

WAC 460-80-300 Delivery and receipt of offering circular. (1)

Each person that sells a franchise that is registered or required to be registered pursuant to RCW 19.100.020 shall ensure that the Franchise Disclosure Document and other required documents are delivered to each offeree in accordance with RCW 19.100.080 and shall obtain a signed receipt therefore in the form prescribed by the director.

(2) A franchisor may deliver a Franchise Disclosure Document over the internet or by other electronic means, or in machine-readable media, provided:

(a) The Franchise Disclosure Document:

(i) Is delivered as a single, integrated document or file;

(ii) Has no extraneous content beyond what is required or permitted by law and by the *2008 Franchise Registration and Disclosure Guidelines* promulgated by NASAA, but which may include customary devices for manipulating electronic documents in machine readable form and tools, or access to tools, that may be necessary or convenient to enable the recipient to receive and view the Franchise Disclosure Document;

(iii) Has no links to or from external documents or content;

(iv) Is delivered in a form that intrinsically enables the recipient to store, retrieve, and print the Franchise Disclosure Document; and

(v) Conforms as to its content and format to the requirements of law.

(b) The franchisor:

(i) Can prove that it delivered the Franchise Disclosure Document electronically in compliance with this section, and that it did so at or before the time required by law; and

(ii) Keeps records of its electronic delivery of Franchise Disclosure Documents and makes those records available on demand by the administrator.

(3) "Delivery" requires that the Franchise Disclosure Document be conveyed to and received by the prospective franchisee, or that the storage media in which the Franchise Disclosure Document is stored be physically delivered to the prospective franchisee in accordance with subsection (2)(a) of this section.

(4) This section does not change or waive any other requirement of law concerning registration or presale disclosure of franchise offerings.

[Statutory Authority: RCW 19.100.080, 19.100.250. WSR 15-10-011, § 460-80-300, filed 4/23/15, effective 5/24/15. Statutory Authority: Chapter 19.100 RCW, RCW 19.100.250, 19.100.010, 19.100.030, 19.100.040, 19.100.050, 19.100.070, 19.100.080, 19.100.100, and 19.100.110. WSR 09-22-050, § 460-80-300, filed 10/29/09, effective 11/29/09. Statutory Authority: RCW 19.100.250. WSR 80-04-036 (Order SDO-38-80), § 460-80-300, filed 3/19/80; Order 11, § 460-80-300, filed 3/3/72.]