax Lien, RCW 60.68.045

(2) Criminal Profiteering Lien, RCW 9A.82.120-140

(3) Department of Justice Lien, RCW 60.68.015

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-603, filed 4/27/01, effective 7/1/01.]

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

308-400-010 through 308-400-120 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-400-010 Authority and purpose. [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, § 308-400-010, 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), § 308-400-010, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-010, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-010, filed 2/9/82. Formerly WAC 434-16-010.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-020 Applicable statutes. [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), § 308-400-020, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-020, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-020, filed 2/9/82. Formerly WAC 434-16-020.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-025 Filing of crop liens and processor and preparer liens for agricultural, dairy and commercial fish products. [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, § 308-400-025, 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), § 308-400-025, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-025, filed 12/2/86, effective 1/1/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority:

Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-030 Definitions. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-053 Acceptance of documents for filing. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-056 Return of acknowledgment. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-056, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-056, filed 6/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-058 Signature requirements. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-059 Termination statement, statement of discharge lien termination statement and certificate of release. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-060 Rejection of documents. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-060, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-060, filed 2/9/82. Formerly WAC 434-16-060.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-062 Incompatible actions. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

308-400-080 Delegation of certification authority. [Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-080, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-080, filed 2/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

- 308-400-092 Overpayment of fees. [Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-092, filed 6/9/82.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-095 Fees. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-100 Fees, forms and procedures—Filing processor and preparer liens for agricultural, dairy, or commercial fish products. [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, § 308-400-100, 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), § 308-400-100, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-100, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-110 Forms, fees and procedures—Filing crop liens. [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), § 308-400-110, filed 7/30/87.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-400-120 Forms, fees, and procedures—Filing federal liens. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

WAC 308-400-010 through 308-400-120 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 308-410 WAC

UNIFORM COMMERCIAL CODE FIELD ACCESS

WAC

308-410-010 through 308-410-070 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-410-010 Purpose and authority. [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), § 308-410-010, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

- 308-410-020 Definitions. [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), § 308-410-020, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-030 Filing information available for review. [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), § 308-410-030, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-040 Application to become a user. [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), § 308-410-040, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-060 Contract for use. [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), § 308-410-060, filed 1/19/88.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.
- 308-410-070 Fees. [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.] Repealed by 01-10-056, filed 4/27/01, effective 7/1/01. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW.

WAC 308-410-010 through 308-410-070 Repealed.
See Disposition Table at beginning of this chapter.

Title 314 WAC

LIQUOR CONTROL BOARD

Chapters

- 314-01** Definitions.
- 314-04** Hearings.
- 314-08** Practice and procedure.
- 314-09** Contested liquor license applications and renewals.
- 314-10** Sale and distribution of tobacco products.
- 314-11** General requirements for licensees.
- 314-12** General—Applicable to all licensees.
- 314-13** Retail licensees purchasing beer, wine, and spirits.
- 314-14** Alcohol server training program.
- 314-16** Retail licensees.
- 314-17** Mandatory alcohol server training.
- 314-24** Domestic wineries and domestic wine distributors.
- 314-29** Hearings.
- 314-42** Liquor control board operations.
- 314-70** Disposition of liquor stock following discontinuance of business and/or lawful seizure of liquor by a governmental agency.