

Chapter 208-544 WAC

SCHEDULE OF COSTS OF EXAMINATIONS

(Formerly chapter 50-44 WAC)

WAC

208-544-001	Scope.
208-544-002	Definitions.
208-544-005	Determination of collection method—Principles.
208-544-010	Collection of examination costs—Collection method.
208-544-020	Semiannual asset charge—Assessment.
208-544-030	Hourly fees and charges—Regular, including extraordinary examination and special examinations.
208-544-040	Certificate and secretary of state filing fees.
208-544-045	Additional services fees.
208-544-055	Legal fees.
208-544-060	Banking fund—Minimum cash balance.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

208-544-025	Fees paid by interstate banks. [Statutory Authority: 2008 c 285, RCW 30.04.030, [30.04.]070, 43.320.040. WSR 08-18-079, § 208-544-025, filed 9/3/08, effective 10/6/08. Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 01-06-024, § 208-544-025, filed 2/27/01, effective 3/30/01; WSR 00-17-141, recodified as § 208-544-025, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 43.320.010, 43.329.040 and 30.04.030. WSR 96-04-022, § 50-44-025, filed 1/30/96, effective 3/1/96.] Repealed by WSR 13-23-032, filed 11/13/13, effective 12/14/13. Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070.
208-544-037	Charges and fees effective June 25, 1999. [Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 01-06-024, § 208-544-037, filed 2/27/01, effective 3/30/01; WSR 00-17-141, recodified as § 208-544-037, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 30.04.030, 30.04.070, 30.08.095, 33.04.025 and 43.320.040. WSR 99-10-024, § 50-44-037, filed 4/28/99, effective 6/25/99.] Repealed by WSR 01-12-003, filed 5/23/01, effective 7/1/01. Statutory Authority: RCW 30.04.030, 33.04.025, 43.320.040.
208-544-039	Charges and fees effective October 6, 2008. [Statutory Authority: 2008 c 285 § 30, RCW 30.04.030, 43.320.040, and 34.05.353 (1)(c). WSR 09-15-191, § 208-544-039, filed 7/22/09, effective 8/22/09. Statutory Authority: 2008 c 285, RCW 30.04.030, [30.04.]070, 43.320.040. WSR 08-18-079, § 208-544-039, filed 9/3/08, effective 10/6/08. Statutory Authority: RCW 30.04.030, 33.04.025, 43.320.040. WSR 01-12-003 and 01-20-086, § 208-544-039, filed 5/23/01 and 10/2/01, effective 7/1/01 and 11/2/01. Statutory Authority: RCW 30.04.-030 and 43.320.040. WSR 01-06-024, § 208-544-039, filed 2/27/01, effective 3/30/01; WSR 00-17-141, recodified as § 208-544-039, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 30.04.030, 30.04.070, 30.08.095, 33.04.025 and 43.320.040. WSR 99-10-024, § 50-44-039, filed 4/28/99, effective 6/25/99.] Repealed by WSR 13-23-032, filed 11/13/13, effective 12/14/13. Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070.
208-544-050	Limitations on assessments. [Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 00-17-141, amended and recodified as § 208-544-050, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 30.04.070 and 30.08.095. WSR 91-18-054, § 50-44-050, filed 8/30/91, effective 9/30/91; WSR 90-12-007, § 50-44-050, filed 5/25/90, effective 6/25/90.] Repealed by WSR 01-12-003, filed 5/23/01, effective 7/1/01. Statutory Authority: RCW 30.04.030, 33.04.025, 43.320.040.

WAC 208-544-001 Scope. This chapter establishes the rules mandated by RCW 30.04.070 for the collection of

authorized fees and charges from regulated institutions. These rules apply unless the director makes a finding that their application in a specific case would be inconsistent with the division's mission to foster sound economic growth and sustainable economic prosperity in the state of Washington or with the principles of collection found in WAC 208-544-005.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-001, filed 11/13/13, effective 12/14/13.]

WAC 208-544-002 Definitions. Unless the context clearly requires otherwise, the definitions used in this section apply throughout this chapter.

(1) "Agricultural lender" has the definition given in RCW 31.35.020(1).

(2) "Alien bank" has the definition given in RCW 30.42.-020(1).

(3) "Bank" has the definition given in RCW 30.04.-010(2).

(4) "Bank holding company" has the definition given in RCW 30.04.010(3).

(5) "Branch" has the definition given in RCW 30.04.-010(5).

(6) "Business development company" has the definition given in RCW 31.24.010(6).

(7) "Commercial bank" is a bank as defined under subsection (3) of this section.

(8) "Department" means the department of financial institutions.

(9) "Development credit corporation" means an entity organized under chapter 31.20 RCW.

(10) "Director" means the director of the division of banks of the department of financial institutions.

(11) "Division" means the division of banks of the department of financial institutions.

(12) "Financial holding company" has the definition given in RCW 30.04.010(8).

(13) "Foreign bank" has the definition given in RCW 30.04.010(9).

(14) "OCC" means the Office of the Comptroller of the Currency, as created under the National Bank Act of 1863.

(15) "OFM" means the office of financial management created by RCW 43.41.050.

(16) "Regulated institution" means an alien bank, agricultural lender, bank, bank holding company, business development company, commercial bank, financial holding company, foreign bank, savings bank, small business administration 7(a) lender, thrift holding company, trust company, or other institution over which the department of financial institutions has regulatory authority over.

(17) "Report of condition" includes the FDIC Call Report, or a regulated institution's quarterly balance sheet and income statement.

(18) "Savings bank" has the definition given in RCW 32.04.020(9), which includes a mutual savings bank and stock savings bank.

(19) "Small business administration 7(a) lender" means an entity licensed under chapter 31.40 RCW.

(20) "Thrift holding company" has the definition given in RCW 32.04.020(10).

(21) "Trust company" has the definition given in RCW 30.04.010(14).

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-002, filed 11/13/13, effective 12/14/13.]

WAC 208-544-005 Determination of collection method—Principles. When determining the collection method for authorized fees and charges, the director shall consider, but not be limited to, the following principles:

(1) The revenue collected shall be sufficient to allow the division to examine institutions within all required time periods;

(2) Regulatory costs shall be apportioned in a manner consistent with the division's statutory mission to promote and provide the delivery of financial services to rural and economically distressed areas;

(3) No industry or regulated institution shall bear a disproportionate share of regulatory costs;

(4) The division shall have sufficient resources to maintain a competent and motivated staff; and

(5) Any other principles the director deems relevant.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-005, filed 11/13/13, effective 12/14/13. Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 00-17-141, amended and recodified as § 208-544-005, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 30.04.070 and 30.08.095. WSR 91-18-054, § 50-44-005, filed 8/30/91, effective 9/30/91.]

WAC 208-544-010 Collection of examination costs—Collection method. The division shall collect the following:

(1) A semiannual assessment based on asset size in order to recoup the indirect costs related to the examination of regulated institutions as specified in WAC 208-544-020;

(2) An hourly charge for the direct cost of examinations determined by the rate specified in WAC 208-544-030; and

(3) Fees for services as specified in WAC 508-544-040, 208-544-045, and 208-544-055.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-010, filed 11/13/13, effective 12/14/13. Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 00-17-141, amended and recodified as § 208-544-010, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 30.04.070 and 30.08.095. WSR 90-12-007, § 50-44-010, filed 5/25/90, effective 6/25/90. Statutory Authority: RCW 30.04.030. WSR 83-20-072 (Order 55), § 50-44-010, filed 10/3/83; WSR 82-24-074 (Order 48), § 50-44-010, filed 12/1/82. Statutory Authority: RCW 34.04.070. WSR 82-02-037 (Order 45), § 50-44-010, filed 12/31/81.]

WAC 208-544-020 Semiannual asset charge—Assessment. (1) The semiannual assessment shall be computed using the asset value reflected in the most recent report of condition. The director may adjust such rates if the director determines that a disproportionate amount of revenue is being collected. The rate of charge is set forth in the following schedules:

(a) Commercial banks, savings banks, savings associations, and alien banks.

[Ch. 208-544 WAC p. 2]

If the institution's total assets are:		The semiannual assessment is:		
Over this amount (in millions)	But less than this amount (in millions)	This amount	Plus the excess over (in millions)	Multiplied by this rate
\$0	\$500	----	----	.000017464
\$500	\$1,000	\$8,732	\$500	.000016746
\$1,000	\$10,000	\$17,105	\$1,000	.000016495
\$10,000	----	\$165,560	\$10,000	.000

The semiannual assessment is capped at \$165,560.

(b) Trust companies.

Total assets under management	Semiannual assessment charge
\$0-125 million	\$125
\$125-250 million	\$250
\$250-500 million	\$500
\$500 million - 1 billion	\$1,000
\$1-2 billion	\$2,000
\$2-3 billion	\$3,000
\$3-4 billion	\$4,000
\$4-5 billion	\$5,000

Trust companies pay \$1,000 for each additional \$1 billion under management. Annual assessments are capped at \$100,000.

(2) Assessments and statements of condition shall be remitted to the division in accordance with the following:

(a) The division shall provide an official notice of assessment to each financial institution in the months of June and December of each calendar year.

(b) The financial institution shall calculate the assessment amount due using the most recent statement of condition.

(c) The assessment payment shall be remitted to the division in accordance within the dates specified by the notice along with the statement of condition used to calculate the assessment.

(d) A fifty dollar fee shall be charged for each day a regulated institution fails to file the assessment payment and statement of condition after the deadline to file has passed, as set out under RCW 30.08.190(3).

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-020, filed 11/13/13, effective 12/14/13. Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 00-17-141, amended and recodified as § 208-544-020, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 43.320.010, 43.329.040 and 30.04.030. WSR 96-04-022, § 50-44-020, filed 1/30/96, effective 3/1/96. Statutory Authority: RCW 30.04.070 and 30.08.095. WSR 91-18-054, § 50-44-020, filed 8/30/91, effective 9/30/91; WSR 90-12-007, § 50-44-020, filed 5/25/90, effective 6/25/90. Statutory Authority: RCW 30.04.030 and 31.04.150. WSR 89-09-004 (Order 77), § 50-44-020, filed 4/6/89. Statutory Authority: RCW 30.04.030. WSR 83-20-072 (Order 55), § 50-44-020, filed 10/3/83; WSR 82-24-074 (Order 48), § 50-44-020, filed 12/1/82. Statutory Authority: RCW 34.04.070. WSR 82-02-037 (Order 45), § 50-44-020, filed 12/31/81.]

WAC 208-544-030 Hourly fees and charges—Regular, including extraordinary examination and special examinations. (1) Each regulated institution shall pay to the division hourly fees in the amount of eighty-three dollars for regular examinations. This includes safety and soundness,

information technology, trust, and any other examination requiring specialized expertise.

(a) The hourly rate applies to extraordinary examinations for the purpose of examining unusual conditions or circumstances, extensions of regular examinations, and any other reviews as determined by the director.

(b) The division may charge the actual cost of examinations performed under personal service contracts by third parties.

(2) The division may collect examination fees for out-of-state banks doing business in the state of Washington (host state) through a cooperative agreement with the home state under RCW 30.04.060.

(a) Fees may be collected directly from the out-of-state institution or may be collected from the home state.

(b) Such fees shall be agreed upon before the examination begins.

(3) The division shall provide to the institution an itemized statement outlining the charges upon completion of any applicable examination. The charges contained in the statement shall be paid no later than thirty days after the billing date of such statement.

(4) The division may require a lump sum payment in advance to cover the anticipated cost of review and investigation of the activities described in this section. In no event shall the lump sum payment required under this section exceed the actual cost incurred under those subsections.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-030, filed 11/13/13, effective 12/14/13. Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 00-17-141, amended and recodified as § 208-544-030, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 30.04.070 and 30.08.095. WSR 91-18-054, § 50-44-030, filed 8/30/91, effective 9/30/91; WSR 90-12-007, § 50-44-030, filed 5/25/90, effective 6/25/90. Statutory Authority: RCW 30.12.060. WSR 85-19-052 (Order 62), § 50-44-030, filed 9/13/85. Statutory Authority: RCW 34.04.070. WSR 82-02-037 (Order 45), § 50-44-030, filed 12/31/81.]

WAC 208-544-040 Certificate and secretary of state filing fees. (1) The division shall collect one hundred dollars for issuing each of the following:

- (a) Branch certificates;
- (b) Certificates of increase or decrease of capital stock;
- (c) Certificates of authority;
- (d) Certificates of corporate existence; and
- (e) Any other certificates issued by the division.

(2) The division shall collect the following for filing documents with the secretary of state:

(a) One hundred dollars for filing articles of incorporation, amendments thereof, or any other documents filed with the secretary of state.

(b) Any amounts billed directly to the division by the secretary of state relating to subsection (2)(a) of this section.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-040, filed 11/13/13, effective 12/14/13.]

WAC 208-544-045 Additional services fees. (1) The division shall collect hourly fees in the amount of eighty-three dollars plus actual expenses for all services attendant to:

- (a) The chartering of a new regulated institution;
- (b) The conversion of an existing nonstate chartered institution to a Washington state chartered institution;

(c) The establishment of an office or bureau by an alien bank in Washington state;

(d) The acquisition and control of more than five percent of the shares of voting stock or substantially all of the assets of a bank, trust company, national banking association, or bank holding company, where the principal operations are conducted within this state by an out-of-state bank holding company;

(e) The issuance or filing of a notice of change of control;

(f) Requests for division approval to use words indicating bank or trust company in a company name under RCW 30.04.020;

(g) Meeting attendance by division personnel with the board of directors or senior management of a regulated institution;

(h) Off-site monitoring of a regulated institution;

(i) Voluntary or involuntary liquidation under chapter 30.44 RCW;

(j) Acting as conservator of a bank or trust company under chapter 30.46 RCW;

(k) Investigation into, and the resolution of, consumer complaints;

(l) Any inquiry made to the division by a person, company, or regulated institution that is not in the normal course of business;

(m) Investigation into, and subsequent enforcement action(s) against, individuals, companies, or otherwise, that are operating an unlicensed bank or trust business in the state of Washington;

(n) Applications submitted to the division by an existing regulated institution to:

(i) Merge, consolidate, reorganize, or convert to another charter type;

(ii) Establish a new branch;

(iii) Relocate the main office or an existing branch;

(iv) Purchase or sell an existing branch;

(v) Confer trust powers on an existing state-chartered bank;

(vi) Change the legal name of the regulated institution.

(o) Any other activity the director deems relevant or necessary.

(2) The division shall collect per page for furnishing copies of papers filed with the division in accordance with the fees set out in WAC 208-12-090.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-045, filed 11/13/13, effective 12/14/13.]

WAC 208-544-055 Legal fees. The division may collect the following legal fees:

(1) Hourly fees in the amount of eighty-three dollars for legal opinions rendered interpreting statutes and rules;

(2) Pass-through costs for legal assistance rendered by an assistant attorney general or special counsel related to a specific regulated institution.

(a) The division shall notify a regulated institution before the division incurs expense for legal assistance that may be charged to the regulated institution under this section.

(b) The charges shall be paid no later than thirty days after the billing date of the rendered legal assistance.

(c) This section shall not govern the claim of attorney's fees in a judicial proceeding between the division and a regulated institution. Legal fees relating to such actions are governed by the Washington Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-055, filed 11/13/13, effective 12/14/13.]

WAC 208-544-060 Banking fund—Minimum cash balance. (1) The director may make a finding that a minimum cash balance of at least one month's allotment be maintained in the banking fund as set out in RCW 43.320.110. One month's allotment is the current biennium budget divided by twenty-four months.

(2) In the event the banking fund balance drops below the required amount, the director may declare the next semi-annual asset assessment due. The department shall bill each institution based on the most current report of condition. Payment is due within thirty days of such declaration and shall be in lieu of the next regularly scheduled asset assessment.

[Statutory Authority: RCW 43.320.040, 30.04.030, and 30.04.070. WSR 13-23-032, § 208-544-060, filed 11/13/13, effective 12/14/13. Statutory Authority: RCW 30.04.030 and 43.320.040. WSR 00-17-141, amended and recodified as § 208-544-060, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 30.04.070 and 30.08.095. WSR 91-18-054, § 50-44-060, filed 8/30/91, effective 9/30/91.]