

# Title 308 WAC

## LICENSING, DEPARTMENT OF

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

### Chapters

308-10	Public records disclosure.
308-13	Board of licensure for landscape architects.
308-14	Court reporters.
308-20	Cosmetology—Barber—Manicurist—Esthetician rules.
308-22	Body art, body piercing, and tattooing rules.
308-48	Funeral directors and embalmers.
308-56A	Certificates of title—Motor vehicles, etc.
308-65	Hulk haulers/scrap processors.
308-66	Motor vehicle dealers and manufacturers.
308-93	Vessel registration and certificates of title.
308-96A	Vehicle licenses.
308-100	Drivers' licenses—Special provisions.
308-104	Drivers' licenses.
308-107	Ignition interlock driver's license.
308-124	Real estate brokers and salespersons—General provisions.
308-124A	Real estate—Licensing and examination.
308-124B	Real estate—Broker's office.
308-124C	Real estate—Records and responsibilities.
308-124D	Real estate—Operational procedures.
308-124E	Real estate—Trust account procedures.
308-124H	Real estate course school and instructor approval—Education of real estate brokers and salespersons.
308-125	Real estate appraisers.
308-200A	Department of licensing environmental regulations.
308-300	Consolidated licensing system.
308-330	Washington model traffic ordinance.
308-391	Uniform Commercial Code, Article 9.
308-408B	Education—Home inspector course approval.

### Chapter 308-10 WAC

#### PUBLIC RECORDS DISCLOSURE

#### WAC

308-10-005	Authority and purpose.
308-10-010	Definitions.
308-10-015	Location of administrative office.
308-10-020	Operations and procedures.
308-10-025	Public records available.
308-10-030	Public records officer.
308-10-040	Requests for public records.
308-10-041	Processing of public records requests—General.
308-10-042	Processing of public records requests—Electronic records.
308-10-045	Costs of providing copies of public records.
308-10-050	Exemptions.
308-10-055	Review of denials of public records.
308-10-067	Public records indexing system.
308-10-070	Communications with department.

**WAC 308-10-005 Authority and purpose.** (1) RCW 42.56.070(1) requires each agency to make available for

inspection and copying nonexempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency.

(2) The purpose of these rules is to establish the procedures the department of licensing will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the department of licensing and establish processes for both requestors and the department of licensing staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the department of licensing will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-005, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-005, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 92-09-107, § 308-10-005, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-005, filed 12/24/75.]

**WAC 308-10-010 Definitions.** (1) The definitions set forth in RCW 42.56.010 shall apply to this chapter.

(2) "Designee" is a department employee authorized by the public records officer to receive and respond to a public records request.

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

(4) "Director" means the director of the department of licensing as appointed by the governor.

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

(6) "Individual" means a natural person.

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

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

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-010, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-010, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110. 99-17-031, § 308-10-010, filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-010, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-010, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-010, filed 12/24/75.]

**WAC 308-10-015 Location of administrative office.** The administrative office of the department and its director

and staff is located in the Highways-Licenses Building, 1125 Washington Street Southeast, Olympia 98504. The administrative office of the public records officer is located at 8005-A River Drive Southeast, Olympia 98501.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-015, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.250. 92-09-107, § 308-10-015, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-015, filed 12/24/75.]

**WAC 308-10-020 Operations and procedures.** (1)

The department is organized under a director, deputy director, chief financial officer, chief information officer and three assistant directors. Each assistant director and officer is delegated authority to act in a specific functional area. The five major functional components are: Driver and vehicle services, driver policy and programs, finance and administration division, information services, and business and professions division.

(2) The director of the department is appointed by the governor, with consent of the senate, and holds office at the pleasure of the governor.

(a) Subject to statutory limitations the director has complete charge of the department. The director may delegate any power or duty vested in the office to any assistant or subordinate, but remains responsible for the official acts of the officers and employees.

(b) By the specific powers of legislation and delegation the director is charged with the responsibility and authority to act and direct in the following areas:

(i) Efficiently administer the laws pertaining to licensing of vehicles, vehicle operators, professions, occupations, real estate, vessels, and businesses.

(ii) Adopt and enforce rules consistent with, and necessary to carry out, the provisions of existing laws.

(c) Each assistant director and officer reports directly to the deputy director, unless otherwise prescribed.

(d) Unless specifically delegated the director shall establish and maintain relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, boards and commissions, and the press.

(e) The director shall have direct authority over matters pertaining to public information, research, and legal issues.

(3) The assistant director, driver and vehicle services, has authority to act in the following areas:

(a) Administer laws pertaining to:

(i) Vehicle and vessel licensing and excise tax programs;

(ii) Fuel tax programs;

(iii) Proration and reciprocity programs;

(iv) Vehicle and vessel dealer, manufacturer licensing and inspection programs;

(v) Miscellaneous vehicle licensing programs including: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ORV vehicle dealers; and

(vi) Driver licensing and nondriver identification card programs.

(b) Adopt and enforce rules and standards to carry out the provisions of existing law.

(c) Administer the licensing functions of county auditors, and licensing agents who have been appointed by county auditors to act on behalf of the department.

(4) The assistant director, driver policy and programs, has authority to act in the following areas:

(a) Administer the laws pertaining to driver licensing, financial responsibility, and driver improvement;

(b) Adopt and enforce rules and standards to carry out the provisions of existing law.

(5) The assistant director, business and professions division, has authority to act in the following areas:

(a) Administer the laws in conjunction with appointed boards pertaining to the following professions, occupations, and businesses:

Appraisers  
Architects  
Auctioneers  
Bail bonds  
Boxing  
Camping resorts  
Cemeteries  
Collection agencies  
Cosmetologists  
Court reporters  
Driver training schools  
Employment agencies  
Engineers  
Firearms  
Funeral directors  
Geologists  
Home inspectors  
Land surveyors  
Landscape architects  
Limousines  
Martial arts  
Notaries public  
On-site wastewater treatment  
Real estate  
Private investigators  
Security guards  
Sellers of travel  
Timeshares  
Tattoo and body piercing  
Vehicle for hire (includes taxis)  
Wrestling  
Uniform commercial code (UCC)

(i) The assistant director of the business and professions division helps administer the laws in conjunction with appointed boards, who exercise administrative and regulatory functions. Those boards are as follows:

Real Estate Appraiser Commission  
Board of registration for architects  
Board of funeral directors and embalmers  
Cemetery licensing board  
Collection agency board  
Cosmetology, barbering, esthetics, and manicuring advisory board  
Professional engineers and land surveyors board  
Landscape architect board

Real estate commission  
On-site wastewater design advisory committee  
Geologist licensing board

(ii) Correspondence to these boards should be directed to the program units for the boards.

(b) Adopt and enforce the rules, regulations and standards in conjunction with appointed boards to carry out the provisions of existing laws.

(c) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in legislation, rules, or regulations relative to professions, occupations, or businesses.

(d) Administer the laws pertaining to Uniform Commercial Code, business licensing and registration.

(6) The chief financial officer, finance and administration division, has authority to act in the following areas:

(a) Develop, promote, and direct department activities and programs which relate to:

- (i) Budget and management systems;
- (ii) Supply and equipment procurement;
- (iii) Records management;
- (iv) Fiscal and revenue accounting;
- (v) Contracts;
- (vi) Safety and risk management;
- (vii) Facilities;
- (viii) Customer service center operations;
- (ix) Transportation;
- (x) Commute trip reduction;
- (xi) Sustainability;
- (xii) Public records disclosure;
- (xiii) Mail center operations;

(b) Organize, provide, and manage integrated staff services to best serve the overall interests of the department.

(7) The chief information officer, information services, has the authority to act in the following areas:

(a) Develop, promote, coordinate, and direct department activities which relate to the automated processing of data.

(b) Consult and work with other state agencies in structuring and phase-in of interagency related programs.

(c) Develop and implement a formal problem reporting system.

(8) The department conducts informal and formal proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.05, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.05 RCW, the Administrative Procedure Act, other than those actions taken pursuant to chapter 46.29 RCW. The department has adopted rules in Title 308 WAC.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-020, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-020, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-020, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-020, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-020, filed 12/24/75.]

**WAC 308-10-025 Public records available.** All public records of the department are deemed to be available for pub-

lic inspection and copying during normal business hours pursuant to these rules, except as otherwise provided by chapters 42.56 and 46.12 RCW, WAC 308-10-050 and 308-93-087. For the purposes of this chapter, the normal business hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-025, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-025, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-025, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-025, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-025, filed 12/24/75.]

**WAC 308-10-030 Public records officer.** The department's public records officer shall be designated by the director and is the point of contact for public records requests. The person so designated shall be located in the administrative office mentioned in WAC 308-10-015. The public records officer shall be responsible for the following: The implementation of the department's rules regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records and ensuring compliance with the public records disclosure act requirements.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-030, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-030, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-030, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-030, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-030, filed 12/24/75.]

**WAC 308-10-040 Requests for public records.** In accordance with requirements of chapter 42.56 RCW, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon the department's public records request form or by letter, fax, or e-mail addressed to the public records officer or designee where the record is held. The request shall include the following information:

- (a) The name and address of the person requesting the record.
- (b) The calendar date on which the request is made.
- (c) The nature of the request.
- (d) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is required.

(e) The signature and other contact information including telephone number and any e-mail address. A signature is not required for requests submitted by e-mail.

(f) If for a "motor vehicle record" as defined in 18 U.S.C. 2725, a statement of the allowable use under 18 U.S.C. 2721 that will be made of the requested record.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

(4) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records under WAC 308-10-045.

(5) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm, in writing, receipt of the information and the substance of the request.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-040, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-040, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-040, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-040, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-040, filed 12/24/75.]

**WAC 308-10-041 Processing of public records requests—General.** (1) Providing "fullest assistance." The department is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) Acknowledging receipt of request. Within five business days of receipt of the request, the public records officer or designee will do one or more of the following:

(a) Make the records available for inspection or copying;  
 (b) If copies are requested and payment for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided in a letter, by telephone or e-mail. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) Consequences of failure to respond. If the department does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer or designee to determine the reason for the failure to respond.

(4) Protecting rights of others. In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give

notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) Inspection of records.

(a) Consistent with other demands, the department shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the department's notification to him or her that the records are available for inspection or copying. The department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the department to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the department may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(6) Providing copies of records. After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(7) Providing records in installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(8) Completion of inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the department has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(9) Closing withdrawn or abandoned request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer or designee will close the request and indicate to the requestor that the department has closed the request.

(10) Later discovered documents. If, after the department has informed the requestor that it has provided all available records, the department becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-041, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-041, filed 7/26/06, effective 8/26/06.]

**WAC 308-10-042 Processing of public records requests—Electronic records.** (1) Requesting electronic records. The process for requesting electronic public records is the same as for requesting paper public records.

(2) Providing electronic records. The public records officer or designee will provide the nonexempt records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps its records.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-042, filed 4/27/10, effective 5/28/10.]

**WAC 308-10-045 Costs of providing copies of public records.** (1) No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

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

(2) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The department will not charge sales tax when it makes copies of public records.

(3) Payment may be made by check or money order to the department.

(4) When it is in the fiscal and administrative interest of the state, the public records officer or designee may waive charges of \$4.50 or less.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-045, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-045, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110 and 42.17.-260. 99-09-045, § 308-10-045, filed 4/19/99, effective 5/20/99. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-045, filed 2/15/96, effective 3/17/96; 92-09-107, § 308-10-045, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-045, filed 12/24/75.]

**WAC 308-10-050 Exemptions.** (1) The department may determine that a public record requested is exempt under the provisions of chapter 42.56 RCW. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure.

(2) Under RCW 42.56.210, the department may delete identifying details when it makes available or publishes any

public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.56 RCW.

(3) The department will not release personal or highly restricted information, as defined in 18 U.S.C. 2725 (4), from records pertaining to motor vehicle operator's licenses and permits, motor vehicle titles, motor vehicle registrations, and identification cards, unless the release both is considered a permissible use under 18 U.S.C. 2721 and is otherwise permitted by state law. In construing 18 U.S.C. 2721 (b)(2), the release of personal information for use in connection with matters of motor vehicle safety or driver safety shall be deemed to include the physical safety of persons as drivers, passengers or pedestrians and their motor vehicles or property.

(4) All denials of requests for public records will be accompanied by a written statement specifying the reason for the deletion or denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(5) The department is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-050, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-050, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 46.01.110. 97-17-009, § 308-10-050, filed 8/7/97, effective 9/13/97. Statutory Authority: RCW 42.17.250. 92-09-107, § 308-10-050, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-050, filed 12/24/75.]

**WAC 308-10-055 Review of denials of public records.** (1) Petition for internal administrative review of denial of access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) Consideration of petition for review. The public records officer shall promptly provide the petition and any other relevant information to the manager of administration, finance and administration division. That person will immediately consider the petition and either affirm or reverse the denial within ten business days following the department's receipt of the petition, or within such other time as the department and the requestor mutually agree to.

(3) Review by the attorney general's office. Pursuant to RCW 42.56.530, if the department denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) Judicial review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-055, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-055, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 92-09-

107, § 308-10-055, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-055, filed 12/24/75.]

### WAC 308-10-067 Public records indexing system. (1)

The department has implemented a system of indexing for identification and location of the following records:

(a) All records issued before July 1, 1990, for which the department has maintained an index.

(b) Final orders from adjudicative proceedings as defined in RCW 34.05.010(1) entered after June 30, 1990, that contain an analysis or decision of substantial importance to the department in carrying out its duties.

(c) Declaratory orders entered after June 30, 1990, that contain an analysis or decision of substantial importance to the department in carrying out its duties.

(d) Interpretive statements entered after June 30, 1990.

(e) Policy statements entered after June 30, 1990.

(2) The department shall maintain a general index of all its records available to the public for inspection and copying, including those records mentioned above.

(3) The general index of public records will be maintained and updated by the department. The public records officer is responsible for updating the general index. The index of records is available during regular business hours for public inspection at the department's administrative office located at 8005-A River Drive Southeast, Olympia 98501 and is available on-line at [www.dol.wa.gov](http://www.dol.wa.gov).

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-067, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-067, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 96-05-036, § 308-10-067, filed 2/15/96, effective 3/17/96. Statutory Authority: RCW 42.17.260(4). 91-13-057, § 308-10-067, filed 6/17/91, effective 7/18/91.]

### WAC 308-10-070 Communications with department.

All written communications with the department pertaining to the administration or enforcement of chapter 42.56 RCW and these rules shall be addressed as follows: Department of Licensing, c/o Public Records Officer, 8005-A River Drive Southeast, Olympia 98501.

[Statutory Authority: RCW 42.56.040, [42.56.]070, and 46.01.110. 10-10-040, § 308-10-070, filed 4/27/10, effective 5/28/10. Statutory Authority: RCW 42.17.260, 42.17.250, and 46.01.110. 06-16-039, § 308-10-070, filed 7/26/06, effective 8/26/06. Statutory Authority: RCW 42.17.250. 92-09-107, § 308-10-070, filed 4/20/92, effective 5/21/92; Order MV 348, § 308-10-070, filed 12/24/75.]

## Chapter 308-13 WAC

### BOARD OF LICENSURE FOR LANDSCAPE ARCHITECTS

#### WAC

308-13-005	Definitions.
308-13-010	What does the state board of licensure do?
308-13-013	What are the board member rules of conduct?
308-13-020	How do I get a license?
308-13-031	Law review.
308-13-050	How can I get a license through reciprocity?
308-13-055	Do I need a stamp or seal?
308-13-065	What are the standards of practice and conduct?
308-13-150	What are the landscape architect fees and charges?
308-13-160	How do I renew my license?
308-13-165	How do I reactivate my inactive license?
308-13-175	Do I need ongoing professional development to maintain my license?

308-13-185	What activities qualify as professional development?
308-13-195	How do I record and report my professional development activities?
308-13-205	How does the board verify I have completed my professional development?
308-13-215	Are there any exemptions from the professional development requirement?
308-13-225	How do I obtain retired status?
308-13-240	Reinstatement of suspended certificates, eligibility for registration, or denied renewals.

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

308-13-011	The seal/stamp. [Statutory Authority: RCW 18.96.060. 08-22-027, § 308-13-011, filed 10/28/08, effective 11/28/08.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-055.
308-13-012	Standards of practice and conduct. [Statutory Authority: RCW 18.96.060. 08-22-027, § 308-13-012, filed 10/28/08, effective 11/28/08.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-065.
308-13-015	Powers and duties of the board. [Statutory Authority: RCW 18.96.060. 96-10-013, § 308-13-015, filed 4/19/96, effective 5/20/96; 86-16-013 (Order PM 607), § 308-13-015, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-015, filed 1/31/85; Order 2472, § 308-13-015, filed 12/16/69.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
308-13-024	Application for examination. [Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-024, filed 2/15/07, effective 3/18/07; 02-07-047, § 308-13-024, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-024, filed 4/19/96, effective 5/20/96; 93-16-009, § 308-13-024, filed 7/22/93, effective 8/22/93.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
308-13-032	Licensing examination. [Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-032, filed 2/15/07, effective 3/18/07; 93-16-009, § 308-13-032, filed 7/22/93, effective 8/22/93; 92-10-030, § 308-13-032, filed 4/30/92, effective 5/31/92. Statutory Authority: RCW 18.96.060 and 18.96.090. 88-12-018 (Order PM 726), § 308-13-032, filed 5/24/88. Statutory Authority: RCW 18.96.060. 85-23-045 (Order PL 567), § 308-13-032, filed 11/18/85; 85-04-029 (Order PL 511), § 308-13-032, filed 1/31/85.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
308-13-036	Supplemental application after successful completion of examination. [Statutory Authority: RCW 18.96.060. 02-07-047, § 308-13-036, filed 3/14/02, effective 4/14/02.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
308-13-040	Review of examinations. [Statutory Authority: RCW 18.96.060. 92-10-030, § 308-13-040, filed 4/30/92, effective 5/31/92; 86-16-013 (Order PM 607), § 308-13-040, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-040, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-040, filed 5/7/80; Order 2472, § 308-13-040, filed 12/16/69.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
308-13-045	Initial license. [Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-045, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-045, filed 2/27/97, effective 3/30/97.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
308-13-100	Reinstatement of delinquent, suspended, or revoked licenses. [Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-100, filed 2/15/07, effective 3/18/07; 02-07-047, § 308-13-100, filed 3/14/02, effective 4/14/02; 93-16-009, § 308-13-100, filed 7/22/93, effective 8/22/93; 85-04-029 (Order PL 511), § 308-13-100, filed 1/31/85; Order 2472, § 308-13-100, filed 12/16/69.] Repealed by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060.
308-13-170	Retired status certificate of registration. [Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-170, filed 2/15/07, effective 3/18/07.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10.

308-13-180 Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-225.  
Board member rules of conduct—Activities incompatible with public duties—Financial interests in transactions. [Statutory Authority: RCW 18.96.060, 07-05-039, § 308-13-180, filed 2/15/07, effective 3/18/07.] Decodified and amended by 10-12-116, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060. Recodified as WAC 308-13-013.

**WAC 308-13-005 Definitions.** (1) "CLARB" means the National Council of Landscape Architectural Registration Boards, of which the Washington board is a member.

(2) "Entire examination" as referred to in RCW 18.96.-090 means the written and graphic examination approved by the board.

(3) "Examination" or "L.A.R.E." means the Landscape Architect Registration Examination for landscape architects.

(4) "Institution of higher education" as used in RCW 18.96.070 means a college or school recognized by the Landscape Architectural Accreditation Board (LAAB) as having accredited programs in landscape architecture.

(5) Professional development equivalents:

(a) One professional development hour (PDH) is equal to no less than fifty minutes of instruction.

(b) One continuing education unit (CEU) is equal to ten PDHs.

(c) For professional development through an institution of higher education:

(i) One semester hour equals forty-five PDHs.

(ii) One quarter hour equals thirty PDHs.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-005, filed 6/2/10, effective 7/3/10; 02-07-047, § 308-13-005, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-005, filed 4/19/96, effective 5/20/96; 85-04-029 (Order PL 511), § 308-13-005, filed 1/31/85.]

**WAC 308-13-010 What does the state board of licensure do?** The Washington state board of licensure for landscape architects, hereinafter called the board, will hold quarterly regular public meetings each year.

At its regular meeting during the second quarter of the calendar year, the board shall elect a chair, a vice-chair, and a secretary for the upcoming year. The secretary may delegate his or her responsibilities in all or in part to the executive director.

The board shall:

(1) Determine the qualifications for examination.

(2) Review applications to determine eligibility for licensure by applicants who do not have a degree, referring qualified candidates to CLARB for administration of the examination.

(3) Review and act on applications for licensure by reciprocity.

(4) Provide application instructions for reissuance of license to persons whose license has been suspended or revoked in accordance with RCW 18.96.120, 18.96.180, 18.96.190 and chapter 18.235 RCW.

(5) Provide reinstatement instructions to persons whose license is delinquent in accordance with RCW 18.96.110.

(6) Provide guidelines for qualifying professional development activities.

(7) Audit and enforce professional development activities.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-010, filed 6/2/10, effective 7/3/10; 08-22-027, § 308-13-010, filed 10/28/08, effective 11/28/08; 85-04-029 (Order PL 511), § 308-13-010, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-010, filed 5/7/80; Order 2472, § 308-13-010, filed 12/16/69.]

**WAC 308-13-013 What are the board member rules of conduct?** (1) When a member of the board either owns a beneficial interest in or is an officer, agent, employee, or member of an entity, or individual which is engaged in a transaction involving the board, the member shall:

(a) Recuse oneself from the board discussion regarding the specific transaction;

(b) Recuse oneself from the board vote on the specific transaction; and

(c) Refrain from attempting to influence the remaining board members in their discussion and vote regarding the specific transaction.

(2) The prohibition against discussion and voting set forth in subsection (1)(a) and (c) of this section shall not prohibit the member of the board from using his or her general expertise to educate and provide general information on the subject area to the other members.

(3)(a) "Transaction involving the board" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the member in question believes, or has reason to believe:

(i) Is, or will be, the subject of board action; or

(ii) Is one to which the board is or will be a party; or

(iii) Is one in which the board has a direct and substantial proprietary interest.

(b) Does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a member; or a claim, case, lawsuit, or similar matter if the member did not participate in the underlying transaction involving the board that is the basis for the claim, case, or lawsuit. Rule making is not a "transaction involving the board."

(4) "Board action" means any action on the part of the board, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(5) The following are examples of possible scenarios related to board member rules of conduct.

(a) **EXAMPLE 1:**

The board of licensure for landscape architects disciplines licensed landscape architects in Washington. The board is conducting an investigation involving the services provided by a licensed landscape architect. One of the members of the board is currently serving a subcontractor to that landscape architect on a large project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to disciplinary actions arising from licensed landscape architect services.

**(b) EXAMPLE 2:**

The board of licensure for landscape architects makes licensing decisions on applications for licensure. An applicant for licensure owns a school construction business which employs licensed landscape architects, including one of the board members. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to his or her employer's application for licensure.

**(c) EXAMPLE 3:**

The board of licensure for landscape architects makes licensing decisions on applications from licensed landscape architects in another state or territory of the United States, the District of Columbia, or another country. The board can grant licensure if that individual's qualifications and experience are equivalent to the qualifications and experience required of a person registered under Washington law. An out-of-state applicant is employed as a landscape architect by a multinational corporation that is planning to build its world headquarters in Washington and has hired a board member's firm as the landscape architect for the project. The board member must recuse himself or herself from any board investigation, discussion, deliberation and vote with respect to the sufficiency of the out-of-state landscape architect's qualifications and experience.

(6) Recusal disclosure. If recusal occurs pursuant to subsection (1) of this section, the member of the board shall disclose to the public the reasons for his or her recusal from any board action whenever recusal occurs. The board staff shall record each recusal and the basis for the recusal.

[Statutory Authority: RCW 18.96.060, 10-12-116, amended and recodified as § 308-13-013, filed 6/2/10, effective 7/3/10; 07-05-039, § 308-13-180, filed 2/15/07, effective 3/18/07.]

**WAC 308-13-020 How do I get a license?** You need to fulfill three general requirements before getting your license: Education, examination, and experience.

The board adopts the CLARB's "Standards of Eligibility for Council Certification" as the standard for the education and experience requirements for applicants with a degree. The board does not require a CLARB council certificate for licensure.

Subject to the provisions of RCW 18.96.090, the board adopts the landscape architectural registration examination and grading procedure prepared by CLARB as the state examination for licensure. CLARB will administer the entire examination for Washington candidates, and will collect examination and reexamination fees accordingly.

(1) To register for the examination.

(a) If you have a degree:

(i) Apply directly to CLARB. Your materials will be evaluated using CLARB's "Standards of Eligibility for CLARB Test Center Candidates."

(ii) Contact CLARB to register for the Landscape Architect Registration Examination (LARE).

(iii) CLARB will register you and administer the exam. You will pay the fees for examination and reexamination directly to CLARB.

(b) If you do not have a degree:

(i) You must have a high school diploma or equivalent and at least eight years practical landscape architectural work experience.

(A) At least six years of work experience must be under the direct supervision of a licensed landscape architect.

(B) The remaining two years can be any combination of the following as approved by the board:

(I) Postsecondary education courses in landscape architecture, landscape architectural technology or a related field, if the courses are equivalent to education courses in an accredited landscape architectural degree program.

With a passing grade, thirty-two semester credit hours or forty-five quarter hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(II) Work experience in landscape design as a principal activity.

(C) Work experience will receive credit if it is as follows:

(I) At least thirty-five hours per week for at least two continuous months - 100%.

(II) At least twenty hours per week for at least four continuous months - 50%.

(ii) Submit the following to the board office:

(A) The board's official application form and application fee. The application fee is not refundable.

(B) Evidence of your qualifications and experience as shown by:

(I) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(II) The following materials:

- An official sealed transcript showing any applicable courses you have taken from a community college, technical college, or university. The transcript must be sent directly from the college or university to the board office.

- Verification by at least two licensed landscape architects who have reviewed and provided written acknowledgment of your work.

(iii) If your application is approved, it will be sent to CLARB and CLARB will register you and administer the exam. You will pay the fees for examination and reexamination directly to CLARB.

(2) To obtain a license, submit the following to the board office:

(a) If you have a degree:

(i) The board's official application form with the application fee. The application fee is not refundable;

(ii) Evidence of your qualifications and experience as shown by:

(A) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(B) The following materials:

(I) Verification of successful completion of the exam; and

(II) Statements of previous employers covering full-time employment for a minimum of three years of diversified experience in landscape architecture based on CLARB's Standards of Eligibility for Council Certification;

(iii) The initial license fee;

(iv) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031;

(b) If you don't have a degree:

(i) Evidence of your qualifications and experience as shown by:

(A) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(B) Verification of successful completion of the exam;

(ii) The initial license fee;

(iii) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-020, filed 6/2/10, effective 7/3/10; 07-05-039, § 308-13-020, filed 2/15/07, effective 3/18/07; 02-07-047, § 308-13-020, filed 3/14/02, effective 4/14/02; 93-16-009, § 308-13-020, filed 7/22/93, effective 8/22/93. Statutory Authority: RCW 18.96.060 and 18.96.070, 88-05-025 (Order PM 707), § 308-13-020, filed 2/12/88. Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-020, filed 1/31/85; Order PL 246, § 308-13-020, filed 4/26/76; Order 2472, § 308-13-020, filed 12/16/69.]

**WAC 308-13-031 Law review.** When you successfully complete the licensing examination, you must then satisfactorily complete the review of laws related to the practice of landscape architecture as determined by the board.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-031, filed 6/2/10, effective 7/3/10.]

**WAC 308-13-050 How can I get a license through reciprocity?** If you hold an active landscape architect license in another state or country, you can apply for a Washington license if your qualifications and experience meet the following criteria:

- If you have a degree, your qualifications will be evaluated using CLARB's Standard of Eligibility for Council Certification.

- If you do not have a degree, your qualifications and experience must be comparable to WAC 308-13-020.

Submit to the board office:

(1) The board's official application form and reciprocity application fee. The application fee is not refundable;

(2) The initial license fee;

(3) A written review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031;

(4) Evidence of your qualifications and experience as shown by:

(a) National certification from CLARB, sent directly to the Washington board office from CLARB; or

(b) The following materials:

(i) Certification from the state of licensure, verifying you hold an active license and have successfully passed the national licensure exam. This certification must be sent directly from the issuing state to the Washington board office;

(ii) An official sealed transcript showing any applicable courses you have taken from a community college, technical college, or university. The transcript must be sent directly from the college or university to the board office; and

(iii) Verification of work experience as outlined in WAC 308-13-020 (1)(b).

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-050, filed 6/2/10, effective 7/3/10; 02-07-047, § 308-13-050, filed 3/14/02, effective 4/14/02; 96-10-013, § 308-13-050, filed 4/19/96, effective 5/20/96; 85-04-029 (Order PL 511), § 308-13-050, filed 1/31/85; Order PL 206, § 308-13-050, filed 11/5/75; Order PL 169, § 308-13-050, filed 6/19/74; Order PL-

135, § 308-13-050, filed 11/13/72; Order 2472, § 308-13-050, filed 12/16/69.]

**WAC 308-13-055 Do I need a stamp or seal?** If you were issued your license on or after July 1, 2010, you must have a seal/stamp of the design authorized by the board, bearing your name, license number and the legend "Licensed landscape architect, state of Washington." The seal/stamp may be used in a horizontal or vertical format provided it remains readable. Other deviations are not allowed. Examples of the board-authorized seal/stamp appear below.

If you were licensed before July 1, 2010, you may continue to use your existing registration stamp.



STATE OF  
WASHINGTON  
LICENSED  
LANDSCAPE ARCHITECT

(SIGNATURE)

NAME

LICENSE NO. 000  
EXPIRES ON (EXPIRATION DATE)



STATE OF  
WASHINGTON  
LICENSED  
LANDSCAPE ARCHITECT

(SIGNATURE)

NAME

LICENSE NO. 000  
EXPIRES ON (EXPIRATION DATE)

(1) Your seal/stamp must include your signature and your license expiration date.

(2) You must seal/stamp the following:

(a) All technical submissions required for building permits, regulatory approvals and/or construction drawings that are filed with authorities having jurisdiction;

(b) Drawings prepared by you on each sheet;

(c) Specifications and other technical submissions need only be sealed/stamped on the cover, title page, and all pages of the table of contents.

Your seal/stamp shall not be affixed to any drawings not prepared by you or your regularly employed subordinates, or not reviewed by you. If you seal/stamp drawings or specifications that you have reviewed, you shall be responsible to the same extent as if those drawings or specifications were prepared by you.

Without exception, these sealing/stamping requirements for landscape architects shall apply to all work prepared or supervised by the landscape architect.

(3) The terms "signature" or "signed" as used in chapter 18.96 RCW and this chapter, shall mean the following:

(a) A handwritten identification or a digital representation of your handwritten identification that represents the act of putting your name on a document to attest to its validity. The handwritten or digital identification must be:

(i) Original and written by hand, or a scanned image of an original, handwritten identification;

(ii) Permanently affixed to the document(s) being certified;

(iii) Applied to the document by the identified licensee;

(iv) Placed adjacent to the seal/stamp of the licensee;

(b) A digital identification that is an electronic authentication process attached to or logically associated with an electronic document. The digital identification may include a scanned or digitized signature. The digital identification must be:

(i) Unique to the licensee using it;

(ii) Capable of independent verification;

(iii) Under the exclusive control of the licensee using it;

(iv) Linked to a document in such a manner that the digital identification is invalidated if any data in the document is changed.

[Statutory Authority: RCW 18.96.060, 10-12-116, amended and recodified as § 308-13-055, filed 6/2/10, effective 7/3/10; 08-22-027, § 308-13-011, filed 10/28/08, effective 11/28/08.]

**WAC 308-13-065 What are the standards of practice and conduct? (1) Competence.**

(a) In practicing landscape architecture, you shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordinarily applied by landscape architects of good standing practicing in the same locality.

(b) In designing a project, you shall take into account all applicable construction laws, zoning codes and other applicable laws or regulations. You shall not knowingly design a project in violation of such laws and regulations.

(c) You shall perform professional services only when you, together with those whom you engage as consultants, are qualified by education, training and experience in the specific technical areas involved.

(2) Conflict of interest.

(a) You shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(b) If you have any business association or direct or indirect financial interest that is substantial enough to influence your judgment in connection with the performance of professional services, you shall fully disclose this in writing to the client or employer. If your client or employer objects to such association or financial interest, you shall either terminate such association or interest or offer to give up the commission or employment.

(c) You shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of landscape contract documents and the judge of contract performance, you shall render decisions impartially, favoring neither party to the contract.

(3) Full disclosure.

(a) You shall disclose whenever you are being compensated for making public statements concerning landscape architectural issues.

(b) You shall accurately represent to a prospective or existing client or employer your qualifications and clearly define the scope of your responsibility in connection with work for which you are claiming responsibility.

(c) If you become aware of a decision made by your employer or clients against your advice that violates applicable construction laws, zoning codes or other applicable regulations and that will, in your judgment, materially and adversely affect the public health, safety and welfare, you shall:

(i) Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations;

(ii) Refuse to consent to the decision; and

(iii) In circumstances where you reasonably believe that other such decisions will be made notwithstanding your objection, then you shall terminate services with reference to the project. In the case of a termination in accordance with (3)(c)(iii) of this section, you shall have no liability to the client on account of such termination.

(d) You shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for licensure or renewal.

(e) You shall not assist in the application for licensure of a person known by you to be unqualified in respect to education, examination, experience or character.

(4) Compliance with laws.

(a) You shall not, in the practice of landscape architecture, knowingly violate any criminal law.

(b) You shall neither offer nor make any payment or gift to any governmental official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which you are interested.

(c) You shall comply with the laws and regulations governing professional practice in any jurisdiction.

(5) Professional conduct. You shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or pro-

spective client in connection with a project in which you are interested.

[Statutory Authority: RCW 18.96.060. 10-12-116, amended and recodified as § 308-13-065, filed 6/2/10, effective 7/3/10; 08-22-027, § 308-13-012, filed 10/28/08, effective 11/28/08.]

**WAC 308-13-150 What are the landscape architect fees and charges?** The following fees will be collected:

Title of Fee	Fee
Application fee	\$250.00
Renewal (2 years)	450.00
Late renewal penalty	150.00
Duplicate license	25.00
Initial license (2 years)	450.00
Reciprocity application fee	450.00
Replacement wall certificate	20.00

You will submit any examination fees directly to CLARB.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-150, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.080, 18.96.090, 18.96.100, 18.96.110, 43.24.086. 09-15-124, § 308-13-150, filed 7/17/09, effective 8/17/09. Statutory Authority: RCW 18.96.060. 07-05-039, § 308-13-150, filed 2/15/07, effective 3/18/07. Statutory Authority: RCW 18.96.-080 and 43.24.086. 05-17-004, § 308-13-150, filed 8/3/05, effective 9/3/05; 05-04-050, § 308-13-150, filed 1/28/05, effective 2/28/05; 04-17-026, § 308-13-150, filed 8/9/04, effective 9/9/04; 03-11-074, § 308-13-150, filed 5/20/03, effective 6/20/03; 02-16-018, § 308-13-150, filed 7/26/02, effective 8/26/02. 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.]

**WAC 308-13-160 How do I renew my license?** The landscape architect license renewal period is two years. Your expiration date is your birthday. The department will send a courtesy renewal to your most recent address on file approximately eight weeks before the license expiration date. The renewal notice will show the due date, the amount of renewal fee, the penalty fee for late payment, professional development notice and other mailing instructions. You must notify the board in writing of any address changes.

You are responsible for renewing your license regardless of receiving a renewal notice from the department. If you fail to renew your license, your license is delinquent and you are prohibited from offering and/or providing professional landscape architect services until your license is reinstated.

(1) If your license has been delinquent less than five years, send to the department:

- A letter requesting reinstatement;
- Payment from the previous renewal cycle, the current renewal fee, and the late penalty fee;
- Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities.

(2) If your license has been delinquent five or more years, send to the department:

- A letter requesting reinstatement;
- Payment from the previous renewal cycle, the current renewal fee, and the late penalty fee;
- Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities;
- A resume of landscape architectural activities and projects showing you have been working in another jurisdiction since the date of your license expiration;
- A detailed explanation of the circumstances surrounding the failure to maintain current licensure;
- A review of laws related to the practice of landscape architecture as outlined in WAC 308-13-031.

If your license has been delinquent five or more years, the board will review all of your reinstatement materials. They may request additional information if necessary.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-160, filed 6/2/10, effective 7/3/10. Statutory Authority: RCW 18.96.060 and 43.24.086. 99-23-025, § 308-13-160, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 43.24.086 and 18.96.110. 97-06-065, § 308-13-160, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-160, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 46.24.086 [43.24.086] and 18.96.110. 88-01-022 (Order PM 696), § 308-13-160, filed 12/9/87.]

**WAC 308-13-165 How do I reactivate my inactive license?** (1) If you are returning to active status from less than five years of inactive status, send to the department:

- A letter requesting reactivation;
- The current renewal fee;
- Evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities.

(2) If you are returning to active status after five years of inactive status, send to the department:

- A letter requesting reinstatement;
- The current renewal fee plus the late penalty fee;
- A review of laws related to the practice of landscape architecture;
- Evidence of completion of twenty-four PDHs. See WAC 308-13-185 for qualifying activities.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-165, filed 6/2/10, effective 7/3/10.]

**WAC 308-13-175 Do I need ongoing professional development to maintain my license?** (1) Starting July 1, 2010, to maintain active practice, you must accumulate twenty-four professional development hours (PDHs) for the upcoming two-year renewal period. Starting July 1, 2012, the PDHs you accumulate are subject to audit by the board.

(2) Up to twelve PDHs over the required hours can be carried forward from the second year of your previous renewal period including hours accumulated from July 1, 2009, forward.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-175, filed 6/2/10, effective 7/3/10.]

**WAC 308-13-185 What activities qualify as professional development?** (1) You are responsible to seek out qualifying activities that can be demonstrated to the board as relevant to professional development.

- Activities are not preapproved by the board.

(b) Activities must be relevant to the practice of landscape architecture and may include technical, ethical or managerial content.

(i) At least eighteen PDHs must address public health, safety and welfare.

(ii) All activities must have a clear purpose and objective that will maintain, improve or expand skills and knowledge relevant to the practice of landscape architecture.

(2) The board is the final authority with respect to claimed qualifying activities and the respective PDH credit.

(3) The qualifying activity becomes eligible for credit upon completion of the given activity.

(4) Examples of qualifying activities:

Activity (1 PDH is equal to no less than 50 minutes of activity)	Maximum PDHs
One hour of preparation and subsequent presentation of a professional development program at seminars, professional/technical meetings, conventions or conferences. This credit does not apply to full-time faculty.	10 PDHs per year
For publication of an authored technical paper or article.	10 PDHs
For publication of an authored book.	30 PDHs
Professional boards or commissions: Serving as an elected officer or appointed chair of a committee of an organization in a professional society or organization. PDH shall not be earned until the completion of each year of service.	4 PDHs per organization
Boards or commissions related to the practice of landscape architecture: Serving as an elected officer or appointed member of a board or commission. PDH shall not be earned until the completion of each year of service.	4 PDHs per organization
Professional examination grading or writing: Serving as an exam grader or on a committee writing exam materials for a professional registration examination.	8 PDHs per biennium
Membership on the regulatory board for the practice of landscape architecture.	8 PDHs per year
One hour of attendance at meetings or hearings of the board. This credit does not apply to existing board members or to parties or witnesses in hearings before the board.	6 PDHs per year
One hour of work, outside normal duties of employment that involves participation in other recognized professional activities.	2 PDHs per year
One hour of self-study.	5 PDHs per year
One hour of participation in sessions or courses, sponsored by technical or professional societies, organizations or the board.	No limit
One hour of participation in organized courses, including employer provided courses, on environmental health topics/first aid/safety, technical or management skills.	No limit
One hour of attendance at professional or technical society meetings with an informational program.	5 PDHs per year
Pro bono service that has a clear purpose and objective and maintains, improves, or expands the professional knowledge or skill of the registrant. Four hours of service is equal to 1 PDH.	4 PDHs per year
One hour of participation in an activity involving substantial and organized peer interaction, excluding time spent during regular employment.	5 PDHs per year

(5) The following activities do not qualify as professional development:

- (a) Activities that were conditions of a board order;
- (b) Attendance or testimony at legislative hearings, at city or county council meetings/hearings, or at civil or criminal trials;
- (c) Time spent fund-raising for scholarships or other society purposes or lobbying for legislation;
- (d) Attendance at gatherings that are primarily social in nature;
- (e) Membership and/or attendance in service club meetings.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-185, filed 6/2/10, effective 7/3/10.]

**WAC 308-13-195 How do I record and report my professional development activities?** (1) You must maintain the records of your professional development activities. The records must include the date of the activity, the instruc-

tor's name, a description of activity and its location and the number of PDHs.

(2) You must keep your records for the cumulative time in the current renewal period plus the three years before the last renewal (five years total).

(3) By renewing your professional landscape architect license, you attest you have completed the required professional development for that renewal period.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-195, filed 6/2/10, effective 7/3/10.]

**WAC 308-13-205 How does the board verify I have completed my professional development?** (1) The board will audit between five and fifteen percent of the total number of licensees yearly. If you are selected for an audit, the board will provide instructions about how to respond.

(2) You may face disciplinary action for failing to complete your professional development requirement or falsifying your records.

(3) If an audit disqualifies credits that you reported to the board and results in you failing to complete the PDH requirements, the board may require the shortage to be made up over a period of time established by the board.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-205, filed 6/2/10, effective 7/3/10.]

**WAC 308-13-215 Are there any exemptions from the professional development requirement?** (1) The board may allow a waiver from the professional development requirement only under the following circumstances. The waiver would only be in effect for the current renewal period. The board requires waiver requests to be in writing.

(a) Physical disability, prolonged illness, or other extenuating circumstances that pose a personal hardship, as determined by the board.

(b) Active military duty for at least one hundred twenty days.

(c) If you have been licensed for twenty-five or more consecutive years in a CLARB-recognized jurisdiction, you may meet the professional development requirement upon completing 4 PDHs per year. See WAC 308-13-185 regarding qualifying activities.

(2) You are exempted from the professional development requirements if you withdraw from active practice and place your license in retired status (see WAC 308-13-225) or inactive status (see RCW 18.96.110(2)). Under these statuses, you are not permitted to perform any landscape architectural activity, as provided for in RCW 18.96.030, unless said activity is under the direct supervision of a Washington state licensed landscape architect who has an active license in the records of the board.

[Statutory Authority: RCW 18.96.060. 10-12-116, § 308-13-215, filed 6/2/10, effective 7/3/10.]

**WAC 308-13-225 How do I obtain retired status?** If you are a licensed landscape architect you may be eligible to obtain retired status if you are at least the age of sixty-five and have discontinued active practice. If granted, your ongoing licensing renewal fees are waived.

(1) To obtain retired status, submit a request in writing to the board office. If the board determines you are eligible, the retired status would become effective on the first scheduled license renewal date that occurs on or after you reach the age of sixty-five. You do not need to renew an expired license to be eligible for this status. The board will not provide refund of renewal fees if the application for retired status is made and granted before the date of expiration of the certificate of licensure.

(2) Privileges. In addition to the waiver of the renewal fee, as a retired licensee you are permitted to:

(a) Retain the board-issued wall certificate of licensure;

(b) Use the title landscape architect, provided you also use the term "retired," or the abbreviation "ret";

(c) Work as a landscape architect in a volunteer capacity, provided you do not create landscape architectural plans, and do not use your seal, except as provided for in (d) of this subsection;

(d) Provide experience verifications and references for persons seeking registration under chapter 18.96 RCW. If

using your professional seal, you must place the word "retired" after your signature;

(e) Serve as a volunteer in an instructional capacity on landscape architectural topics;

(f) Provide services as a technical expert before a court, or in preparation for pending litigation, on matters directly related to landscape architectural work you performed before you were granted retired status;

(g) Serve in a function that supports the principles of licensure and promotes the profession of landscape architecture, such as members of commissions, boards or committees;

(h) Serve in a landscape architectural capacity as a "good samaritan," as set forth in RCW 38.52.195 and 38.52.1951, provided said work is otherwise performed in accordance with chapter 18.96 RCW.

(3) Restrictions. As a retired licensee, you are not permitted to:

(a) Perform any landscape architectural activity, as provided for in RCW 18.96.030, unless said activity is under the direct supervision of a Washington state licensed landscape architect who has an active license in the records of the board;

(b) Apply your professional stamp, as provided for in RCW 18.96.150, to any plan, specification, or report, except as provided for in subsection (2)(d) of this section.

(4) Certificate of licensure reinstatement. As a retired licensee, you may resume active landscape architectural practice upon written request to the board, payment of the current renewal fee, and providing evidence of completion of twenty-four PDHs. See WAC 308-13-185 regarding qualifying activities. At that time, you shall be removed from retired status and placed on active status in the records of the board. All rights and responsibilities of an active license status will be in effect. At the date of expiration of the reinstated certificate of licensure, you may elect to either continue active licensure or may again apply for retired status in accordance with the provisions of this chapter.

(5) Exemptions. Under no circumstances shall you be eligible for a retired registration if your certificate of licensure has been revoked, surrendered, or in any way permanently terminated by the board under chapter 18.96 RCW. If you have been suspended from practice and/or are subject to terms of a board order at the time you reach age sixty-five, you shall not be eligible for a retired status until such time that the board has removed the restricting conditions.

(6) Penalties for noncompliance. Any violations of this section shall be considered unprofessional conduct as defined in RCW 18.235.130 and are subject to penalties as provided for in RCW 18.235.110.

[Statutory Authority: RCW 18.96.060. 10-12-116, amended and recodified as § 308-13-225, filed 6/2/10, effective 7/3/10; 07-05-039, § 308-13-170, filed 2/15/07, effective 3/18/07.]

**WAC 308-13-240 Reinstatement of suspended certificates, eligibility for registration, or denied renewals.**

Where a person's certificate of licensure has been suspended, an applicant has been denied license renewal, or an applicant has been denied the ability to take the examination for certificate of licensure due to nonpayment or default on a federally or state-guaranteed educational loan or service-conditional

scholarship, his or her certificate of licensure, license renewal or examination application will be reinstated when the person provides the board a written release issued by the lending agency stating that the person is making payments on the loan in accordance with a repayment agreement approved by the lending agency, provided, the person shall pay any applicable reinstatement or renewal fee.

[Statutory Authority: RCW 18.96.060, 10-12-116, § 308-13-240, filed 6/2/10, effective 7/3/10; 97-10-026, § 308-13-240, filed 4/30/97, effective 5/31/97.]

### Chapter 308-14 WAC COURT REPORTERS

#### WAC

308-14-010  
308-14-100

Definitions.  
License renewal—Continuing education—Penalties.

**WAC 308-14-010 Definitions.** "Character" is a letter, numeral, punctuation mark, control character, blank, or other such symbol.

"Continuing education unit" is defined as sixty minutes of education in a program approved by the department. Units will be recognized in not less than thirty minute increments of time.

"Standard line" is a line that can be determined by looking at a full line of text and counting from the first letter, including punctuation and spaces, to the last letter of that line. The standard line does not include a "Q" or "A," or the numbers on the left side of the page.

[Statutory Authority: Chapter 18.145 RCW, RCW 43.24.023, and 2010 c 49, 11-01-119, § 308-14-010, filed 12/20/10, effective 7/1/11. Statutory Authority: RCW 18.145.050, 43.24.023, 04-17-072, § 308-14-010, filed 8/13/04, effective 9/13/04.]

**WAC 308-14-100 License renewal—Continuing education—Penalties.** (1) Certification must be renewed on or before the expiration date shown on the certificate. The expiration date is the certificate holder's birth date. Effective July 1, 2011, each certified court reporter shall verify they have completed a minimum of five continuing education units annually at renewal in a manner defined by the director. Excess continuing education units from the previous reporting year shall not be carried over. Failure to renew the certificate by the expiration date will result in a penalty fee in an amount determined by the director. Certification may be reinstated for up to three years by payment of all renewal fees and a penalty fee for the period for which the certification had lapsed and documentation of five continuing education units completed in the past year.

(2) Continuing education units shall have direct relevance to the professional development of the certified court reporter. The program must be led by an instructor, be interactive, and involve assessment or evaluation. Approved programs include, but are not limited to, the following:

- (a) Language skills:
  - (i) English or a foreign language;
  - (ii) American Sign Language;
  - (iii) Grammar;
  - (iv) Punctuation;
  - (v) Proofreading;

- (vi) Spelling;
- (vii) Vocabulary;
- (viii) Linguistics, including regional dialects or colloquialisms;
- (ix) Etymology;
- (x) Word usage.
- (b) Academics:
  - (i) Medical terminology and abbreviations related to any medical or medically related discipline (e.g., anatomy, psychiatry, psychology, dentistry, chiropractic, podiatry);
  - (ii) Pharmacology;
  - (iii) Surgical procedures and instruments, with emphasis on terminology and concepts encountered in litigation;
  - (iv) Pathology and forensic pathology, including DNA and other terminology encountered in litigation;
  - (v) Legal terminology and etymology;
  - (vi) Legal research techniques;
  - (vii) Presentations on various legal specialty areas (e.g., torts, family law, environmental law, admiralty, corporate law, patent law);
  - (viii) History of legal systems;
  - (ix) Technical subjects, with emphasis on terminology and concepts encountered during litigation (e.g., construction, accident reconstruction, insurance, statistics, product testing and liability, various engineering fields).
- (c) Case law, federal and state statutes, and regulations:
  - (i) Federal and state rules of civil and criminal procedure and rules of evidence;
  - (ii) Codes of federal and/or state regulations;
  - (iii) Presentations on legal proceedings (depositions, trials, federal and state appellate procedure, administrative proceedings, bankruptcy proceedings, workers' compensation proceedings);
  - (iv) Any changes to (a), (b), and (c) of this subsection as they affect the certified court reporter.
- (d) Technology and business practices:
  - (i) Computer skills;
  - (ii) Voice recognition technology;
  - (iii) Videotaping, video conferencing;
  - (iv) Reporting skills and practices (e.g., readbacks, marking exhibits, administering oaths);
  - (v) Transcript production, formats, indexing, document management;
  - (vi) Technological developments related to court reporting, real-time reporting, CART, or captioning;
  - (vii) Office practices, office management, marketing, accounting, personnel practices, public relations;
  - (viii) Financial management, retirement planning, estate planning;
  - (ix) Partnerships, corporations, taxation, insurance.
- (e) Professionalism and ethics:
  - (i) Standards of court reporting practice applicable to individual states or governmental entities;
  - (ii) Professional comportment and demeanor as it relates to judges, attorneys, fellow reporters, witnesses, litigants and court and law office personnel.
  - (f) CPR/first-aid classes.
  - (g) In-house courses offered by court reporting firms.
  - (h) Vendor sponsored training, with the exception of sales presentations.
  - (i) Community based programs.

(j) Meetings that include educational or professional development presentations that otherwise meet Washington state criteria for award of continuing education units;

(k) Documented pro bono services on an hour-for-hour basis including, but not limited to:

- (i) Presence at a court hearing or deposition;
- (ii) Transcription;
- (iii) Editing;
- (iv) Proofreading.

(l) Documented teaching, research or writing for a planned, directly supervised continuing education experience that fulfills continuing education criteria where no payment is received. Continuing education units will be awarded only once for each separate item.

(3) Any course or activity previously approved by any nationally or state recognized association for court reporting professions shall be approved for continuing education units.

(4) Courses offered with a documented grade of C or better at an accredited college or university will be awarded continuing education units at the following rates:

- (a) Semester course: 6 continuing education units.
- (b) Trimester course: 5 continuing education units.
- (c) Quarter course: 4 continuing education units.

(5) Activities that are not acceptable for continuing education units include, but are not limited to, the following:

(a) Attendance at professional or association business meetings or similar meetings convened for the purpose of election of officers, policymaking, or orientation;

(b) Leadership activities in national, state, or community associations and board or committee service;

(c) Attendance at entertainment, recreational, or cultural presentations;

(d) Recreation, aerobics, massage, or physical therapy courses or practice or teaching of same;

(e) Classes in the performing arts, studio arts, or crafts or teaching of same;

(f) Tours of museums or historical sites;

(g) Social events at meetings, conventions, and exhibits;

(h) Visiting vendor exhibits or attending vendor sales demonstrations;

(i) Jury duty;

(j) Any event for which the attendee receives payment for attendance;

(k) Any event which is part of the attendee's regular employment or is attended for the purpose of gaining employment;

(l) On-the-job training or other work experience, life experience, previous work experience.

(6) Individuals shall maintain documentation of continuing education units for at least three years and provide them to the department on request.

(7) An individual who fails to renew their certification by the expiration date forfeits all rights to represent themselves as a "shorthand reporter," "court reporter," "certified shorthand reporter," or "certified court reporter" until the certificate has been reinstated.

(8) An individual who has allowed the certification to expire for three years or more is required to file a new complete application and fee and must pass the state-approved examination. Upon passage of the exam a certificate will be issued.

[Statutory Authority: Chapter 18.145 RCW, RCW 43.24.023, and 2010 c 49. 11-01-119, § 308-14-100, filed 12/20/10, effective 7/1/11. Statutory Authority: Chapter 18.145 RCW and RCW 43.24.086. 90-10-009, § 308-14-100, filed 4/20/90, effective 5/21/90.]

### Chapter 308-20 WAC

## COSMETOLOGY—BARBER—MANICURIST—ESTHETICIAN RULES

### WAC

308-20-010	Definitions.
308-20-040	Student records.
308-20-107	Use and training of instructor-trainees.
308-20-115	Reciprocity—Persons licensed in other jurisdictions.
308-20-120	Written and performance examinations.
308-20-572	Inspection of schools.
308-20-575	School license renewal process.

**WAC 308-20-010 Definitions.** (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the month, year and daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

(4) "Apprentice salon/shop" is a location certified by the Washington state apprenticeship and training committee, that provides training for individuals accepted into the apprenticeship program. Apprentice salon/shops shall not receive payment from the apprentice for training.

(5) "Apprentice trainer" is a person that is currently licensed and in good standing. This person provides training in a licensed shop approved for the apprenticeship program, who must have received journey level training and have held a license in the curriculum for which he or she is providing training for a minimum of three years.

(6) "Journey level training" is the completion of three years working as a licensed cosmetologist, barber, manicurist or esthetician.

(7) "Completion of the apprenticeship training" is the completion of the apprentice salon/shop curriculum that includes the state approved hourly course of training as described in WAC 308-20-080.

(8) "Monthly apprentice report" forms provided by the apprentice shop, approved by the department, printed with the shop name, for use in recording apprentice training hours and activities.

[Statutory Authority: RCW 43.24.086 and 18.16.030. 10-06-092, § 308-20-010, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030, 43.24.023. 08-22-029, § 308-20-010, filed 10/28/08, effective 2/1/09. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. 05-17-020, § 308-20-010, filed 8/4/05, effective 9/4/05; 04-05-005, § 308-20-010, filed 2/6/04,

effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-010, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-010, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-010, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-010, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-010, filed 9/12/84. Formerly chapters 308-16 and 308-24 WAC.]

**WAC 308-20-040 Student records.** (1) Schools shall collect and record monthly and final student reports. These reports as described in WAC 308-20-010 shall contain the cumulative number of hours the student has attended class and the number of times the student performs an activity as described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments. Each monthly report shall include the month and the year.

(2) Monthly and final student reports shall be signed by either the school owner, school manager or a person the school has authorized to sign the student reports.

(3) The school shall certify to the department that the student has satisfied the minimum instruction guidelines described in WAC 308-20-080 on the student's license examination application. Certification shall be by a person authorized to sign student reports according to subsection (2) of this section.

(4) Schools shall maintain student records on the school premises for at least three years. The student records shall include documentation of student training.

(5) The school shall notify the department of the persons authorized to sign student records.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

[Statutory Authority: RCW 43.24.086 and 18.16.030. 10-06-092, § 308-20-040, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030, 18.16.280, 43.24.023. 04-05-005, § 308-20-040, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-040, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-040, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-040, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-040, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-040, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. 87-21-010 (Order PM 681), § 308-20-040, filed 10/9/87. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-040, filed 9/12/84.]

**WAC 308-20-107 Use and training of instructor-trainees.** (1) Instructor-trainees shall be supervised by a licensed instructor. The licensed instructor shall be physically present where the instructor-trainee is working and be available for consultation with the instructor-trainee.

(2) Instructor-trainees shall hold a current Washington state cosmetology, barber, manicurist or esthetician license in good standing prior to becoming an instructor-trainee.

[Statutory Authority: RCW 43.24.086 and 18.16.030. 10-06-092, § 308-20-107, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-107, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-107, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-107, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. 90-07-030, § 308-20-107,

filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-107, filed 9/14/88.]

**WAC 308-20-115 Reciprocity—Persons licensed in other jurisdictions.** The department shall issue a license to any person who is properly licensed in any state, territory, or possession of the United States, or foreign country if the applicant submits:

- (1) Application;
- (2) Fee;
- (3) Proof that he or she is currently licensed in good standing as a cosmetologist, barber, manicurist, esthetician, instructor, or the equivalent in that jurisdiction;
- (4) Provides proof that he or she has passed an examination approved by the director.

[Statutory Authority: RCW 43.24.086 and 18.16.030. 10-06-092, § 308-20-115, filed 3/2/10, effective 4/2/10; 06-02-048, § 308-20-115, filed 12/29/05, effective 2/1/06.]

**WAC 308-20-120 Written and performance examinations.** (1) The department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall reasonably measure the applicant's knowledge of safe and sanitary practice.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques.

(4) In order to be eligible for licensure, a license applicant must pass both the written and performance examinations in the practice for which they are applying.

(5) The minimum passing score for both the written and performance examinations in all practices is a scaled score of 75.

[Statutory Authority: RCW 43.24.086 and 18.16.030. 10-06-092, § 308-20-120, filed 3/2/10, effective 4/2/10; 06-02-048, § 308-20-120, filed 12/29/05, effective 2/1/06. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-120, filed 6/24/03, effective 7/25/03; 03-08-043, § 308-20-120, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-120, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-120, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-120, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-120, filed 9/12/84.]

**WAC 308-20-572 Inspection of schools.** (1) Prior to approval of application or renewal for licensure, any person wishing to operate a school shall, meet the requirements in RCW 18.16.140; submit to an inspection of the site; and provide the following:

- (a) Name of owner and current mailing and physical address if solely owned.
- (b) Names of partners and current mailing and physical addresses if a partnership.
- (c) Names of corporate officers and current mailing and physical addresses if a corporation.
- (d) Name of the school, complete mailing address, and physical address.

(e) A signed fire inspection report from the local fire authority indicating all standards and requirements have been met.

(f) Listing of all instructors including license number and expiration date.

(g) Sample of monthly student reports.

(h) Sample of student packet to be provided to student at enrollment that must contain, but is not limited to, a copy of the school's catalog, brochure, enrollment contract, and cancellation and refund policies.

(i) Floor plan drawn to scale showing placement of all equipment; areas designated for the clinic, dispensary, classroom, office and restrooms; and identify student capacity.

(2) All locations shall pass a preinspection by a department representative by meeting the following requirements:

(a) An entrance sign designating the name of the school.

(b) A time clock or other equipment necessary for verification of attendance and hours earned.

(c) An adequate supply of hot and cold running water shall be available for school operation.

(d) Textbooks/teaching materials - textbooks shall be provided for each student in attendance.

(e) Lavatories with hot and cold running water.

(f) When a salon and school are under the same ownership in the same building, separate operation of the salon and the school must be maintained. Common reception areas and restrooms will be allowed; however, the salon and school must have separate entrances and meet location requirements identified in chapter 18.16 RCW.

(g) Emergency evacuation plans posted for staff and students.

(h) There must be a sufficient number of tables/desks and chairs to accommodate the registered students.

(i) Department of licensing safety and sanitation guidelines posted in all dispensaries and classrooms.

(j) Supplemental training space must be located within two miles of the original facility of the licensed school. These facilities must bear the same name as the original licensed school and it is only approved for theory and/or practice rooms. No clinic services shall be provided in additional facilities.

(k) Schools must post a sign that contains the words "work done exclusively by students" or "all work performed by students under supervision of a licensed instructor" in the reception or clinic area.

[Statutory Authority: RCW 43.24.086 and 18.16.030. 10-06-092, § 308-20-572, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030, 43.24.023. 08-22-029, § 308-20-572, filed 10/28/08, effective 2/1/09.]

**WAC 308-20-575 School license renewal process.**

Each school shall be renewed on a yearly basis. In addition to the site inspection, the renewal request shall be accompanied by:

(1) Certification of annual gross tuition and surety bond in an amount equal to ten percent of the annual gross tuition, but not less than ten thousand dollars or more than fifty thousand dollars.

(2) Changes in curriculum, catalogs, brochures.

(3) Current list of instructors on forms provided by the department.

(4) Verification of current student/instructor ratio.

(5) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty.

(6) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 43.24.086 and 18.16.030. 10-06-092, § 308-20-575, filed 3/2/10, effective 4/2/10. Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-575, filed 6/24/03, effective 7/25/03.]

**Chapter 308-22 WAC**

**BODY ART, BODY PIERCING, AND TATTOOING RULES**

**WAC**

308-22-010	Definitions.
308-22-020	Standard universal precautions for preventing the spread of diseases by using sterilization procedures and infection control in body art, body piercing, and tattooing.
308-22-040	Issuance of licenses—Requirements.
308-22-050	Fees.
308-22-070	Requirements and standards—Minimum safety and sanitation standards for artists and shops, mobile units, and event locations.

**WAC 308-22-010 Definitions.** For purposes of these rules, the following words and phrases have the following meanings unless the context clearly indicates otherwise.

"Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

"Aseptic technique" means a procedure that prevents contamination of any object or person.

"Bloodborne pathogens" means microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

"Branding" means inducing a pattern of scar tissue by application of a heated material (usually metal) to the skin creating a serious burn which eventually results in a scar.

"Cleaning area" means an area, physically separated from all work stations or waiting areas, where contaminated tools or equipment are sanitized and disinfected.

"Department" means the department of licensing.

"Disinfect" or "disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling.

"Disinfectant" means a substance or solution, registered with the United States Environmental Protection Agency (EPA) that kills or inactivates viruses and pathogenic microorganisms, but not necessarily their spores.

"Event license" is a temporary location license to hold a body art, body piercing, or tattooing convention or event in the state of Washington. Event license holders must meet the same requirements for a location license as defined under RCW 18.300.010.

"FDA" means United States Food and Drug Administration.

"Gloves" mean single-use disposable medical grade gloves that are FDA approved.

"Hand sanitizer" means an alcohol-based sanitizer with a concentration of sixty percent to ninety-five percent ethanol or isopropanol.

"Jewelry" means any personal ornament inserted into a newly pierced area, which must be made of surgical implant-grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, or platinum, or a dense, low-porosity plastic, which is free of nicks, scratches, or irregular surfaces and has been properly sterilized prior to use.

"Licensee" means a shop, business or individual licensed to practice body art, body piercing, or tattooing.

"Mobile unit" is a location license under this chapter where the practice of body art, body piercing, or tattooing is conducted in a mobile structure. Mobile units must conform to the health and safety standards as defined under chapter 18.300 RCW.

"Mucous membranes" line various body cavities that are exposed to the external environment and internal organs. They are at several places continuous with skin at the: Nostrils, lips, ears, genital area, and anus. The sticky, thick fluid secreted by the mucous membranes and glands is termed mucus. The term mucous membrane refers to where they are found in the body and not every mucous membrane secretes mucus.

"Permanent cosmetics" includes the application of permanent eyeliner, eyebrows, lip liner, full lip color, and repigmentation using tattooing techniques of placing pigment under the skin. It is a form of tattooing.

"Procedure" means a body art, body piercing, and tattooing procedure.

"Procedure area" means any surface of an inanimate object that contacts the client's skin during a procedure and all surfaces where instruments and supplies are placed during a procedure.

"Sanitize" means a procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

"Scarification" means altering skin texture by cutting the skin and controlling the body's healing process in order to produce wounds, which result in permanently raised wheals or bumps known as keloids.

"Sharps" means any objects (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucous membrane including, but not limited to, pre-sterilized, single-use needles, scalpel blades, and razor blades.

"Sharps container" means a puncture-resistant, leak-proof container that can be closed for handling, storage, transportation, and disposal and that is labeled with the international biohazard symbol.

"Single use" means products, instruments or items that are intended for one-time use and are disposed of after each use including, but not limited to, cotton swabs or balls, tissue or paper products, paper or plastic cups, gauze and sanitary coverings, razors, needles, scalpel blades, stencils, ink cups, and protective gloves.

"Sterilization" means a process that destroys all forms of microbial life, including highly resistant bacterial spores.

"Sterilizer" means an apparatus that is registered and listed with the FDA for destroying all forms of microbial life, including highly resistant bacterial spores.

"Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis B virus (HBV) and other bloodborne pathogens.

"Work stations" means the area or room used for the purpose of performing body art, body piercing, or tattooing procedures.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-010, filed 7/1/10, effective 7/1/10.]

**WAC 308-22-020 Standard universal precautions for preventing the spread of diseases by using sterilization procedures and infection control in body art, body piercing, and tattooing.** Every licensee shall comply with the requirements established by the department of health under WAC 246-145-015, 246-145-050, and 246-145-060.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-020, filed 7/1/10, effective 7/1/10.]

**WAC 308-22-040 Issuance of licenses—Requirements.** Upon completion of an application and payment of the proper fee, the director shall issue the appropriate license to any person who:

(1) Is at least eighteen years old or older. Minors are prohibited from working in tattoo studios or any occupation where there is a risk of exposure to fluids or transmission of infectious agents. WAC 296-125-030.

(2) Provides proof of bloodborne pathogen certification. All bloodborne pathogen training courses must comply with OSHA 29 C.F.R. 1910.1030 standards.

(3) No artist may apply a tattoo to any minor under the age of eighteen. RCW 26.28.085.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412. 10-14-074, § 308-22-040, filed 7/1/10, effective 7/1/10.]

**WAC 308-22-050 Fees.** The following fees shall be charged by the professional licensing division of the department of licensing. The department may require payment of fees less than those established in this section if the current level of fees is likely to result in a surplus of funds. Surplus funds are those in excess of the amount necessary to pay for the costs of administering the program and to maintain a reasonable reserve.

Title of Fee	Fee
<b>Individual License:</b>	
Tattoo	\$250
Body Art	\$250
Body Piercing	\$250
Permanent Cosmetics	\$250
<b>Location License:</b>	
Shop/Business	\$300
Mobile Unit	\$300
Event	\$300
<b>Individual License Renewal:</b>	
Tattoo	\$250
Body Art	\$250
Body Piercing	\$250
Permanent Cosmetics	\$250

Title of Fee	Fee
<b>Location License Renewal:</b>	
Shop/Business	\$300
Mobile Unit	\$300
Event	\$300
<b>Individual License Late Renewal:</b>	
Tattoo	\$350
Body Art	\$350
Body Piercing	\$350
Permanent Cosmetics	\$350
<b>Location License Late Renewal:</b>	
Shop/Business	\$400
Mobile Unit	\$400
<b>Duplicate License</b>	\$50

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412, 10-14-074, § 308-22-050, filed 7/1/10, effective 7/1/10.]

**WAC 308-22-070 Requirements and standards—Minimum safety and sanitation standards for artists and shops, mobile units, and event locations.**

**(1) Every licensee shall maintain the following safety and sanitation standards:**

(a) Each location shall have a waiting area that is physically separated from the work stations and equipment cleaning area.

(b) Locations that use only disposable equipment are exempt from having a separate equipment cleaning area.

(c) The work stations and equipment cleaning area must be separated from living quarters by a floor to ceiling wall and closed doors during business hours.

(d) All locations must have access to an equipment cleaning area with a sink available. Sinks must have hot and cold running water. Sinks in equipment cleaning areas are to be used for disinfecting supplies, tools, equipment, and other materials. These sinks must be labeled "not for public use."

(e) All locations must have access to a separate hand washing sink, with hot and cold running water, for public use. Sinks must be supplied with single-use hand soap and disposable towels or an air dryer.

(f) Creams and lotions must be dispensed using a disposable or sanitized and disinfected applicator.

(g) After restroom use and before providing services to clients, licensees must wash hands with single-use soap and/or hand sanitizer and use disposable or single-use hand-drying towels or an air dryer.

(h) Waste containers must be emptied, sanitized, and disinfected daily.

(i) All locations shall be kept free of rodents and vermin and protected from infestation by insects.

**(2) Work stations.**

(a) No two workstations should overlap or share workspace.

(b) Each workstation must have a sealable, rigid, puncture-proof sharps container. Each container must be labeled with the international biohazard symbol.

**(3) Client records.** The shop/business must keep a record of all customers receiving services. Those records must include, but are not limited to:

- (a) Customer's name, age, and address;
- (b) Date of the procedure;
- (c) Body art, body piercing, or tattoo practitioner's name;

- (d) Location of and type of procedure;
- (e) Customer signature;
- (f) Client records must be retained for a minimum of two years and made available upon request by department personnel.

**(4) Articles in contact with a client.**

(a) All items, which come in direct contact with the client's skin that do not require disinfecting, must be sanitized.

(b) All articles, which come in direct contact with the client's skin that cannot be sanitized and disinfected, must be disposed of in a covered waste receptacle immediately after use.

(c) Disposable protective gloves must be disposed of upon removal.

(d) Liquids must be dispensed with a squeeze bottle or pump.

**(5) Refuse and waste material.**

(a) All chemical, flammable, toxic or otherwise harmful waste material must be deposited in a hands free covered waste receptacle and disposed of properly at the close of each business day.

(b) All nonchemical waste related to the performance of services must be deposited in a hands free covered waste receptacle to avoid the potential for cross contamination through release of or exposure to infectious waste materials.

(c) Containers located in the reception or office area, which do not contain waste relating to the performance of services, are exempt from having covers.

**(6) Disinfecting electrical tools and implements.** Electrical tools and implements must be disinfected after service on each client in the following order:

- (a) Remove any foreign matter or debris;
- (b) Disinfect with an EPA hospital grade disinfectant.

**(7) Storage of tools and implements.**

(a) New and/or sanitized and disinfected tools and implements must be stored separately from all others.

(b) Roller storage receptacles and contents must be sanitized and disinfected and free of foreign material.

(c) Storage cabinets, work stations, and storage drawers for sanitized and disinfected tools and implements must be clean, free of debris, and used only for sanitized and disinfected tools and implements.

(d) All used nondisposable tools and implements must be kept in a separate, puncture resistant container.

**(8) Floors, walls, and other surfaces.**

(a) All floors in work station areas must be made of a smooth, durable, nonabsorbent, nonporous material that is easily cleanable and can be maintained in a sanitary manner at all times.

(b) All other floors and floor coverings that are not in work station areas must be kept clean and in good repair or replaced so that they do not become a hazard to safety or health.

(c) All surfaces, including counters, tables, and client chairs, shall be made of smooth, nonabsorbent, and nonporous material that is easily cleanable and can be maintained in a sanitary manner at all times.

[Statutory Authority: RCW 43.24.086, 43.24.023, chapter 18.300 RCW, and 2009 c 412, 10-14-074, § 308-22-070, filed 7/1/10, effective 7/1/10.]

## Chapter 308-48 WAC

## FUNERAL DIRECTORS AND EMBALMERS

## WAC

308-48-800

Funeral director/embalmer fees.

**WAC 308-48-800 Funeral director/embalmer fees.**

The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination application	\$100.00
Renewal	150.00
Late renewal penalty	35.00
Duplicate	25.00
Embalmer intern:	
Intern application	135.00
Application for examination	100.00
Intern renewal	100.00
Duplicate	25.00
Funeral director:	
State examination application	100.00
Renewal	150.00
Late renewal penalty	35.00
Duplicate	25.00
Funeral director intern:	
Intern application	135.00
Application for examination	100.00
Intern renewal	100.00
Duplicate	25.00
Funeral establishment:	
Original application	400.00
Renewal	325.00
Branch registration	350.00
Branch renewal	325.00
Preneed application	250.00
Preneed renewal:	225.00
Crematory endorsement registration	210.00
Crematory endorsement renewal	8.00
Charge per cremation performed during previous calendar year:	
Charge per cremation performed before 1/1/2011.	6.50
Charge per cremation performed on or after 1/1/2011.	8.00
Academic intern	No fee
Certificate of removal registration:	
Application	30.00
Renewal	15.00
Retired status certificate	No fee

[Statutory Authority: RCW 18.39.050 and 18.39.175, chapter 34.05 RCW and RCW 43.24.086, 10-24-046, § 308-48-800, filed 11/24/10, effective 1/1/11; 09-17-116, § 308-48-800, filed 8/18/09, effective 9/18/09. Statutory Authority: RCW 18.39.175 and chapter 34.05 RCW. 07-18-030, § 308-48-800, filed 8/28/07, effective 9/28/07; 07-03-027, § 308-48-800, filed 1/5/07, effective 2/5/07. Statutory Authority: RCW 18.39.181 and chapter 34.05 RCW. 05-20-076, § 308-48-800, filed 10/4/05, effective 11/4/05. Statutory Authority: RCW 18.39.050, 03-11-021, § 308-48-800, filed 5/12/03, effective 6/30/03. Statutory Authority: RCW 18.39.181, 99-16-040, § 308-48-800, filed 7/29/99, effective 8/29/99. Statutory Authority: RCW 18.39.175(4), 98-21-056, § 308-48-800, filed 10/19/98, effective 11/19/98; 91-11-023, § 308-48-800, filed 5/7/91, effective 6/7/91; 91-01-006, § 308-48-800, filed 12/6/90, effective 1/6/91. Statutory Authority: RCW 43.24.-

086. 90-07-024, § 308-48-800, filed 3/14/90, effective 4/14/90; 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

## Chapter 308-56A WAC

## CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.

## WAC

308-56A-090

Disclosure of individual vehicle owner information.

308-56A-460

Destroyed or wrecked vehicle—Reporting—Rebuilt.

**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 42.56 and 46.12 RCW, and 18 U.S.C. 2721.

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

- (a) Government agencies;
- (b) Businesses that require the information in their normal course of conducting business;
- (c) Vehicle manufacturers that require vehicle ownership information for recall of their product;
- (d) Individuals who provide proof of personal identification:

- (i) For vehicles currently registered in their name; or
- (ii) For vehicles for which they can provide a bill of sale or acceptable documents indicating they purchased the vehicle.

(e) Please see subsection (3) of this section for additional restrictions.

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

**(3) When both a mailing and residence address are recorded on the vehicle record, which address will be disclosed?** When both a mailing address and residence address are recorded on the vehicle record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests from courts, law enforcement agencies, or government agencies with enforcement, investigative, or taxing authority and only for use in the normal course of conducting business.

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

- (a) A signed vehicle/vessel record disclosure request form provided by the department and completed by the requestor 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 verification; or

(d) A contract with the department.

**(5) 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 num-

ber/federal tax number (or Uniform Business Identifier) on official letterhead with a 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.

(6) **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 an unexpired contract exists between the business and the department.

(7) **Are businesses allowed individual owner information on vehicle records?** Yes, if a business requires individual owner information to conduct its normal business and qualifies under RCW 46.12.380 and 18 U.S.C. 2721 (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 driver and 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 chapters 42.56 and 46.12 RCW, and 18 U.S.C. 2721 the department may disclose names and addresses of vehicle owners when:

(a) The requesting party is a business 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 parties: Agree they will use the information only for the purpose stated in the request for the information.

(10) **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 and provide a copy to the department's public disclosure unit.

(11) **Who is responsible for assuring that the information is used appropriately?** Any person, business, agency or association that receives vehicle owner information under this section is responsible for assuring, under penalty of perjury under the laws of the state of Washington, that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department.

[Statutory Authority: RCW 46.16.276 and 46.01.110. 10-11-030, § 308-56A-090, filed 5/11/10, effective 6/11/10. Statutory Authority: RCW 46.01.110. 06-15-059, § 308-56A-090, filed 7/12/06, effective 8/12/06. Statutory Authority: RCW 46.16.010, 46.12.370, and 46.12.380. 05-18-002, § 308-56A-090, filed 8/25/05, effective 9/25/05. 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-460 Destroyed or wrecked vehicle—Reporting—Rebuilt. (1) What are total loss, destroyed, salvage, and wrecked vehicles?** For the purposes of this section:

(a) A total loss vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by an insurer (insurance companies and self-insurers as described in RCW 46.29.630);

(b) A destroyed vehicle is one whose destruction has been reported to the department as described in RCW 46.12.070 by the vehicle's owner;

(c) A salvage vehicle as defined in RCW 46.12.005;

Note: When used in this section, the terms "destroyed" and "destroyed vehicle" include total loss, destroyed, and salvage vehicles.

(d) A wrecked vehicle as defined in RCW 46.80.010(6).

Note: A vehicle may be considered destroyed or wrecked when the evidence of ownership is a salvage certificate/title, insurance company bill of sale, or wrecker bill of sale from any jurisdiction, or when the evidence of ownership indicates the vehicle may be a destroyed vehicle not reported to the department.

**(2) How are vehicles reported to the department as total loss, destroyed, salvage, or wrecked?**

(a) Insurers may report total loss vehicles to the department:

(i) Electronically through the department's on-line reporting system. Insurers must destroy ownership documents for a vehicle reported this way; or

(ii) By submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED"; or

(iii) By submitting a completed total loss claim settlement form (TD 420-074).

Note: Reports of total loss vehicles must include the insurer's name, address, and the date of loss.

(b) Registered or legal owners report a vehicle as destroyed by submitting the certificate of ownership or affidavit in lieu of title indicating the vehicle is "DESTROYED," and must include the registered owner's name, address, and date of loss.

(c) Licensed wreckers report wrecked vehicles as required in RCW 46.80.090.

(d) For vehicles six through twenty years old a statement whether or not the vehicle meets the market value threshold amount as defined in RCW 46.12.005 is also required.

**(3) What is the current market value threshold amount?** The current market value threshold amount is six thousand seven hundred ninety dollars.

**(4) How is the market value threshold amount determined?** Using the current market value threshold amount

described in RCW 46.12.005 each year the department will add the increased value if the increase is equal to or greater than fifty dollars.

(5) **What if the "market value threshold amount" is not provided as required?** If the market value threshold amount is not provided when required, the department would treat the report of destruction as if the market value threshold as described in RCW 46.12.005 has been met. The certificate of ownership will be branded according to WAC 308-56A-530.

(6) **What documentation is required to obtain a certificate of ownership after a vehicle is destroyed?** After a vehicle has been reported destroyed or wrecked and is rebuilt, you must submit the following documentation to the department in order to obtain a new certificate of ownership:

(a) Application for certificate of ownership as described in RCW 46.12.030;

(b) Certificate of vehicle inspection as described in WAC 308-56A-150;

(c) Bill of sale from the insurer, owner, or wrecker who reported the vehicle's destruction to the department.

(i) Bills of sale from insurers must include a representative's signature and title of office;

(ii) Bills of sale from insurers and wreckers do not need to be notarized;

(iii) Bills of sale from owners shown on department records must be notarized or certified;

(iv) A bill of sale is not required when owners shown on department records retain a destroyed vehicle and apply for a new certificate of ownership;

(v) Releases of interest from lien holder(s) or proof of payment such as a canceled check bearing a notation that it has been paid by the bank on which it was drawn or a notarized statement on a receipt from the legal owner that the debt is satisfied are required when the vehicle is retained by the registered owner(s).

(d) Odometer disclosure statement, if applicable.

(7) **What is required of a Washington licensed vehicle dealer prior to selling a destroyed or wrecked vehicle?** Except as permitted by RCW 46.70.101 (1)(b)(viii), before a 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 vehicle inspection by the Washington state patrol; and

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

(8) **Once a destroyed or wrecked vehicle is rebuilt, do the license plates remain with the vehicle?** Whether or not the license plates remain with the vehicle depends on the circumstance:

(a) Standard issue license plates may remain with a destroyed vehicle unless they are severely damaged or the vehicle was issued a department temporary permit described in WAC 308-56A-140;

(b) Replacement license plates are required for wrecked vehicles since Washington licensed wreckers are required by WAC 308-63-070 to remove them;

(c) Special license plates may remain with or be transferred to a destroyed or wrecked vehicle;

(d) Applicants may retain the current license plate number as provided for in RCW 46.16.233, unless the vehicle was issued a department temporary permit as described in WAC 308-56A-140.

(9) **Will the certificate of ownership or registration certificate indicate "WA REBUILT"?** Salvage or wrecked vehicles meeting the criteria described in WAC 308-56A-530 will be branded "WA REBUILT."

[Statutory Authority: RCW 46.01.110, 10-19-045, § 308-56A-460, filed 9/13/10, effective 10/14/10. Statutory Authority: RCW 46.12.005 and 46.01.110, 09-19-113, § 308-56A-460, filed 9/22/09, effective 10/23/09. Statutory Authority: RCW 46.01.110, 04-08-080, § 308-56A-460, filed 4/6/04, effective 5/7/04; 02-19-016, § 308-56A-460, filed 9/9/02, effective 10/10/02; 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.]

## Chapter 308-65 WAC

### HULK HAULERS/SCRAP PROCESSORS

#### WAC

308-65-010

Definitions—General.

308-65-130

Scrap processor—Procedures for acquiring vehicles for demolition.

**WAC 308-65-010 Definitions—General.** Common carrier. Common carrier means any person who undertakes to transport property for the general public by motor vehicle for compensation as outlined in chapter 81.80 RCW. For the purposes of this chapter, common carriers licensed under the provisions of chapter 81.80 RCW are exempt from the hulk hauler licensing requirements when transporting demolished vehicles for hire between vehicle wreckers and/or scrap processors licensed by the state or country in which they operate, and the ownership interest in the vehicles is transferred directly between the vehicle wreckers and/or scrap processors.

Deals in vehicles. For the purposes of this chapter, deals in vehicles means to obtain an ownership interest in a vehicle for the purpose of transporting and/or selling the vehicle to a licensed vehicle wrecker or scrap processor by obtaining ownership as set forth in WAC 308-65-080.

Demolish. To demolish means to completely destroy a vehicle, vehicle salvage, and all parts by rendering it completely unusable except for recyclable material, for example, by means of a hydraulic crusher, hydraulic baler and shears or a shredder operated by a licensed scrap processor.

Hulk hauler. Any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed vehicle wrecker or scrap processor in substantially the same form in which they are obtained.

[Statutory Authority: RCW 46.79.080, 10-05-050, § 308-65-010, filed 2/11/10, effective 3/14/10. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, 93-08-076, § 308-65-010, filed 4/6/93, effective 5/7/93.]

**WAC 308-65-130 Scrap processor—Procedures for acquiring vehicles for demolition. On what ownership documents may I acquire vehicles?** Supporting acquisi-

tion. A scrap processor may acquire vehicles for demolition if the transferor can furnish ownership documents, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a jurisdiction issuing a registration certificate only or other approved ownership documents as follows:

- (1) Affidavit of lost or stolen title and release of interest from the owner.
- (2) Affidavit of sale of a junk vehicle from the landowner who has complied with RCW 46.55.230.
- (3) Bills of sale pursuant to WAC 308-63-020 for vehicles from nontitle jurisdictions, for vehicles that have had their titles surrendered to a state after having been declared a total loss, and for vehicles of the type to which titles are not issued.
- (4) Affidavit of sale from a registered tow truck operator.
- (5) A court order.
- (6) Invoice or bill of sale from wrecker.
- (7) Scrap processors may acquire vehicle salvage from out-of-state provided that the out-of-state salvage company submits an affidavit certifying its rightful and true possession of the vehicles or parts contained in the bulk shipment and that he/she has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin.
- (8) Vehicle parts may be acquired by use of an invoice or bill of sale which describes the part and identifies the seller by name and address.

Common carriers transporting vehicles for hire between vehicle wreckers and/or scrap processors licensed by the state or country in which they operate must provide ownership documents as outlined in WAC 308-65-080, or an affidavit of certification for the load that includes the origin and destination of the load and lists each vehicle on the load by VIN number, year, make, and model. The certification must be signed by the shipper under the penalty of perjury indicating the load of demolished vehicles has been processed in accordance with all statutes, rules and regulations relating to such vehicles in the state or province of origin, and meet the criteria listed in this chapter.

[Statutory Authority: RCW 46.79.080, 10-05-050, § 308-65-130, filed 2/11/10, effective 3/14/10; 00-13-020, § 308-65-130, filed 6/12/00, effective 7/13/00. Statutory Authority: RCW 46.55.190, 46.79.080 and 46.80.140, 93-08-076, § 308-65-130, filed 4/6/93, effective 5/7/93.]

## Chapter 308-66 WAC

### MOTOR VEHICLE DEALERS AND MANUFACTURERS

#### WAC

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|------------|--|
| 308-66-140 | Place of business and places of business.    |
| 308-66-170 | Denial, suspension or revocation of license. |

#### **WAC 308-66-140 Place of business and places of business. Which business names and locations do I need to license?**

- (1) A dealer must inform the department in writing of each and every:
  - (a) Name under which the dealer does business, and
  - (b) Location at which the dealer does business.

The dealer must inform the department in writing within ten days of any addition, deletion or change in the name or location. The dealer must apply for a temporary subagency license at least ten days prior to the sales event that requires that license. There must be at least one day with no sales activity between any two ten day temporary permit periods.

(2) A dealer shall designate one name and one location as the principal name and principal place of business.

(a) All other names under which the dealer does business shall be designated and licensed as subagencies of that dealership;

(b) All other locations that are physically and geographically separated from the principal place of business shall be designated and licensed as subagencies of that dealership;

(c) If a dealer is required to obtain a subagency license under (2)(b) of this section, the dealer shall not be required to obtain an additional subagency license under (2)(a) of this section, unless the dealer does business under more than one name at that subagency location;

(d) The department will not require a subagency license for a name solely due to the use of a ".com" or other URL extension in an internet address; or because a dealership uses a derivative of its licensed "doing business as" name for its internet address. The web site must clearly display the licensed "doing business as" name.

(3) If the dealer ceases to maintain "an established place of business" at that subagency location, the director shall suspend, revoke and/or refuse to renew a subagency license of a dealership.

(4) All temporary subagencies must be covered by the bond of the dealer's principal place of business.

(5) A vehicle dealer, whether franchised or nonfranchised, that is unable to locate the dealer's used vehicle sales facilities adjacent to or at the established place of business need not obtain and hold a subagency license if:

(a) The vehicle sales lot is contained within the same city block, or

(b) Is directly across the street, or

(c) Is within sight, and

(d) Its location is zoned properly, and

(e) The dealer bond covers the sales lot.

(6) If the sales lot referred to in section 5 is in sight of the principal place of business, no sign is required at that sales lot.

(7) The department may require that a dealer provide evidence that each place of business conforms to all zoning and land use ordinances.

(8) Each and every subagency license of a dealership shall automatically be deemed canceled upon the termination, for whatever reason, of the principal license of that dealership.

(9) No license shall be issued to any applicant for a vehicle dealer or vehicle manufacturer license under a name that is the same as that of any dealer or manufacturer holding a current license issued pursuant to chapter 46.70 RCW.

(10) The sign at the certified location and the business telephone listing must reflect the "doing business as" (dba) name.

[Statutory Authority: RCW 46.70.160, 10-06-058, § 308-66-140, filed 2/25/10, effective 3/28/10; 04-16-090, § 308-66-140, filed 8/3/04, effective 9/3/04; 98-20-039, § 308-66-140, filed 9/30/98, effective 10/31/98. Statutory

Authority: RCW 46.70.160 and 46.70.023, 91-20-057, § 308-66-140, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1, 87-01-016 (Order DLR 115), § 308-66-140, filed 12/9/86; Order MV 170, § 308-66-140, filed 7/16/73; Order 69-1, § 308-66-140, filed 8/28/69; Order 2, § 308-66-140, filed 1/29/68.]

**WAC 308-66-170 Denial, suspension or revocation of license.** (1) When the license of a vehicle dealer has been suspended or revoked, the department shall post a closure notice at or near the principal entry to the place of business. Such notice shall include a statement that the dealership is closed as to the sale of vehicles because of the suspension or revocation of a license. In case of a suspension, the duration of the suspension shall be stated on the notice. A dealer shall not remove any closure notice without permission from an authorized representative of the director.

(2) Practices inimical to the health and safety of the citizens of the state of Washington pursuant to RCW 46.70.101 (1)(b)(viii) and (2)(k) shall include, but not be limited to, failure to comply with the following federal and state standards, as presently constituted and as hereafter amended, amplified or revised, pertaining to the construction and safety of vehicles:

(a) "Federal motor vehicle safety standards," 49 Code of Federal Regulations, part 571;

(b) "Control of air pollution from new motor vehicles and new motor vehicle engines," 40 Code of Federal Regulations, part 85;

(c) "Vehicle lighting and other equipment," chapter 46.37 RCW;

(d) Rules and regulations adopted by the Washington state patrol pursuant to RCW 46.37.005, Title 204 WAC;

(e) "Mobile/manufactured homes, commercial coaches, park trailers, and recreational vehicles," chapter 296-150B WAC;

(f) Housing and Community Development Act of 1974, Public Law 93-383, Title VI Mobile home construction and safety standards, §§ 603, 604, 610, 615, 616, 617.

(3) The department may deny a temporary subagency license if it is not applied for at least ten days prior to the sales event that requires the license.

[Statutory Authority: RCW 46.70.160, 10-06-058, § 308-66-170, filed 2/25/10, effective 3/28/10; 98-20-039, § 308-66-170, filed 9/30/98, effective 10/31/98; 96-19-025, § 308-66-170, filed 9/9/96, effective 10/10/96. Statutory Authority: RCW 46.70.160 and 46.70.101, 91-20-057, § 308-66-170, filed 9/24/91, effective 10/25/91. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1, 87-01-016 (Order DLR 115), § 308-66-170, filed 12/9/86; Order MV-446, § 308-66-170, filed 9/16/77; Order MV 170, § 308-66-170, filed 7/16/73; Order 2, § 308-66-170, filed 1/29/68.]

### Chapter 308-93 WAC

#### VESSEL REGISTRATION AND CERTIFICATES OF TITLE

##### WAC

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.

#### **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 42.56 and 46.12 RCW.

#### **(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 that 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 disclosure request form provided by the department and completed by the applicant; and

(b) Acceptable business 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 is 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 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 signature of the owner or an authorized representative.

#### **(5) If a business has entered into an agreement with the department, is a separate request for each inquiry required?**

No. If a business 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 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 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business 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 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 parties:

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

(ii) Individuals meet the criteria listed in subsection (6) of this section.

**(9) 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.

Additionally, if contract holders release owner information to a private investigator or attorney, they must notify the vessel owner that a request has been granted and include the name and address of the requesting party and send a copy to the department public disclosure unit.

**(10) Who is responsible for assuring that the information is used appropriately?**

Any person, business, agency or association that receives vessel owner information under this section is responsible for assuring under penalty of perjury under the laws of the state of Washington that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department.

[Statutory Authority: RCW 46.16.276 and 46.01.110. 10-11-030, § 308-93-087, filed 5/11/10, effective 6/11/10. 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 chapters 42.56 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.

[Statutory Authority: RCW 46.16.276 and 46.01.110. 10-11-030, § 308-93-088, filed 5/11/10, effective 6/11/10. 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 from disclosure is the same as under chapters 42.56 and 46.12 RCW and Executive Order 00-03 for vehicles.

**(2) Who may receive a list 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 manufacturers of vessels, or their authorized agents, to be used to enable those manufacturers 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 a 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 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 signature of the owner or an authorized representative.

**(5) If a business 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 a list of vessel owner name and address information?**

The department of licensing, driver and vehicle services division's public disclosure/records 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 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

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

(b) The request is in writing, signed by the person requesting disclosure, containing 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 or to use the information for the purposes of facilitating a profit expecting business activity. The term does not apply to situa-

tions 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) Additionally, if contract holders release owner information to a private investigator or attorney, they must notify the vessel owner that a request has been granted, and include the name and address of the requesting party, and send a copy to the department's public disclosure unit.

**(11) Who is responsible for assuring that the information is used appropriately?**

Any person, business, agency or association that receives vessel owner information under this section shall be responsible, under penalty of perjury under the laws of the state of Washington, for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, agency or association and the department or state and federal laws and regulations.

[Statutory Authority: RCW 46.16.276 and 46.01.110. 10-11-030, § 308-93-089, filed 5/11/10, effective 6/11/10. Statutory Authority: RCW 46.01.110.06-15-059, § 308-93-089, filed 7/12/06, effective 8/12/06. Statutory Authority: RCW 88.02.070, 88.02.100. 01-16-105, § 308-93-089, filed 7/30/01, effective 8/30/01.]

## Chapter 308-96A WAC

### VEHICLE LICENSES

#### WAC

308-96A-099	Use class descriptions.
308-96A-139	Neighborhood and medium speed electric vehicles—Requirements.
308-96A-550	Vehicle special collegiate license plates.
308-96A-560	Special license plates—Criteria for creation or continued issuance.

**WAC 308-96A-099 Use class descriptions. (1) Why does the department assign use classes to vehicles?**

The department assigns use classes to:

(a) Charge 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, tabs or decals.

**(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	Motor vehicle 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. Converter gear is titled but not licensed.
CMB	COMBINATION	Vehicle is either (1) a power unit with a declared gross weight of 42,000 pounds or more and tows a trailer; or (2) a trailing unit with permanent plates. The trailer may be towed only by a power unit with a CMB, or FCB use class.
CMP	CAMPER	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	Motor vehicle either (1) a power unit that does <b>not</b> pull a trailer or that pulls a trailer but the declared 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	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	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	Motor 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	Motor 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	Any motor vehicle used exclusively in agricultural pursuits on farms as defined in RCW 46.16.010(3) and 46.04.181.
FIX	FIXED LOAD	Motor vehicle as defined in RCW 46.16.070(1). These vehicles have a unique use class because they are exempt from the law requiring 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 for these vehicles and should be equal to the scale weight, or the next higher gross weight increment. If the scale weight exceeds the maximum legal limit for that vehicle, the declared gross weight needs to be equal to or just lower than the legal limit. Fixed load vehicles' maximum legal limit may actually be less than their scale weight. An oversize permit is required in addition to the registration in these cases.
F/H	FOR HIRE	Motor 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.

ABBREVIATION	TRANSLATION	DESCRIPTION
H/C	HORSELESS CARRIAGE	Motor vehicle 40 years old or older licensed with restricted use as defined in RCW 46.16.307.
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.
MEP	MEDIUM SPEED ELECTRIC PASSENGER VEHICLE	Medium speed electric vehicle as defined in RCW 46.04.295.
MET	MEDIUM SPEED ELECTRIC TRUCK-TYPE VEHICLE	Medium speed electric vehicle as defined in RCW 46.04.295 and 46.04.653. These vehicles are equipped with a truck-type bed.
MH	MOTOR HOME	Motorized vehicle designed for human habitation and defined in RCW 46.04.305
MOB	MOBILE HOME	A mobile or manufactured home as defined in RCW 46.04.302 is titled but generally not registered. This use class does not include park model trailers.
NEP	NEIGHBORHOOD ELECTRIC PASSENGER VEHICLE	Neighborhood electric vehicle as defined in RCW 46.04.357.
NET	NEIGHBORHOOD ELECTRIC TRUCK-TYPE VEHICLE	Neighborhood electric vehicle as defined in RCW 46.04.357 and 46.04.653. These vehicles are equipped with a truck-type bed.
ORV	OFF-ROAD VEHICLE	Vehicle is used off-road as defined in RCW 46.09.020. A vehicle licensed only as an ORV may not be operated on public roadways, including ocean beaches, unless authorized under RCW 46.09.180.
PAS	PASSENGER	Motor vehicle used to transport passengers as defined in RCW 46.04.382. Typically passenger cars, utility or multipurpose vehicles, passenger vans, and private buses are licensed as passenger vehicles.
PED	MOPED	Motor vehicle as defined in RCW 46.04.304 and subject to the restrictions in RCW 46.61.710.
RES	RESTORED	Motor vehicles over 30 years old licensed with restricted use as defined in RCW 46.16.307. Vehicles with this use class may display license plates described in WAC 308-96A-074.
SCH	SCHOOL	Motor vehicle 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 46.10.010(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	Motor vehicle 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. Trailers used by businesses or others for commercial purposes do not qualify for this use class.
TOW	TOW	Motor vehicle 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	Motor vehicle is a personal use 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 and camp/tent trailers.

**(4) Do all powered three-wheeled vehicles need to be licensed as motorcycles?**

Yes, a three-wheeled vehicle needs to be licensed as a motorcycle for street use as defined in RCW 46.04.330 or 46.04.332.

**(5) 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 buses 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.

**(6) 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.

**(7) 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;

(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;

(d) (PAS) passenger; or

(e) (COM) commercial.

**(8) 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.

**(9) 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 has been permanently altered to meet the definition of a motor home in RCW 46.04.305; and

(b) You certify the vehicle qualifies as M/H and will be used exclusively as a motor home for personal use and not for commercial use.

**(10) 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. 10-19-062, § 308-96A-099, filed 9/14/10, effective 10/15/10; 07-22-091, § 308-96A-099, filed 11/6/07, effective 12/7/07; 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-139 Neighborhood and medium speed electric vehicles—Requirements. (1) Do I have to license my neighborhood or medium speed electric vehicle to drive on the road?**

Yes, you must license your vehicle to obtain a registration certificate. The registration certificate will indicate that your vehicle is a neighborhood or medium speed electric vehicle.

**(2) What fees will I pay to license my neighborhood or medium speed electric vehicle?**

You are required to pay all licensing fees for a passenger motor vehicle or truck (if equipped with a bed).

**(3) Do I have to complete a form to license my motor vehicle?**

Yes, in addition to all other forms required by law or rule, you must complete the Neighborhood/Medium Speed Electric Vehicle Certification form.

**(4) If I use my vehicle for commercial purposes, is it licensed differently?**

No. Your license will appear the same; however, if you wish to park in loading zones, you must license your motor vehicle with truck plates.

**(5) Are there restrictions on where a neighborhood or medium speed electric vehicle can be driven?**

Yes. The restrictions can be found in RCW 46.61.723 and 46.61.725.

**(6) How do I prove that my motor vehicle qualifies as a neighborhood or medium speed electric vehicle?**

New vehicles must have a statement on the manufacturer's statement of origin that indicates the motor vehicle conforms to federal regulations under Title 49 C.F.R. Part 571.500. If it is a used vehicle and the ownership document does not indicate it, the owner can complete the Neighborhood/Medium Speed Electric Vehicle Certification form as proof.

[Statutory Authority: RCW 46.01.110. 10-19-062, § 308-96A-139, filed 9/14/10, effective 10/15/10.]

**WAC 308-96A-550 Vehicle special collegiate license plates. (1) What are the criteria for establishing collegiate license plates?**

Application for license plate series from an institution of higher education under RCW 46.16.324 may be submitted to the department through the process established in RCW 46.16.735 and 46.16.745. In addition the following criteria must be satisfied:

(a) The plates will consist of numbers, letters, colors and a symbol or artwork approved by the department.

(b) The numbers and letters combination may not exceed 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 which are offensive to good taste or decency, which may be misleading or 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 is legible and clearly identifiable 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). A collegiate license plate design may be issued in combination with a personalized plate as described in RCW 46.16.601.

(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. Design services may be purchased through the department. The design must be legible and clearly identifiable as a Washington state plate to be approved by the department, Washington state patrol, and the legislature.

(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 a registered owner of the vehicle.

(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 retain my current collegiate license plate number/letter combination if my plate is lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate plates or other license plates and pay the fees described in RCW 46.16.270 and 46.16.233 as applicable. See note following subsection (9) of this section.

(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.

(8) **How does the department define "current license plate registration"?** For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

(9) **When I am required to replace my collegiate license plate, will I receive the same license plate number/letter combination?** Yes. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

[Statutory Authority: RCW 46.01.110. 11-01-118, § 308-96A-550, filed 12/20/10, effective 1/20/11. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-550, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-550, filed 2/19/03, effective 3/22/03. 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 license plates—Criteria for creation or continued issuance.** (1) **What is a special license plate series?** For the purpose of this rule a special license plate series is one license plate design with a range of numbers and letter combinations to be determined by the department.

(2) **What is required for an organization to apply to create a new plate through the department?** The organization must submit a completed application packet, signature sheet and supporting documentation as required by law. Signature sheets must reflect that they are collected within three years of submission.

If an organization started collecting signature sheets before the moratorium was put into place that ends on July 1, 2009, they are exempt from the three-year time frame. However, organizations collecting signatures during the moratorium must submit their completed application packet and signature sheets to the department within ninety days after the moratorium is lifted. If an organization does not submit the signature sheets to the department within ninety days after the moratorium, the signature sheets are no longer valid.

(3) **What criteria are used to discontinue issuing special license plates?** A special license plate series may be canceled if:

(a) The department determines that fewer than five hundred special license plates are purchased annually and fewer than one thousand five hundred special license plates are purchased in any continuous three-year period. (Except those license plates issued under RCW 46.16.301, 46.16.305, and 46.16.324); or

(b) If the sponsoring organization does not submit an annual financial statement required by RCW 46.16.765 and certified by an accountant; or

(c) The legislature concurs with a recommendation from the department to discontinue a plate series created after January 1, 2003; or

(d) The state legislature changes the law allowing that plate series.

(4) **What information must be contained in the annual financial report?** The annual financial report must include all expenditures related to programs, fund-raising, marketing, and administrative expenses related to their special license plate(s). The report must include:

(a) The stated purpose of the organization receiving the special plate revenue;

(b) A message from the chair or director of the organization;

(c) Program highlights with a detailed list of how the funds were expended for those programs;

(d) List of special events the organization held to market their special plate for the current reporting year;

(e) A summary of financial information:

(i) Previous revenue received during current reporting year;

(ii) Total revenue received during current reporting year;

(iii) Summary of administrative expenses.

If an organization is disbursing funds through a grant program or to another nonprofit organization supporting Washington citizens, a list including the program and the organizations must be submitted which includes their name and amount received.

(5) **What steps are taken by the department if the annual financial report is not submitted as required or the special plate revenue is expended for purposes other than allowed by law?** The department will follow the guidelines as established in the organization's contractual agreement with the department:

(a) Send a written notice of the violations to the organization;

(b) The organization is given thirty days to correct the violation;

(c) If the violation is not corrected, the department may immediately terminate the contract.

(6) **Can an organization have more than one special plate series?** No. Organizations cannot have more than one special license plate series except those issued before January 1, 2006. Those organizations that already have multiple special plate series may not have more.

An updated design of the current special license plates does not constitute more than one special plate series. The newest design supersedes the prior design. The assigned number and letter combination cannot be changed when a new plate design is created.

[Statutory Authority: RCW 46.01.110, 11-01-118, § 308-96A-560, filed 12/20/10, effective 1/20/11; 08-22-067, § 308-96A-560, filed 11/4/08, effective 12/5/08; 07-20-110, § 308-96A-560, filed 10/3/07, effective 11/3/07. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276, 04-08-079, § 308-96A-560, filed 4/6/04, effective 5/7/04. 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 308-100 WAC

### DRIVERS' LICENSES—SPECIAL PROVISIONS

#### WAC

308-100-135 Out-of-service order violations.

**WAC 308-100-135 Out-of-service order violations.** As required for compliance with federal regulation 49 CFR 383.51(e), the department may not impose a minimum period of disqualification of less than:

(1) One hundred eighty days when disqualifying a person from operating a commercial motor vehicle under RCW 46.25.090 (6)(a); or

(2) Two years when disqualifying a person from operating a commercial motor vehicle under RCW 46.25.090 (6)(b).

[Statutory Authority: RCW 46.01.110, 46.25.140, 10-15-020, § 308-100-135, filed 7/9/10, effective 8/9/10.]

## Chapter 308-104 WAC

### DRIVERS' LICENSES

#### WAC

308-104-019 Renewal of driver's license or identicard by electronic commerce—Eligibility.  
308-104-022 Warning letters for drivers age eighteen through twenty-one.

**WAC 308-104-019 Renewal of driver's license or identicard by electronic commerce—Eligibility.** An applicant for a driver's license renewal or identicard renewal may apply by electronic commerce if permitted under this section.

(1) A person whose valid driver's license is about to expire may be allowed to renew by electronic commerce if the person:

(a) Is eligible to renew his or her driver's license by electronic commerce under the provisions of RCW 46.20.120 (3)(b) or (4)(b);

(b) Has previously been issued a digital driver's license;

(c) Is at least twenty-four and not more than seventy years of age;

(d) Has a valid Social Security number on file with the department;

(e) Has a valid mailing address on his or her driving record as maintained by the department;

(f) Does not have a commercial driver's license, enhanced driver's license or identicard, instruction permit, or agricultural permit;

(g) Has not paid a fee owed to the department with a check that has been dishonored;

(h) Has not failed to appear, respond, or comply with the terms of or in response to a traffic citation or notice of traffic infraction; and

(i) Does not have any actions pending against his or her driver's license or driving privileges.

(2) A person applying for driver's license renewal by electronic commerce must:

(a) Certify that he or she has had no mental or physical condition or is not taking any medication which could impair his or her ability to operate a motor vehicle safely;

(b) Make the necessary certification under WAC 308-104-010(2); and

(c) Complete the required application and pay all applicable fees.

(3) A person whose valid identicard is about to expire may renew by electronic commerce if the person:

(a) Is eligible to renew his or her identicard by electronic commerce under the provisions of RCW 46.20.117 (3)(b);

(b) Is at least twenty-four years of age; and

(c) Has previously been issued a digital identicard.

(4) A person applying for identicard renewal by electronic commerce must complete the required application and pay all applicable fees.

(5) The department may specify the means and establish procedures by which a person may make an application under this section.

[Statutory Authority: RCW 46.01.110, 46.20.117, and 46.20.120, 10-15-019, § 308-104-019, filed 7/9/10, effective 8/9/10. Statutory Authority: RCW 46.61.110, 46.20.041, 46.20.091, 46.20.120, and 46.20.130, 09-16-012, § 308-104-019, filed 7/23/09, effective 8/23/09. Statutory Authority: RCW 46.01.110 and 46.20.202, 07-22-031, § 308-104-019, filed 10/29/07,

effective 11/29/07. Statutory Authority: RCW 46.01.110, 04-20-012, § 308-104-019, filed 9/24/04, effective 10/25/04.]

**WAC 308-104-022 Warning letters for drivers age eighteen through twenty-one.** The department may mail a letter to drivers age eighteen through twenty-one who have been convicted of or found to have committed a moving traffic violation as listed in WAC 308-104-160 warning them of the risk of crash involvement.

[Statutory Authority: RCW 46.01.110, 46.52.120, 10-22-045, § 308-104-022, filed 10/28/10, effective 11/28/10.]

## Chapter 308-107 WAC

### IGNITION INTERLOCK DRIVER'S LICENSE

#### WAC

308-107-010	Definitions.
308-107-020	Ignition interlock driver's license—Application—License term.
308-107-050	Ignition interlock device revolving account.
308-107-070	Ignition interlock driver's license—Hearing.

**WAC 308-107-010 Definitions.** As used in this chapter, unless the context requires otherwise, the term:

(1) "Authorized service provider" or "ignition interlock vendor" means a person, company, or contractor to a company meeting all qualifications set out in chapter 204-50 WAC and approved and trained by a manufacturer to service, install, monitor, calibrate, and provide information on manufacturer's devices currently certified for use in Washington state.

(2) "Breath or blood alcohol concentration (BAC)" means the amount of alcohol in a person's blood or breath determined by chemical analysis, which shall be measured by grams of alcohol per:

- (a) One hundred milliliters of blood; or
- (b) Two hundred ten liters of breath.

(3) "Commission" means the Washington traffic safety commission.

(4) "Device" means an ignition interlock device as defined under RCW 46.04.215 and WAC 204-50-030.

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

(6) "Event log report" means a compilation of the data downloaded from a device under the provisions of WAC 204-50-080.

(7) "Functioning device" means a device that is properly installed, maintained, and meets the requirements specified in chapter 204-50 WAC.

(8) "Manufacturer" or "ignition interlock company" means the person, company, or corporation who produces an ignition interlock device, and certifies to the Washington state patrol that an authorized service provider is qualified to service, install, monitor, calibrate, and provide information on devices.

[Statutory Authority: RCW 46.01.110 and 46.20.385, 11-01-037, § 308-107-010, filed 12/6/10, effective 1/6/11. Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745, 08-24-059, § 308-107-010, filed 11/26/08, effective 1/1/09.]

**WAC 308-107-020 Ignition interlock driver's license—Application—License term.** (1) A person applying for an ignition interlock driver's license must meet the

requirements of RCW 46.20.380 and 46.20.385, and submit the following:

(a) A nonrefundable application fee of one hundred dollars;

(b) An application on a form provided by the department;

(c) Satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Proof from an installer approved by the department that a functioning ignition interlock device has been installed.

If all the requirements for an ignition interlock driver's license are not met within thirty days after the application has been accepted by the department, the license will be denied.

(2) Reapplication for the ignition interlock driver's license may be required whenever a new administrative suspension or revocation is imposed.

[Statutory Authority: RCW 46.01.110 and 46.20.385, 11-01-037, § 308-107-020, filed 12/6/10, effective 1/6/11; 09-19-086, § 308-107-020, filed 9/18/09, effective 10/19/09. Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745, 08-24-059, § 308-107-020, filed 11/26/08, effective 1/1/09.]

**WAC 308-107-050 Ignition interlock device revolving account.** (1) As required under RCW 46.20.385 (6)(a), unless determined by the department to be indigent under WAC 308-107-060, a person who is applying for or has been issued an ignition interlock driver's license must pay an additional fee of twenty dollars per month or partial month for which the ignition interlock driver's license is valid to the manufacturer of the device(s) installed in the motor vehicle(s) driven by the person. Payment may be made directly to the manufacturer, or through the authorized service provider, depending upon the manufacturer's business practices.

(2) A manufacturer providing devices to persons who are applying for or have been issued an ignition interlock driver's license, either directly or through an authorized service provider, must enter into an agreement with the department for the collection and transmittal of the twenty dollar monthly fee required under RCW 46.20.385 (6)(a). Any agreement made under this section must include appropriate reporting requirements and accounting practices to permit the department to audit the handling of the fees that must be remitted to the department. The department may terminate an agreement with a manufacturer upon a showing of good cause. Good cause may include, but not be limited to;

(a) Violation of the agreement;

(b) Violation of the laws and rules governing the installation of devices; or

(c) Violation of this chapter.

An agreement between the department and a manufacturer will be valid for no more than four years, provided that the department may extend an agreement for up to an additional four years at its discretion.

(3) As provided by RCW 46.20.385 (6)(b), the department shall deposit the proceeds of the twenty-dollar fee into the ignition interlock device revolving account.

[Statutory Authority: RCW 46.01.110 and 46.20.385, 11-01-037, § 308-107-050, filed 12/6/10, effective 1/6/11. Statutory Authority: RCW 46.01.110, 46.20.385, 46.20.391, and 46.20.745, 08-24-059, § 308-107-050, filed 11/26/08, effective 1/1/09.]

**WAC 308-107-070 Ignition interlock driver's license—Hearing.** (1) Upon notification by the department that an ignition interlock driver's license has been denied under RCW 46.20.385 the aggrieved person may request a formal hearing to contest the department's decision. No hearing need be granted where the department is prevented from issuing an ignition interlock driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Upon notification by the department that a determination has been made under WAC 308-107-060 that a person is not indigent, the person may request a formal hearing to contest the department's determination.

(3) Within ten days of receipt of a request for a hearing, the department shall notify the requester in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means.

(4) The hearing shall be conducted by a hearing officer appointed by the director. The director may delegate the authority to render final decisions to the hearing officer.

(5) For a hearing requested under subsection (1) of this section, the scope of the hearing shall be limited to the following issues:

(a) Whether the person had previously been issued a valid Washington state driver's license, or is in the military, stationed in Washington state, and has a valid home state license;

(b) Whether the suspension or revocation giving rise to the application for an ignition interlock driver's license is one for which an ignition interlock driver's license may be issued under RCW 46.20.385;

(c) Whether a device was installed and functioning; and

(d) Whether the person is currently suspended or revoked for any reason for which an ignition interlock driver's license is not available.

(6) The person's official driving record provided to the hearing officer by the department shall be prima facie evidence of the issues contained in subsection (5) of this section unless the person presents clear and convincing evidence to the contrary.

(7) For a hearing requested under subsection (2) of this section, the person shall have the burden of proving by a preponderance of the evidence that the department's determination is in error.

(8) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the ignition interlock driver's license, or decision determining that the person is not indigent, shall be affirmed.

[Statutory Authority: RCW 46.01.110 and 46.20.385. 11-01-037, § 308-107-070, filed 12/6/10, effective 1/6/11. Statutory Authority: RCW 46.01-110, 46.20.385, 46.20.391, and 46.20.745. 08-24-059, § 308-107-070, filed 11/26/08, effective 1/1/09.]

## Chapter 308-124 WAC

### REAL ESTATE BROKERS AND SALESPERSONS—GENERAL PROVISIONS

#### WAC

308-124-300	Definitions.
308-124-305	Application of brief adjudicative proceedings.
308-124-310	Preliminary record in brief adjudicative proceedings.
308-124-315	Conduct of brief adjudicative proceedings.

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

308-124-007	Meetings. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124-007, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85-040. 90-23-039, § 308-124-007, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124-007, filed 10/7/87; Order RE 114, § 308-124-007, filed 7/2/75; Order RE-104, § 308-124-007, filed 2/16/72; Order RE-103, § 308-124-007, filed 12/14/71.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124-021	Definitions. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124-021, filed 3/29/00, effective 7/1/00; 99-03-042, § 308-124-021, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-021, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124-021, filed 11/15/90, effective 12/16/90; 88-24-059 (Order PM 811), § 308-124-021, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124-021, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124-021, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124-025	Application of brief adjudicative proceedings. [Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-025, filed 12/17/97, effective 1/17/98.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124-035	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-035, filed 12/17/97, effective 1/17/98.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124-045	Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-045, filed 12/17/97, effective 1/17/98.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

**WAC 308-124-300 Definitions.** Words and terms used in this chapter shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in this chapter, or the context in which they are used in this chapter clearly indicates that they be given some other meaning.

(1) "Branch manager" is the natural person who holds a managing broker's license and has delegated authority by the designated broker to manage a single physical location of a branch office. The department shall issue an endorsement for "branch managers."

(2) "Affiliated licensees" are the natural persons licensed as brokers or managing brokers employed by a firm and who are licensed to represent the firm in the performance of any of the acts specified in chapter 18.85 RCW.

(3) "Prospect procurement" is initiating contact with a prospective buyer, seller, landlord or tenant for the purpose of engaging in a sale, lease or rental of real estate or a busi-

ness opportunity, and the contact is initiated under a promise of compensation.

(4) "Brokerage service contracts" include, but are not limited to, purchase and sale agreements, lease or rental agreements, listings, options, agency agreements, or property management agreements.

(5) "Branch office" means:

(a) A separate physical office of the real estate firm; and  
(b) Has a different mailing address of the main firm office; and

(c) Uses the real estate firm's UBI (unified business identifier) number.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124-300, filed 3/1/10, effective 7/1/10.]

**WAC 308-124-305 Application of brief adjudicative proceedings.** The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth in WAC 308-09-525.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124-305, filed 3/1/10, effective 7/1/10.]

**WAC 308-124-310 Preliminary record in brief adjudicative proceedings.** (1) The preliminary record with respect to an application for an original or renewal license, for approval of an education course or curriculum, or for the proper issuance of a cease and desist order shall consist of:

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

(b) All documents relied upon by the program in proposing to deny the license, renewal, or approval; or all documents relied upon by the program in issuing a cease and desist order; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application; or all correspondence between the respondent and the program regarding the issuance of the cease and desist order.

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

(a) The previously issued final order or agreement;

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

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

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

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

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

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

(4) The preliminary record with respect to all other issues subject to a brief adjudicative hearing shall consist of:

(a) All documents relied upon by the program in proposing disciplinary action as provided under RCW 18.235.110; and

(b) All correspondence between the license holder and the program regarding alleged violations.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124-310, filed 3/1/10, effective 7/1/10.]

**WAC 308-124-315 Conduct of brief adjudicative proceedings.** (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

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

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

(4) No witnesses may appear to testify.

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

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

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124-315, filed 3/1/10, effective 7/1/10.]

## Chapter 308-124A WAC

### REAL ESTATE—LICENSING AND EXAMINATION

#### WAC

308-124A-700	Application for a license—Fingerprinting.
308-124A-705	Application examination process.
308-124A-707	Exam scheduling.
308-124A-710	Successful applicants must apply for a license.
308-124A-713	Application for managing broker license examination— Other qualification or related experience.
308-124A-715	Unsuccessful managing broker applicants—Alternate qualifications.
308-124A-720	Application for real estate examination, licensed in another jurisdiction.
308-124A-725	Application for license or endorsement.
308-124A-727	Application as broker license for interim period.
308-124A-730	Broker, managing brokers—Termination of services.
308-124A-735	Firm licenses.
308-124A-740	Firm license renewal.
308-124A-750	Application for managing broker license examination— Clock hour requirements.
308-124A-755	Substitution of clock hours.
308-124A-760	Grading of examinations.
308-124A-765	Reexamination.
308-124A-770	Examination procedures.
308-124A-775	Real estate fees.

308-124A-780	Reinstatement of a canceled license for nonpayment of renewal fee.		
308-124A-785	Broker first active license renewal.		
308-124A-787	Previously licensed salesperson—First active renewal.		
308-124A-790	Continuing education clock hour requirements.		
308-124A-800	Defining prescribed core curriculum.		
308-124A-805	Address on designated broker's endorsement.		
308-124A-815	Firm names—Name prohibited.	308-124A-130	Salesperson, associate brokers—Termination of services. [Statutory Authority: RCW 18.85.040(1), 08-14-034, § 308-124A-130, filed 6/23/08, effective 7/24/08. Statutory Authority: RCW 18.85.040, 88-06-039 (Order PM 711), § 308-124A-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124A-130, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-130, filed 2/10/81.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124A-825	Change of designated broker.		
308-124A-830	Firm closing—Designated broker responsibility.		
308-124A-835	Courses completed in other jurisdictions.		
<b>DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER</b>			
308-124A-010	Character report. [Statutory Authority: RCW 18.85-040, 87-20-091 (Order PM 683), § 308-124A-010, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124A-010, filed 10/23/78; Order RE 120, § 308-124A-010, filed 9/20/77; Order RE 114, § 308-124A-010, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124A-200	Corporate or copartnership applicants for licenses—Proof required. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124A-200, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040, 98-01-107, § 308-124A-200, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124A-200, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124A-200, filed 9/30/88. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190, 87-17-051 (Order PM 673), § 308-124A-200, filed 8/18/87, effective 10/1/87. Statutory Authority: RCW 18.85-040, 81-05-016 (Order RE 128), § 308-124A-200, filed 2/10/81; Order RE 114, § 308-124A-200, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124A-020	Application for a license—Fingerprinting. [Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124A-020, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040, 88-20-036 (Order PM 774), § 308-124A-020, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-020, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-020, filed 2/10/81; Order RE 120, § 308-124A-020, filed 9/20/77; Order RE 114, § 308-124A-020, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124A-205	Corporate license renewal—Proof required. [Statutory Authority: RCW 18.85.040, 98-01-107, § 308-124A-205, filed 12/17/97, effective 1/17/98; 87-20-091 (Order PM 683), § 308-124A-205, filed 10/7/87.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124A-025	Application process to take examination not licensed in another jurisdiction. [Statutory Authority: RCW 18.85-040(1), 04-08-012, § 308-124A-025, filed 3/25/04, effective 4/25/04. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-025, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-025, filed 11/30/93, effective 1/1/94; 91-23-006, § 308-124A-025, filed 11/7/91, effective 12/8/91; 89-08-009 (Order PM 829), § 308-124A-025, filed 3/24/89; 88-20-036 (Order PM 774), § 308-124A-025, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-025, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-025, filed 2/10/81; Order RE 114, § 308-124A-025, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124A-410	Application for broker license examination—Two years sales experience. [Statutory Authority: RCW 18.85-040, 87-20-091 (Order PM 683), § 308-124A-410, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-410, filed 2/10/81.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124A-030	Successful applicants must apply for license. [Statutory Authority: RCW 18.85.040, 18.85.130, 18.85.090, and 18.85.095, 09-16-034, § 308-124A-030, filed 7/27/09, effective 8/27/09. Statutory Authority: RCW 18.85-040, 87-20-091 (Order PM 683), § 308-124A-030, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124A-420	Application for broker license examination, other qualification or related experience. [Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-420, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124A-420, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124A-420, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-420, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-420, filed 2/10/81.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124A-040	Unsuccessful broker applicants—Loss of waiver privilege. [Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124A-040, filed 10/7/87; 82-17-039 (Order 130), § 308-124A-040, filed 8/13/82; Order RE 114, § 308-124A-040, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124A-422	Application for broker license examination—Clock hour requirements. [Statutory Authority: RCW 18.85-040 and chapter 18.86 RCW, 97-01-027, § 308-124A-422, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-422, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-422, filed 11/7/91, effective 12/8/91.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124A-110	Application for real estate examination, licensed in another jurisdiction. [Statutory Authority: RCW 18.85-040(1), 04-07-153, § 308-124A-110, filed 3/23/04, effective 4/23/04; 02-07-060, § 308-124A-110, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-110, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-110, filed 11/7/91, effective 12/8/91; 88-20-037 (Order PM 775), § 308-124A-110, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-110, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-110, filed 2/10/81.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124A-425	Substitution of clock hours. [Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-425, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-425, filed 11/7/91, effective 12/8/91; 88-20-037 (Order PM 775), § 308-124A-425, filed 9/30/88.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124A-120	Application for license—Interim license. [Statutory Authority: RCW 18.85.040, 98-01-107, § 308-124A-120, filed 12/17/97, effective 1/17/98; 91-23-006, §	308-124A-430	Grading of examinations. [Statutory Authority: RCW 18.85.040(1), 06-12-034, § 308-124A-430, filed 5/31/06, effective 7/1/06. Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095, 91-07-029, § 308-124A-430, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040, 88-20-036 (Order PM 774), § 308-124A-430, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-430, filed 5/12/86, effective 10/1/86.] Repealed

- 308-124A-440 by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041. Reexamination. [Statutory Authority: RCW 18.85-040(1), 04-08-012, § 308-124A-440, filed 3/25/04, effective 4/25/04. Statutory Authority: RCW 18.85-040, 93-24-096, § 308-124A-440, filed 11/30/93, effective 1/1/94; 88-20-036 (Order PM 774), § 308-124A-440, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-440, filed 5/12/86, effective 10/1/86.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124A-450 Examination procedures. [Statutory Authority: RCW 18.85.040(1), 07-13-062, § 308-124A-450, filed 6/18/07, effective 7/19/07. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-450, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-450, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124A-450, filed 10/7/87; 86-11-011 (Order PM 595), § 308-124A-450, filed 5/12/86, effective 10/1/86.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124A-460 Real estate brokers and salespersons and land development representative fees. [Statutory Authority: RCW 18.85.040(1), 05-12-057, § 308-124A-460, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.85.040(1), 43.24.086, 02-03-057, § 308-124A-460, filed 1/10/02, effective 5/1/02. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124A-460, filed 1/14/99, effective 7/1/99. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-460, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-460, filed 11/15/90, effective 12/16/90. Statutory Authority: RCW 18.85.220 and 43.24.086, 90-02-048, § 308-124A-460, filed 12/29/89, effective 1/29/90. Statutory Authority: RCW 18.85.040, 89-08-009 (Order PM 829), § 308-124A-460, filed 3/24/89. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190, 87-17-051 (Order PM 673), § 308-124A-460, filed 8/18/87, effective 10/1/87.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124A-570 Reinstatement of a cancelled license for nonpayment of renewal fee. [Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124A-570, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-570, filed 11/7/91, effective 12/8/91.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124A-590 Salesperson first active license renewal—Post license requirements. [Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-590, filed 1/5/95, effective 7/1/95.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124A-595 License activation. [Statutory Authority: RCW 18.85-040 and SB 6284, 95-03-012, § 308-124A-595, filed 1/5/95, effective 7/1/95.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124A-600 Continuing education clock hour requirements. [Statutory Authority: RCW 18.85.040(1), 43.24.086, 02-03-080, § 308-124A-600, filed 1/15/02, effective 2/15/02. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124A-600, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-600, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-600, filed 11/7/91, effective 12/8/91.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124A-605 Defining prescribed core curriculum. [Statutory Authority: RCW 18.85.040(1), 43.24.086, 02-03-080, § 308-124A-605, filed 1/15/02, effective 2/15/02.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

**WAC 308-124A-700 Application for a license—Fingerprinting.** (1) New applicants applying for their first bro-

ker's license under chapter 18.85 RCW will be required to submit a fingerprint card.

(2) Applicants applying for their first managing broker's license using alternative qualifications will be required to submit a fingerprint card.

(3) Fingerprint cards and background checks are required for every active renewal every six years. If the department background check was within the last six years, then no new background check is required to activate a license.

(4) An application submitted without the required fingerprint card is considered incomplete.

(5) When a fingerprint card is rejected, the licensee or applicant must submit to the department a new fingerprint card within twenty-one calendar days of written notice to the address of record with the real estate program. Failure to submit a new fingerprint card will result in a suspension of the real estate license until the fingerprint card is received by the department.

(6) If the fingerprint card is rejected, the applicant must pay a new fee for fingerprinting and background processing.

[Statutory Authority: RCW 18.85.040 and 18.85.041, 10-06-078, § 308-124A-700, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-705 Application examination process.** (1) Any person desiring to take an examination for a broker license must:

(a) Contact the testing service at least one day prior to the desired test date to schedule and pay for an examination.

(b) On the day of the examination, the candidate shall submit a completed examination application together with any supporting documents, including evidence satisfactory to the department of having successfully completed an approved sixty clock hour fundamentals course, and a thirty-hour practices course approved by the real estate program to the testing service.

(2) Any person desiring to take a broker or managing broker license examination who received clock hours in another jurisdiction must:

(a) Submit proof of education to be substituted for clock hours required under WAC 308-124A-755. After receiving written notice that the qualifications for the examination have been verified by the department, the candidate shall contact the testing service at least one day prior to the desired test date to schedule and pay for an examination.

(b) Provide a completed examination application to the testing service on the day of the examination.

[Statutory Authority: RCW 18.85.040 and 18.85.041, 10-06-078, § 308-124A-705, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-707 Exam scheduling.** (1) Candidates requesting a morning or afternoon exam will be scheduled immediately for an examination and will be provided a registration number confirming their reservation. On the day of the examination, the candidate shall submit the approved completed examination application to the testing service.

(2) A candidate shall be assessed the full examination fee for any examination in which the candidate fails to provide two days notice to the testing service for changing their examination date or for failing to arrive and take an examination at the time the examination is scheduled or rescheduled.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-707, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-710 Successful applicants must apply for a license.** Examination results are valid for one year only. Any person who has passed the examination for broker or managing broker must become licensed within one year from the date of such examination. You will be required to take and pass another examination if you do not comply with this provision.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-710, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-713 Application for managing broker license examination—Other qualification or related experience.** Applications for a managing broker license examination by persons who do not possess three years of actual experience as a full-time broker as required by RCW 18.85.111 who show qualification by reason of practical experience in a business allied with or related to real estate shall be submitted to the real estate program. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with supporting documentation, and a letter from each of five business references describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of experience which may qualify in lieu of three years of full-time broker experience:

(1) Postsecondary education with major study in real estate together with one year experience as a real estate broker or one year experience under the provisions of subsections (2) through (7) of this section.

(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision-making responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience with a commercial bank, savings and loan association, title company or mortgage company, involving all details of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods referenced in WAC 308-124A-713 shall be within the last seven years prior to the date of application.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-713, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-715 Unsuccessful managing broker applicants—Alternate qualifications.** The managing broker applicant who is approved to take the exam based upon alternate qualifications and subsequently fails the exam is not permitted to repeat the exam unless they satisfy the requirements in RCW 18.85.111.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-715, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-720 Application for real estate examination, licensed in another jurisdiction.** (1) Any person applying for a broker or managing broker examination who is actively licensed in the same or greater capacity in another jurisdiction and has maintained his or her license in good standing or who was actively licensed in the same or greater capacity in good standing within the preceding six months is only required to take the Washington law portion of the examination.

(2) Any person applying to take the examination under this section shall submit evidence of licensure in another jurisdiction by a license verification form completed by the licensure authority in such jurisdiction.

(3) After receiving notification that the qualifications for the examination have been verified by the department, the candidate shall contact the testing service at least one day prior to the desired test date to schedule and pay for an examination. Candidates requesting a morning or afternoon exam shall be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit at the test site the approved examination application and any supporting documents required by the department.

(4) The director, upon advice of the Washington state real estate commission, may consider entering into written recognition agreements with other jurisdictions which license brokers and managing brokers similarly to Washington state. The recognition agreement(s) shall require the other jurisdiction to grant the same licensing process to licensees of Washington state as is offered by Washington state to license applicants from other jurisdictions.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-720, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-725 Application for license or endorsement.** A person who desires to be licensed as a real estate broker, managing broker or endorsed as a branch manager or designated broker, shall make application on a form approved by the director and the broker and managing broker application shall be signed by the designated broker to whom the license will be issued. The branch manager may sign for the designated broker for licenses to be issued to that branch office.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-725, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-727 Application as broker license for interim period.** Applicants for a broker's license may commence working on or after the postmark date of delivery to the department, or on or after the date of hand delivery to the real estate program, of the following:

- (1) Notice of passing the examination;
- (2) License application form;
- (3) Fingerprint card; and
- (4) License and fingerprint fees.

The completed license application form shall serve as an interim license for a period up to forty-five days unless

grounds exist to take disciplinary action against the license under RCW 18.235.130 and 18.85.361.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-727, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-730 Broker, managing brokers—Termination of services.** (1) A person licensed as a broker or managing broker may perform duties and activities only under the direction and supervision of a licensed managing broker, branch manager or designated broker and as a representative of the firm. This licensed relationship may be terminated unilaterally by either the broker, managing broker, branch manager or designated broker.

(a) All terminations shall be by written notice by the broker or managing broker, or branch manager to the designated broker or the designated broker's delegated representative; or by the designated broker to the broker, managing broker or branch manager.

(b) All notices of termination shall be given to the real estate program without delay and such notice shall be accompanied by and include the surrender of the real estate license.

(c) The managing broker, branch manager or designated broker may not condition his or her surrender of license to the real estate program upon performance of any act by the broker or managing broker.

(d) If the license cannot be surrendered because the managing broker or designated broker is conditioning the surrender of the license, the licensee shall so advise the department in writing.

(e) Upon receipt of the licensee's written statement about the conditioned release of the license, the real estate program shall process the release or license transfer.

(f) The termination date shall be the postmark date, fax date or date the license is hand delivered to the real estate program.

(2) If the license cannot be surrendered to the real estate program because the license has been lost, the licensee and the responsible managing broker, branch manager or the designated broker shall submit a letter of release. No license transfers shall be permitted unless the license is surrendered or the letter of release is submitted and filed with the real estate program.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-730, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-735 Firm licenses.** Licenses issued to firms expire two years from the date of issuance.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-735, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-740 Firm license renewal.** Proof required. Applicants for renewal of a firm license shall furnish proof of current master business license renewed by authority of the secretary of state.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-740, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-750 Application for managing broker license examination—Clock hour requirements.** (1) Applicants for the managing broker's examination shall have

successfully completed ninety clock hours of approved real estate instruction in addition to any other clock hours completed and used to satisfy requirements of chapter 18.85 RCW. Instruction must include a course in advanced real estate law, a course in real estate brokerage management, and a course in business management. All courses completed to satisfy this requirement must be approved subject matter as defined in WAC 308-124H-820 and be at least thirty clock hours in length and include a comprehensive examination. Courses must be completed within three years prior to applying for the managing broker's examination.

(2) Courses in advanced real estate law, real estate brokerage management, and business management, used to satisfy continuing education requirements within three years of applying for the managing broker's examination shall satisfy the requirements of subsection (1) of this section provided the applicant successfully completed a comprehensive examination. Licensees will be required to provide additional approved course work if they have submitted real estate law, brokerage management, or business management education classes to satisfy any other continuing educational requirements.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-750, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-755 Substitution of clock hours.** (1) The director may allow for substitution of the clock hour requirements in RCW 18.85.141 and 18.85.111 if the individual is qualified by completing equivalent educational course work in any institution of higher education or degree granting institution.

(2) Individuals requesting approval for real estate equivalent educational course work shall submit a transcript of course work completed from an institution of higher education or a degree granting institution together with an application for the license examination. The department may also require certification from an authorized representative of the institution of higher education or degree granting institution that the course work satisfies the department's prescribed course content or curriculum for a given course(s).

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-755, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-760 Grading of examinations.** (1) To pass the broker examination a minimum scaled score of 70 is required on each portion. The broker examination shall consist of two portions:

(a) The national portion consisting of questions that test general real estate practices; and

(b) The state portion consisting of questions that test on Washington laws and regulations related to real estate licensing.

(2) To pass the managing broker examination a minimum scaled score of 75 is required on each portion. The managing broker examination shall consist of two portions:

(a) The national portion consisting of questions that test general real estate brokerage practices; and

(b) The state portion consisting of questions that test on Washington laws and regulations related to real estate licensing, and the closing/settlement process.

(3) A passing score for a portion of an examination is valid for a period of six months.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-760, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-765 Reexamination.** An applicant who failed the examination or failed to appear for a scheduled examination may apply for reexamination by contacting the testing service to schedule and pay for an examination. Managing broker exam applicants who applied using alternate qualifications and failed the examination must comply with the provisions of WAC 308-124A-750.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-765, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-770 Examination procedures.** (1) Each applicant will be required to present one piece of valid government issued photo-bearing identification. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants are prohibited from:

(a) Talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor.

(b) Attempting to communicate or record any information.

(c) Using unauthorized materials during any portion of the examination.

(d) Removing test materials and/or notes from the testing room.

(e) Disruptive behavior.

(3) Applicants who participate in any activity listed in subsection (2) of this section will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

(4) Any applicant who was removed from the testing site for any of the reasons listed in subsection (2) of this section will be required to submit a letter to the department requesting permission to retest and stating the circumstances of the event. After receipt of the applicant's letter, the department will review the proctor's report and the applicant's letter and may deny testing for up to one year.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-770, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-775 Real estate fees.** These fees are applicable to all original licenses, examination services, and fee generating services issued or performed after July 1, 2010, and all renewals for existing licenses with expiration date after July 1, 2010. The fees for an original license and renewal include a ten dollar fee which is assessed for the real estate research center for the real estate broker and the real estate managing broker licenses. The following fees shall be charged by the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	\$138.25
Reexamination	138.25
Original license	146.25
License renewal	146.25
Late renewal with penalty	172.75
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	0.00
Real estate managing broker:	
Application/examination	\$138.25
Reexamination	138.25
Original license	210.00
License renewal	210.00
Late renewal with penalty	236.50
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	0.00
Real estate firm and assumed name license:	
Original license	\$200.00
License renewal	200.00
Late renewal with penalty	226.50
Name or address change	0.00
Duplicate license	26.50
Certification	26.50
Real estate branch:	
Original license	\$189.50
License renewal	189.50
Late renewal with penalty	216.50
Certification	26.50
Duplicate license	26.50
Name or address change, transfer or license activation	0.00
Fingerprint processing	\$35.25
Subsequent fingerprint processing	\$30.00
Fingerprints rejected by the department, Washington state patrol or FBI will necessitate subsequent fingerprint processing fees.	
Fingerprinting fee does not include the cost of obtaining prints. Applicants will be responsible for obtaining their fingerprints for their cards.	

[Statutory Authority: RCW 18.85.061 and 18.85.451. 10-15-055, § 308-124A-775, filed 7/15/10, effective 8/15/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-775, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-780 Reinstatement of a canceled license for nonpayment of renewal fee.** Any person desiring to be reinstated as a real estate licensee within two years of cancellation may have their license reinstated by satisfying either of the following options:

(1) Submission of an application to the director providing proof of the following:

(a) Successful completion of sixty clock hours of approved real estate course work completed within one year preceding the application for reinstatement. A minimum of thirty clock hours must include real estate law;

(b) Payment of all back renewal fees with penalty at the current rate; and

(c) Payment of a reinstatement penalty fine of one hundred dollars; or

(2) Satisfy the procedures and qualifications for initial licensing, including the following:

(a) Successful completion of any applicable licensing examinations; and

(b) Successful completion of required courses pursuant to RCW 18.85.101 and/or 18.85.111, whichever is applicable, within three years preceding the application for reinstatement.

(3) Former licensees canceled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-780, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-785 Broker first active license renewal.** The minimum requirements for a broker to be issued the first renewal of an active license are: The broker has furnished proof of successful completion of ninety clock hours commenced after the date first licensed, from a prescribed curriculum approved by the real estate program, including real estate law, advanced practices and thirty hours in approved continuing education, including the core curriculum.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-785, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-787 Previously licensed salesperson—First active renewal.** For individuals licensed as salespersons between July 1, 2008, and July 1, 2010, and whose first license renewal will occur between July 1, 2010, and July 1, 2012, the minimum requirements for the broker first active license renewal are: The broker has furnished proof of successful completion of sixty clock hours commenced after the date first licensed, from a prescribed curriculum approved by the real estate program, including real estate practices and thirty hours in approved continuing education, including the core curriculum and the transitions course. This section is effective until July 1, 2012.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-787, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-790 Continuing education clock hour requirements.** A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.85.211, in the manner and on forms prescribed by the department.

(1) A licensee applying for renewal of an active license shall submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the real estate program and commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of the licensee's current renewal date, and a portion of that fifteen must include three hours of the prescribed core curriculum defined in WAC 308-124A-800. Up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a pre-

vious renewal date may be carried forward to the following renewal date. Failure to report successful completion of the prescribed core curriculum clock hours shall result in denial of license renewal.

(2) The thirty clock hours shall be satisfied by evidence of completion of approved real estate courses as defined in WAC 308-124H-820. A portion of the thirty clock hours of continuing education must include three clock hours of prescribed core curriculum defined in WAC 308-124A-800 and three clock hours of prescribed transition course pursuant to RCW 18.85.481(2).

(3) Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

(4) A licensee shall not place a license on inactive status to avoid the continuing education requirement or the post-licensing requirements. A licensee shall submit evidence of completion of continuing education clock hours to activate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license. A licensee shall submit evidence of completing the post-licensing requirements if not previously satisfied upon returning to active status.

(5) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(6) Clock hour credit for continuing education shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Course(s) was taken to activate an inactive license pursuant to RCW 18.85.265(3);

(c) Course(s) submitted to satisfy the requirements of RCW 18.85.101 (1)(c), broker's license, RCW 18.85.211, 18.85.111, broker's license and WAC 308-124A-780, reinstatement.

(7) Instructors shall not receive clock hour credit for teaching or course development.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-790, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-800 Defining prescribed core curriculum.** A licensee shall submit to the department evidence of satisfactory completion of at least three clock hours of core curriculum continuing education approved by the director. Core curriculum continuing education is a specific course of study, recommended by the real estate commission for approval by the director that provides practical information on contemporary issues relating to the practices of real estate. The commission may recommend multiple core curricula to address residential, commercial, and property management disciplines or may recommend approval of the same core curriculum if appropriate. Core curriculum may be developed in a separate three clock-hour course or may be three clock hours contained within an approved thirty or less clock-hour course. Core curriculum must be completed within twenty-four months of the licensee's renewal date. Core curriculum commenced within thirty-six months but more than twenty-four months prior to the licensee's renewal date, may not count towards the core curriculum requirement, but may apply as regular continuing education credit for renewal.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-800, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-805 Address on designated broker's endorsement.** The address on the designated broker's endorsement will be the location where the designated broker is the managing broker.

The real estate program will register each firm's address where the designated broker accepts endorsement from other firms.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-805, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-815 Firm names—Name prohibited.** (1) Department can deny, suspend, reject firm names or assumed names that are in the department's opinion: Derogatory, similar or the same as other licensed firm names, implies that it is a public agency or government, implies non-profit or research organization.

(2) A real estate firm shall not be issued a license nor advertise in any manner using names or trade styles which are similar to currently issued licenses or imply that the real estate firm is a nonprofit organization, research organization, public bureau or public group. A bona fide franchisee may be licensed using the name of the franchisor with the firm name of the franchisee.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-815, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-825 Change of designated broker.** Submit a statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, pending transactions, and certifying sufficient funds are in trust to meet client trust liabilities.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-825, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-830 Firm closing—Designated broker responsibility.** Designated brokers will be responsible for providing the department a closing firm affidavit when closing the firm.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-830, filed 3/1/10, effective 7/1/10.]

**WAC 308-124A-835 Courses completed in other jurisdictions.** A course completed in another jurisdiction may be approved for clock hour credit if:

(1) The course was offered by a tax-supported, public technical or community college, or any other institution of higher learning, and the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter;

(2) The course was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; or

(3) If the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124A-835, filed 3/1/10, effective 7/1/10.]

## Chapter 308-124B WAC REAL ESTATE—BROKER'S OFFICE

### WAC

308-124B-200	Display of licenses.
308-124B-205	Change of office location.
308-124B-210	Advertising.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124B-030	Franchise advertising. [Order RE 114, § 308-124B-030, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124B-100	Office identification. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124B-100, filed 10/7/87; Order RE 114, § 308-124B-100, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124B-110	Display of licenses. [Statutory Authority: RCW 18.85.-040. 81-05-016 (Order RE 128), § 308-124B-110, filed 2/10/81; Order RE 114, § 308-124B-110, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124B-120	Change of office location. [Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124B-120, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124B-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124B-120, filed 2/10/81; Order RE 114, § 308-124B-120, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124B-130	Names prohibited. [Statutory Authority: RCW 18.85.-040. 88-06-039 (Order PM 711), § 308-124B-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124B-130, filed 10/7/87; Order RE 114, § 308-124B-130, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124B-140	Multiple business usage of office. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-140, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-140, filed 8/13/82.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124B-145	Two or more real estate businesses in same location. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-145, filed 1/14/99, effective 2/14/99.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124B-150	Office requirement for brokers actively licensed in another jurisdiction. [Statutory Authority: RCW 18.85.-040(1). 03-14-019, § 308-124B-150, filed 6/20/03, effective 7/21/03; 02-03-054, § 308-124B-150, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-150, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-150, filed 3/1/88.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

**WAC 308-124B-200 Display of licenses.** (1) Licenses of the real estate brokers and real estate managing brokers must be available at the address appearing on the individual license.

(2) All firm and branch office licenses must be displayed in an area visible to the public.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124B-200, filed 3/1/10, effective 7/1/10.]

**WAC 308-124B-205 Change of office location.** The real estate designated broker of the firm shall submit within ten days a completed change of address application to the real estate program together with the return of all licenses, completed transfer applications, and payment of the correct fees.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124B-205, filed 3/1/10, effective 7/1/10.]

**WAC 308-124B-210 Advertising.** A firm must operate under their firm name or an assumed name as licensed.

(1) All advertising or solicitations without limitation for brokerage services, to include the internet-based advertising, web pages, e-mail, newspaper, and other visual media must include the firm name or an assumed name as licensed.

(2) Brokers and managing brokers advertising using a name, title, or brand without obtaining an assumed name license must:

(a) Always use and display the firm's licensed name or the firm's licensed assumed name in a clear and conspicuous manner in conjunction with the use of such name, title, or brand.

(b) Not use a name, title, or brand which suggests a legal entity separate and distinct from the firm, such as "Inc.," "LLC," "LLP," "Corp.," "firm," or "company."

(c) Not use name, title, or brand commonly understood to reference a firm or an office, such as "realty," "realtors," "firm," or "real estate."

(d) Receive advance written approval from the firm's designated broker to use an unlicensed title or brand.

[Statutory Authority: RCW 18.85.041(1) and (5). 10-20-095, § 308-124B-210, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124B-210, filed 3/1/10, effective 7/1/10.]

## Chapter 308-124C WAC

### REAL ESTATE—RECORDS AND RESPONSIBILITIES

#### WAC

308-124C-105	Required records.
308-124C-110	Accuracy and accessibility of records.
308-124C-115	Suit or complaint notification.
308-124C-125	Designated broker responsibilities.
308-124C-130	Branch manager responsibilities.
308-124C-135	Managing broker responsibilities.
308-124C-137	Managing broker delegated responsibilities.
308-124C-140	Broker responsibilities.
308-124C-145	Broker responsibilities (with less than two years experience).

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

308-124C-010	Licensee's responsibilities. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124C-010, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124C-010, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124C-010, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124C-020	Required records. [Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124C-020, filed 11/15/90, effective 12/16/90; 86-06-011 (Order 138R), § 308-124C-020, filed 2/21/86; 85-21-035 (Order 136R), § 308-124C-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124C-020, filed 8/13/82; Order RE 114, § 308-

124C-020, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

308-124C-030 Accuracy and accessibility of records. [Statutory Authority: RCW 18.85.040(1). 04-07-151, § 308-124C-030, filed 3/23/04, effective 4/23/04. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124C-030, filed 12/17/97, effective 1/17/98; 87-20-091 (Order PM 683), § 308-124C-030, filed 10/7/87; 82-17-039 (Order 130), § 308-124C-030, filed 8/13/82; Order RE 120, § 308-124C-030, filed 9/20/77; Order RE 114, § 308-124C-030, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

308-124C-040 Suit or complaint notification. [Statutory Authority: RCW 18.85.040. 90-01-043, § 308-124C-040, filed 12/14/89, effective 1/14/90; 87-20-091 (Order PM 683), § 308-124C-040, filed 10/7/87; Order RE 114, § 308-124C-040, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

308-124C-050 Home inspector referrals. [Statutory Authority: RCW 18.85.040(1) and 18.85.035. 09-02-026, § 308-124C-050, filed 12/30/08, effective 1/30/09.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

**WAC 308-124C-105 Required records.** The designated broker is required to keep the following on behalf of the firm:

(1) Trust account records:

(a) Duplicate receipt book or cash receipts journal recording all receipts;

(b) Sequentially numbered, nonduplicative checks with check register, cash disbursements journal or check stubs;

(c) Validated duplicate bank deposit slips or daily verified bank deposit;

(d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;

(e) In conjunction with (d) of this subsection, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor; for automated systems, the ledger sheets may be a computer generated printout which contains required entries;

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

(2) Other records:

(a) An accurate, up-to-date log of all agreements or contracts for brokerages services submitted by the firm's affiliated licensees.

(b) A legible copy of the transaction or contracts for brokerage services shall be retained in each participating real estate firm's files.

(c) A transaction folder containing all agreements, receipts, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account.

(d) All required records shall be maintained at one location where the firm is licensed. This location may be the main or any branch office.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-105, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-110 Accuracy and accessibility of records.** (1) Accuracy. All required real estate records shall be accurate, posted and kept up to date.

(2) Location. All required real estate records shall be kept at an address where the real estate firm is licensed to maintain a real estate office. Transactions that have been closed for at least one year can be maintained at one central facility located in Washington. Transactions not stored at the firm location must be available upon demand of the department and maintained in a manner to be readily retrievable. A listing of all transactions must be maintained at the firm's licensed office for all the transactions stored at the remote facility. All records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

(3) Alternative storage. Records may be stored on permanent storage media, such as optical disk or microfilm, or other storage media, provided the retrieval process does not permit modification of the documents. Retrieval must be possible at the firm's licensed office and allow for viewing and printing the document in its original form. The permanent media storage shall be nonerasable and prevent changes to the stored documents or records. The designated broker must maintain equipment at firm's location in good repair to allow viewing and printing upon demand by the department. The storage media must be indexed to allow for immediate retrieval of all documents.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-110, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-115 Suit or complaint notification.** Every licensee shall, within twenty days after service or knowledge thereof, notify the real estate program of the following:

(1) Any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

(2) Entry of a civil court order, verdict, or judgment, against the licensee in any court of competent jurisdiction in which the subject matter therein involves any real estate or business-related activity by the licensee. Notification is required regardless of any pending appeal.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-115, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-125 Designated broker responsibilities.** Designated broker responsibilities include, but are not limited to:

(1) Assuring all real estate brokerage services in which he/she participated are in accordance with chapters 18.85, 18.86, 18.235 RCW and the rules promulgated thereunder.

(2) Cooperating with the department in an investigation, audit or licensing matter.

(3) Ensuring accessibility of the firm's offices and records to the director's authorized representatives, and ensure that copies of required records are made available upon demand.

(4) Ensuring monthly reconciliation of trust bank accounts are completed, up-to-date and accurate.

(5) Ensuring monthly trial balances are completed, accurate and up-to-date.

(6) Ensuring that the trial balance and the reconciliation show the account(s) are in balance.

(7) Ensuring policies or procedures are in place to account for safe handling of customer or client funds or property.

(8) Maintaining up-to-date written assignments of delegations of managing brokers and branch manager duties. The delegation agreement(s) must be signed by all parties to the agreement. Delegations must:

(a) Only be made to managing brokers licensed to the firm.

(b) Address duties of record maintenance, advertising, trust accounting, safe handling of customer/client funds and property, authority to bind, review of contracts, modify or terminate brokerage service contracts on behalf of the firm, supervision of brokers and managing brokers, and heighten supervision of brokers that are licensed for less than two years.

(c) Address hiring, transferring and releasing licensees to or from the firm.

(9) Maintaining, implementing and following a written policy that addresses:

(a) Referral of home inspectors in compliance with Washington Administrative Code.

(b) Levels of supervision of all brokers, managing brokers and branch managers of the firm.

(c) Review of all brokerage service contracts involving any broker of the firm licensed for less than two years. Review must be completed by the designated broker or their delegated managing broker within five business days of mutual acceptance. Documented proof of review shall be maintained at the firm's record locations.

(10) Ensuring that all persons performing real estate brokerage services on behalf of the firm and the firm itself are appropriately licensed.

(11) Ensuring affiliated licensees submit their transaction documents to the designated broker, branch manager or delegated managing broker in a within two business days of mutual acceptance.

(12) Being knowledgeable of chapters 18.85, 18.86, and 18.235 RCW and their related rules.

[Statutory Authority: RCW 18.85.041 (1), (7), (12)(a), and 18.85.275. 10-20-100, § 308-124C-125, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-125, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-130 Branch manager responsibilities.** Branch manager responsibilities include, but are not limited to:

(1) Assuring all real estate brokerage services in which he/she participated are in accordance with chapters 18.85, 18.86, 18.235 RCW and the rules promulgated thereunder.

(2) Cooperating with the department in an investigation, audit or licensing matter.

(3) Ensuring accessibility of the firm's offices and records to the director's authorized representatives, and ensuring that copies of required records are made available upon demand.

(4) Being knowledgeable of chapters 18.85, 18.86, and 18.235 RCW and their related rules.

(5) Ensuring all persons employed, contracted or representing the firm at the branch location are appropriately licensed.

(6) Overseeing of the branch licensees, employees and contractors.

(7) Ensuring affiliated licensees are submitting their transaction documents to the designated broker or delegated managing broker within two business days of mutual acceptance.

(8) Hiring, transferring and releasing licensees to and from the branch.

(9) Overseeing all activity within the branch office including supervision of brokers and managing brokers, and heightened supervision of brokers licensed for less than two years.

(10) If delegated - client/customer funds or property:

(a) Ensuring monthly reconciliation of trust bank accounts are completed, up-to-date and accurate.

(b) Ensuring monthly trial balances are completed, accurate and up-to-date.

(c) Ensuring that the trial balance and the reconciliation show the account(s) are in balance.

(d) Ensuring safe handling of customer/client funds and property.

(e) Ensuring policies or procedures are in place to account for safe handling of customer or client funds or property.

(11) If delegated - other duties:

(a) Record maintenance.

(b) Proper and legal advertising.

(c) Review of contracts.

(d) Modify or terminate brokerage service contracts on behalf of the firm.

(e) Following and implementing the designated brokers written policy:

(i) On referral of home inspectors.

(ii) Addressing levels of supervision of all brokers and managing brokers.

(iii) That includes a review of all brokerage service contracts involving any broker licensed for less than two years. Review must be completed within five business days of mutual acceptance. Documented proof of review shall be maintained at the firm's record locations.

[Statutory Authority: RCW 18.85.041 (1), (7), (12)(a), and 18.85.275. 10-20-100, § 308-124C-130, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-130, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-135 Managing broker responsibilities.** Managing broker responsibilities include, but are not limited to:

(1) Assuring all real estate brokerage services in which he/she participated are in accordance with chapters 18.85, 18.86, 18.235 RCW and the rules promulgated thereunder.

(2) Cooperating with the department in an investigation, audit or licensing matter.

(3) Being knowledgeable of chapters 18.85, 18.86, and 18.235 RCW and their related rules.

(4) Keeping the real estate program informed of his or her current mailing address.

(5) Following the designated broker's written policy on referral of home inspectors.

(6) Being appropriately licensed.

(7) Delivering transaction documents and brokerage service contracts to designated broker or delegated managing broker within two business days of mutual acceptance.

(8) Following licensing laws and rules regarding:

(a) Safe handling of customer/client funds and property.

(b) Timely delivery of customer/client funds or property.

(c) Proper and legal advertising.

(d) Modifying or terminating brokerage service contract on behalf of the firm.

[Statutory Authority: RCW 18.85.041 (1), (7), (12)(a), and 18.85.275. 10-20-100, § 308-124C-135, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-135, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-137 Managing broker delegated responsibilities.** If delegated by the designated broker, the managing brokers responsibilities include, but are not limited to, ensuring:

(1) Monthly reconciliation of trust bank accounts are completed, up-to-date and accurate.

(2) Monthly trial balances are completed, accurate and up-to-date.

(3) Trial balance and the reconciliation show the account(s) are in balance.

(4) Policies or procedures are in place to account for safe handling of customer or client funds or property.

(5) Required records are maintained and up-to-date.

(6) Advertising is proper and legal.

(7) Timely review of contracts.

(8) Brokerage service contracts are modified or terminated appropriately on behalf of the firm.

(9) Persons employed, contracted or representing the firm that the managing broker has delegated authority to supervise are appropriately licensed.

(10) Brokers and managing brokers submit their transaction documents to the designated broker or delegated managing broker within two business days of mutual acceptance.

(11) Proper and adequate supervision of brokers and managing brokers, and heighten supervision of brokers that are licensed for less than two years.

(12) Accessibility of the firm's offices and records to the director's authorized representatives, and must ensure that copies of required records are made available upon demand.

(13) All affiliated licensees are following the designated brokers written policy on:

(a) Referral of home inspectors.

(b) Levels of supervision for all brokers and managing brokers.

(c) Review of all brokerage service contracts involving any broker licensed for less than two years. Review must be completed within five business days of mutual acceptance. Documented proof of review shall be maintained by the firm at their record locations.

[Statutory Authority: RCW 18.85.041 (1), 18.85.041 (7), (12)(a), and 18.85.275. 10-20-100, § 308-124C-137, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-137, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-140 Broker responsibilities.** Broker responsibilities include, but are not limited to:

- (1) Assuring all real estate brokerage services in which he/she participated are in accordance with chapters 18.85, 18.86, 18.235 RCW and the rules promulgated thereunder.
- (2) Cooperating with the department in an investigation, audit or licensing matter.
- (3) Being knowledgeable of chapters 18.85, 18.86, and 18.235 RCW and their related rules.
- (4) Keeping the real estate program informed of his or her current mailing address.
- (5) Following the designated broker's written policy on referral of home inspectors.
- (6) Being appropriately licensed.
- (7) Delivering transaction documents and brokerage service contracts to designated broker or delegated managing broker within two business days of mutual acceptance.
- (8) Following licensing laws and rules regarding:
  - (a) Safe handling of customer/client funds and property.
  - (b) Timely delivery of customer/client funds or property.
  - (c) Proper and legal advertising.
  - (d) Modifying or terminating brokerage service contracts on behalf of the firm.

[Statutory Authority: RCW 18.85.041 (1), (7), (12)(a), and 18.85.275. 10-20-100, § 308-124C-140, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-140, filed 3/1/10, effective 7/1/10.]

**WAC 308-124C-145 Broker responsibilities (with less than two years experience).** Broker responsibilities (with less than two years experience) include, but are not limited to:

- (1) All the responsibilities listed in WAC 308-124C-140.
- (2) Being subject to a heightened degree of supervision for the initial two years of licensing which includes:
  - (a) Participating in all required reviews of real estate brokerage agreements and services by the designated broker or appointed managing broker.
  - (b) Submitting evidence of completion of department required clock hour education courses to the designated broker or appointed managing broker.
  - (c) Securing advice or assistance from the designated broker or appointed managing broker when offering brokerage services beyond the broker's level of expertise.
  - (d) Timely submission of brokerage service contracts, documents and funds to the appropriate managing broker or designated broker in accordance with designated broker's document and contract review policy.

[Statutory Authority: RCW 18.85.041 (1), (7), (12)(a), and 18.85.275. 10-20-100, § 308-124C-145, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124C-145, filed 3/1/10, effective 7/1/10.]

**Chapter 308-124D WAC**

**REAL ESTATE—OPERATIONAL PROCEDURES**

**WAC**

308-124D-200	Checks—Payee requirements.
308-124D-205	Negotiating agreements and closing.
308-124D-210	Expeditious performance.
308-124D-215	Management agreements and disclosures.
308-124D-220	Office requirement for brokers actively licensed in another jurisdiction.

308-124D-225 Multiple business usage of office.

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

308-124D-010	Checks—Payee requirements. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124D-010, filed 8/13/82; Order RE 114, § 308-124D-010, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124D-020	Negotiating agreements and closing. [Order RE 120, § 308-124D-020, filed 9/20/77; Order RE 114, § 308-124D-020, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124D-030	Expeditious performance. [Statutory Authority: RCW 18.85.040(1). 04-07-152, § 308-124D-030, filed 3/23/04, effective 4/23/04; Order RE 114, § 308-124D-030, filed 7/2/75.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124D-050	Property management agreements and disclosures. [Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124D-050, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124D-050, filed 10/7/87.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124D-061	Broker supervision of affiliated licensees. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-061, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124D-061, filed 12/17/97, effective 1/17/98; 90-01-044, § 308-124D-061, filed 12/14/89, effective 1/14/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124D-070	Discriminatory acts—Prohibition. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-070, filed 1/14/99, effective 2/14/99.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124D-080	Payment of earned commissions. [Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-080, filed 1/14/99, effective 2/14/99.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

**WAC 308-124D-200 Checks—Payee requirements.**

All checks received as earnest money, security or damage deposits, rent, lease payments, contract or mortgage payments on real property or business opportunities owned by clients shall be made payable to the real estate firm as licensed, unless it is mutually agreed in writing by the principals that the deposit shall be paid to the lessor, the seller or an escrow agent named in the agreement. The designated broker shall retain a copy of the written agreement.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124D-200, filed 3/1/10, effective 7/1/10.]

**WAC 308-124D-205 Negotiating agreements and closing.**

The real estate licensee shall be responsible for negotiating the agreement between seller and purchaser as follows:

- (1) The real estate licensee shall furnish or cause to be furnished to each buyer and to each seller in every real estate or business opportunity transaction wherein the licensee provides brokerage services, at the time the transaction is closed, a complete detailed closing statement as it applies to the buyer and a complete detailed closing statement as it applies

to the seller. The firm shall retain a copy of all closing statements of the respective buyers and sellers wherein the licensee provides brokerage services for all transactions even though funds are not handled by a licensee and closing is done elsewhere.

(2) The closing statements of all real estate or business opportunity transactions in which a real estate firm participates shall show the date of closing, the total purchase price of the property, an itemization of all adjustments, money, or things of value received or paid showing to whom each item is credited and/or to whom each item is debited. The dates of the adjustments shall be shown, together with the names of the payees, makers and assignees of all notes paid or made or assumed.

(3) The net proceeds of sale on all real estate transactions closed by a real estate licensee are to be paid direct to the seller unless otherwise provided by written agreement.

(4) Where an agreement for the sale of real estate has been negotiated involving the services of more than one licensee, and funds are to be deposited by the purchaser prior to the closing of the transaction, the firm first receiving such funds shall retain custody and be accountable, until such funds are distributed or delivered in accordance with written instructions signed by all parties to the transaction.

(5) All licensees must keep the party to whom they provided brokerage services informed of the earnest money deposit status and must retain and provide copies of receipts to the principals and participating firms.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124D-205, filed 3/1/10, effective 7/1/10.]

**WAC 308-124D-210 Expeditious performance.** A real estate licensee shall perform all acts required of the licensee by a real estate agreement as expeditiously as possible. Intentional or negligent delays in such performance shall be considered detrimental to the public interest in violation of RCW 18.85.361(23).

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124D-210, filed 3/1/10, effective 7/1/10.]

**WAC 308-124D-215 Management agreements and disclosures.** (1) All properties managed by the firm must be supported by a written management agreement signed by the owner and designated broker and retained. The management agreement must state at a minimum:

- (a) The firm's compensation;
- (b) The type (i.e., apartments, industrial) and number of individual units in the project or square footage (if other than residential);
- (c) Whether or not the firm is authorized to collect funds and disburse funds and for what purposes;
- (d) Authorization, if any, to hold security deposits and the manner in which security deposits may be disbursed; and
- (e) The frequency of furnishing summary statements to the owner.

(2) All properties rented or leased by the firm must be supported by a written rental or lease agreement.

(3) Each owner of property managed by the firm must be provided a summary statement as provided in the property management agreement for each property managed showing:

(The designated broker is to retain a true copy of this statement.)

(a) Balance carried forward from previous summary statement.

(b) Total rent receipts.

(c) Owner contributions.

(d) Other itemized receipts.

(e) Itemization of all expenses paid.

(f) Ending balance.

(g) Number of units rented or square footage if other than residential.

(4) The firm may provide other services to owners of properties managed provided full disclosure to the owner is provided in writing of the broker's relationship with any and all persons providing such services, prior disclosure of fees charged, and permission is granted by the owner.

(5) Any amendment or modification to the property management agreement must be made in written form and signed by the owner and the designated broker and retained.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124D-215, filed 3/1/10, effective 7/1/10.]

**WAC 308-124D-220 Office requirement for brokers actively licensed in another jurisdiction.** The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the Washington location where trust account and transaction records are maintained. Such records are required to be maintained for three years. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Seattle or Olympia) nearest to the location of the records to sign the audit report.

If a real estate licensee actively licensed in another jurisdiction, whose headquarter office is located in that other jurisdiction, has obtained a Washington real estate license through a license recognition agreement, that licensee may maintain required Washington real estate transaction records in their out-of-state jurisdiction and with the out-of-state broker to whom they are licensed, providing it is allowed for in the license recognition agreement.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124D-220, filed 3/1/10, effective 7/1/10.]

**WAC 308-124D-225 Multiple business usage of office.** A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, business activity. The brokerage business activities shall be carried out and business records shall be main-

tained separate and apart from any other business activities by the broker.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124D-225, filed 3/1/10, effective 7/1/10.]

### Chapter 308-124E WAC

#### REAL ESTATE—TRUST ACCOUNT PROCEDURES

##### WAC

308-124E-100	Delivery of client funds and negotiable instruments.
308-124E-105	Administration of funds held in trust—General procedures.
308-124E-110	Administration of funds held in trust—Real estate and business opportunity transactions.
308-124E-115	Administration of funds held in trust—Property management.

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

308-124E-012	Administration of funds held in trust—General procedures. [Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-012, filed 11/7/91, effective 12/8/91; 91-12-012, § 308-124E-012, filed 5/30/91, effective 6/30/91; 90-01-045, § 308-124E-012, filed 12/14/89, effective 1/14/90; 88-24-059 (Order PM 811), § 308-124E-012, filed 12/7/88. Statutory Authority: RCW 18.85.310. 88-06-040 (Order PM 712), § 308-124E-012, filed 3/1/88.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124E-013	Administration of funds held in trust—Real estate and business opportunity transactions. [Statutory Authority: RCW 18.85.040(1), 03-21-019, § 308-124E-013, filed 10/6/03, effective 11/6/03. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124E-013, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-013, filed 11/7/91, effective 12/8/91; 90-23-039, § 308-124E-013, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124E-013, filed 9/30/88. Statutory Authority: RCW 18.85.310. 88-16-102 (Order 755), § 308-124E-013, filed 8/3/88; 88-06-040 (Order PM 712), § 308-124E-013, filed 3/1/88.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124E-014	Administration of funds held in trust—Property management. [Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-014, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040 and 18.85.310. 90-09-014, § 308-124E-014, filed 4/6/90, effective 5/7/90. Statutory Authority: RCW 18.85.040. 90-01-046, § 308-124E-014, filed 12/14/89, effective 1/14/90. Statutory Authority: RCW 18.85.310. 88-06-040 (Order PM 712), § 308-124E-014, filed 3/1/88.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

**WAC 308-124E-100 Delivery of client funds and negotiable instruments.** All brokers and managing brokers will physically deliver all funds, moneys, negotiable instruments or items of value to the appropriate managing broker, branch manager or their designated broker within the shorter of the following:

(1) Two business days of the client's/customer's signature (business days are not Saturday, Sunday or other legal holidays as defined in RCW 1.16.050); or

(2) Sooner if the terms of the client/customer contract necessitate quicker delivery than two business days.

[Statutory Authority: RCW 18.85.041 (1), (7), (12)(a), and 18.85.275. 10-20-100, § 308-124E-100, filed 9/30/10, effective 10/31/10. Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124E-100, filed 3/1/10, effective 7/1/10.]

**WAC 308-124E-105 Administration of funds held in trust—General procedures.** Any real estate broker who receives funds or moneys from any principal or any party to a real estate or business opportunity transaction, property management agreement, contract/mortgage collection agreement, or advance fees, shall hold the funds or moneys in trust for the purposes of the brokerage service contract or transaction, and shall not utilize such funds or moneys for the benefit of the broker, managing broker, real estate firm or any person not entitled to such benefit. Designated brokers are responsible for ensuring their affiliated licensees safeguard client funds by following these rules. Funds or moneys received in trust shall be deposited in a bank, savings association, or credit union insured by the Federal Deposit Insurance Corporation or the share insurance fund of the National Credit Union Administration, or any successor federal deposit insurer. The designated broker is responsible for the administration of trust funds and accounts to include, but not be limited to:

- Depositing;
- Holding;
- Disbursing;
- Receipting;
- Posting;
- Recording;
- Accounting to principals;
- Notifying principals and cooperating licensees of material facts; and
- Reconciling and properly setting up a trust account.

The designated broker is responsible for handling trust funds as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm name or assumed name as licensed.

(2) Interest credited to a client's account must be recorded as a liability on client ledger. Interest assigned or credited by written assignment agreement to the firm may not be maintained in the trust account. The designated broker is responsible for making arrangements with the financial institution to credit this interest to the general account of the firm.

(3) The designated broker shall establish and maintain a system of records and procedures approved by the real estate program that provides for an audit trail accounting of all funds received and disbursed. All funds must be identified to the account of each individual client.

(4) Alternative systems of records or procedures proposed by a designated broker shall be approved in advance in writing by the real estate program.

(5) The designated broker shall be responsible for deposits, disbursements, or transfers of clients' funds received and held in trust.

(6) All funds or moneys received for any reason pertaining to the sale, renting, leasing, optioning of real estate or business opportunities, contract or mortgage collections or advance fees shall be deposited in the firm's real estate trust bank account not later than the first banking day following receipt thereof; except:

(a) Cash must be deposited in the firm's trust account the next banking day;

(b) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for

a specified length of time or until the occurrence of a specific event; and

(c) For purposes of this section, Saturday, Sunday, or other legal holidays as defined in RCW 1.16.050 shall not be considered a banking day.

(7) All checks, funds or moneys received shall be identified by the date received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(8) All deposits to the trust bank account shall be identified by the source of funds and transaction to which it applies.

(9) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, which shows all receipts and disbursements. The firm will maintain the minimum amount required by the financial institution in the trust account to prevent the trust account from being closed. A ledger sheet identified as "opening account" will be required for funds that are used to open the account or to keep the trust account from being closed. The credit entries must show the date of deposit, amount of deposit, and item covered including, but not limited to "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit," "interest," or "advance fee." The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(10) The reconciled real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients and the funds in the "open account" ledger. The balance shown in the check register or bank control account must equal the total liability to clients and the "open account" ledger.

(11) The designated broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account. The checkbook balance, the reconciliation and the client ledgers (including the "open account" ledger) must be in agreement at all times. A trial balance is a listing of all client ledgers, including the "open account" ledger, showing the owner name or control number, date of last entry to the ledger and the ledger balance.

(12) All disbursements of trust funds shall be made by check, or electronic transfer, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction, or collection/management agreement. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written. No check numbers on any single trust account can be duplicated.

(a) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(b) The designated broker must provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.

(c) The designated broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(13) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(14) Commissions owed to another firm may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another firm are a reduction of the gross commissions received.

(15) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the designated broker or the real estate firm, except that a designated broker may deposit a minimal amount to open the trust bank account or maintain a minimal amount to keep the account from being closed; or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(16) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(c) In payment of a commission owed to any person licensed to the firm or in payment of any business expense of the firm. Payment of commissions to persons licensed to the firm or of any business expense of the designated broker or firm shall be paid from the regular business bank account of the firm.

(d) For bank charges of any nature, including bank services, checks or other items, except as specified in WAC 308-124E-110 (1)(a) and (d). Bank charges are business overhead expenses of the real estate firm. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the firm's business bank account.

(17) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back up all data files.

(b) Receipt, check or disbursement registers or journals, bank reconciliations, and monthly trial balances will be maintained in printed or electronic formats and available for immediate retrieval or printing upon demand of the department.

(c) The designated broker will maintain a printed, dated source document file or index file to support any changes to existing accounting records.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124E-105, filed 3/1/10, effective 7/1/10.]

**WAC 308-124E-110 Administration of funds held in trust—Real estate and business opportunity transactions.** The procedures in this section are applicable to funds received by the firm in connection with real estate sales, business opportunity transactions or options. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-105.

(1) Bank accounts, deposit slips, checks and signature cards shall be designated as trust accounts in the firm or assumed name as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.285 and this section.

(a) The firm shall maintain a pooled interest-bearing trust account identified as housing trust fund account for deposit of trust funds which are ten thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.285(8) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems.

(b) The licensee shall disclose in writing to the party depositing more than ten thousand dollars that the party has an option between (b)(i) and (ii) of this subsection:

(i) All trust funds not required to be deposited in the account specified in (a) of this subsection shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, the designated broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the designated broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the designated broker will debit the ledger card accordingly.

(ii) For accounts established as specified in (b)(i) of this subsection, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the designated broker shall within one banking day after receipt of such notice, deposit funds from the firm's business account or other nontrust account to bring the trust account into balance with outstanding liability. The designated broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the designated broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the firm as licensed, for each commission earned, after the final closing of the real estate or

business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the purchase and sale agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that:

(a) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(b) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the firm, a broker shall deliver the deposit to the designated broker or responsible managing broker. The designated broker will have the ultimate responsibility to deliver the funds. A dated receipt from the party receiving the funds will be obtained and placed in the transaction file.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124E-110, filed 3/1/10, effective 7/1/10.]

**WAC 308-124E-115 Administration of funds held in trust—Property management.** These procedures are applicable to property management and contract/mortgage collection agreements, and are in addition to the general trust account procedures in WAC 308-124E-105.

(1) Trust bank accounts for property management transactions are exempt from the interest-bearing requirement of RCW 18.85.285. However, interest-bearing accounts for property management transactions may be established as described in this section.

(a) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the firm may be established when directed by written property management agreement or directive signed by the owner: Provided, That all interest or earnings shall accrue to the owner;

(b) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the firm for an individual owner may be established by the designated broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner, if the firm is by written agreement designated a "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act;

(c) The designated broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the firm;

(d) A common account, usually referred to as a "clearing account" may be established if desired. This account must be a trust account.

(2) Any property management accounting system is to be an accounting of cash received and disbursed. Any other method of accounting offered to owners for their rental properties, unit and/or complexes are to be supplementary to the

firms accounting of all cash received and disbursed through the firms trust account(s). All owners' summary statements must include this accounting.

(3) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if the account contains tenant security deposits or funds belonging to more than one client.

(4) A single check may be drawn on the real estate trust bank account, payable to the firm as licensed, in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(5) No disbursements from the real estate trust bank account shall be made of funds received as damage or security deposit on a lease or rental contract for property managed by the firm to the owner or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons entitled to the funds as provided by the terms of the rental or lease agreement.

(6) When the management agreement between the owner(s) and the firm is terminated, the owner(s) funds shall be disbursed according to the agreement. Funds held as damage or security deposits shall be disbursed to the owner(s) or successor property manager, and the tenants so notified by the disbursing firm consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124E-115, filed 3/1/10, effective 7/1/10.]

### Chapter 308-124H WAC

#### REAL ESTATE COURSE SCHOOL AND INSTRUCTOR APPROVAL—EDUCATION OF REAL ESTATE BROKERS AND SALESPERSONS

##### WAC

308-124H-805	Course approval required.
308-124H-810	Course titles reserved for prescribed curriculum courses.
308-124H-815	Application process for previously approved courses.
308-124H-820	General requirements for course approval.
308-124H-825	Secondary education provider course content approval application.
308-124H-830	Distance education delivery methods—Defined.
308-124H-835	Interactive defined.
308-124H-840	Distance education delivery method approval required.
308-124H-845	Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO).
308-124H-850	Changes and updates in approved courses.
308-124H-855	Certificate of course completion.
308-124H-860	Courses offered in a symposium or conference format.
308-124H-865	Disciplinary action—Procedures—Investigation.
308-124H-870	Grounds for denial or withdrawal of course approval.
308-124H-875	Hearing procedure.
308-124H-880	School and school administrator approval required.
308-124H-885	Application process for previously approved schools.
308-124H-890	Application for school approval.
308-124H-895	Administrator responsibilities.
308-124H-900	Affiliated representative of an approved school—Defined—Tasks and duties described.
308-124H-905	Notice of actions by governmental entities or accrediting commissions.
308-124H-907	Required publication.
308-124H-910	Course description.
308-124H-915	Certificate of school approval.
308-124H-920	Disciplinary action—Procedures—Investigation.

308-124H-925	Grounds for denial or withdrawal of school or school administrator approval.
308-124H-930	Hearing procedure.
308-124H-935	Record retention.
308-124H-940	School closing/change of status.
308-124H-945	Instructor approval required.
308-124H-950	Application process for previously approved instructors.
308-124H-955	Certificate of instructor approval.
308-124H-960	Qualifications of instructors.
308-124H-965	Changes in instructors.
308-124H-970	Guest lecturer(s)—Defined.
308-124H-975	Disciplinary action—Procedures—Investigation.
308-124H-980	Grounds for denial or withdrawal of instructor approval.
308-124H-985	Hearing procedure.
308-124H-990	Real estate course, school, and instructor approval fees.

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

308-124H-011	Course approval required. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-011, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-011, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-011, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-012	Course titles reserved for prescribed curriculum courses. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-012, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-013	Application process for previously approved courses. [Statutory Authority: RCW 18.85.040 (1) and (4). 07-20-001, § 308-124H-013, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-013, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-014	Establishing time frame for approval of core curriculum. [Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-055, § 308-124H-014, filed 1/10/02, effective 2/10/02.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-025	General requirements for course approval. [Statutory Authority: RCW 18.85.040 (1) and (4). 07-20-002, § 308-124H-025, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 18.85.040(1). 03-02-001, § 308-124H-025, filed 12/19/02, effective 1/19/03. Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-055, § 308-124H-025, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-025, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. 97-01-027, § 308-124H-025, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-025, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124H-025, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095. 91-07-029, § 308-124H-025, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-025, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-026	Secondary education provider course content approval application. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-026, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-027	Distance education delivery methods—Defined. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, §

	308-124H-027, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.		8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-028	Interactive—Defined. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-028, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-210	School and school administrator approval required. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-210, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-210, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-029	Distance education delivery method approval required. [Statutory Authority: RCW 18.85.040(1). 03-14-020, § 308-124H-029, filed 6/20/03, effective 7/21/03; 03-02-001, § 308-124H-029, filed 12/19/02, effective 1/19/03. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-029, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-221	Application process for previously approved schools. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-221, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-031	Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO). [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-031, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-230	Application for school approval. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-230, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-230, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-034	Courses completed in other jurisdictions. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-034, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-245	Administrator responsibilities. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-245, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-039	Changes and updates in approved courses. [Statutory Authority: RCW 18.85.040 (1) and (4). 07-20-003, § 308-124H-039, filed 9/20/07, effective 10/21/07. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-039, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-246	Affiliated representative of an approved school—Defined—Tasks and duties described. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-246, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-041	Certificate of course completion. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-041, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-041, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-041, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-250	Notice of actions by governmental entities or accrediting commissions. [Statutory Authority: RCW 18.85.-040. 90-10-010, § 308-124H-250, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-042	Courses offered in a symposium or conference format. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-042, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-260	Required publication. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-260, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124H-260, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-260, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-051	Disciplinary action—Procedures—Investigation. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-051, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-051, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-270	Course description. [Statutory Authority: RCW 18.85.-040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-270, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124H-270, filed 11/7/91, effective 12/8/91; 90-10-010, § 308-124H-270, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-061	Grounds for denial or withdrawal of course approval. [Statutory Authority: RCW 18.85.040(1). 03-14-020, § 308-124H-061, filed 6/20/03, effective 7/21/03; 02-03-056, § 308-124H-061, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-061, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-061, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-061, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.	308-124H-280	Certificate of school approval. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-280, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
308-124H-062	Hearing procedure. [Statutory Authority: RCW 18.85.-040(1). 02-03-056, § 308-124H-062, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-062, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-062, filed 4/20/90, effective	308-124H-290	Change of ownership or circumstances. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-290, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-290, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
		308-124H-300	Disciplinary action—Procedures—Investigation. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-300, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-300, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

- 308-124H-310 Grounds for denial or withdrawal of school or school administrator approval. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-310, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-310, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-310, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-320 Hearing procedure. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-320, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-320, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-330 Record retention. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-330, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-340 School closing/change of status. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-340, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-510 Instructor approval required. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-510, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-510, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-525 Application process for previously approved instructors. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-525, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-530 Certificate of instructor approval. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-530, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-530, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-540 Qualifications of instructors. [Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-540, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].-095. 91-07-029, § 308-124H-540, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-540, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-550 Changes in instructors. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-550, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-551 Guest lecture(s) [lecturer(s)]—Defined. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-551, filed 3/29/00, effective 7/1/00.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-560 Disciplinary action—Procedures—Investigation. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-560, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-570 Grounds for denial or withdrawal of instructor approval. [Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-570, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-570, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-580 Hearing procedure. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-580, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-580, filed 4/20/90, effective 8/1/90.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.
- 308-124H-800 Real estate course, school, and instructor approval fees. [Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-800, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-800, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 91-12-012, § 308-124H-800, filed 5/30/91, effective 6/30/91.] Repealed by 10-06-078, filed 3/1/10, effective 7/1/10. Statutory Authority: RCW 18.85.040 and 18.85.041.

**WAC 308-124H-805 Course approval required. (1)**

Any education provider or course developer may submit a course to the department for approval.

(2) Course approval by the department is required prior to the date on which the course is offered for clock hour credit.

(3) Each application for approval of a course shall be submitted to the department on the appropriate application form provided by the department.

(4) The director or designee shall approve, disapprove, or conditionally approve applications based upon criteria established by the commission.

(5) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire two years after the effective date of approval.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-805, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-810 Course titles reserved for prescribed curriculum courses.** Any approved school desiring to offer fundamentals, business management, broker management, real estate law, advanced real estate law, real estate practices, advanced real estate practices, and/or transition course shall utilize the most recent course curriculum prescribed by the department, and shall include in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "advanced real estate law," "business management," "real estate practices," "advanced real estate practices," or "transition course" if submitted for approval for clock hours. No other courses shall use these phrases in their titles.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-810, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-815 Application process for previously approved courses.** (1) If there are no changes for a previously approved course in the course content or in the original course approval application or WAC 308-124H-820 affecting the topic areas or criteria for approval, the course will be approved upon receipt of a course renewal application and payment of the required fee for one renewal cycle only.

(2) If there are changes in course content or in the original course approval application for a previously approved course, other than updating for changes required by WAC

308-124H-850, the application will not be processed as a renewal, and will require completion of a course approval application and payment of the required fee.

(3) If a course renewal application or a course approval application is submitted at least thirty days prior to the current course expiration date, the previous course approval shall remain in effect until action is taken by the director.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-815, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-820 General requirements for course approval.** Courses shall meet the following requirements:

(1) Be offered by a private entity approved by the director to operate as a school;

(2) Be offered by a tax-supported, public technical or community college or other institution of higher learning that certifies clock hours as indicated in RCW 18.85.011(5), consistent with the approval standards prescribed by the director and this chapter;

(3) Be offered by the Washington real estate commission;

(4) Have a minimum of three hours of course work or instruction for the student. A clock hour is a period of fifty minutes of actual instruction;

(5) Provide practical information related to the practice of real estate in any of the following real estate topic areas:

(a) Department prescribed curricula:

(i) Fundamentals;

(ii) Practices;

(A) Residential;

(B) Commercial;

(iii) Advanced practices;

(A) Residential;

(B) Commercial;

(iv) Real estate law;

(v) Advanced real estate law;

(vi) Brokerage management;

(vii) Business management;

(viii) Core curriculum;

(A) Residential;

(B) Commercial;

(C) Property management;

(b) Open curricula:

(i) Legal aspects;

(ii) Taxation;

(iii) Appraisal;

(iv) Evaluating real estate and business opportunities;

(v) Property management and leasing;

(vi) Construction and land development;

(vii) Ethics and standards of practice;

(viii) Real estate closing practices;

(ix) Current trends and issues;

(x) Principles/essentials;

(xi) Finance;

(xii) Hazardous waste and other environmental issues;

(xiii) Commercial;

(xiv) Real estate sales and marketing;

(xv) Instructor development;

(xvi) Consumer protection;

(xvii) Cross cultural communication;

(xviii) Advanced management practices;

(xix) Use of computers and/or other technologies as applied to the practice of real estate;

(6) Be under the supervision of an instructor approved to teach the topic area, who shall, at a minimum, be available to respond to specific questions from students on an immediate or reasonably delayed basis;

(7) The following types of courses will not be approved for clock hours:

(a) Mechanical office and business skills, such as, keyboarding, speed-reading, memory improvement, grammar, and report writing;

(b) Standardized software programs such as word processing, e-mail, spreadsheets or data bases; an example: A course using spreadsheet program to demonstrate investment analysis would be acceptable, but a course teaching how to use a spreadsheet would not be acceptable;

(c) Orientation courses for licensees, such as those offered by trade associations;

(d) Personal and sales motivation courses or sales meetings held in conjunction with a licensee's general business;

(e) Courses that are designed or developed to serve other professions, unless each component of the curriculum and content specifically shows how a real estate licensee can utilize the information in the practice of real estate;

(f) Personal finance, etiquette, or motivational type courses;

(g) Courses that are designed to promote or offer to sell specific products or services to real estate licensees such as warranty programs, client/customer data base systems, software programs or other devices. Services or products can be offered during nonclock hour time, such as breaks or lunchtime. Letterhead, logos, company names or other similar markings by itself, on course material are not considered promotional;

(h) Clock hours will not be awarded for any course time devoted to meals or transportation;

(8) Courses of thirty clock hours or more which are submitted for approval shall include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ninety questions, and a requirement of passing course grade of at least 70 percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

(9) Include textbook or instructional materials approved by the director, which shall be kept accurate and current;

(10) Not have a title which misleads the public as to the subject matter of the course;

(11) The provider's course application shall identify learning objectives and demonstrate how these are related to the practice of real estate;

(12) Courses offering the prescribed core curriculum shall meet the requirements of WAC 308-124A-800;

(13) Only primary providers shall be approved to teach the prescribed core curriculum; and

(14) Course providers offering core curriculum within a course exceeding three clock hours must clearly indicate in the application for approval where the core curriculum elements are met in the course.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-820, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-825 Secondary education provider course content approval application.** (1) An approved school may offer courses, except for the mandated courses, that are currently approved for another education provider or course developer provided a secondary provider course content approval application is submitted to the department;

(2) The applicant must also provide written authorization by the original education provider/developer permitting use of the course content by the applicant;

(3) A certificate of course approval will be provided to the secondary education provider;

(4) The applicant must use the course approval number issued by the department on all certificates of course completion;

(5) Course approval is valid only for the dates of the original education provider/course developer's approval; and

(6) Secondary provider course content approval applications may not be used for real estate fundamentals, real estate brokerage management, real estate law, advanced real estate law, business management, real estate practices, advanced real estate practices, core course, or transition course.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-825, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-830 Distance education delivery methods—Defined.** As used in this chapter, a distance education delivery method is one in which instruction takes place in other than a live classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, web cast, webinar, or internet-based instruction are used.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-830, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-835 Interactive defined.** (1) As used in this chapter, interactive means the course structure and technologies promote active student involvement with the course content, including the ability to:

(a) Access or bypass optional content, if applicable;

(b) Submit questions or answer test items, and receive direct feedback; and

(c) Communicate with the instructor and/or other students on an immediate or reasonably delayed basis.

(2) Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-835, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-840 Distance education delivery method approval required.** Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses for clock hours. When submitting a distance education delivery method application, the following minimum criteria must be provided by the applicant:

(1) Specify the course learning objectives for each learning unit and clearly demonstrate that the learning objectives cover the subject matter and how these relate to the practice

of real estate. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;

(2) Demonstrate how mastery of the material is provided by:

(a) Dividing the material into major learning units, each of which divides the material into modules of instruction;

(b) Specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered;

(c) Specifying an objective, quantitative criterion for mastery used for each learning objective and provide a structured learning method designed to enable students to attain each objective;

(3) Demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction and how the provider will know that the student completed the required number of clock hours;

(4) Describe consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;

(5) Demonstrate how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;

(6) Measure, at regular intervals, the student's progress toward completion of the mastery requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;

(7) Demonstrate that approved instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and fax;

(8) Demonstrate how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify in writing that the student has completed the course, and the required number of clock hours;

(9) Provide a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims;

(10) Provide an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics;

(11) Demonstrate how the provider determined the number of clock hours requested in the distance education delivery method approval application; and

(12) Provide with each distance education delivery method approval application a copy of a course evaluation form. The provider must provide each student with the mandatory evaluation form and retain the completed form in the school records as required under WAC 308-124H-895(4).

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-840, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-845 Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO).** An applicant who provides evidence of certification of the distance education delivery method for his or her course by the Association of Real Estate License Law Officials (ARELLO) need not submit an application for approval of the same distance education delivery method when delivering the same course within the state of Washington.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-845, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-850 Changes and updates in approved courses.** (1) Course materials shall be updated no later than thirty days after the effective date of a change in federal, state, or local statutes or rules. Course materials shall also be updated no later than thirty days after changes in procedures or other revisions to the practice of real estate which affect the validity or accuracy of the course material or instruction.

(2) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the topic area pursuant to chapter 308-124H WAC.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-850, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-855 Certificate of course completion.** Each approved school shall issue a certificate of course completion to students who have satisfactorily completed the course requirements. The certificate shall include the following information:

- (1) Student's name;
- (2) School's name and identification number issued by the department;
- (3) The course commencement date and completion date;
- (4) Course title;
- (5) Clock hours for the course;
- (6) School administrator's signature;
- (7) Course identification number issued by the department;
- (8) Instructor name and number; and
- (9) Completion of a required examination, if applicable.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-855, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-860 Courses offered in a symposium or conference format.** (1) Approved schools offering courses in a symposium or conference format with two or more modules of independent instruction may issue certificates of course completion for fewer clock hours than

approved by the department on their original course approval application; and

(2) Students must complete a minimum of three clock hours of instruction to receive clock hour credit.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-860, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-865 Disciplinary action—Procedures—Investigation.** (1) The department shall have the authority on its own motion or upon complaint made to it to investigate or audit any course to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved courses should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
- (e) An explanation of what efforts if any, have been taken to resolve the problem with the school; and
- (f) Copies of pertinent documents, publications, and advertisements.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-865, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-870 Grounds for denial or withdrawal of course approval.** Course approval may be denied or withdrawn if the instructor or any owner, administrator or affiliated representative of a school, or a course provider or developer:

- (1) Submits a false or incomplete course application or any other information required to be submitted to the department;
- (2) Includes in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "advanced real estate law," "business management," "real estate practice," "advanced real estate practice," and "transition course" if the course was not submitted for approval of clock hours pursuant to WAC 308-124H-810;
- (3) If the title of the course misleads the public and/or licensees as to the subject matter of the course;
- (4) If course materials are not updated within thirty days of the effective date of a change in the statute or rules;
- (5) If course content or material changes are not submitted to the department for approval prior to the date of using the changed course content;
- (6) Failed to meet the requirements under WAC 308-124H-820, 308-124H-825, and 308-124H-840;
- (7) If a course or prescribed core curriculum was approved through the mistake or inadvertence of the director.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-870, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-875 Hearing procedure.** Upon notice of course denial or disapproval or withdrawal of course approval, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-305, 308-124-310 and 308-124-315. To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of denial, disapproval, or withdrawal of course approval. Any person aggrieved by a final decision of the director or authorized representative of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-875, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-880 School and school administrator approval required.** (1) School and school administrator approval by the department is required prior to the date on which courses are offered for clock hour credit.

(2) Each application for approval of a school or school administrator shall be submitted to the department on the appropriate application form provided by the department. The most recent application form shall be obtained from the department prior to submission.

(3) The director or designee shall approve or disapprove applications based upon criteria established by the commission. The director or designee shall approve only complete applications which meet the requirements of this chapter.

(4) Upon approval or disapproval the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(5) No school for which approval is required shall promote a course for clock hour credit prior to approval of the school.

(6) No school shall allow an instructor for whom approval is required to supervise a course for clock hour credit prior to approval of the instructor.

(7) No school shall issue to a student certification for completion of an approved course unless the course had been approved prior to the first day of instruction.

(8) Approval shall expire two years after the effective date of approval.

(9) School names submitted that are similar to those currently approved shall not be granted approval.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-880, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-885 Application process for previously approved schools.** (1) If there are no changes in the original school or school administrator approval application for a previously approved school or school administrator, the school or school administrator will be approved upon receipt of a school or school administrator renewal application and payment of the required fee.

(2) If there are changes in the original school or school administrator approval application for previously approved schools or school administrators, the application will not be processed as a renewal, and will require completion of a school or school administrator approval application and payment of required fees.

(3) If a school or school administrator renewal application or a school or school administrator approval application is submitted at least thirty days prior to the current school expiration date, the previous school or school administrator approval shall remain in effect until action to approve or disapprove the application is taken by the director.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-885, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-890 Application for school approval.** An application for school approval shall include the following information attested to by the school's administrator, who shall be responsible for administration of the school:

(1) The complete legal name of the school, current telephone number, current mailing address, the school's administrative office address, and date of establishment;

(2) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation, limited liability company or limited liability partnership;

(3) If the school is a corporation or a subsidiary of another corporation, current evidence of registration with the Washington secretary of state's office and the name, address, and telephone number of the corporation's registered agent;

(4) The administrator's name, and evidence of previous experience in administration of educational institutions, courses or programs, previous experience in the administration of business activities related to real estate, or administrative experience in the field of real estate;

(5) The publication required under WAC 308-124H-907 and the course description required under WAC 308-124H-910.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-890, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-895 Administrator responsibilities.** Each school administrator shall be responsible for performing the following:

(1) Ensure that the school, course(s), and instructor(s) are all currently approved before offering clock hour courses;

(2) Ensure that all instructors are approved to teach in the appropriate topic area(s);

(3) Sign and verify all course completion certificates;

(4) Maintain all required records for five years, including attendance records, required publications, and course evaluations;

(5) Safeguard comprehensive examinations;

(6) Ensure the supervision and demonstrate responsibility for the conduct of employees and individuals affiliated with the school;

(7) Periodically review courses and advise department of content currency as required;

(8) Ensure each student is provided a course curriculum; and

(9) Ensure each student is provided a course evaluation form.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-895, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-900 Affiliated representative of an approved school—Defined—Tasks and duties described.**

(1) An affiliated representative of an approved school is the natural person employed by or associated with an approved real estate school, and who is authorized by the school administrator to perform the following tasks and duties:

- (a) Conduct student orientation sessions;
- (b) Provide technical and/or procedural advice regarding course requirements and program operations;
- (c) Perform routine or periodic audits of student progress; and
- (d) Perform other tasks delegated by the approved school administrator, not requiring the interpretation of course content or subject matter expertise.

(2) Responsibility for an affiliated representative in the performance of the tasks and duties described above shall rest with the approved school administrator.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-900, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-905 Notice of actions by governmental entities or accrediting commissions.** School applicants and approved schools shall present the department with written details of any consent orders with the Federal Trade Commission or other jurisdictions and any final actions which have been taken against the school, its administrator, its owners, officers, or directors by any federal or state agencies, including courts or accrediting commissions, of which the school has knowledge and inform the department in writing of actions being taken to correct deficiencies cited. Directors, officers, and owners shall advise the administrator of any such actions taken against the directors, officers, or owners. School applicants and approved schools shall not purposely avoid gaining knowledge of such actions. Final actions shall not include traffic violations or traffic convictions.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-905, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-907 Required publication.** Each school shall have available to prospective and enrolled students a publication containing the following information:

- (1) Date of publication;
- (2) Name and address of school. The name of the administrator and telephone number(s) of the school's administrative offices;
- (3) A list of courses, as outlined in WAC 308-124H-910;
- (4) Description of all course prerequisites;
- (5) The school's policy regarding:
  - (a) Admission procedure;
  - (b) Causes for dismissal and conditions for readmission;
  - (c) Attendance requirements, leave, absences, makeup work, and tardiness;
  - (d) Standards of progress required of the student, including a definition of the grading system of the school, the minimum grades considered satisfactory, and the conditions for reentrance for those students whose course of study is interrupted;
  - (e) Refund policy of registration or tuition fees, record retrieval fee, or any other charges, including procedures a student shall follow to cancel enrollment before or after instruction has begun.

(6) The statement that: "This school is approved under chapter 18.85 RCW; inquiries regarding this or any other real estate school may be made to the: Washington State Department of Licensing, Real Estate Program, P.O. Box 9015, Olympia, Washington 98507-9015";

(7) Dated supplements or errata sheets so as to maintain accuracy of the information in the publication, which shall clearly indicate that such information supersedes that which it contradicts and/or replaces elsewhere in the publication.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-907, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-910 Course description.** Each approved school shall have available for distribution to prospective and enrolled students a course description containing the following information:

- (1) Name of approved school;
- (2) Date(s) and location of the course;
- (3) The course title;
- (4) The educational objectives of the course;
- (5) The type of instruction (e.g., live classroom or distance education) in the course and the length of time required for completion;
- (6) The number of clock hours approved for the course, or, a statement that an application for approval is pending;
- (7) Name(s) of instructors when available;
- (8) Equipment and supplies which the student must provide;
- (9) Fees for the course;
- (10) The specific education requirements under chapter 18.85 RCW or chapter 308-124H WAC which will be met upon completion of the course students shall be informed, that for courses of thirty clock hours or more, a comprehensive examination is available and is mandatory to satisfy the requirements of RCW 18.85.101 and 18.85.111;
- (11) Cancellation policy; and
- (12) Tuition refund policy.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-910, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-915 Certificate of school approval.** Upon approval a school shall be issued a certificate of approval containing the school's name, address, identification number, date of approval, and name of administrator. No school shall adopt or make a change in its name of its administrative office prior to receipt of a new certificate from the department.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-915, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-920 Disciplinary action—Procedures—Investigation.** (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any school to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved schools should be made in writing to the department.

(3) All approved schools shall be subject to periodic visits by an official representative for the department who may

observe classroom and distance education activities, evaluate course content, exams and instructor proficiency to ensure that courses are being taught in accordance with the provisions of this chapter.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-920, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-925 Grounds for denial or withdrawal of school or school administrator approval.** Approval may be denied or withdrawn if the instructor or any owner, administrator, or affiliated representative of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime within the preceding ten years;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;
- (10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;
- (11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;
- (12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;
- (13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";
- (14) Advertised, published, printed, or distributed false or misleading information;
- (15) Advertised the availability of clock hour credit for a course in any manner without affixing the name of the school as approved by the department;
- (16) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;
- (17) Has failed to meet the requirements of this chapter;
- (18) Failed to teach a course consistent with the approved course content or curriculum;

(19) Used a substitute instructor who has not been approved to teach the topic area(s) pursuant to chapter 308-124H WAC.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-925, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-930 Hearing procedure.** Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-305, 308-124-310 and 308-124-315. To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges. Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-930, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-935 Record retention.** (1) Each school shall maintain for a minimum of five years each student's record and each edition of a required publication;

- (2) A "student record" shall include:
  - (a) The name, address, and telephone number of the school;
  - (b) Full name, address, and telephone number of the student;
  - (c) Beginning and ending dates of attendance and date of registration agreement if the refund policy relates to the registration date;
  - (d) Clock hour courses completed and examination results;
  - (e) Course evaluation form.
- (3) Each school shall provide a copy of a student's record to the student upon request.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-935, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-940 School closing/change of status.**

- (1) A school shall make plans and take measures to protect the rights of present and former students if it goes out of business.
  - (2) Upon cessation of instruction or termination of approved status, a school shall immediately furnish to the department by certified mail or hand delivery:
    - (a) Its certificate of approval;
    - (b) Name, address, and telephone number of the person who will be responsible for closing arrangements;
    - (c) The student's name, address and telephone number, the name of the course, the amount of class time remaining to complete the course, and the total amount of tuition and fees paid by the student for the course;
    - (d) A copy of a written notice which shall be mailed to all enrolled students in clock hour courses who have not completed a current course because of cessation of instruction; the notice shall explain the procedures students must follow to secure refunds or to continue their education;

(e) Procedures for disbursement of refunds to enrolled students, in the full amount to which they are entitled, no later than thirty days from the last day of instruction.

(3) Upon closing, a school shall arrange for a person approved by the department to retain the records required under WAC 308-124H-935. If a school closes without arranging for record retention, the department may obtain the records to protect the former students.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-940, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-945 Instructor approval required.**

(1) Instructor approval by the department is required prior to the date on which the course is offered for clock hour credit.

(2) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department.

(3) The director or designee shall approve or disapprove instructor applications based upon criteria established by the commission.

(4) The director or designee shall approve only complete applications which meet the requirements of this chapter.

(5) Upon approval or disapproval the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire two years after effective date of approval.

(7) Applicants shall identify on the application form the specific subject matter topic area or areas he or she proposes to teach.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-945, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-950 Application process for previously approved instructors.** (1) If there are no changes in the original instructor approval application for a previously approved instructor, the instructor will be approved upon receipt of an instructor renewal form and payment of the required fee.

(2) If there are changes in an original instructor approval application for a previously approved instructor, the application will not be processed as a renewal, and will require completion of an instructor approval application and payment of required fees.

(3) If an instructor renewal application or an instructor approval application is submitted at least thirty days prior to the current instructor expiration date, the previous instructor approval shall remain in effect until action to approve or disapprove the application is taken by the director.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-950, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-955 Certificate of instructor approval.** Upon approval an instructor shall be issued a certificate of approval containing the instructor's name, date of approval, department identification number, and the subject matter topic areas that the instructor is approved to teach.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-955, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-960 Qualifications of instructors.**

Each instructor shall demonstrate competency based on guidelines established by the commission in the subject matter/topic that they propose to teach and shall be qualified in techniques of instruction. Instructor qualifications in techniques of instruction shall be evidenced by one of the following:

(1) One hundred fifty classroom hours as an instructor within two years preceding application in courses acceptable to the director;

(2) Possession of the professional designation, DREI, from the Real Estate Educators Association (REEA);

(3) Successful completion of an instructor training course approved by the director upon recommendation of the commission and two years full-time experience in real estate or a related field within the five years immediately preceding the date of application;

(4) A bachelors or advanced degree in education and either two years teaching experience, or two years experience in real estate or a related field within the last five years;

(5) A current teaching certificate issued by an authorized governmental agency. The instruction must have been in a field allied to that which the instructor has applied to teach;

(6) At least ninety clock hours as an instructor in real estate within two years preceding the application;

(7) Ninety hours as an instructor at an institution of higher learning within two years preceding the application. The instruction must have been in a field allied to that which the instructor has applied to teach;

(8) Selection by a national or state association whose selection criteria have been approved by the director.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-960, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-965 Changes in instructors.** Changes in course instructors may be made only if the substitute instructors are currently approved to teach the course pursuant to WAC 308-124H-525.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-965, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-970 Guest lecturer(s)—Defined.** A topic area expert(s) may be utilized as a guest lecturer to assist an approved instructor teach an approved course. The approved instructor is responsible for supervision of the approved course. Guest lecturer(s) shall not be utilized to circumvent the instructor approval requirements of this chapter.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-970, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-975 Disciplinary action—Procedures—Investigation.** (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any instructor to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved instructors should be made in writing to the department.

(3) All approved instructors shall be subject to periodic visits by an official representative of the department who shall observe classroom activities, evaluate course content

and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-975, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-980 Grounds for denial or withdrawal of instructor approval.** Approval may be denied or withdrawn if the instructor:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;
- (10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours which the course was approved;
- (11) Accepted registration fees and not supplied the service or failed to refund the fees within thirty days of not supplying the service;
- (12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;
- (13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";
- (14) Advertised, published, printed, or distributed false or misleading information;
- (15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;
- (16) Has failed to meet the requirements of this chapter;
- (17) Failed to teach a course consistent with the approved course content or curriculum.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-980, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-985 Hearing procedure.** Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-305, 308-124-310, and 308-124-315. To exercise the right to a hearing under this section, a person

must request a hearing within twenty days after receipt of the notice of disapproval or charges. Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-985, filed 3/1/10, effective 7/1/10.]

**WAC 308-124H-990 Real estate course, school, and instructor approval fees.** (1) The following fees shall be charged for applications for approval of real estate courses, schools, and instructors. An application fee shall accompany each application. Approval, if granted, shall be two years from the date of approval. Applications submitted and disapproved may be resubmitted at no additional fee.

(2) Application for course content approval - a fee of five dollars per clock hour credit being offered, with a minimum fee of fifty dollars per course. Except, the application fee for approval of the sixty clock hour course in real estate fundamentals shall be one hundred fifty dollars.

(3) Application for school approval - a fee of two hundred fifty dollars.

(4) Application for instructor approvals:

(a) Approval to teach a specific course on one occasion - a fee of fifty dollars;

(b) Approval to teach as many subject areas as requested at time of initial application - a fee of seventy five dollars. Approval shall be for two years from the approval date;

(c) Approval to teach additional subject area(s) not requested at time of initial application or renewal - a fee of twenty-five dollars for each application to teach additional subject area(s). Approval, if granted, shall be for remainder of two year approval period. Applications submitted under (a), (b) and (c) of this section and disapproved may be resubmitted at no additional fee.

[Statutory Authority: RCW 18.85.040 and 18.85.041. 10-06-078, § 308-124H-990, filed 3/1/10, effective 7/1/10.]

## Chapter 308-125 WAC REAL ESTATE APPRAISERS

### WAC

308-125-030	Examination prerequisite general classification.
308-125-050	Educational courses—Preexamination.
308-125-090	Continuing education required.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-125-065	Education credit for teachers of approved real estate appraisal courses. [Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-065, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-065, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-065, filed 8/10/93, effective 9/10/93.] Repealed by 10-09-024, filed 4/13/10, effective 5/14/10. Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15).
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**WAC 308-125-030 Examination prerequisite general classification.** The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an

applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred eighty classroom hours of qualifying education as approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred eighty classroom hours of course work: Provided, That effective November 1, 2007, the required number of classroom hours is three hundred in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent, fifteen hours.
- (d) General appraiser market analysis and highest and best use, thirty hours.
- (e) Statistics, modeling and finance, fifteen hours.
- (f) General appraiser sales comparison approach, thirty hours.
- (g) General appraiser site valuation and cost approach, thirty hours.
- (h) General appraiser income approach, sixty hours.
- (i) General appraiser report writing and case studies, thirty hours.
- (j) Appraisal subject matter electives, thirty hours.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess three thousand hours of appraisal experience obtained continuously over a period of not less than thirty months in Washington or in another state having comparable certification requirements.

(3) To fulfill the experience requirement, a candidate must have at least one thousand five hundred hours of nonresidential appraisal experience.

(4) Effective January 1, 2008, applicants for the certified general license must possess a bachelor's degree or higher in any field of study or, in lieu of the required degree, thirty semester credit hours covering the following subject matter courses:

- (a) English composition;
- (b) Principles of economics (micro and macro);
- (c) Finance;
- (d) Algebra, geometry or, higher mathematics;
- (e) Statistics;
- (f) Introduction to computers: Word processing/spreadsheets;
- (g) Business or real estate law; and
- (h) Two elective courses in accounting, geography, agricultural economics, business management, or real estate; as approved by the appraiser qualifications board and the director, in addition to the required qualifying core curriculum requirements.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 10-09-025, § 308-125-030, filed 4/13/10, effective 5/14/10; 06-06-069, § 308-125-030, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-030, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. 95-17-078, § 308-125-030, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-030, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, §

308-125-030, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-030, filed 2/5/91, effective 3/8/91.]

**WAC 308-125-050 Educational courses—Preexamination.** (1) To be accepted under WAC 308-125-030(1), 308-125-040(1), and 308-125-045(1), courses must:

- (a) Be a minimum of fifteen classroom hours in length;
- (b) Include an examination;
- (c) Be directly related to real estate appraising; and
- (d) Be approved by the director as identified in the appraiser program's publication *Approved Courses, Real Estate Appraisers*; or
- (e) Be approved by the appraiser qualifications board and approved by the director.

(2) The following limitations may apply to course work submitted to the department for approval:

(a) A correspondence course may be acceptable to meet classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers correspondence courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; or

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(b) Video and remote television educational courses may be used to meet the classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers similar courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; or

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(c) An applicant shall not receive "dual credit" for courses that have the same or very similar content and are deemed comparable by the department, even if an applicant completes the courses through different course providers.

(3) Copies of official transcript of college records or certificates of course completion will be considered as satisfactory evidence for education requirements.

(4) Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

(5) An application shall be submitted for approval not less than ninety days preceding the course start date. Course approval expiration shall be three years from the date of approval, except for the Uniform Standards of Professional Appraisal Practice courses or seminars having a definite date.

(6) All courses approved by the appraiser qualifications board will continue to be accepted by the department as approved courses until the expiration date.

(7) Appraisal course providers who have received the appraiser qualifications board's course approval are not required to submit course material or content materials to the department for approval. The course provider shall submit a secondary provider course content approval application to the department.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 10-09-025, § 308-125-050, filed 4/13/10, effective 5/14/10; 06-06-069, § 308-125-050, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-050, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-050, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-050, filed 2/5/91, effective 3/8/91.]

#### **WAC 308-125-090 Continuing education required.**

(1) As a prerequisite to renewal of certification or licensure, the holder of a certificate or license shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification or licensure shall be the completion by the applicant of twenty-eight hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the term of certification or licensure immediately preceding renewal. An applicant shall not receive credit in consecutive renewals for courses that have the same or very similar content and are deemed comparable by the department. The holder of a certificate or license will present evidence of successful completion of the seven-hour National USPAP update course or its equivalent.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of two hours in length and be directly related to real estate appraising. However, a maximum of one-half of the continuing education hours required for renewal can be in two-hour seminars or courses.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours.

(5) Up to one-half of the requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials. A licensee or certificate holder may receive continuing education credit for teaching an approved real estate appraisal course. Once a licensee or certificate holder has received credit for teaching an approved real estate appraiser course, the credential holder shall not receive credit for teaching that course or any substantially similar course on any subsequent occasion, with the exception of the Uniform Standards of Professional Appraisal Practice, USPAP, 7-hour update.

(6) Courses or seminars taken to satisfy the continuing education requirement for real estate appraisers, should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
- (b) Arbitrations, dispute resolution.
- (c) Business courses related to practice of real estate appraisal and consulting.
- (d) Construction estimating.

(e) Ethics and standards of professional practice, USPAP.

(f) Land use planning, zoning, and taxation.

(g) Management, leasing, brokerage, timesharing.

(h) Property development, partial interests.

(i) Real estate appraisal (valuations/evaluations).

(j) Real estate financing and investment.

(k) Real estate law, easements and legal interests.

(l) Real estate litigation, damages and condemnation.

(m) Real estate related computer applications.

(n) Real estate securities and syndication.

(o) Real property exchange.

(p) Appraisal and consulting report writing.

(q) Such other presentations approved by the director.

(7) The director may approve continuing education credit for attendance at one real estate appraiser commission meeting of no more than seven hours.

(8) The director may defer completion of continuing education for licensees or certificate holders returning from military service active duty and place the license or certificate in an active status for a period of ninety days pending completion of education. If the licensee or certificate holder fails to comply with the continuing education requirement within said ninety days, the license or certificate will revert to an expired status.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 10-09-024, § 308-125-090, filed 4/13/10, effective 5/14/10; 07-23-079, § 308-125-090, filed 11/19/07, effective 1/1/08; 06-06-069, § 308-125-090, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(8). 03-14-091, § 308-125-090, filed 6/30/03, effective 7/31/03; 99-11-039, § 308-125-090, filed 5/14/99, effective 6/14/99. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-090, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-090, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-090, filed 2/5/91, effective 3/8/91.]

### **Chapter 308-200A WAC**

#### **DEPARTMENT OF LICENSING ENVIRONMENTAL REGULATIONS**

##### **WAC**

308-200A-010	Authority.
308-200A-020	Purpose.
308-200A-022	Adoption by reference.

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

308-200A-025	Scope and coverage of this chapter. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-025, filed 8/3/78. Formerly WAC 308-200-025.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-030	Integration of SEPA procedures with other governmental operations. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-030, filed 8/3/78. Formerly WAC 308-200-030.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-040	Definitions. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-040, filed 8/3/78. Formerly WAC 308-200-040.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-050	Use of the environmental checklist form. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-050, filed 8/3/78. Formerly WAC 308-200-050.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.-120.

308-200A-055	Timing of the EIS process. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-055, filed 8/3/78. Formerly WAC 308-200-055.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.		
308-200A-060	Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-060, filed 8/3/78. Formerly WAC 308-200-060.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-220	Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-220, filed 8/3/78. Formerly WAC 308-200-220.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-100	Summary of information which may be required of a private applicant. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-100, filed 8/3/78. Formerly WAC 308-200-100.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-225	Lead agency designation—Private projects requiring licenses from more than one state agency. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-225, filed 8/3/78. Formerly WAC 308-200-225.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-150	Exemptions exclusive—CEP approval of changes in exemptions. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-150, filed 8/3/78. Formerly WAC 308-200-150.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-230	Lead agency designation—Specific proposals. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-230, filed 8/3/78. Formerly WAC 308-200-230.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-160	No presumption of significance for nonexempt actions. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-160, filed 8/3/78. Formerly WAC 308-200-160.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-235	Local agency transfer of lead agency status to a state agency. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-235, filed 8/3/78. Formerly WAC 308-200-235.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-170	Categorical exemptions. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-170, filed 8/3/78. Formerly WAC 308-200-170.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-240	Agreements as to lead agency status. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-240, filed 8/3/78. Formerly WAC 308-200-240.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-175	Exemptions and nonexemptions applicable to the department. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-175, filed 8/3/78. Formerly WAC 308-200-175.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-245	Agreements between agencies as to division of lead agency duties. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-245, filed 8/3/78. Formerly WAC 308-200-245.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-177	Environmentally sensitive areas. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-177, filed 8/3/78.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-260	Dispute as to lead agency determination—Resolution by CEP. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-260, filed 8/3/78. Formerly WAC 308-200-260.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-180	Exemptions for emergency actions. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-180, filed 8/3/78. Formerly WAC 308-200-180.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-270	Assumption of lead agency status by another agency with jurisdiction. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-270, filed 8/3/78. Formerly WAC 308-200-270.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-190	Use and effect of categorical exemptions. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-190, filed 8/3/78. Formerly WAC 308-200-190.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-300	Threshold determination requirement. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-300, filed 8/3/78. Formerly WAC 308-200-300.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-200	Lead agency—Responsibilities. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-200, filed 8/3/78. Formerly WAC 308-200-200.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-305	Recommended timing for threshold determination. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-305, filed 8/3/78. Formerly WAC 308-200-305.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-203	Determination of lead agency—Procedures. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-203, filed 8/3/78. Formerly WAC 308-200-203.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-310	Threshold determination procedures—Environmental checklist. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-310, filed 8/3/78. Formerly WAC 308-200-310.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-205	Lead agency designation—Governmental proposals. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-205, filed 8/3/78. Formerly WAC 308-200-205.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-320	Threshold determination procedures—Initial review of environmental checklist. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-320, filed 8/3/78. Formerly WAC 308-200-320.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-210	Lead agency designation—Proposals involving both private and public construction activity. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-210, filed 8/3/78. Formerly WAC 308-200-210.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-330	Threshold determination procedures—Information in addition to checklist. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-330, filed 8/3/78. Formerly WAC 308-200-330.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-215	Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-		

308-200A-340	Threshold determination procedures—Negative declarations. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-340, filed 8/3/78. Formerly WAC 308-200-340.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-442	Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120. Special considerations regarding contents of an EIS on a nonproject action. [Statutory Authority: RCW 43.21C.-120. 78-09-002 (Order 500-DOL), § 308-200A-442, filed 8/3/78. Formerly WAC 308-200-442.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-345	Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-345, filed 8/3/78. Formerly WAC 308-200-345.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-444	List of elements of the environment. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-444, filed 8/3/78. Formerly WAC 308-200-444.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-350	Affirmative threshold determination. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-350, filed 8/3/78. Formerly WAC 308-200-350.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-446	Draft EIS—Optional additional elements—Limitation. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-446, filed 8/3/78. Formerly WAC 308-200-446.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-355	Form of declaration of significance/nonsignificance. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-355, filed 8/3/78. Formerly WAC 308-200-355.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-450	Public awareness of availability of draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-450, filed 8/3/78. Formerly WAC 308-200-450.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.-120.
308-200A-360	Threshold determination criteria—Application of environmental checklist. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-360, filed 8/3/78. Formerly WAC 308-200-360.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-455	Circulation of the draft EIS—Review period. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-455, filed 8/3/78. Formerly WAC 308-200-455.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.-120.
308-200A-365	Environmental checklist. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-365, filed 8/3/78. Formerly WAC 308-200-365.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-460	Specific agencies to which draft EIS shall be sent. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-460, filed 8/3/78. Formerly WAC 308-200-460.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-370	Withdrawal of affirmative threshold determination. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-370, filed 8/3/78. Formerly WAC 308-200-370.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-465	Agencies possessing environmental expertise. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-465, filed 8/3/78. Formerly WAC 308-200-465.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-375	Withdrawal of negative threshold determination. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-375, filed 8/3/78. Formerly WAC 308-200-375.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-470	Cost to the public for reproduction of environmental documents. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-470, filed 8/3/78. Formerly WAC 308-200-470.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-390	Effect of threshold determination by lead agency. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-390, filed 8/3/78. Formerly WAC 308-200-390.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-480	Public hearing on a proposal—When required. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-480, filed 8/3/78. Formerly WAC 308-200-480.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-400	Duty to begin preparation of a draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-400, filed 8/3/78. Formerly WAC 308-200-400.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.-120.	308-200A-485	Notice of public hearing on environmental impact of the proposal. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-485, filed 8/3/78. Formerly WAC 308-200-485.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-405	Purpose and function of a draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-405, filed 8/3/78. Formerly WAC 308-200-405.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-490	Public hearing on the proposal—Use of environmental documents. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-490, filed 8/3/78. Formerly WAC 308-200-490.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-410	Predraft consultation procedures. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-410, filed 8/3/78. Formerly WAC 308-200-410.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-495	Preparation of amended or new draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-495, filed 8/3/78. Formerly WAC 308-200-495.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.-120.
308-200A-420	Preparation of EIS by persons outside the lead agency. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-420, filed 8/3/78. Formerly WAC 308-200-420.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-500	Responsibilities of consulted agencies—Local agencies. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-500, filed 8/3/78. Formerly WAC 308-200-500.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.
308-200A-425	Organization and style of a draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-425, filed 8/3/78. Formerly WAC 308-200-425.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.	308-200A-510	Responsibilities of consulted agencies—State agencies with jurisdiction. [Statutory Authority: RCW 43.21C.-120. 78-09-002 (Order 500-DOL), § 308-200A-510, filed 8/3/78. Formerly WAC 308-200-510.] Repealed
308-200A-440	Contents of a draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-440, filed 8/3/78. Formerly WAC 308-200-440.]		

by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-520, filed 8/3/78. Formerly WAC 308-200-520.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-530 Responsibilities of consulted agencies—When predraft consultation has occurred. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-530, filed 8/3/78. Formerly WAC 308-200-530.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-535 Cost of performance of consulted agency responsibilities. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-535, filed 8/3/78. Formerly WAC 308-200-535.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-540 Limitations on responses to consultation. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-540, filed 8/3/78. Formerly WAC 308-200-540.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-545 Effect of no written comment. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-545, filed 8/3/78. Formerly WAC 308-200-545.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-550 Preparation of the final EIS—Time period allowed. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-550, filed 8/3/78. Formerly WAC 308-200-550.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-570, filed 8/3/78. Formerly WAC 308-200-570.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-580, filed 8/3/78. Formerly WAC 308-200-580.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-600 Circulation of the final EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-600, filed 8/3/78. Formerly WAC 308-200-600.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-650 Effect of an adequate final EIS prepared pursuant to NEPA. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-650, filed 8/3/78. Formerly WAC 308-200-650.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-652, filed 8/3/78. Formerly WAC 308-200-652.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-660 Use of previously prepared EIS for a different proposed action. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-660, filed 8/3/78. Formerly WAC 308-200-660.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-690, filed 8/3/78. Formerly WAC 308-200-690.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-695 Draft and final supplements to a revised EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-695, filed 8/3/78. Formerly WAC 308-200-695.] Repealed by 10-21-087, filed 10/20/10,

effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-700 No action for seven days after publication of the final EIS. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-700, filed 8/3/78. Formerly WAC 308-200-700.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-710 EIS combined with existing planning and review processes. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-710, filed 8/3/78. Formerly WAC 308-200-710.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-820 Designation of responsible official. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-820, filed 8/3/78. Formerly WAC 308-200-820.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-831 Responsibility of agencies—SEPA public information. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-831, filed 8/3/78.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-840 Application of agency rules to ongoing actions. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-840, filed 8/3/78. Formerly WAC 308-200-840.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-860 Fees to cover the costs of SEPA compliance. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-860, filed 8/3/78. Formerly WAC 308-200-860.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-900 Applicability of this chapter. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-900, filed 8/3/78. Formerly WAC 308-200-900.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

308-200A-910 Severability. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-910, filed 8/3/78. Formerly WAC 308-200-910.] Repealed by 10-21-087, filed 10/20/10, effective 11/20/10. Statutory Authority: RCW 43.21C.120.

**WAC 308-200A-010 Authority.** These rules are promulgated under RCW 43.21C.120 (the State Environmental Policy Act) and chapter 197-11 WAC (SEPA rules).

[Statutory Authority: RCW 43.21C.120. 10-21-087, § 308-200A-010, filed 10/20/10, effective 11/20/10; 78-09-002 (Order 500-DOL), § 308-200A-010, filed 8/3/78. Formerly WAC 308-200-010.]

**WAC 308-200A-020 Purpose.** This chapter implements the statewide rules in chapter 197-11 WAC as they apply to the department of licensing.

[Statutory Authority: RCW 43.21C.120. 10-21-087, § 308-200A-020, filed 10/20/10, effective 11/20/10; 78-09-002 (Order 500-DOL), § 308-200A-020, filed 8/3/78. Formerly WAC 308-200-020.]

**WAC 308-200A-022 Adoption by reference.** The department of licensing adopts the following sections of chapter 197-11 WAC by reference.

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.
197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.

197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.
197-11-800	Categorical exemptions.
197-11-810	Exemptions and nonexemptions applicable to specific state agencies.
197-11-855	Department of ecology.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.
197-11-900	Purpose of this part.
197-11-908	Critical areas.
197-11-912	Procedures of consulted agencies.
197-11-916	Application to ongoing actions.
197-11-917	Relationship to chapter 197-10 WAC.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.

197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.
197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.
197-11-960	Environmental checklist.
197-11-965	Adoption notice.
197-11-970	Determination of nonsignificance (DNS).
197-11-980	Determination of significance and scoping notice (DS).
197-11-985	Notice of assumption of lead agency status.
197-11-990	Notice of action.

[Statutory Authority: RCW 43.21C.120. 10-21-087, § 308-200A-022, filed 10/20/10, effective 11/20/10.]

**Chapter 308-300 WAC  
CONSOLIDATED LICENSING SYSTEM**

**WAC**

308-300-160 Total fee payable—Handling of fees.

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

308-300-075 Handling fee. [Statutory Authority: RCW 34.05.220 and 1990 c 264. 90-17-062, § 308-300-075, filed 8/15/90, effective 9/15/90.] Repealed by 10-13-039, filed 6/8/10, effective 7/9/10. Statutory Authority: RCW 19.02.030(3).

**WAC 308-300-160 Total fee payable—Handling of fees.** (1) The fee payable will be the total amount of all individual license fees, late filing fees, other penalty fees, and handling fees, and may include additional fees charged to cover credit or debit card processing.

(2) The department will distribute the fees received for individual licenses issued or renewed to the appropriate agencies on an established schedule.

(3) The master license will not be issued until the full amount of the total fee payable is collected. When the fee payment received is less than the total fee payable, the department will bill the applicant for the balance.

(4) The master license service application and renewal handling fees collected under RCW 19.02.075 are not refundable. When a license is denied or when an applicant withdraws an application, a refund of any other refundable portion of the total payment will be made in accordance with the applicable licensing laws.

[Statutory Authority: RCW 19.02.030(3). 10-13-039, § 308-300-160, filed 6/8/10, effective 7/9/10; Order 476-DOL, § 308-300-160, filed 12/30/77.]

**Chapter 308-330 WAC**

**WASHINGTON MODEL TRAFFIC ORDINANCE**

**WAC**

308-330-197 RCW sections adopted—Off-road and nonhighway vehicles.  
 308-330-316 RCW sections adopted—Vehicle lighting and other equipment.  
 308-330-320 RCW sections adopted—Size, weight, load.  
 308-330-415 RCW sections adopted—Right of way.  
 308-330-464 RCW sections adopted—Operation and restrictions.  
 308-330-700 RCW sections adopted—Disposition of traffic infractions.

**WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles.** The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.040, 46.09.050, 46.09.085, 46.09.-115, 46.09.117, 46.09.120, 46.09.130, 46.09.140, 46.09.180, and 46.09.190.

[Statutory Authority: RCW 46.90.010. 10-18-058, § 308-330-197, filed 8/30/10, effective 9/30/10; 04-18-061, § 308-330-197, filed 8/27/04, effective 9/27/04; 97-10-068, § 308-330-197, filed 5/5/97, effective 6/5/97; 94-23-029, § 308-330-197, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-197, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.-050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.395, 46.37.400, 46.37.410, 46.37.420, 46.37.4215, 46.37.4216, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.518, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.37.620, 46.37.630, 46.37.640, 46.37.650, 46.37.660, 46.37.670,

46.37.671, 46.37.672, 46.37.673, 46.37.674, 46.37.675, and 46.37.680.

[Statutory Authority: RCW 46.90.010. 10-18-058, § 308-330-316, filed 8/30/10, effective 9/30/10; 04-18-061, § 308-330-316, filed 8/27/04, effective 9/27/04; 00-18-067, § 308-330-316, filed 9/1/00, effective 10/2/00; 97-10-068, § 308-330-316, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-316, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-316, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-316, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-320 RCW sections adopted—Size, weight, load.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, 46.44.013, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.043, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, and 46.44.190.

[Statutory Authority: RCW 46.90.010. 10-18-058, § 308-330-320, filed 8/30/10, effective 9/30/10; 04-18-061, § 308-330-320, filed 8/27/04, effective 9/27/04; 02-04-075, § 308-330-320, filed 2/1/02, effective 3/4/02; 94-23-029, § 308-330-320, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-320, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-415 RCW sections adopted—Right of way.** The following sections of the Revised Code of Washington (RCW) pertaining to vehicles and pedestrians use of roadways, right of way, rights and duties as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.165, 46.61.180, 46.61.183, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.212, 46.61.215, 46.61.220, 46.61.230, 46.61.235, 46.61.240, 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

[Statutory Authority: RCW 46.90.010. 10-18-058, § 308-330-415, filed 8/30/10, effective 9/30/10; 00-18-067, § 308-330-415, filed 9/1/00, effective 10/2/00; 97-10-068, § 308-330-415, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-415, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-464 RCW sections adopted—Operation and restrictions.** The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.667, 46.61.668, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, 46.61.723, 46.61.725, 46.61.730, 46.61.735, and 46.61.740.

[Statutory Authority: RCW 46.90.010. 10-18-058, § 308-330-464, filed 8/30/10, effective 9/30/10; 04-18-061, § 308-330-464, filed 8/27/04, effective 9/27/04; 02-04-075, § 308-330-464, filed 2/1/02, effective 3/4/02; 94-01-082, § 308-330-464, filed 12/13/93, effective 7/1/94.]

**WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions.** The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.073, 46.63.075, 46.63.080, 46.63.090, 46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, 46.63.151, 46.63.160, and 46.63.170.

[Statutory Authority: RCW 46.90.010. 10-18-058, § 308-330-700, filed 8/30/10, effective 9/30/10; 04-18-061, § 308-330-700, filed 8/27/04, effective 9/27/04; 94-01-082, § 308-330-700, filed 12/13/93, effective 7/1/94.]

## Chapter 308-391 WAC

### UNIFORM COMMERCIAL CODE, ARTICLE 9

#### WAC

308-391-106 Methods of payment.

**WAC 308-391-106 Methods of payment.** Filing fees and search fees may be paid by the following methods:

(1) Cash. Payment in cash is accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks, and money orders made payable to the filing office are accepted for payment provided that the drawer (or the issuer in the case of a cashier's check or money order) is deemed creditworthy by the filing office in its discretion. Checks may be made payable in an amount to be filled in by the filing office if the filing office is clearly authorized to fill in the amount.

(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 electronic transfers with the UCC filing office and who authorize the relevant transfer under those arrangements and rules.

(4) Credit cards. The filing office accepts payment by credit cards issued by approved issuers. Remitters must provide 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, the billing address for the card, and any other information required by the filing office to complete the transaction. Payment will not be deemed tendered until the issuer or its agent has authorized payment. This method of payment is accepted for on-line services and in person at the public service counter.

(5) The filing office accepts payment for bulk data by check or electronic funds transfer, except weekly updates which must be paid by electronic funds transfer.

[Statutory Authority: RCW 62A.9A-526. 10-09-073, § 308-391-106, filed 4/19/10, effective 5/20/10. Statutory Authority: RCW 62A.9A-526, chapters 60.68, 60.13, and 9A.82 RCW. 09-12-067, § 308-391-106, filed 5/29/09, effective 6/29/09.]

**Chapter 308-408B WAC**  
**EDUCATION—HOME INSPECTOR COURSE**  
**APPROVAL**

**WAC**

308-408B-130 Fundamentals supplemental course.

**WAC 308-408B-130 Fundamentals supplemental course.** Washington state applicants not seeking reciprocity who lack the required one hundred twenty hours of home inspection classroom education, but have completed a minimum of eighty hours of department approved classroom instruction can apply to the department for consideration of an approved forty hour supplemental course.

The applicant must provide a copy of their certificate(s) of completion, course outline that includes hours spent on each topic, and proof of testing. The supplemental course and the applicant's previous classroom instruction must meet or exceed the current board approved fundamentals curriculum.

Applicants who have taken home inspection courses must provide proof that they had successfully completed the course not earlier than June 12, 2006.

This rule is effective until June 1, 2010.

[Statutory Authority: RCW 18.280.050(1) and RCW 18.280.(6) [18.280.060]. 10-04-076, § 308-408B-130, filed 2/1/10, effective 3/4/10.]