

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

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

(3) "Business office" is the licensed principal place of business or certified branch office from which the licensee conducts any activity meeting the criteria of a collection agency or out-of-state collection agency as defined in RCW 19.16.100.

(4) "Collection activities" as used in this section means those activities performed by collection agencies or the employees of collection agencies pursuant to chapter 19.16 RCW.

(5) "Employee" is a natural person employed by a licensee and shall not be deemed a "collection agency" or a "branch office" as defined in RCW 19.16.100 (5)(a) so need not have an additional license or certificate to perform collection activities on behalf of the licensee whether working from a business office or from the employee's virtual office.

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

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

(8) "Remote work" occurs when an employee performs collection activity for a licensee from the employee's "virtual office" as defined herein and more particularly described in WAC 308-29-085. Work performed by a licensed attorney litigating claims on behalf of a licensee is not remote work subject to WAC 308-29-085.

(9) "Virtual office," for purposes of chapters 19.16 and 18.235 RCW and chapter 308-29 WAC, is a virtual extension of the licensee's business office, which is fully connected via electronic means and telecommunications to the business office and its employees and from which an individual employee may perform the same collection activities and be similarly monitored as if located in the business office and as more particularly described in WAC 308-29-085.

[Statutory Authority: RCW 19.16.351. WSR 21-03-046, § 308-29-010, filed 1/14/21, effective 2/14/21. Statutory Authority: [RCW 19.16.410]. WSR 01-11-132, § 308-29-010, filed 5/22/01, effective 6/22/01; Order PL-123, § 308-29-010, filed 5/17/72.]