Title 308 WAC

LICENSING, DEPARTMENT OF

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

Chapters

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***Reviser's note:** The securities division of the department of motor vehicles in accordance with RCW 21.20.460 and 19.100.270, etc. have adopted comprehensive rules and forms for the implementation of the Franchise Act and the readoption and recodification of security rules codified as chapter 308–132 WAC, is now repealed partially and also recodified within Title 460 WAC. [Order 11, filed March 3, 1972.]

However, WAC 460–36–180, Order 10, filed 11/12/71 states that "All real estate trusts on file prior to the effective date of this revised policy shall be subject to WAC 308–132–136 through 308–132–160." The cross index for recodification and adoption of new security rules can be obtained from the Department of Motor Vehicles, Securities Division, Olympia, Washington 98504.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 308–27
CONTRACTOR CERTIFICATE OF REGISTRATION RENEWALS––SECURITY––INSURANCE

308–27–010 Certificate of registration—Initial application. [Order 117, § 308–27–010, filed 3/13/72.] Repealed by Department of Labor and Industries Order 74–16, filed 5/6/75. See chapter 296–200 WAC.

308–27–020 Reresignation (renewal). [Order 117, § 308–27–020, filed 3/13/72.] Repealed by Department of Labor and Industries Order 74–16, filed 5/6/74. See chapter 296–200 WAC.

308–27–030 Security and insurance requirements. [Order 117, § 308–27–030, filed 3/13/72.] Repealed by Department of Labor and Industries Order 74–16, filed 5/6/74. See chapter 296–200 WAC.

Chapter 308–36
DENTAL HYGIENISTS

308–36–010 Eligibility requirements. [Rule 1, filed 6/30/64.] Repealed by Order PL 266, filed 3/24/77.

308–36–020 Applications for examination. [Statutory Authority: RCW 18.29.030 and 18.32.040. 81–08–043 (Order PL 374), § 308–36–020, filed 3/31/81; Order PL 277, § 308–36–020, filed 11/17/77; Order PL 266, § 308–36–020, filed 3/24/77; Order PL 168, § 308–36–020, filed 5/10/74; Order PL 112, § 308–36–020, filed 6/25/71; Order, § 308–36–020, filed 12/3/69; § 308–36–020, filed 4/14/67; Rules 2 and 3, filed 6/30/64.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

308–36–030 Reciprocity—Temporary permit—Etc. [Rule 4, filed 6/30/64.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

308–36–040 Examination fee. [Rule 5, filed 6/30/64.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

308–36–050 The examination. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80–03–063 (Order PL 335), § 308–36–050, filed 2/26/80; 79–09–071 (Order PL 312), § 308–36–050, filed 8/29/79; Order PL 237, § 308–36–050, filed 2/18/76; Order PL 184, § 308–36–050, filed 2/10/75; Order PL 168, § 308–36–050, filed 5/10/74; Order PL 127, § 308–36–050, filed 6/22/72; Order PL 112, § 308–36–050, filed 6/25/71; Order, § 308–36–050, filed 12/3/69; § 308–36–050, filed 4/14/67; Rules 6, 8, 9, 10 and 11, filed 6/30/64.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

308–36–060 Examination results. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80–18–009 (Order 363), § 308–36–060, filed 11/24/80; Order PL 266, § 308–36–060, filed 3/24/77; Order PL 168, § 308–36–060, filed 5/10/74; Order PL 112, § 308–36–060, filed 6/25/71; Order, § 308–36–060, filed 12/3/69; Rules 7 and 12, filed 6/30/64.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

308–36–065 Examination review procedures. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80–18–009 (Order 363), § 308–36–065, filed 11/24/80; 80–05–063 (Order PL 342), § 308–36–065, filed 4/22/80.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

308–36–070 Renewal of licenses. [Order PL 170, § 308–36–070, filed 5/21/74.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

308–36–080 Dental hygienist—Fees. [Statutory Authority: RCW 43.24.085. 80–14–022 (Order 356), § 308–36–080, filed 9/25/80; Order PL 218, § 308–36–080, filed 11/5/75.] Repealed by 82–07–094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.

Chapter 308–56
CERTIFICATE OF TITLE––MOTOR VEHICLES, ETC.

308–56–010 Certificates—Generally—Vehicles requiring. [§ 1(1), filed 11/5/63; § 1(1), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–020 Certificates—How to complete application for certificate of title—New vehicles not previously registered. [§ 1(2A), filed 11/5/63; § 1(2A), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–025 Additional rules for new vehicles—Manufacturer's statement of origin required. [Order MV–166, § 308–56–025, filed 5/7/73.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–030 Additional rules for new vehicles—Foreign vehicles not previously licensed in Washington—Additional requirements. [§ 1(2B), filed 11/5/63; § 1(2B), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–040 Additional rules for new vehicles—Vehicles purchased from United States government—Additional requirements. [§ 1(2C), filed 11/5/63; § 1(2C), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–050 Delivery of vehicle on dealer's temporary permit. [Order MV–171, § 308–56–050, filed 7/18/73; § 308–56–050, filed 6/29/67; § 1(2D), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–060 Dealer report of sale. [§ 308–56–060, filed 6/29/67; § 1(3), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–070 Dealer not required to obtain certificate of title in his own name before sale of vehicle. [§ 1(4), filed 11/5/63; § 1(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–080 Purchased from foreign dealer. [§ 308–56–080, filed 6/29/67; § 1(5), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308–56–090 If foreign title is lost. [§ 1(6), filed 11/5/63; § 1(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308–56A WAC.

308-56-100 Foreign title lost by dealer. [§ 1(7), filed 11/5/63; § 1(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-110 Foreign vehicles. [§ 1(8), filed 11/5/63; § 1(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-120 Nonresident applying for certificate of title. [§ 1(9), filed 11/5/63; § 1(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-130 Foreign title assigned to dealer. [§ 1(10), filed 11/5/63; § 1(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-140 From states not issuing certificate of title. [§ 1(11 and 11-A), filed 11/5/63; § 1(11), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-150 Certificate of inspection. [§ 1(12), filed 11/5/63; § 1(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-160 No title issued. [§ 1(13), filed 11/5/63; § 1(13), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-170 Foreign title returned. [§ 1(14), filed 11/5/63; § 1(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-180 Certificate of title mailed to the lien holder. [§ 1(15), filed 11/5/63; § 1(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-190 Title purpose only. [§ 308-56-190, filed 6/29/67; § 1(16), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-200 Partnership or association not incorporated. [§ 1(17), filed 11/5/63; § 1(17), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-210 Vehicles registered by army personnel returning from foreign duty. [§ 1(18), filed 11/5/63; § 1(18), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-220 Four percent compensating tax et seq. [§ 1(19), filed 11/5/63; § 1(19), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-250 Transfer of certificate of title—Procedure. [§ 308-56-250, filed 6/29/67; § 2(1), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-260 Transfer of certificate of title—Purchaser must transfer. [§ 2(2), filed 11/5/63; § 2(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-270 Transfer of certificate of title—Penalty—Failure to transfer. [§ 2(3), filed 11/5/63; § 2(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-280 Transfer of certificate of title—Dealer not required to transfer title—Sale to second dealer. [§ 2(4), filed 11/5/63; § 2(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-290 Transfer of certificate of title—Repossession by dealer. [§ 308-56-290, filed 6/29/67; § 2(5), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-300 Transfer of certificate of title—Repossession by finance company or individual. [§ 308-56-300, filed 6/29/67; § 2(6), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-310 Transfer of certificate of title—Repossession by dealer when contract is assigned. [§ 308-56-310, filed 6/29/67; § 2(7), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-320 Transfer of certificate of title—Divorce proceedings. [§ 308-56-320, filed 6/29/67; § 2(8), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-330 Transfer of certificate of title—Acquired by will. [§ 2(9), filed 11/5/63; § 2(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-340 Transfer of certificate of title—Sale by administrator appointed by court—No will. [§ 308-56-340, filed 6/29/67; § 2(10), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-350 Transfer of certificate of title—Transfer to estate. [§ 2(11), filed 11/5/63; § 2(11), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-360 Transfer of certificate of title—Acquisition where deceased left no will or estate to be probated. [§ 2(12), filed 11/5/63; § 2(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-370 Transfer of certificate of title—Order of court. [§ 2(13), filed 11/5/63; § 2(13), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-380 Transfer of certificate of title—Community agreements. [§ 2(14), filed 11/5/63; § 2(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-390 Transfer of certificate of title—Transfer by process of law—Cancellation of certificate of title. [§ 2(15), filed 11/5/63; § 2(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-400 Transfer of certificate of title—When a vehicle has been sold and not transferred. [§ 2(16), filed 11/5/63; § 2(16), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-410 Transfer of certificate of title—Transfer when owner declared incompetent. [§ 308-56-410, filed 6/29/67; § 2(17), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-420 Transfer of certificate of title—Bankruptcy—Receiver appointed by court. [§ 2(18), filed 11/5/63; § 2(18), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-430 Transfer of certificate of title—Desertion. [§ 2(19), filed 11/5/63; § 2(19), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-440 Transfer of certificate of title—Sheriff's sale. [§ 2(20), filed 11/5/63; § 2(20), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-450 Transfer of certificate of title—Abandoned car—Left in garage. [§ 2(21), (22), (23), filed 11/5/63; § 2(21), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-460 Transfer of certificate of title—Abandoned vehicle—Left out in open. [§ 2(24), filed 11/5/63; § 2(22), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-470 Transfer of certificate of title—Advertised sale—Storage lien. [§ 2(25), filed 11/5/63; § 2(23), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-480 Transfer of certificate of title—Repairman's lien. [§ 2(24), filed 11/5/63; § 2(24), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-490 Transfer of certificate of title—Tax sale. [§ 2(25), filed 11/5/63; § 2(25), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-500 Transfer of certificate of title—Lien holder's interest. [§ 2(26), filed 11/5/63; § 2(26), filed 3/23/60.]

Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-510 Transfer of certificate of title—Transfer of exempt vehicles. [§ 2(27), filed 11/5/63; § 2(27), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-520 Transfer of certificate of title—Leased vehicles. [§ 2(28), filed 11/5/63; § 2(28), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-530 Transfer of certificate of title—Partnership changes. [§ 2(29), filed 11/5/63; § 2(29), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-540 Transfer of certificate of title—Compensating tax. [§ 2(30), filed 11/5/63; § 2(30), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-550 Transfer of certificate of title—Amateur radio operator's license plates. [§ 2(31), filed 11/5/63; § 2(31), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-560 Reissue of certificate of title—Application for reissue—Procedure. [§ 308-56-560, filed 6/29/67; § 3(1), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-570 Reissue of certificate of title—Placing of chattel mortgage. [§ 3(2), filed 11/5/63; § 3(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-580 Reissue of certificate of title—Filing second chattel mortgage. [§ 3(3), filed 11/5/63; § 3(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-590 Reissue of certificate of title—Release notice must be filed. [§ 3(4), filed 11/5/63; § 3(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-600 Reissue of certificate of title—Change in lien holder. [§ 3(5), filed 11/5/63; § 3(5), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-610 Reissue of certificate of title—Two lien holders. [§ 3(6), filed 11/5/63; § 3(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-620 Reissue of certificate of title—Change in corporate name. [§ 3(7), filed 11/5/63; § 3(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-630 Reissue of certificate of title—Incorrect endorsements or erasures. [§ 3(8), filed 11/5/63; § 3(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-640 Reissue of certificate of title—Correction of certificate of title. [§ 3(9), filed 11/5/63; § 3(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-650 Reissue of certificate of title—Change of name by legal court action. [§ 3(10), filed 11/5/63; § 3(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-660 Reissue of certificate of title—Installation of new or used motor. [§ 308-56-660, filed 6/29/67; § 3(11), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-670 Reissue of certificate of title—Motor installed by dealer. [§ 3(12), filed 11/5/63; § 3(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-680 Reissue of certificate of title—Identification number. [§ 308-56-680, filed 6/29/67; § 3(13), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-690 Reissue of certificate of title—Mutilated number. [§ 3(14), filed 11/5/63; § 3(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-700 Reissue of certificate of title—Notice of destruction. [§ 3(15), filed 11/5/63; § 3(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-710 Reissue of certificate of title—Assembled vehicles. [§ 308-56-710, filed 6/29/67; § 3(16), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-720 Certificate of title endorsements and signatures on applications—Endorsements required on reverse side of certificate of title when transferring vehicle. [§ 4(1), filed 11/5/63; § 4(1), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-730 Certificate of title endorsements and signatures on applications—Two or more owners. [§ 4(2), filed 11/5/63; § 4(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-740 Certificate of title endorsements and signatures on applications—Release of lien holder. [§ 4(3), filed 11/5/63; § 4(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-750 Certificate of title endorsements and signatures on applications—Operation of law. [§ 4(4), filed 11/5/63; § 4(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-760 Certificate of title endorsements and signatures on applications—Signature on applications for certificate of title. [§ 4(5), filed 11/5/63; § 4(5), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-770 Certificate of title endorsements and signatures on applications—Minor owners. [§ 4(6), filed 11/5/63; § 4(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-780 Certificate of title endorsements and signatures on applications—Reissue application to record a chattel mortgage. [§ 4(7), filed 11/5/63; § 4(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-790 Certificate of title endorsements and signatures on applications—Duplicate certificate of title. [§ 4(8), filed 11/5/63; § 4(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-800 Certificate of title endorsements and signatures on applications—Miscellaneous applications. [§ 4(9), filed 11/5/63; § 4(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-810 Certificate of title endorsements and signatures on applications—Partnership. [§ 4(10), filed 11/5/63; § 4(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

308-56-820 Duplicate certificate of title. [§ 5, filed 11/5/63; § 5, filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

Chapter 308-60
DISPOSITION OF ABANDONED VEHICLES--REGISTRATION OF TOW TRUCK OPERATORS AND GARAGE KEEPERS

308-60-010, 308-60-020, 308-60-030, 308-60-040, 308-60-050, 308-60-060. [Order 69-2, filed 9/3/69.] Repealed by Order MV-174, filed 10/19/73.

Chapter 308-64
MOTOR VEHICLE DEALERS

308-64-010 through 308-64-260. [Filed 11/5/63; filed 3/23/60.] Repealed by Order 2, filed 1/29/68. Later enactment, see chapter 308-66 WAC.

Chapter 308-84
WRECKERS

308-84-010 Wreckers—Defined. [§ 21(1), filed 6/21/65; § 21(1), filed 11/5/63 and 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-020 Wreckers—Established place of business defined. [§ 21(2), filed 6/21/65; § 21(2), filed 11/5/63 and 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-030 Wreckers—Enclosure. [§ 21(3), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.

308-84-040 Wreckers—Second place of business. [§ 21(4), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.

308-84-050 Wreckers—Branch or subagency. [§ 21(5), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.

308-84-060 Wreckers—Storage yard. [§ 21(6), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.

308-84-070 Wreckers—Wrecker plates. [§ 21(7), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.

308-84-080 Wreckers—Application for license. [§ 21(8), filed 6/21/65; § 21(3), filed 11/5/63 and 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-090 Wreckers—Tow car fee. [§ 21(9), filed 6/21/65; § 21(4), filed 11/5/63.] Repealed by Order MV-174, filed 10/19/73.

308-84-100 Wreckers—Must file bond. [§ 21(10), filed 6/21/65; § 21(5), filed 11/5/63; § 21(4), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-110 Wreckers—Dealer books and files. [§ 21(11), filed 6/21/65; § 21(6), filed 11/5/63; § 21(5), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-120 Wreckers—Must furnish written reports (Form C-15-3 pink). [§ 21(12), filed 6/21/65; § 21(7), filed 11/5/63; § 21(6), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-130 Wreckers—Illegal to acquire a motor vehicle without a certificate of title. [§ 21(13), filed 6/21/65; § 21(8), filed 11/5/63; § 21(7), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-140 Wreckers—Must furnish bill of sale for parts. [§ 21(14), filed 3/21/65; § 21(9), filed 11/5/63; § 21(8), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-150 Wreckers—License may be revoked by the director of licenses. [§ 21(15), filed 6/21/65; § 21(10), filed 11/5/63; § 21(9), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-160 Wreckers—Right of appeal. [§ 21(16), filed 6/21/65; § 21(11), filed 11/5/63; § 21(10), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-170 Wreckers—Subject to penalty. [§ 21(17), filed 6/21/65; § 21(12), filed 11/5/63; § 21(11), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-180 Wreckers—Periodic inspection. [§ 21(18), filed 6/21/65; § 21(13), filed 11/5/63; § 21(12), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-190 Wreckers—Change of address. [§ 21(19), filed 6/21/65; § 21(15), filed 11/5/63; § 21(14), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-200 Wreckers—Selling reconditioned vehicles. [§ 21(20), filed 6/21/65; § 21(16), filed 11/5/63; § 21(15), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-210 Wreckers—License plates. [§ 21(21), filed 6/21/65; § 21(17), filed 11/5/63; § 21(16), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

308-84-220 Wreckers—Display of license certificate. [§ 21(22), filed 6/21/65; § 21(18), filed 11/5/63; § 21 (part), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

Chapter 308-85
HULK HAULERS AND SCRAP PROCESSORS

308-85-010, 308-85-020, 308-85-030, 308-85-040, 308-85-050, 308-85-060, 308-85-070, 308-85-080, 308-85-090. [Order 104-MV, filed 7/8/71.] Repealed by Order MV-174, filed 10/19/73. Later promulgation, see chapter 308-61 WAC.

Chapter 308-86
ABANDONED JUNK MOTOR VEHICLES

308-86-010, 308-86-020, 308-86-030, 308-86-040. [Order 105-MV, filed 7/8/71.] Repealed by Order MV-174, filed 10/19/73.

Chapter 308-92
RECIPROCITY

308-92-010 Definitions—Reciprocity. [Section 24, subsection 1, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-020 Definitions—Resident. [Section 24, subsection 2, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-030 Definitions—Nonresident. [Section 24, subsection 3, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-040 Definitions—Military forces. [Section 24, subsection 4, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-050 Definitions—Temporary sojourning. [Section 24, subsection 5, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-060 Definitions—Interstate operation. [Section 24, subsection 7, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-070 Definitions—Intrastate operation. [Section 24, subsection 8, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-080 Proration. [Section 24, subsection 6, filed 3/23/60.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-100 Application of rules numbered WAC 308-92-100 through 308-92-190. [Order MV-161, § 308-92-100, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-110 Vehicles. [Order MV-161, § 308-92-110, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-120 Resident. [Order MV-161, § 308-92-120, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-130 Exemptions. [Order MV-161, § 308-92-130, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-140 Basic agreement. [Order MV-161, § 308-92-140, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-150 Operation by a resident. [Order MV-161, § 308-92-150, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-160 Borrowed vehicle. [Order MV-161, § 308-92-160, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-170 Change of residence. [Order MV-161, § 308-92-170, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-180 Administration of rules and regulations. [Order MV-161, § 308-92-180, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-190 Interpretation. [Order MV-161, § 308-92-190, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

308-92-200 Applicability of rules to states other than Oregon or Idaho. [Order MV-161, § 308-92-200, filed 3/21/73.] Repealed by 81-02-030 (Order WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

Chapter 308-96
VEHICLE LICENSES

308-96-005 Certificate of registration—Display. [Order, § 308-96-005, filed 6/29/67; § 6(1), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-010 Certificate of registration—Duplicate. [§ 6(2), filed 11/5/63; § 6(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-015 Certificate of registration—Where "last issued" required in licensing. [§ 6(3), filed 11/5/63; § 6(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-020 Certificate of registration—Where not required in licensing. [§ 6(4), filed 11/5/63; § 6(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-025 Special motor number. [§ 7(1), filed 11/5/63; § 7(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-030 Special serial number. [§ 7(2), filed 11/5/63; § 7(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-035 Identification number. [§ 7(3), filed 11/5/63; § 7(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-040 Motor vehicle license for private passenger cars—Original application. [§ 8(1), filed 11/5/63; § 8(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-045 Motor vehicle license for private passenger cars—Manual renewal—Identification requirements. [Order 116 MV, § 308-96-045, filed 12/14/71; § 8(2), filed 11/5/63; § 8(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-050 Motor vehicle license for private passenger cars—Renewal reprints—County auditor. [§ 8(3), filed 11/5/63; § 8(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-055 Motor vehicle license for private passenger cars—Renewal—Manual form. [§ 8(4), filed 11/5/63; § 8(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-060 Motor vehicle license for private passenger cars—Members of armed forces. [§ 8(5), filed 11/5/63; § 8(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-065 Passenger cars used commercially. [Order, § 308-96-065, filed 6/29/67; § 8(6), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-070 Chevrolet Suburban, GMC, and International Carryalls. [§ 8(7), filed 11/5/63; § 8(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-075 "Drive yourself" or "u-drive" vehicles. [§ 8(8), filed 11/5/63; § 8(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-080 Hearses and ambulances. [§ 8(9), filed 11/5/63; § 8(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-085 Station wagons. [§ 8(10), filed 11/5/63; § 8(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-090 Reciprocity. [§ 8(11), filed 11/5/63; § 8(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-095 Foreign owner may retain plates. [§ 8(12), filed 11/5/63; § 8(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-100 Destroyed or wrecked vehicles. [§ 8(13), filed 11/5/63; § 8(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-1001 Mobile home identification tag fee refunds. [Order MV-167, § 308-96-1001, filed 5/7/73.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-105 Fees. [§ 8(14), filed 11/5/63; § 8(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-110 Licenses for amputee. [§ 8(15), filed 11/5/63; § 8(15), Filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-115 Special fees. [§ 8(16), filed 11/5/63; § 8(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-120 Antique cars—Horseless carriages, plates. [Order 109 MV, § 308-96-120, filed 9/23/71; § 8(17), filed 11/5/63; § 8(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-121 Antique cars—Restored vehicle plates. [Order 109 MV, § 308-96-121, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-122 Vehicles with horseless carriage or restored vehicle plates—Permissible uses. [Order 109 MV, § 308-96-122, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-125 Consular plates. [§ 8(18), filed 11/5/63.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-130 Disabled operators. [§ 8(19), filed 11/5/63. Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-135 Cab and chassis. [§ 9(1), filed 11/5/63; § 9(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-140 Cab and chassis—Original application for truck license. [Order, § 308-96-140, filed 6/29/67; § 9(2), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-145 Cab and chassis—Method of obtaining renewal license. [§ 9(3), filed 11/5/63; § 9(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-150 Cab and chassis—Fixed load. [Order, § 308-96-150, filed 6/29/67; § 9(4), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-160 Cab and chassis—Sedans and coupes used as delivery vehicles. [Order, § 308-96-160, filed 6/29/67; § 9(5), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-170 Cab and chassis—Station wagons. [Order, § 308-96-170, filed 6/29/67; § 9(6), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-175 Cab and chassis—Diesel trucks. [§ 9(7), filed 11/5/63; § 9(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-180 Cab and chassis—Wreckers and service cars—Additional plates. [§ 9(8), filed 11/5/63; § 9(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-185 Cab and chassis—Fire trucks. [§ 9(9), filed 11/5/63: § 9(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-190 Cab and chassis—Trucks and trailers on closed and private roads or government reservations. [§ 9(10), filed 11/5/63; § 9(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-195 Cab and chassis—Road construction equipment. [§ 9(11), filed 11/5/63; § 9(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-200 Cab and chassis—Tractors. [Order, § 308-96-200, filed 6/29/67; § 9(12), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-205 Cab and chassis—Lettering on trucks and trailers. [§ 9(13), filed 11/5/63; § 9(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-210 Cab and chassis—Circus and carnival trucks. [§ 9(14), filed 11/5/63; § 9(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-220 Cab and chassis—Show trucks with fixed load. [§ 9(15), filed 11/5/63; § 9(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-225 Cab and chassis—Farm equipment. [§ 9(16), filed 11/5/63; § 9(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-230 Cab and chassis—Trailers used on farms or for transporting farm produce. [§ 9(17), filed 11/5/63; § 9(18), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-235 Cab and chassis—Excise tax on trucks and trailers. [§ 9(18), filed 11/5/63; § 9(19), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-240 Cab and chassis—Jeeps. [§ 9(19), filed 11/5/63; § 9(20), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-245 Cab and chassis—Private passenger car trailers. [§ 9(20), filed 11/5/63; § 9(21), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-250 Cab and chassis—Trucks carrying both freight and passengers for compensation. [§ 9(21), filed 11/5/63; § 9(22), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-255 Cab and chassis—Converter gear. [§ 9(22), filed 11/5/63; § 9(23), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-260 Cab and chassis—House moving dollies. [§ 9(23), filed 11/5/63; § 9(24), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-265 Truck and trailer tonnage—Gross weight. [§ 10(1), filed 11/5/63; § 10(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-270 Truck and trailer tonnage—License applications. [§ 10(2), filed 11/5/63; § 10(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-275 Truck and trailer tonnage—Completion of manual application for tonnage license. [§ 10(3), filed 11/5/63; § 10(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-280 Truck and trailer tonnage—Special fees. [§ 10(4), filed 11/5/63; § 10(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-285 Truck and trailer tonnage—Validation of load license. [§ 10(5), filed 11/5/63; § 10(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-290 Truck and trailer tonnage—House trucks. [§ 10(6), filed 11/5/63; § 10(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-295 Truck and trailer tonnage—Fixed load. [§ 10(7), filed 11/5/63; § 10(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-300 Truck and trailer tonnage—Circus and carnival trucks. [§ 10(8), filed 11/5/63; § 10(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-305 Truck and trailer tonnage—Farm trucks and trailers. [§ 10(9), filed 11/5/63; § 10(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-310 Truck and trailer tonnage—Converter gear. [§ 10(10), filed 11/5/63; § 10(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-315 Truck and trailer tonnage—Additional tonnage. [§ 10(11), filed 11/5/63; § 10(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-320 Truck and trailer tonnage—Quarterly reduction in fees. [§ 10(12), filed 11/5/63; § 10(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-325 Truck and trailer tonnage—Transfer of load license. [§ 10(13), filed 11/5/63; § 10(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-330 Truck and trailer tonnage—From vehicle out of commission. [§ 10(14), filed 11/5/63: § 10(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-335 Truck and trailer tonnage—Transfer of load license—One person to another. [§ 10(15), filed 11/5/63; § 10(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-340 Truck and trailer tonnage—More than one vehicle. [§ 10(16), filed 11/5/63; § 10(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-345 Truck and trailer tonnage—From one type to another. [§ 10(17), filed 11/5/63; § 10(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-350 Truck and trailer tonnage—Transfer of load license when class changes. [§ 10(18), filed 11/5/63; § 10(18), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-355 Truck and trailer tonnage—To reduce or increase load. [§ 10(19), filed 11/5/63; § 10(19), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-360 Truck and trailer tonnage—Repossession. [§ 10(20), filed 11/5/63; § 10(20), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-365 Truck and trailer tonnage—Vehicle transferred to another state. [§ 10(21), filed 11/5/63; § 10(21), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-370 Truck and trailer tonnage—Load license from estate of deceased owner. [§ 10(22), filed 11/5/63; § 10(22), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-375 Truck and trailer tonnage—Transfer to a farmer. [§ 10(23), filed 11/5/63; § 10(23), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

308-96-380 Truck and trailer tonnage—Transfer from a farmer. [§ 10(24), filed 11/5/63; § 10(24), filed 3/23/60.]

Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–385 Truck and trailer tonnage—Vehicle sold at sheriff sale. [§ 10(25), filed 11/5/63; § 10(25), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–390 Truck and trailer tonnage—Logging vehicles—Monthly tonnage. [§ 10(26), filed 11/5/63; § 10(26), filed 3/23/60.] Repealed by MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–395 Stage license. [§ 11(1), filed 11/5/63; § 11(1), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–400 For hire license. [§ 11(2), filed 11/5/63; § 11(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–405 Permit to operate vehicles transporting passengers for hire. [§ 11(3), filed 11/5/63; § 11(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–410 Taxicabs. [§ 11(4), filed 11/5/63; § 11(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–415 Foreign taxicabs. [§ 11(5), filed 11/5/63; § 11(5), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–420 Trackless trolleys. [§ 11(6), filed 11/5/63; § 11(6), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–425 Street car buses privately owned. [§ 11(7), filed 11/5/63; § 11(7), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–430 School buses. [§ 11(8), filed 11/5/63; § 11(8), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–435 Excise tax. [§ 11(9), filed 11/5/63; § 11(9), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–440 Quarterly reduction in fees. [§ 11(10), filed 11/5/63; § 11(10), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–445 License plates not transferable. [§ 11(11), filed 11/5/63; § 11(11), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–450 Penalty. [§ 11(12), filed 11/5/63; § 11(12), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–455 Compensating tax. [§ 11(13), filed 11/5/63; § 11(13), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–460 Special fee. [§ 11(14), filed 11/5/63; § 11(14), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–465 Private buses—Hotel. [§ 12(1), filed 11/5/63; § 12(1), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–470 Private buses—Athletic team—Show troupes, etc. [§ 12(2), filed 11/5/63; § 12(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–475 Private buses—Leased vehicles. [§ 12(3), filed 11/5/63; § 12(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–480 Private buses—School buses. [§ 12(4), filed 11/5/63; § 12(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–485 Private buses—Station wagons. [§ 12(5), filed 11/5/63; § 12(5), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–490 Private buses—Private army buses. [§ 12(6), filed 11/5/63; § 12(6), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–495 Private buses—Penalty. [§ 12(7), filed 11/5/63; § 12(7), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–500 Private buses—Excise tax. [§ 12(8), filed 11/5/63; § 12(8), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–505 Private buses—Compensating tax. [§ 12(9), filed 11/5/63; § 12(9), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–510 Private buses—Special fee. [§ 12(10), filed 11/5/63; § 12(10), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–515 Exempt licenses—State, districts, federal, and consular. [Order, § 308–96–515, filed 6/29/67; § 13(1), 11/5/63, filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–520 Exempt licenses—Street car buses—Trackless trolleys. [§ 13(2), filed 11/5/63; § 13(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–525 Exempt licenses—Leased vehicles. [§ 13(3), filed 11/5/63; § 13(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–530 Exempt licenses—School buses. [§ 13(4), filed 11/5/63; § 13(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–535 Exempt licenses—School buses—Leased—Under contract. [§ 13(5), filed 11/5/63; § 13(5), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–540 Exempt licenses—Sale of exempt vehicle—Removal of license plates. [§ 13(6), filed 11/5/63; § 13(6), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–545 Exempt licenses—License for leased cars. [§ 13(7), filed 11/5/63; § 13(7), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–550 Exempt licenses—Sale from one department to another. [§ 13(8), filed 11/5/63; § 13(8), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–555 Exempt licenses—Transfer from one federal department to another. [§ 13(9), filed 11/5/63; § 13(9), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–560 Exempt licenses—Department purchasing used vehicle. [§ 13(10), filed 11/5/63; § 13(10), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–565 Exempt licenses—Exempt fees. [§ 13(11), filed 11/5/63; § 13(11), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–570 Exempt licenses—Penalties. [§ 13(12), filed 11/5/63; § 13(12), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–575 Exempt licenses—Compensating tax. [§ 13(13), filed 11/5/63; § 13(13), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–580 Motorcycles—License. [§ 14(1), filed 11/5/63; § 14(1), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–585 Motorcycles—For hire. [§ 14(2), filed 11/5/63; § 14(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–590 Motorcycles—Scooters and motor bikes. [§ 14(3), filed 11/5/63; § 14(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–595 Motorcycles—Side cars. [§ 14(4), filed 11/5/63; § 14(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–600 Motorcycles—Motorcycle fees. [§ 14(5), filed 11/5/63; § 14(5), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–605 Motorcycles—Excise tax. [§ 14(6), filed 11/5/63; § 14(6), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–610 Motorcycles—Penalties. [§ 14(7), filed 11/5/63; § 14(7), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–615 Motorcycles—Compensating tax. [§ 14(8), filed 11/5/63; § 14(8), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–620 Motorcycles—Special fee. [§ 14(9), filed 11/5/63; § 14(9), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–625 Motorcycles—Commercial use. [§ 14(10), filed 11/5/63; § 14(10), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–630 Replacement plates and validation stickers—General. [§ 15(1), filed 11/5/63; § 15(1), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–635 Replacement plates and validation stickers—Fees. [§ 15(2), (3), (4), (5), (6), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–640 Replacement plates and validation stickers—Filing fees. [§ 15(7), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–645 Replacement plates and validation stickers—Surrender of plates. [§ 15(8), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–646 Personalized plates. [Order 110 MV, § 308–96–646, filed 9/23/71.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–650 Transportation of vehicles with special permits—In transit permit. [§ 16(1), (2), filed 11/5/63; § 16(1), (2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–655 240 hour permit—Foreign licensed commercial vehicles for interstate operations only. [§ 16(3), filed 11/5/63; § 16(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–660 240 hour permit—Application. [§ 16(4), filed 11/5/63; § 16(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–665 Excise tax—All vehicles must be taxed—Exemptions. [§ 17(1), filed 11/5/63; § 17(1), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–670 Excise tax—Hearses and ambulances. [§ 17(2), filed 11/5/63; § 17(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–675 Excise tax—No exemptions for Indians. [§ 17(3), filed 11/5/63; § 17(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–680 Excise tax—Tax reduced monthly. [§ 17(4), filed 11/5/63; § 17(5), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–685 Excise tax—Exempt cars purchased by individuals. [§ 17(5), filed 11/5/63; § 17(6), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–690 Excise tax—Station wagons. [§ 17(6), filed 11/5/63; § 17(7), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–695 Excise tax—Buses and stages. [§ 17(7), filed 11/5/63; § 17(8), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–700 Excise tax—Dealer license. [§ 17(8), filed 11/5/63; § 17(9), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–705 Excise tax—Compensating tax. [§ 17(9), filed 11/5/63; § 17(10), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–710 Excise tax—House trailers—Excise tax and licensing. [§ 17(10), filed 11/5/63; § 17(11), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–715 Excise tax—Aircraft. [§ 17(12), filed 11/5/63; § 17(13), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–720 Excise tax—Converter gear. [§ 17(13), filed 11/5/63; § 17(14), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–725 Transfer of class—Change license plates. [§ 18(1), filed 11/5/63; § 18(1), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–730 Transfer of class—From exempt license issued on leased vehicle. [§ 18(2), filed 11/5/63; § 18(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–735 Transfer of class—No fee where incorrect plate issued. [§ 18(3), filed 11/5/63; § 18(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–740 Transfer of class—From one state department to another. [§ 18(4), filed 11/5/63; § 18(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–745 Destroyed vehicles—Notice of destruction. [§ 19(1), (2), filed 11/5/63; § 19(1), (2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–750 Destroyed vehicles—Wreckers. [§ 19(3), filed 11/5/63; § 19(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–755 Factory delivery—Application. [§ 20(1), filed 11/5/63; § 20(1), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–760 Factory delivery—Plates. [§ 20(2), filed 11/5/63; § 20(2), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–765 Factory delivery—For–hire taxicabs. [§ 20(3), filed 11/5/63; § 20(3), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–770 Factory delivery—For–hire buses or stages. [§ 20(4), filed 11/5/63; § 20(4), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–775 Factory delivery—Tonnage. [§ 20(5), filed 11/5/63; § 20(5), filed 3/23/60.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

308–96–780 Mobile homes, travel trailers—License plates, place of display. [Order 691101, § 308–96–780, filed 11/26/69.] Repealed by Order MV–328, filed 7/24/75. See chapter 308–96A WAC.

Chapter 308–98
SINGLE CAB CARDS

308–98–010 Eligibility. [Order 2, § 308–98–010, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308–98–020 Applications. [Order 2, § 308–98–020, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308–98–030 Temporary single cab card permits. [Order 2, § 308–98–030, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308–98–040 Denials and revocations. [Order 2, § 308–98–040, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308–98–050 Procedure for reviewing denials and revocations. [Order 2, § 308–98–050, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308–98–060 Return of canceled single cab cards. [Order 2, § 308–98–060, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308–98–070 Duplicate single cab cards. [Order 2, § 308–98–070, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

308–98–080 Photostatic copies invalid. [Order 2, § 308–98–080, filed 11/4/68.] Repealed by 81–18–037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.

Chapter 308–124G
REAL ESTATE—EXAMINATION WAIVERS

308–124G–010 Guidelines for waiver. [Order RE 114, § 308–124G–010, filed 7/2/75.] Repealed by 81–05–015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

Chapter 308–126
LAND DEVELOPMENT REGISTRATION

308–126–010 Definitions. [Order RE 109, § 308–126–010, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–020 Documents. [Order RE 109, § 308–126–020, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–030 Address of director. [Order RE 109, § 308–126–030, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–040 Exemptions—Waiver. [Order RE 109, § 308–126–040, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–050 Office of interstate land sales registration. [Order RE 109, § 308–126–050, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–060 Statement of record and property report—Contents and filing. [Order RE 109, § 308–126–060, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–070 Statements and reports—Proper form. [Order RE 109, § 308–126–070, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–080 Statements and reports—Effective dates. [Order RE 109, § 308–126–080, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–090 Notice of deficiency—Rejection. [Order RE 109, § 308–126–090, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–100 Amendments—Consolidated registration. [Order RE 109, § 308–126–100, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–110 Filing fees. [Order RE 109, § 308–126–110, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–120 Mortgages, liens or other encumbrances. [Order RE 109, § 308–126–120, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–130 Approval of out–of–state trustee or escrow depository. [Order RE 109, § 308–126–130, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–140 Escrow requirements. [Order RE 109, § 308–126–140, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–150 Duration of duty to escrow. [Order RE 109, § 308–126–150, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–160 Termination of developer's business. [Order RE 109, § 308–126–160, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–170 Instruments of sale. [Order RE 109, § 308–126–170, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–180 Improvements. [Order RE 109, § 308–126–180, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–190 Developers' duties. [Order RE 109, § 308–126–190, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–200 Reporting requirements. [Order RE 109, § 308–126–200, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–210 Withdrawal. [Order RE 109, § 308–126–210, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–220 Declaratory rulings—Advisory opinion. [Order RE 109, § 308–126–220, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–230 Officers to administer oaths and affirmations. [Order RE 109, § 308–126–230, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–240 Officers to issue subpoenas and institute discovery. [Order RE 109, § 308–126–240, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–250 Posting of notice of order. [Order RE 109, § 308–126–250, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–260 Service of process. [Order RE 109, § 308–126–260, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–270 Hearings. [Order RE 109, § 308–126–270, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–280 Orders—Receivership. [Order RE 109, § 308–126–280, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–290 Revocation. [Order RE 109, § 308–126–290, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–300 Litigation. [Order RE 109, § 308–126–300, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–310 Protection of purchasers. [Order RE 109, § 308–126–310, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–320 Advertising. [Order RE 109, § 308–126–320, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–330 Promotional activities. [Order RE 109, § 308–126–330, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–340 Presumptions. [Order RE 109, § 308–126–340, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

308–126–350 Rules effect. [Order RE 109, § 308–126–350, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

Chapter 308–132
SECURITIES ACT RULES

308–132–002, 308–132–010, 308–132–020, 308–132–030, 308–132–040, 308–132–050, 308–132–060, 308–132–070, 308–132–080, 308–132–090, 308–132–100, 308–132–110, 308–132–120, 308–132–130, 308–132–132, 308–132–134, 308–132–136, 308–132–138, 308–132–140, 308–132–142, 308–132–144, 308–132–146, 308–132–148, 308–132–150, 308–132–152, 308–132–154, 308–132–156, 308–132–158, 308–132–160, 308–132–162, 308–132–164, 308–132–166, 308–132–168, 308–132–170, 308–132–172, 308–132–174, 308–132–176, 308–132–178, 308–132–180, 308–132–182, 308–132–184, 308–132–186, 308–132–200, 308–132–210, 308–132–220, 308–132–230, 308–132–240, 308–132–250, 308–132–260, 308–132–270, 308–132–280, 308–132–290, 308–132–300, 308–132–310, 308–132–320, 308–132–330, 308–132–340. [Rule 1 through 51, filed 12/30/65, effective 20/10/60.] Repealed by Order 11, filed 3/3/72. See *Reviser's note.

Chapter 308–136
VETERINARY CODE OF ETHICS

Principles of veterinary medical ethics 1960 published in Washington Administrative Code under chapter 308–136 WAC (sections unnumbered). Repealed by Order PL–179, filed 11/27/74.

308–136–300 License renewal fee. This section was repealed by Order PL–179, filed 11/27/74 before being published in the Washington Administrative Code. See chapter 308–15 WAC Veterinary board of governor's—Veterinary code of ethics; and chapter 308–151 WAC Veterinary board of governors—Animal technicians.

Chapter 308–137
VETERINARY BOARD OF GOVERNORS--CONTROLLED SUBSTANCES

308–137–010 Nonnarcotic Schedule II controlled substances—Prohibited. [Order PL–143, § 308–137–010, filed 2/16/73.] Repealed by Order PL–179, filed 11/27/74. See chapters 308–150 and 308–151 WAC.

Chapter 308–160
PROPRIETARY SCHOOLS

308–160–010 Fees. [Order PL 217, § 308–160–010, filed 11/5/75.] Repealed pursuant to RCW 43.131.090(4), effective 6/30/79 and 1977 ex.s. c 289 § 17.

Chapter 308–200
DEPARTMENT OF MOTOR VEHICLES ENVIRONMENTAL REGULATIONS

308–200–010 Authority. [Order MV 382, § 308–200–010, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–010.

308–200–020 Purpose. [Order MV 382, § 308–200–020, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–020.

308–200–025 Scope and coverage of this chapter. [Order MV 382, § 308–200–025, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–025.

308–200–030 Integration of SEPA procedures with other governmental operations. [Order MV 382, § 308–200–030, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–030.

308–200–040 Definitions. [Order MV 382, § 308–200–040, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–040.

308–200–050 Use of the environmental checklist form. [Order MV 382, § 308–200–050, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–050.

308–200–055 Timing of the EIS process. [Order MV 382, § 308–200–055, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–055.

308–200–060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order MV 382, § 308–200–060, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–060.

308–200–100 Summary of information which may be required of a private applicant. [Order MV 382, § 308–200–100, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–100.

EXEMPTIONS

308–200–150 Exemptions exclusive—CEP approval of changes in exemptions. [Order MV 382, § 308–200–150, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43–.21C.120. Later promulgation, see WAC 308–200A–150.

308–200–160 No presumption of significance for nonexempt actions. [Order MV 382, § 308–200–160, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43–.21C.120. Later promulgation, see WAC 308–200A–160.

308–200–170 Categorical exemptions. [Order MV 382, § 308–200–170, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–170.

308–200–175 Exemptions and nonexemptions applicable to the department. [Order MV 382, § 308–200–175, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43–.21C.120. Later promulgation, see WAC 308–200A–175.

308–200–180 Exemptions for emergency actions. [Order MV 382, § 308–200–180, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–180.

308–200–190 Use and effect of categorical exemptions. [Order MV 382, § 308–200–190, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–190.

LEAD AGENCY

308–200–200 Lead agency—Responsibilities. [Order MV 382, § 308–200–200, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–200.

308–200–203 Determination of lead agency—Procedures. [Order MV 382, § 308–200–203, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–203.

308–200–205 Lead agency designation—Governmental proposals. [Order MV 382, § 308–200–205, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–205.

308–200–210 Lead agency designation—Proposals involving both private and public construction activity. [Order MV 382, § 308–200–210, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–210.

308–200–215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. [Order MV 382, § 308–200–215, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–215.

308–200–220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. [Order MV 382, § 308–200–220, filed 8/13/76.] Repealed by 78–09–002

(Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–220.

308–200–225 Lead agency designation—Private projects requiring licenses from more than one state agency. [Order MV 382, § 308–200–225, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–225.

308–200–230 Lead agency designation—Specific proposals. [Order MV 382, § 308–200–230, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–230.

308–200–235 Local agency transfer of lead agency status to a state agency. [Order MV 382, § 308–200–235, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–235.

308–200–240 Agreements as to lead agency status. [Order MV 382, § 308–200–240, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–240.

308–200–245 Agreements between agencies as to division of lead agency duties. [Order MV 382, § 308–200–245, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–245.

308–200–260 Dispute as to lead agency determination—Resolution by CEP. [Order MV 382, § 308–200–260, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–260.

308–200–270 Assumption of lead agency status by another agency with jurisdiction. [Order MV 382, § 308–200–270, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–270.

THRESHOLD DETERMINATION

308–200–300 Threshold determination requirement. [Order MV 382, § 308–200–300, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–300.

308–200–305 Recommended timing for threshold determination. [Order MV 382, § 308–200–305, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–305.

308–200–310 Threshold determination procedures—Environmental checklist. [Order MV 382, § 308–200–310, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–310.

308–200–320 Threshold determination procedures—Initial review of environmental checklist. [Order MV 382, § 308–200–320, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–320.

308–200–330 Threshold determination procedures—Information in addition to checklist. [Order MV 382, § 308–200–330, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–330.

308–200–340 Threshold determination procedures—Negative declarations. [Order MV 382, § 308–200–340, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–340.

308–200–345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. [Order MV 382, § 308–200–345, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–345.

308–200–350 Affirmative threshold determination. [Order MV 382, § 308–200–350, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–350.

308–200–355 Form of declaration of significance/nonsignificance. [Order MV 382, § 308–200–355, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–355.

308–200–360 Threshold determination criteria—Application of environmental checklist. [Order MV 382, § 308–200–360, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–360.

308–200–365 Environmental checklist. [Order MV 382, § 308–200–365, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–365.

308–200–370 Withdrawal of affirmative threshold determination. [Order MV 382, § 308–200–370, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–370.

308–200–375 Withdrawal of negative threshold determination. [Order MV 382, § 308–200–375, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–375.

308–200–390 Effect of threshold determination by lead agency. [Order MV 382, § 308–200–390, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–390.

DRAFT EIS PREPARATION AND CONTENTS

308–200–400 Duty to begin preparation of a draft EIS. [Order MV 382, § 308–200–400, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–400.

308–200–405 Purpose and function of a draft EIS. [Order MV 382, § 308–200–405, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–405.

308–200–410 Predraft consultation procedures. [Order MV 382, § 308–200–410, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–410.

308–200–420 Preparation of EIS by persons outside the lead agency. [Order MV 382, § 308–200–420, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–420.

308–200–425 Organization and style of a draft EIS. [Order MV 382, § 308–200–425, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–425.

308–200–440 Contents of a draft EIS. [Order MV 382, § 308–200–440, filed 8/13/76.] Repealed by 78–09–002 (Order

500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–440.

308–200–442 Special considerations regarding contents of an EIS on a nonproject action. [Order MV 382, § 308–200–442, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–442.

308–200–444 List of elements of the environment. [Order MV 382, § 308–200–444, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–444.

308–200–446 Draft EIS—Optional additional elements—Limitation. [Order MV 382, § 308–200–446, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–446.

PUBLIC AWARENESS, HEARINGS AND CIRCULATION OF DRAFT EIS

308–200–450 Public awareness of availability of draft EIS. [Order MV 382, § 308–200–450, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–450.

308–200–455 Circulation of the draft EIS—Review period. [Order MV 382, § 308–200–455, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–455.

308–200–460 Specific agencies to which draft EIS shall be sent. [Order MV 382, § 308–200–460, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–460.

308–200–465 Agencies possessing environmental expertise. [Order MV 382, § 308–200–465, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–465.

308–200–470 Cost to the public for reproduction of environmental documents. [Order MV 382, § 308–200–470, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–470.

308–200–480 Public hearing on a proposal—When required. [Order MV 382, § 308–200–480, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–480.

308–200–485 Notice of public hearing on environmental impact of the proposal. [Order MV 382, § 308–200–485, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–485.

308–200–490 Public hearing on the proposal—Use of environmental documents. [Order MV 382, § 308–200–490, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–490.

308–200–495 Preparation of amended or new draft EIS. [Order MV 382, § 308–200–495, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–495.

RESPONSIBILITIES OF CONSULTED AGENCIES

308–200–500 Responsibilities of consulted agencies—Local agencies. [Order MV 382, § 308–200–500, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–500.

308–200–510 Responsibilities of consulted agencies—State agencies with jurisdiction. [Order MV 382, § 308–200–510, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–510.

308–200–520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Order MV 382, § 308–200–520, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–520.

308–200–530 Responsibilities of consulted agencies—When predraft consultation has occurred. [Order MV 382, § 308–200–530, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–530.

308–200–535 Cost of performance of consulted agency responsibilities. [Order MV 382, § 308–200–535, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–535.

308–200–540 Limitations on responses to consultation. [Order MV 382, § 308–200–540, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–540.

308–200–545 Effect of no written comment. [Order MV 382, § 308–200–545, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–545.

PREPARATION, CONTENTS OF FINAL EIS

308–200–550 Preparation of the final EIS—Time period allowed. [Order MV 382, § 308–200–550, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–550.

308–200–570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. [Order MV 382, § 308–200–570, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–570.

308–200–580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. [Order MV 382, § 308–200–580, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–580.

308–200–600 Circulation of the final EIS. [Order MV 382, § 308–200–600, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–600.

USE OF OTHER EIS'S

308–200–650 Effect of an adequate final EIS prepared pursuant to NEPA. [Order MV 382, § 308–200–650, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–650.

308–200–652 Supplementation by a lead agency of an inadequate final NEPA EIS. [Order MV 382, § 308–200–652, filed 8/13/76.] Repealed by 78–09–002 (Order 500–DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308–200A–652.

308–200–660 Use of previously prepared EIS for a different proposed action. [Order MV 382, § 308–200–660, filed 8/13/76.] Repealed by 78–09–002 (Order 500–

DOL), filed 8/3/78. Statutory Authority: RCW 43-.21C.120. Later promulgation, see WAC 308-200A-660.

308-200-690 Use of lead agency's EIS by other acting agencies for the same proposal. [Order MV 382, § 308-200-690, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43-.21C.120. Later promulgation, see WAC 308-200A-690.

308-200-695 Draft and final supplements to a revised EIS. [Order MV 382, § 308-200-695, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-695.

EFFECT OF EIS PROCEDURES ON AGENCY ACTIVITIES

308-200-700 No action for seven days after publication of the final EIS. [Order MV 382, § 308-200-700, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43-.21C.120. Later promulgation, see WAC 308-200A-700.

308-200-710 EIS combined with existing planning and review processes. [Order MV 382, § 308-200-710, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43-.21C.120. Later promulgation, see WAC 308-200A-710.

308-200-820 Designation of responsible official. [Order MV 382, § 308-200-820, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-820.

308-200-830 SEPA public information center. [Order MV 382, § 308-200-830, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120.

308-200-835 Regional SEPA information centers. [Order MV 382, § 308-200-835, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120.

308-200-840 Application of agency rules to ongoing actions. [Order MV 382, § 308-200-840, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-840.

308-200-860 Fees to cover the costs of SEPA compliance. [Order MV 382, § 308-200-860, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-860.

APPLICABILITY OF THIS CHAPTER

308-200-900 Applicability of this chapter. [Order MV 382, § 308-200-900, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-900.

308-200-910 Severability. [Order MV 382, § 308-200-910, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43-.21C.120. Later promulgation, see WAC 308-200A-910.

Chapter 308-04 WAC
GENERAL PROVISIONS

WAC

308-04-001 Appointment of director—Agency documents.

308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty.

WAC 308-04-001 Appointment of director--Agency documents. John Gonsalez was appointed director of the department of licensing on January 14, 1981. All documents issued after that date in the name of the director in the disposition and performance of the official business of the department of licensing shall be considered to have been issued by him or at his direction whether his name, or the name of the former director, appears on the document.

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the name of the former director's name, the replacement of which would result in the unnecessary expenditure of state funds. [Statutory Authority: RCW 43.17.060, 43.24.040, and 46.01.160. 81-07-045 (Order DOL 622), § 308-04-001, filed 3/16/81.]

WAC 308-04-010 Requirements for checks in payment of licenses, certificates, etc.--Penalty. (1) All checks must be made payable to the state treasurer or department of licensing.

(2) State warrants which bear a reasonable relationship to the amount of license fee due shall be accepted when tendered for payment of license fees. Proper identification will be required.

(3) Checks must be for the exact amount of the license fee due and the purpose for which the check is intended should be noted on its face.

(4) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be redeposited once. If they fail to clear at the time of the second deposit, the following action will be taken:

(a) The drawer (licensee) will be sent a letter by certified mail advising him or her that the license will be canceled unless a money order or cashier's check for the amount due is received within fifteen days.

(b) Upon the failure to receive said moneys the state patrol or other appropriate law enforcement agency will be notified.

(c) The failure to pay a license fee or tax due after notice of dishonor has been given will result in the action being turned over to the attorney general for collection or other appropriate action.

(d) In cases where a dishonored check is given for professional, securities or real estate fee the field representative of said agency will first contact the party and their license will be surrendered.

(5) No checks written on foreign banks (outside of the United States) will be accepted and only those foreign postal money orders made payable in U.S. dollars at the Olympia post office will be acceptable for payment of any license fees. [Statutory Authority: RCW 46.01.230. 80-13-002 (Order DOL 592), § 308-04-010, filed 9/4/80; 78-04-040 (Order 487-DOL), § 308-04-010, filed 3/20/78; Rule 1, filed 6/29/67.]

Chapter 308-08 WAC

PRACTICE AND PROCEDURE

WAC

308-08-005 Portions of uniform procedural rules applicable to various subagencies.
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308-08-640 Review procedures.
308-08-650 Reconsideration by director.
308-08-660 Persons authorized to make final decisions following formal hearing.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-08-030 Appearance and practice before agency—Solicitation of business unethical. [Regulation .08.030, effective 3/23/60.] Repealed by 83-09-050 (Order DOL-715), filed 4/20/83.

WAC 308-08-005 Portions of uniform procedural rules applicable to various subagencies. With the purpose of uniformity in mind, the director, under authority granted by statute and pursuant to chapter 34.04 RCW et seq., does hereby adopt the rules of practice and procedure in the subsequent sections:

(1) Rules WAC 308-08-010 through 308-08-590 apply to administrative procedure in reference to:

RCW Chapter

18.32 Dentists
18.78 Practical nurses
18.85 Real estate brokers and salesmen
18.92 Veterinarians
21.20 Securities Act of the state of Washington
46.70 Dealers' licenses (motor vehicles)
82.36 Liquid fuel tax
82.38 Special fuel tax

(2) Rules WAC 308-08-540 through 308-08-590 do not apply to the following agencies:

18.08 Architects
18.36 Drugless healing
18.57 Osteopathy
18.33 Psychologists
46.82 Commercial driver training schools

(3) Rules WAC 308-08-150 through 308-08-220 do not apply to the following agencies:

18.15 Barbers
18.18 Beauty culture
18.22 Chiropodists
18.39 Embalmers
18.74 Physical therapy
46.80 Motor vehicle wreckers
81.72 Passenger for hire licenses

(4) Rules WAC 308-08-150 through 308-08-220 and WAC 308-08-540 through 308-08-590 do not apply to the following agencies:

18.25 Chiropractors
18.29 Dental hygienists
18.34 Dispensing opticians
18.50 Midwifery
18.53 Optometry
18.90 Sanitarians
43.74 Basic science committee

(5) Only rules WAC 308-08-540 through 308-08-590 apply to the following license procedures under the motor vehicle laws:

46.12 Certificates of ownership
46.16 Vehicle licenses
[and] 46.29 Financial and safety responsibility
46.76 Motor vehicle transporters
46.84 Reciprocity

The exclusion of certain rules or the applicability of certain rules under this section is based upon the statutory authority given to the director of licensing by the legislature of the state of Washington. The word agency as used in these sections is interchangeable used with the word department, commission, or board. [Statutory Authority: RCW 34.04.022, 46.01.110 and 82.38.260. 78-08-054 (Order 504-DOL), § 308-08-005, filed 7/20/78; Regulation 08.005, effective 3/23/60.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-08-010 Appearance and practice before agency--Who may appear. No person may appear in a representative capacity before the agency or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation. [Regulation .08.010, effective 3/23/60.]

WAC 308-08-040 Appearance and practice before agency--Standards of ethical conduct. All persons appearing in proceeding before the department, commission or board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the agency involved may decline to permit such person to appear in a representative capacity in any proceeding before the agency. [Regulation .08.040, effective 3/23/60.]

WAC 308-08-050 Appearance and practice before agency--Appearance by former employee of agency or former member of attorney general's staff. No former employee of the department or member of the attorney general's staff may at any time after severing his employment with the department or the attorney general appear in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the department as provided by RCW 42.22.040. [Regulation .08.050, effective 3/6/61.]

WAC 308-08-060 Appearance and practice before agency--Former employee as expert witness. No former employee of department, board or commission shall at any time after severing his employment with the state of Washington appear, except with the written permission of the agency, as an expert witness on behalf of other parties in a formal proceeding wherein he previously took an active part in the investigation as a representative of department, board or commission. [Regulation .08.060, effective 3/23/60.]

WAC 308-08-070 Computation of time. In computing any period of time prescribed or allowed by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of their period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. [Regulation .08.070, effective 3/23/60.]

WAC 308-08-080 Notice and opportunity for hearing in contested cases. In any contested case all parties shall be served with a notice within the statutory time as required by statute of the respective agency or proceeding involved, and in the absence of a statutory requirement, then not less than twenty days before the date set for hearing. The notice shall state the time, place, and issues involved, as required by RCW 34.04.090. [Regulation .08.080, effective 3/23/60.]

WAC 308-08-090 Service of process--By whom served. The department, board or commission shall cause to be served all orders, notices and other papers issued

by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Regulation .08.090, effective 3/23/60.]

WAC 308-08-100 Service of process--Upon whom served. All papers served by either department, board or commission or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Regulation .08.100, effective 3/23/60.]

WAC 308-08-110 Service of process--Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Regulation .08.110, effective 3/23/60.]

WAC 308-08-120 Service of process--Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph. [Regulation .08.120, effective 3/23/60.]

WAC 308-08-130 Service of process--When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid. [Regulation .08.130, effective 3/23/60.]

WAC 308-08-140 Service of process--Filing with agency. Papers required to be filed with the involved agency shall be deemed filed upon actual receipt by said agency at the place specified in its rules accompanied by proof of service upon parties required to be served. [Regulation .08.140, effective 3/23/60.]

WAC 308-08-150 Subpoenas--Where provided by law--Form. Every subpoena shall state the name of the department and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place. [Regulation .08.150, effective 3/23/60.]

WAC 308-08-160 Subpoenas--Issuance to parties. Upon application of counsel or other representative authorized to practice before the agency for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The director may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought. [Regulation .08.160, effective 3/23/60.]

WAC 308-08-170 Subpoenas--Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him on demand the fees for one day's attendance and the mileage allowed by law. [Regulation .08.170, effective 3/23/60.]

WAC 308-08-180 Subpoenas--Fees. Witnesses summoned before the department, commission or board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. [Regulation .08.180, effective 3/23/60.]

WAC 308-08-190 Subpoenas--Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the department or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the department, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service. [Regulation .08.190, effective 3/23/60.]

WAC 308-08-200 Subpoenas--Quashing. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed and upon notice to the party to whom the subpoena was issued, the department or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Regulation .08.200, effective 3/23/60.]

WAC 308-08-210 Subpoenas--Enforcement. Upon application and for good cause shown the department, commission or board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed. [Regulation .08.210, effective 3/23/60.]

WAC 308-08-220 Subpoenas--Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing. [Regulation .08.220, effective 3/23/60.]

WAC 308-08-230 Depositions and interrogatories in contested cases--Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application, or petition. The attendance of witnesses may be

compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas. [Regulation .08.230, effective 3/23/60.]

WAC 308-08-240 Depositions and interrogatories in contested cases--Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Regulation .08.240, effective 3/23/60.]

WAC 308-08-250 Depositions and interrogatories in contested cases--Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the department, commission or board or agreed upon by the parties by stipulation in writing filed with the department commission or board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding. [Regulation .08.250, effective 3/23/60.]

WAC 308-08-260 Depositions and interrogatories in contested cases--Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Regulation .08.260, effective 3/23/60.]

WAC 308-08-270 Depositions and interrogatories in contested cases--Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the department, commission or board or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the department, commission, or board or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents, or information enclosed in sealed envelopes to be opened as directed by the affected agency or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the agency, or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Regulation .08.270, effective 3/23/60.]

WAC 308-08-280 Depositions and interrogatories in contested cases--Oral examination and cross-examination. Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Regulation .08.280, effective 3/23/60.]

WAC 308-08-290 Depositions and interrogatories in contested cases--Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Regulation .08.290, effective 3/23/60.]

WAC 308-08-300 Depositions and interrogatories in contested cases--Signing attestation and return. (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the

officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the department, commission or board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Regulation .08.300, effective 3/23/60.]

WAC 308-08-310 Depositions and interrogatories in contested cases--Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Regulation .08.310, effective 3/23/60.]

WAC 308-08-320 Depositions and interrogatories in contested cases--Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Regulation .08.320, effective 3/23/60.]

WAC 308-08-330 Depositions upon interrogatories--Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Regulation .08.330, effective 3/23/60.]

WAC 308-08-340 Depositions upon interrogatories--Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 308-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Regulation .08.340, effective 3/23/60.]

WAC 308-08-350 Depositions upon interrogatories--Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the agency involved, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Regulation .08.350, effective 3/23/60.]

WAC 308-08-360 Depositions upon interrogatories--Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Regulation .08.360, effective 3/23/60.]

WAC 308-08-370 Official notice--Matters of law. The hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser.

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar. [Regulation .08.370, effective 3/23/60.]

WAC 308-08-380 Official notice--Material facts. In the absence of controverting evidence, the agency involved and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the agency.

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well-informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the agency involved as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the department commission or board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the agency involved rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the agency may consult any source of pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence:

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or non-existence of the material fact assumed or denied in the decision:

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the agency involved or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them. [Regulation .08.380, effective 3/23/60.]

WAC 308-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the agency involved, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts and circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, eloigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact. [Regulation .08.390, effective 3/23/60.]

WAC 308-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral

argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them:

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer of the agency involved that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Regulation .08.400, effective 3/23/60.]

WAC 308–08–410 Form and content of agency decisions in contested cases. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Regulation .08.410, effective 3/23/60.]

WAC 308–08–420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order, that hearing officers may proceed promptly to conduct the hearing on relevant and material matter only. [Regulation .08.420, effective 3/23/60.]

WAC 308–08–430 Prehearing conference rule—Authorized. In any proceeding the agency involved or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider.

(1) The simplification of issues;

(2) The necessity of amendments to the pleading;

(3) The possibility of obtaining stipulations, admissions of facts and of documents;

(4) The limitation of the number of expert witnesses;

(5) Such other matters as may aid in the disposition of the proceeding. [Regulation .08.430, effective 3/23/60.]

WAC 308–08–440 Prehearing conference rule—Record of conference action. The agency involved or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Regulation .08.440, effective 3/23/60.]

WAC 308–08–450 Submission of documentary evidence in advance. Where practicable the department, commission or board or its designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross–examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subsection (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection. [Regulation .08.450, effective 3/23/60.]

WAC 308–08–460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding. [Regulation .08.460, effective 3/23/60.]

WAC 308–08–470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. That the hearing examiner or other appropriate officer in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the

other interested parties to investigate such qualifications. [Regulation .08.470, effective 3/23/60.]

WAC 308-08-480 Expert or opinion testimony and testimony based on economic and statistical data--Written sworn statements. That the hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses. [Regulation .08.480, effective 3/23/60.]

WAC 308-08-490 Expert or opinion testimony and testimony based on economic and statistical data--Supporting data. That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties shall cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 308-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record. [Regulation .08.490, effective 3/23/60.]

WAC 308-08-500 Expert or opinion testimony and testimony based on economic and statistical data--Effect of noncompliance with WAC 308-08-470 or 308-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 308-08-470 or 308-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements. [Regulation .08.500, effective 3/23/60.]

WAC 308-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency involved or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The agency or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the department, commission, board or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Regulation .08.510, effective 3/23/60.]

WAC 308-08-520 Rules of evidence--Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Regulation .08.520, effective 3/23/60.]

WAC 308-08-530 Rules of evidence--Tentative admission--Exclusion--Discontinuance--Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Regulation .08.530, effective 3/23/60.]

WAC 308-08-540 Petitions for rule making, amendment or repeal--Who may petition. Any interested person may petition the agency involved requesting the promulgation, amendment, or repeal of any rule. [Regulation .08.540, effective 3/23/60.]

WAC 308-08-550 Petitions for rule making, amendment or repeal--Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. [Regulation .08.550, effective 3/23/60.]

WAC 308-08-560 Petitions for rule making, amendment or repeal--Agency must consider. All petitions shall be considered by the agency involved and the department agency involved may, in its discretion, order

a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule. [Regulation .08.560, effective 3/23/60.]

WAC 308–08–570 Petitions for rule making, amendment or repeal––Notice of disposition. The agency involved shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition. [Regulation .08.570, effective 3/23/60.]

WAC 308–08–580 Declaratory rulings. As prescribed by RCW 34.04.080 any interested person may petition the agency involved for a declaratory ruling. The department, commission or board shall consider the petition and within a reasonable time the agency involved shall:

(1) Issue a nonbinding declaratory ruling; or

(2) Notify the person that no declaratory ruling is to be issued; or matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

(3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved.

If a hearing as provided in subsection (3) is conducted, the agency shall within a reasonable time:

(a) Issue a binding declaratory rule; or

(b) Issue a nonbinding declaratory ruling; or

(c) Notify the person that no declaratory ruling is to be issued. [Regulation .08.580, effective 3/23/60.]

WAC 308–08–590 Forms. Any interested person petitioning the agency involved for a declaratory ruling pursuant to RCW 34.04.080 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of agency)," On the left side of page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

Any interested person petitioning the agency requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "Before the (name of agency)." On the left side of the page below the foregoing the following caption shall be set out: "In the Matter of the Petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size. [Regulation .08.590, effective 3/23/60.]

WAC 308–08–600 Scope of rules––Formal hearings––Discretionary suspension––Driver's licenses. The following rules numbered WAC 308–08–610 through 308–08–660 shall apply only to formal hearings held pursuant to RCW 46.20.329. They shall not apply to hearings held pursuant to implied consent revocations or hearings under the financial responsibility act. [Order MV–141, § 308–08–600, filed 7/27/72.]

WAC 308–08–610 Formal hearings––Discretionary suspensions. All formal hearings held pursuant to RCW 46.20.329 shall be conducted by a driver improvement analyst, a department hearing officer, or the administrator of the driver improvement division, each of whom is appointed a referee for such purposes. In addition to the referees appointed by this section the director may from time to time appoint additional referees or may revoke the authority of any referee appointed by this section, but a record of such appointment or revocation of appointment shall be kept in the order registry in the director's office and may be examined at any time by any interested person. [Order MV–141, § 308–08–610, filed 7/27/72.]

WAC 308–08–620 Conduct of hearing––Matters considered. At the outset of a formal hearing the referee shall advise the licensee of those matters contained in the department's records upon which the department's

intended action is based. He shall judicially notice the files and records of the department which may be examined by the licensee or his attorney. The referee shall examine all witnesses including the licensee but nothing herein shall be construed as prohibiting the licensee from offering additional relevant testimony nor shall this be construed as prohibiting the examination of witnesses by the licensee or his attorney. [Order MV-141, § 308-08-620, filed 7/27/72.]

WAC 308-08-630 Decision procedure. At the conclusion of the hearing the referee shall announce his decision or what his recommended action will be if then known to him. He shall prepare a written summary of his findings together with a recommendation for departmental action unless he is a person authorized to make final decisions on behalf of the department, in which case he shall make a written summary of his findings together with his decision concerning departmental action to be taken. [Order MV-141, § 308-08-630, filed 7/27/72.]

WAC 308-08-640 Review procedures. In all cases not heard by a person authorized to make final decisions on behalf of the department, the file, summary of the findings, and recommendation shall be forwarded to the administrator of the driver improvement division or, in his absence, the assistant director for driver services or the manager of the financial responsibility division, for review. If there was a substantial issue of fact resolved at the hearing this shall be noted in the summary and the tape transcription of the proceeding shall be forwarded for review. The administrator of the driver improvement division, or in his absence, any of the other persons authorized herein to review, shall review the file, summary of findings, recommendation, and if necessary, the tape transcription of the evidence. The reviewer may either accept the recommendation by marking the word "approved" on the findings and recommendations together with his signature, or he may reject the recommendation in which case he shall append the action he deems appropriate to the summary and recommendation. In all cases the action of the reviewer shall be final. [Order MV-141, § 308-08-640, filed 7/27/72.]

WAC 308-08-650 Reconsideration by director. In all cases not heard directly by the director of the department of motor vehicles and determined by a person having authority to make final decisions following a formal hearing pursuant to WAC 308-08-660 the aggrieved person may pursue his remedies pursuant to RCW 46.20.334, or, he may prior to the effective date of the department action petition the director for reconsideration of the action taken by the department. The director, upon review of the records, evidence, and of the findings after a formal hearing, shall promptly render his decision sustaining, modifying or reversing the departmental order. [Order MV-141, § 308-08-650, filed 7/27/72.]

WAC 308-08-660 Persons authorized to make final decisions following formal hearing. The administrator of the driver improvement division, the assistant director for driver services, and the manager of the financial responsibility division and such other persons as the director may from time to time appoint by administrative order filed in the registry maintained in his office shall have authority to render final decisions on behalf of the department on all matters heard by formal hearing pursuant to RCW 46.20.329. [Order MV-141, § 308-08-660, filed 7/27/72.]

Chapter 308-10 WAC
PUBLIC RECORDS DISCLOSURE

WAC

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WAC 308-10-005 Purpose. The purpose of this chapter shall be to ensure compliance by the department of motor vehicles with the provisions of sections 25-32, chapter 1, Laws of 1973 (Initiative 276), RCW 42.17-.250-42.17.320, dealing with public records. [Order MV 348, § 308-10-005, filed 12/24/75.]

WAC 308-10-010 Definitions. (1) The definitions set forth in RCW 42.17.020 shall apply to this chapter.

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

(3) "Director" means the director of the department of motor vehicles as appointed by the governor pursuant to RCW 46.01.090.

(4) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

(a) They have not been processed, edited or interpreted.

(b) They are unevaluated and unorganized.

(c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

(5) "Information" means raw data that are organized, evaluative and interpreted to impart meaning to potential users and fulfill a recognized need.

(6) "Listing (list)" means a series of items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of department record information it means the names of two or more individuals contained in:

- Data processing magnetic tapes
- Data processing print-outs 1, 2, 3, or 4 part utility paper or copies of such print-outs
- Data processing print-outs in the form of labels
- Any form of writing.

(7) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

(8) "Individual" means a natural person.

(9) "Commercial purpose" means the using of information obtained, or intending to use the information obtained, to contact or in some way personally affect an individual identified on the list when the purpose of the contact would be to facilitate that person's (the requestor's) profit expecting business activity.

(10) "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 administration. [Order MV 348, § 308-10-010, filed 12/24/75.]

WAC 308-10-015 Description of central and field organization of the department of motor vehicles. The administrative office of the department and its staff are located in the Highways-Licenses Building, Olympia 98504. The director of gambling activities and administrative staff are located in the Thurston County Courthouse Annex, Olympia 98504. Department offices located in other cities are as follows:

CITY	SERVICES
Aberdeen 2700 Simpson Ave. 98520	Driver licensing examination
Anacortes 402 Commercial 98221	Driver licensing examination
Auburn 909 "D" Street S.E. 98002	Driver licensing examination
Bellevue 513 - 156th Avenue S.E. 98007	Driver licensing examination
Bellingham 822 Alabama Street 98225	Driver licensing examination
Bremerton 4970 Auto Center Way 98310	Driver licensing examination
Burien 14635 - 9th Avenue S.E. Seattle 98166	Driver licensing examination
Centralia 112 Harrison 98531	Driver licensing examination
Chelan 313 Woodin Avenue P.O. Box 1298 98816	Driver licensing examination
Clarkston 733 - 5th Street 99403	Driver licensing examination
Colfax No. 300 Mill Street 99111	Driver licensing examination
Colville 151 So. Oak Street 99114	Driver licensing examination
Coulee Dam 300 Lincoln - Room 101 99116	Driver licensing examination
Ellensburg 801 Ruby Street 98926	Driver licensing examination
Ephrata 3 Crest Drive 98823	Driver licensing examination
Everett 3531 Rucker Avenue 98201	(a) Driver licensing examination (b) Driver improvement (analysts) (c) Gambling commission law enforcement
Forks Almar Building 98331	Driver licensing examination
Goldendale 116 W. Main 98620	Driver licensing examination
Greenwood 320 No. 85th Seattle 98103	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit (e) Real estate division (f) Gambling commission law enforcement

CITY	SERVICES
Kennewick 2500 W. Kennewick 99336	(a) Driver licensing examination (b) Dealer salesman license investigation
Longview 773 – 3rd Avenue 98632	(a) Driver licensing examination (b) Dealer salesman license investigation
Morton P.O. Box 774 98356	Driver licensing examination
Moses Lake E. 500 Third Avenue 98837	Driver licensing examination
Mount Vernon 1413 E. College Way 98273	Driver licensing examination
Okanogan 121 Second Avenue N.W. 98840	Driver licensing examination
Olympia 715 E. 8th Street 98504	Driver licensing examination
Port Angeles 717 Peabody 98362	Driver licensing examination
Port Townsend 835 Washington Street 98368	Driver licensing examination
Pullman 980 So. Grand 99163	Driver licensing examination
Puyallup 1100 Meridian No. 98371	Driver licensing examination
Raymond 218 Commercial Street 98577	Driver licensing examination
Renton 800 Edmonds Avenue N.E. 98055	Driver licensing examination
Republic Clark Avenue P.O. Box 637 99166	Driver licensing examination
Ritzville 102 East Main 99169	Driver licensing examination
Seattle 12535 – 15th Avenue N.E. 98125	Driver licensing examination
Seattle Public Safety Building Third & James Streets 98104	Research (S.A.F.E. project)
Shelton 122 So. Third Street 98584	Driver licensing examination
Spokane 25 So. Ferrall 99202	(a) Driver licensing examination (b) Gambling commission law enforcement
Spokane W. 528 Indiana Avenue 99205	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit
Sunnyside 528 So. Seventh 98944	Driver licensing examination
Tacoma 6442 So. Yakima Avenue 98408	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Gambling commission law enforcement
Tacoma 2727 No. Pearl 98407	Driver licensing examination
Vancouver 915 MacArthur Blvd. 98661	(a) Driver licensing examination (b) Driver improvement (c) Fuel tax and prorate audit
Walla Walla 145 Jade Street 99362	Driver licensing examination
Wenatchee 1139 No. Princeton 98801	Driver licensing examination
White Salmon P.O. Box 1136 99672	Driver licensing examination
Yakima 7 No. Ninth Street 98901	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit (e) Gambling commission law enforcement

All records of the department are maintained in the administrative office in Olympia.

[Order MV 348, § 308–10–015, filed 12/24/75.]

WAC 308–10–020 Operations and procedures. (1) Basic Organizational Structure. The department is organized under a director and five assistant directors. Through the director's policies and procedures, each assistant director is delegated authority to act in a specific functional area. The five major functional components are: Vehicle services, driver services, business and professions administration, management operations, and information systems. All major functional areas main offices are located at the department's main administrative office. Field office locations are as noted in WAC 308–10–015.

(a) Office of the director.

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

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

(iii) 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:

(A) Efficiently administer the laws pertaining to licensing and regulation of motor vehicles, vehicle operators, professions, occupations, real estate and securities.

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

(iv) The director has delegated to the deputy director the responsibility for the management and control of internal operations of the department. Each assistant director reports directly to the deputy director, unless prescribed otherwise on a specific condition or activity by the director. Resolution of issues, problems, and conditions will normally be handled at the deputy director level. When regulation is not apparent, such issues, problems, or conditions will be referred to the director for resolution. 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, the real estate commission, and the press, will, unless specifically delegated, be led by the director.

(v) The director of the department employs a full time employee subject to approval of the gambling commission as director for gambling activities. The director for gambling activities is the administrator for the commission in carrying out its powers and duties. The gambling director, with the advice and approval of the commission, issues rules and regulations governing authorized activities and supervises assigned departmental employees. The director of the department also furnishes the administrative services and staff that are necessary to carry out the purposes and provisions of the law.

(vi) Matters pertaining to public relations, research, gambling, and legal problems are directly under the director's cognizance.

(b) Assistant director, vehicle services, has authority to act in the following areas subject to defined policies and procedures:

(i) Administer laws pertaining to:

(A) Vehicle licensing programs, including aircraft and pilot programs.

(B) Fuel tax programs.

(C) Proration and reciprocity programs.

(D) Vehicle dealer, salesman and manufacturer licensing and inspection programs.

(E) Miscellaneous vehicle programs to include: Transporters, wreckers, hulk haulers, abandoned vehicles, tow truck operators, scrap processors, snowmobile and ATV vehicle dealers.

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

(iii) Administer the licensing functions of county auditors, licensing agents, and subagents, who have been appointed to act in the behalf of the department.

(c) Assistant director, driver services, has authority to act in the following areas subject to defined policies and procedures:

(i) Administer the laws pertaining to driver licensing, financial responsibility, driver improvement, and examining.

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

(iii) Determine field office locations, and initiate property acquisition.

(d) Assistant director, business and professions administration, has authority to act in the following areas subject to defined policies and procedures:

(i) Administer the laws pertaining to real estate, securities, and the following professions, occupations, and businesses:

Animal technicians
Architects
Barbers
Basic science
Charitable organizations
Chiropractors
Collection agencies
Cosmetologists
Debt adjusters
Dentists
Dental hygienists
Drugless healers
Employment agencies
Engineers
Land surveyors
Firearm dealers
Funeral directors
Embalmers
Hearing aid dispensers
Landscape architects
Massage operators
Midwives
Notaries public

Nursing home administrators
Opticians
Optometrists
Osteopathic physicians
Osteopathic assistants
Physical therapists
Physician's assistants
Physicians and surgeons
Podiatrists
Practical nurses
Proprietary schools
Psychologists
Registered nurses
Sanitarians
Veterinarians

(ii) In certain areas of professions and occupations, the assistant director of business and professions administration helps administer the laws in conjunction with certain appointed boards, who exercise administrative functions. Those boards are as follows:

Architects registration board
Barber examining committee
Barber hearing board
Basic science committee
Chiropractic disciplinary board
Chiropractic examining board
Collection agency board
Cosmetology examining committee
Cosmetology hearing board
Dental examining board
Dispensing opticians examining committee
Drugless therapeutics examining board
Employment agency advisory board
Engineers & land surveyors registration board
Funeral director/embalmer examining committee
Hearing aid council
Landscape architects examining board
Massage examining board
Medical disciplinary board
Medical examining board
Nursing home administrators examining board
Optometry board
Osteopathic examining committee
Physical therapist examining committee
Podiatry examining committee
Practical nurse examining board
Professional nurse registration board
Proprietary school advisory committee
Psychology examining board
Registered sanitarian board
Veterinary board of governors

Correspondence to these boards should be directed to the assistant director of business and professions administration. In addition, when a profession has no permanently appointed disciplinary board, one may be appointed pursuant to RCW 43.24.110.

(iii) Enforce the rules and regulations pertaining to professions, occupations, real estate, and securities.

(iv) 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, real estate, or securities.

(e) Assistant director, management operations, has authority to act in the following areas subject to defined policies and procedures:

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

(A) Management systems.
(B) Personnel and resource allocation.
(C) Supply and equipment procedures.
(D) Forms and record management.
(E) Fund allocation.
(F) Contract services.
(G) Public relations.

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

(f) Assistant director, information systems, has the authority to act in the following areas subject to defined policies and procedures:

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

(ii) Consult and work with other state agencies and the state data processing coordinating center in structuring and phase-in of inter-agency related programs.

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

(2) Formal and informal proceedings. The department conducts proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.04, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.04 RCW, the Administrative Procedure Act. The department has adopted certain rules of procedure in WAC 308-08-005 through 308-08-660. In addition, substantive rules relating to the department are contained in Title 308 WAC. [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 public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 308-10-050. [Order MV 348, § 308-10-025, filed 12/24/75.]

WAC 308-10-030 Public records officers. The department's public records shall be in the charge of the public records officers as designated by the director. The persons so designated shall be located in the main administrative offices of the department. The public records officers shall be responsible for the following: The implementation of the department's rules and regulations 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 as required by RCW 42.17.260 and WAC 308-

10–065, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order MV 348, § 308–10–030, filed 12/24/75.]

WAC 308–10–035 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. For the purposes of this chapter, the customary office 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. [Order MV 348, § 308–10–035, filed 12/24/75.]

WAC 308–10–040 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973, 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 a form prescribed by the department which shall be available at its administrative office. The form shall be presented to any member of the department staff designated by the responsible public records officer to receive requests, at the administrative office of the department during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record.

(b) The time of day and calendar date on which the request was 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 requested.

(e) The signature and other identifying information of the requestor.

(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. [Order MV 348, § 308–10–040, filed 12/24/75.]

WAC 308–10–045 Copying. 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
Abstract of driving record	$1.50
Application for license for hulk hauler, scrap processor, snowmobile dealer, ATV dealer, or transporter	$2.00
Bond copies (dealer and manufacturer)	$2.00
Copies produced on copying and duplicating equipment	25 cents per page
Evidence of ability to respond to damages (financial responsibility)	$1.50
Letter of certification to accompany copy of record or document	$2.00
Listing, magnetic tapes or labels	Cost of services plus 40% for overhead
Motor vehicles record lookups – requests for lookup on one vehicle	$2.00 per lookup
Motor vehicle record lookups – listings	$2.00 per lookup up to 10. $.20 per lookup for each lookup over 10 in any single request
Motor vehicle certificate of title, photo enlargement of microfilm record	$1.50 per photograph
Postal charges	Will be added to any copy of a public record if applicable
Vehicle disposer fee schedule	$2.00 each
Vehicle disposer insurance policy	$2.00 each
Wrecker and disposer licensee bond application	$2.00 each

[Order MV 348, § 308–10–045, filed 12/24/75.]

WAC 308–10–050 Exemptions. (1) The department reserves the right to determine that a public record in accordance with the procedures outlined in WAC 308–10–040 is exempt under the provisions of section 31, chapter 1, Laws of 1973, RCW 42.17.310.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, RCW 42.17.260, the department reserves the right to 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 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the 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. [Order MV 348, § 308-10-050, filed 12/24/75.]

WAC 308-10-055 Review of denials of public records requests. (1) Upon any denial of a request for a public record, the public records officer or staff member who denied the record shall initiate a prompt review of the decision by referring the request and denial to the director of the department or his designee. The director or his designee shall immediately consider the matter and either affirm or reverse such denial or call a specific meeting of the department as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(2) Administrative remedies shall not be considered exhausted until the department has returned the review of a denial with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order MV 348, § 308-10-055, filed 12/24/75.]

WAC 308-10-060 Protection of public records. The department is primarily a licensing agency. The records consist mainly of operational files that are subject to high usage. In order to insure that essential functions of the agency are continually carried out, and the public records are not damaged, altered, disorganized, or lost, access to the record storage areas is restricted. Public records will be inspected in the administrative offices in which they are filed and maintained. Inspection shall be in the presence of the authorized department staff employee. Inspection shall be denied and the records will be withdrawn if the individual inspecting the records is doing so in a manner to damage, alter, or substantially disorganize them. Inspection shall be denied and records withdrawn if the individual inspecting the records attempts to remove them from the prescribed location or is excessively interfering or will unduly interfere with other essential functions of the department. [Order MV 348, § 308-10-060, filed 12/24/75.]

WAC 308-10-065 Records index. (1) Index. The department has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute, and constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, and surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order MV 348, § 308-10-065, filed 12/24/75.]

WAC 308-10-070 Communications with department. All written communications with the department pertaining to the administration or enforcement of chapter 1, Laws of 1973, chapter 42.17 RCW and these rules shall be addressed as follows: Department of Motor Vehicles, c/o Public Records Officer, Highways-Licenses Building, Olympia 98504. [Order MV 348, § 308-10-070, filed 12/24/75.]

Chapter 308-11 WAC
REGULATION OF AUCTIONEERS

WAC

308-11-010 Definitions.
308-11-030 Fees.
308-11-040 Application for license as auctioneer.
308-11-050 Surety bond or trust account required.
308-11-060 Advance notice of cancellation or termination required.
308-11-080 Trainee auctioneer.
308-11-100 Records.
308-11-120 Inspection and audit.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-11-001 Fees. [Statutory Authority: RCW 42.24.085 [43.24-.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-001, filed 11/9/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-11-030.

WAC 308-11-010 Definitions. Words and terms used in these rules shall have the same meaning as each has under chapter 205, Laws of 1982, unless otherwise specifically provided in these rules or the context in which they are used clearly indicates that they be given some other meaning. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-010, filed 11/9/82.]

WAC 308–11–030 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Auctioneer:	
Initial application	$ 50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	5.00
Certification	10.00
Trainee:	
Initial application	25.00
Renewal	15.00
Late renewal penalty	15.00
Duplicate license	5.00

[Statutory Authority: 1983 c 168 § 12. 83–17–031 (Order PL 442), § 308–11–030, filed 8/10/83. Formerly WAC 308–11–001.]

WAC 308–11–040 Application for license as auctioneer. Each applicant for an auctioneer license shall file an application with the department of licensing, on a form prescribed by the director. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82–23–023 (Order PL 413), § 308–11–040, filed 11/9/82.]

WAC 308–11–050 Surety bond or trust account required. (1) An auctioneer's license shall not be issued by the department unless the applicant has first filed with the department an approved surety bond, or has established an approved trust account in lieu of bond, in the minimum amount of five thousand dollars in conformance with the requirements of section 10, chapter 205, Laws of 1982, and the requirements of this chapter.

(2) Each licensee must maintain such a surety bond, or trust account, in an active status at all times during the period of licensure.

(3) (a) No bond filed shall be approved unless it expressly provides that it will be effective for one year following the effective date of its cancellation or termination, whether because of expiration, suspension, or revocation of the license, or otherwise, as to any covered act or acts and omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.

(b) No trust account shall satisfy the requirements of section 10, chapter 205, Laws of 1982, unless by the express terms of the trust the trust account shall remain open and active, and at least five thousand dollars shall remain on deposit therein, for not less than one year following the effective date of its cancellation or termination, whether because of the expiration, suspension or revocation, or otherwise, as to any covered act or acts or omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.

(c) Subject to the requirement of subsection (b) above, each surety bond or trust account shall be deemed terminated upon the expiration or revocation of the license in connection with which the bond was issued, or the account created: *Provided*, That for the purposes only of this section a license shall not be deemed expired, suspended, or revoked so long as the licensee may continue to act as an auctioneer pursuant to the provisions of chapter 34.04 RCW or any court order issued pursuant thereto. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82–23–023 (Order PL 413), § 308–11–050, filed 11/9/82.]

WAC 308–11–060 Advance notice of cancellation or termination required. No cancellation of any surety bond issued, or trust account created, for the purpose of this chapter shall be effective unless the company issuing the bond, or the qualified public depository holding the account, shall have first given ten days advance written notice of the cancellation or termination to the department and to the licensee, together with the reason for the cancellation or termination: *Provided*, That no such notice shall be required when the termination of the bond or trust account is due to the expiration or revocation of the subject license. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82–23–023 (Order PL 413), § 308–11–060, filed 11/9/82.]

WAC 308–11–080 Trainee auctioneer. (1) Each applicant for an auctioneer trainee license shall file an application with the department on the form prescribed by the director.

(2) Licenses issued to a trainee auctioneer shall be valid only as to the trainee's activity while employed by, and supervised by, an employer who is a licensed auctioneer.

(3) In the event the license of the auctioneer employing the trainee shall be revoked, suspended for a period of time to exceed six months, expire or otherwise terminate, the trainee's license shall automatically terminate at that time also. If the license of the employing auctioneer is suspended for a period of less than six months, the license of the trainee shall not terminate but the trainee may not operate under the license until the trainee's employer's license has been reinstated.

(4) The trainee's license shall terminate immediately upon termination of the trainee's employment with the employing auctioneer. The trainee shall return the trainee's license to the department forthwith upon such termination of employment.

(5) A trainee must apply for, and obtain, a new and separate license to act as a trainee auctioneer respecting each employing auctioneer by whom the trainee is employed. No trainee auctioneer may hold more than one license as a trainee auctioneer at the same time. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82–23–023 (Order PL 413), § 308–11–080, filed 11/9/82.]

WAC 308-11-100 Records. The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 205, Laws of 1982, or elsewhere in these rules:

(1) They shall be maintained in accordance with generally accepted accounting practices.

(2) No person shall make any false or misleading statement, or make any false or misleading entry, or wilfully fail to make any entry required to be maintained or made, in any such record or document.

(3) No person shall wilfully fail to produce any such record or document for inspection by the department. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-100, filed 11/9/82.]

WAC 308-11-120 Inspection and audit. All records required to be maintained by an auctioneer by chapter 205, Laws of 1982, or these rules, together with any other business or other types of records of the auctioneer which may be related to activity as an auctioneer or necessary to a full understanding of such records, and any auction mart or other premise used for the purpose of conducting an auction, together with any personal property which may be the subject of, or related to, an auction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department, for the purposes of determining compliance or noncompliance with the provisions of chapter 205, Laws of 1982, and these rules.

If records requested by the department are not immediately available because they are not physically present upon the premises at the time the demand is made, they shall be procured and produced to the department as soon as possible, but in any event within twenty-four hours, by the licensee.

A reasonable time for the conduct of such inspection and audit shall be:

(1) If the records or items to be inspected or audited are located anywhere upon a premise any portion of which is open for business or to the public (or members and guests), then at any time the premises are so open, or at which they are usually open; or

(2) If the records or items to be inspected or audited are not located upon a premise set out in section (1) above, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-120, filed 11/9/82.]

Chapter 308-12 WAC
ARCHITECTS

WAC

308-12-010 State board of registration.
308-12-031 Licensing examination.
308-12-040 Review of examinations.
308-12-050 License by reciprocity.
308-12-080 Approved schools of architecture.
308-12-081 The seal.
308-12-082 Corporate practice.
308-12-110 Architect listings.
308-12-120 Definition of principal.
308-12-130 Definition of supervision.
308-12-312 Fees.
308-12-320 Renewal of licenses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-12-015 Powers and duties of the board. [Rule 5, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.

308-12-020 Qualifications for examination. [Rule 6, filed 10/26/62; amended by filing dated 11/19/64.] Repealed by Order PL-132, filed 9/25/72.

308-12-030 Examinations. [Statutory Authority: RCW 18.08.130. 79-01-058 (Order PL-294), § 308-12-030, filed 12/27/78; Order PL 205, § 308-12-030, filed 11/5/75; Order PL 178, § 308-12-030, filed 10/23/74; Order PL-132, § 308-12-030, filed 9/25/72; Rule 7, filed 10/26/62; amended by filing date 11/19/64.] Repealed by 83-04-071 (Order PL 422), filed 2/2/83. Statutory Authority: RCW 18.08.130.

308-12-060 Certificate, seals. [Rule 10, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.

308-12-070 Withdrawal of registrant. [Rule 11, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.

308-12-090 Equivalents for education, training and experience. [Order PL 178, § 308-12-090, filed 10/23/74; Order PL-132, § 308-12-090, filed 9/25/72.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.

308-12-100 Transition to new examination. [Order PL 178, § 308-12-100, filed 10/23/74; Order PL-132, § 308-12-100, filed 9/25/72.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.

308-12-300 Registration renewal fee. [Order PL 205, § 308-12-300, filed 11/5/75; Order PL 163, § 308-12-300, filed 3/18/74.] Repealed by 81-18-044 (Order PL 383), filed 8/28/81. Statutory Authority: RCW 43.24.085.

308-12-310 Fees. [Order PL 205, § 308-12-310, filed 11/5/75.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.

308-12-311 Fees. [Statutory Authority: RCW 43.24.085. 81-18-044 (Order PL 383), § 308-12-311, filed 8/28/81; 79-04-024 (Order PL-300), § 308-12-311, filed 3/21/79.] Repealed by 83-05-006 (Order PL 425), filed 2/3/83. Statutory Authority: RCW 18.08.130.

WAC 308-12-010 State board of registration. (1) Meetings: The Washington state board of registration for architects, hereinafter called the board, shall hold its regular public meeting annually in September. Special public meetings may be held at such times and places as the board may deem necessary. Public notice of all public meetings shall be issued as required by the Open Public Meetings Act, chapter 42.30 RCW.

Executive sessions may be held by the board in conjunction with all public meetings, and at such other times as the board shall deem necessary and for the primary purpose of preparing and grading examinations, approving applications, conducting written and oral examinations, examining reciprocity applications, and acting on applications for reinstatement of revoked licenses, and confidential matters between candidates or registrants and the board.

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

(3) Officers. At the regular annual public meeting the board shall elect a chairman, a vice chairman and a secretary for the ensuing year.

(4) Quorum. A quorum at any regular or special meeting or session shall consist of three members of the board.

(5) Rule changes. Prior to and during any adoption, amendments, or repeal of any rule, the board of registration shall conduct its business in accordance with chapter 34.04 RCW the Administrative Procedure Act.

(6) Annual report. The board shall issue an annual report and roster. [Statutory Authority: RCW 18.08-.130. 83–04–071 (Order PL 422), § 308–12–010, filed 2/2/83; Order PL–132, § 308–12–010, filed 9/25/72; filed 4/28/67; Rule 1, filed 11/19/64; Rules 2, 4, filed 10/26/62; Rule 1, filed 10/26/62.]

WAC 308–12–031 Licensing examination. The form of the examination required of applicants shall consist of a written and an oral examination.

The board adopts the architectural registration examination prepared in 1983 by the National Council of Architectural Registration Boards to test the applicant's qualifications and minimum competency for registration.

(1) Requirements for admittance to the architects registration examination are found in RCW 18.08.140 and 18.08.150.

(2) Application and fee for examination:

(a) The application for examination must be received by the board prior to April first to be considered for the next scheduled examination.

(b) Applications shall be submitted on forms provided by the board and must be accompanied by education and/or experience verification as per the filing instructions.

(c) An examination fee must accompany all applications.

(d) Notice of acceptance of applications will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.

(e) No application fee will be refunded because of withdrawal from the examination.

(3) The examination: The architectural registration examination is divided into nine divisions which will be administered over a four day period in June of each year. The examinees are tested on their ability to exercise value judgments in actual architectural practice situations. The examination covers the following:

		APPROXIMATE HOURS
Division A	Predesign	4
Division B	Site design	3
Division C	Building design	12
Division D	Structural – General	2 1/2
Division E	Structural – Lateral forces	1 1/2
Division F	Structural – Long span	1 1/2
Division G	Mechanical, plumbing, electrical and life safety systems	2 1/2
Division H	Materials and methods	3
Division I	Construction documents and services	2 1/2

To pass the examination, an applicant must achieve a passing grade on each division.

RETAKES: First time examinees must take all nine divisions of the A.R.E. on their first attempt. On subsequent attempts, the examinees must retake all divisions not passed on previous attempts. Examinees transferring from the previous examination series need only take those divisions for which credit has not been received.

(4) The oral examination is given upon the applicant's completion of the written examination, the fulfilling of the experience requirement and submittal of an acceptable written summary of the law.

The oral part of the examination shall include a review of the applicant's practical experience, the applicant's understanding of the law and the applicant's responsibility to safeguard life, health and property and to promote the public welfare.

The oral examination may be conducted by the full board or by a member of the board. The board may recommend waiver of full board examination if the examining board member deems applicant prepared for licensure. Such a recommendation shall be circulated to the balance of the board members and must receive approval by a majority before the candidate may be registered. If such a recommendation is not made or approved, the candidate shall be called before the full board for further consideration. [Statutory Authority: RCW 18.08.130. 83–04–071 (Order PL 422), § 308–12–031, filed 2/2/83.]

WAC 308–12–040 Review of examinations. Only Division C, building design is subject to review before the board and only if it is the remaining subject not passed in the written examination. Any candidate requesting review of a building design examination must apply within thirty days after date of release of grades. [Statutory Authority: RCW 18.08.130. 83–04–071 (Order PL 422), § 308–12–040, filed 2/2/83; Order PL 178, § 308–12–040, filed 10/23/74; Order PL–132, § 308–12–040, filed 9/25/72; Rule 8, filed 10/26/62.]

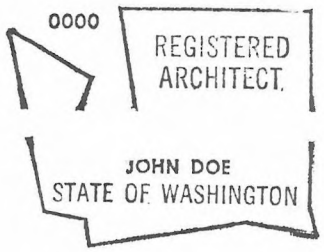
WAC 308–12–050 License by reciprocity. Any architect registered in another state who desires a license to practice architecture in Washington, shall make formal application on forms provided by the board, accompanied by the reciprocity application fee.

The board will require an oral examination of any candidate for license by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the

board to reach judgment without examination. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-050, filed 2/2/83; Order PL-132, § 308-12-050, filed 9/25/72; Order 691102, § 308-12-050, filed 11/26/69; Rule 9, filed 11/19/64, 10/26/62.]

WAC 308-12-080 Approved schools of architecture. The board adopts the current "List of accredited schools of architecture" as published by the National Architectural Accrediting Board and universities and colleges of architecture in the state of Washington as its "approved schools." [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-080, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-080, filed 12/27/78; Order PL 178, § 308-12-080, filed 10/23/74; Order PL-132, § 308-12-080, filed 9/25/72.]

WAC 308-12-081 The seal. Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered Architect, State of Washington." The seal with the registrant's counter signature shall appear on every drawing filed with public authorities. A facsimile of the seal appears herewith.



No architect shall stamp or countersignature shall be affixed to any drawings not prepared by the architect or his or her regularly employed subordinates. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-081, filed 2/2/83.]

WAC 308-12-082 Corporate practice. The corporate practice of architecture is limited to:

Domestic professional service corporations (P.S.) where all stockholders are architects or architects and engineers licensed in the state of Washington, under chapters 18.08 and 18.100 RCW.

Business corporations or stock companies cannot be licensed to practice architecture, or in any way list, imply or advertise that the corporation offers or provides architectural services. [Statutory Authority: RCW 18-.08.130. 83-04-071 (Order PL 422), § 308-12-082, filed 2/2/83.]

WAC 308-12-110 Architect listings. Any firm or individuals offering to provide architectural services in the state of Washington, through listings, advertisements, publications or directories is required to clearly identify the name or names of the architect or architects registered in Washington who is a principal as defined in WAC 308-12-120. [Statutory Authority: RCW 18.08-.130. 83-04-071 (Order PL 422), § 308-12-110, filed 2/2/83; Order PL 178, § 308-12-110, filed 10/23/74; Order PL-132, § 308-12-110, filed 9/25/72.]

WAC 308-12-120 Definition of principal. The word "principal" as used herein shall mean a member of an architectural firm who is an architect registered in this state; a shareholder, if the practice is through a professional service corporation; a partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-120, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-120, filed 12/27/78; Order PL 178, § 308-12-120, filed 10/23/74.]

WAC 308-12-130 Definition of supervision. The word "supervision" in RCW 18.08.110 means the periodic observation of materials and work in progress or completed work to observe the general compliance with plans, specifications, and design and planning concepts, and does not include responsibility for the superintendence of construction processes, site conditions, operations equipment, personnel or maintenance of a safe place to work, or any safety in, on or about the site of the work. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-130, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-130, filed 12/27/78; Order PL 178, § 308-12-130, filed 10/23/74.]

WAC 308-12-312 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	FEE
Initial registration	$35.00
Registration renewal	35.00
Late registration renewal penalty	35.00
Certificate replacement	15.00
Examination proctor fee	30.00
Reciprocity registration fee	250.00
Initial examination application	25.00
Retake examination application	20.00
Initial examination all parts	220.00
EXAM RETAKE	
Division A: Pre-design	33.00
Division B: Site design	33.00
Division C: Building design	55.00
Division D: Structural – General	16.50
Division E: Structural – Lateral forces	12.50
Division F: Structural – Long span	8.50
Division G: Mechanical, plumbing, electrical & safety systems	16.50
Division H: Materials and methods	21.00
Division I: Construction documents and services	24.00

[Statutory Authority: RCW 18.08.130. 83-05-006 (Order PL 425), § 308-12-312, filed 2/3/83.]

WAC 308-12-320 Renewal of licenses. (1) The annual license renewal date for architects shall be the architects birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-12-____. Architects whose renewal fees are delinquent will be listed with the state building officials. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-320, filed 2/2/83; Order PL 262, § 308-12-320, filed 1/13/77.]

Chapter 308-13 WAC
BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

WAC

308-13-010 State board of registration.
308-13-015 Powers and duties of the board.
308-13-020 Qualifications for examination.
308-13-030 Examinations.
308-13-035 Qualifications for reexamination.
308-13-040 Review of examinations.
308-13-050 Registration by reciprocity.
308-13-070 Applicant's qualifications.
308-13-080 Certificates, seals.
308-13-090 Withdrawal of registrant.
308-13-100 Reinstatement.
308-13-110 Landscape architect listings.
308-13-150 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-13-060 Registration of exemption. [Order 2472, § 308-13-060, filed 12/16/69.] Repealed by Order PL-135, filed 11/13/72.

308-13-120 Landscape architects—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-13-120, filed 9/25/80; Order PL 206, § 308-13-120, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-13-150.

WAC 308-13-010 State board of registration. (1) Meetings. The Washington state board of registration for landscape architects, hereinafter called the board, shall hold an annual public meeting during April of each year for the purpose of election of board officers, recommending fees, changes in board rules, approval of colleges of landscape architecture, and any other business of a public nature. Special public meetings may be held at any time as determined by the board. Public notice of all public meetings shall be provided as required by law.

Executive session meetings may be held at any time as determined necessary by the board, upon call by the chairman, or upon request by a majority of the board. The executive secretary shall provide at least one week's advance notice of such executive session. Executive session meetings shall be conducted as specified under RCW 42.30.110.

Hearings before the board shall be held as required by the registration law, upon call of the chairman or majority of the board.

(2) Rules of order. Robert's Rules of Order shall govern the conduct of business at meetings and sessions of the board.

(3) Quorum. A quorum at any regular or special meeting or session shall consist of three members of the board. In the interval between meetings, any business decision approved in writing by a quorum of the members of the board shall be deemed effective.

(4) Officers. At the annual public meeting, the board shall elect a chairman, a vice chairman, and a secretary for the ensuing year. The secretary may delegate the office's responsibilities in all or in part to the executive secretary. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-010, filed 5/7/80; Order 2472, § 308-13-010, filed 12/16/69.]

WAC 308-13-015 Powers and duties of the board. The board shall:

(1) Adopt and amend all rules of procedure, not inconsistent with the constitutional laws of this state, which may be necessary for the proper performance of its duties and the regulation of the proceedings before it. Such adoption or amendment of rules of procedure shall be done at the annual public meeting or in a special public meeting, provided notice of the subject matter for adoption has been publicly announced in advance.

(2) Determine the qualifications of candidates for examination for registration, including the annual approval of colleges of landscape architecture for acceptance of educational qualifications in lieu of experience.

(3) Hold examinations of qualified persons who shall apply for registration as landscape architects, and to promulgate such rules and regulations with reference thereto as they deem proper.

(4) Examine applicants for registration by reciprocity and make recommendations to the director of licenses for issuance or refusal thereof.

(5) Examine and act on applications for reinstatement of licenses which have been suspended or revoked. [Order 2472, § 308-13-015, filed 12/16/69.]

WAC 308-13-020 Qualifications for examination. Applicants shall file with the director of licenses at least sixty days prior to the written examination date a statement of intent to take the examination, on forms provided by the board, accompanied by fee and verification of educational and experience qualifications and such additional evidence as may be required to satisfy the board that the applicant has the following qualifications:

(1) Possession of good moral character.

(2) Attainment of at least eighteen years of age.

(3) A specific record of at least seven years of training and experience under the supervision of a registered or practicing landscape architect, of which:

(a) The board will accept a first degree in landscape architecture in a landscape architectural college accredited by the National Commission on Accrediting as a maximum of four years' formal education credit, and

from a nonaccredited but board-approved landscape architectural college a maximum of three years' formal educational credit towards the required seven years' minimum of qualifying experience required for eligibility for examination and registration.

(b) The board will accept the CLARB table of equivalents as a guide for the evaluation of education, training and experience.

(c) Where graduation has not been attained, the board will accept each completed full year of attendance in a landscape architectural college referred to in WAC 308-13-020 (3)(a) and (b) as evidence of an equivalent period towards attaining experience: *Provided*, That only subjects in which the applicant has received a passing grade may be credited towards the number of credits required to complete a full year's attendance.

(d) The board will accept two years of teaching in a college of landscape architecture referred to in WAC 308-13-020 (3)(a) and (b) as one-year credit, for a maximum of two years' credit toward the required seven-year experience requirement.

(e) For applicants lacking a degree in landscape architecture from a landscape architectural college as referred to in WAC 308-13-020 (3)(a) and (b), the board will accept qualifying experience under the supervision of a registered or practicing landscape architect as credit toward the required seven-year experience requirement.

(f) Practical employment experience of less than three months shall not be considered qualifying. [Order PL 246, § 308-13-020, filed 4/26/76; Order 2472, § 308-13-020, filed 12/16/69.]

WAC 308-13-030 Examinations. (1) The examination required of applicants shall be part written and part oral. A minimum passing grade in each subject shall be seventy percent, with an average of seventy-five percent of a possible one hundred percent before registration will be issued.

(2) The written part of the examination shall cover the subjects of history and theory of landscape architecture relative to landscape architectural design, site planning and land design, subdivision, urban design, landscape construction materials and methods, grading and drainage, plant materials suited for use in the Northwest, specifications and supervisory practice, and a practical knowledge of botany, horticulture, and similar subjects relating to the practice of landscape architecture.

(3) The oral part of the examination for examination applicants shall be given, subject to the completion of the practical experience requirement, the written examination, and the summary of the law as it relates to landscape architecture, board rules and subjects as listed in RCW 18.96.090, and shall inquire into the applicant's practical experience, training, and philosophical approach to landscape architecture in relation to work he has already performed and expects to perform upon registration. The summary shall be extensive enough to exhibit to the board the applicant's full understanding of Washington law and board rules. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-030, filed 5/7/80; Order PL 246, § 308-13-030, filed 4/26/76; Order 2472, § 308-13-030, filed 12/16/69.]

WAC 308-13-035 Qualifications for reexamination. (1) Applicants shall file with the director of licenses at least 60 days prior to the written examination date, a statement of intent to retake the examination including fee.

(2) Applicants are required to retake the examination in those subjects which they have failed. A passing grade shall exempt the applicant from examination in that subject for five years: *Provided*, That failure to complete successfully the entire examination within five years will result in requiring a retake of the entire examination. [Order PL-135, § 308-13-035, filed 11/13/72; Order 2472, § 308-13-035, filed 12/16/69.]

WAC 308-13-040 Review of examinations. (1) Any candidate for examination requesting review before the board of a subject failed must apply within 30 days after release of grades. The applicant may choose one subject only for review. Should the board raise the grade on the reviewed subject to passing, the applicant may, within five days of the notification thereof, apply for review of an additional subject of his choice.

(2) Examination papers of an individual candidate may be reviewed by the candidate, alone or with an agent, at the board office during normal business hours; but such papers may not be removed from the premises, nor shall they be compared by the candidates with papers of other candidates, nor shall either the questions or answers be reproduced in whole or in part in any manner. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-040, filed 5/7/80; Order 2472, § 308-13-040, filed 12/16/69.]

WAC 308-13-050 Registration by reciprocity. (1) Any landscape architect who is registered in another state or country which extends the privileges of reciprocity to landscape architecture in this state and who desires to practice landscape architecture in Washington, shall make formal application on forms provided by the board, accompanied by a filing and investigation fee and the current registration fee in the amount of $100.00, and which shall show evidence satisfactory to the board of:

(a) Having had at least the equivalent experience and responsible charge of landscape architectural work or responsible charge of landscape architectural teaching as is required of candidates for examination;

(b) Having satisfactorily completed an examination substantially equivalent to the examination required of applicants for registration in Washington;

(c) Provides evidence satisfactory to the board that the state in which the applicant is registered grants reciprocal privileges to landscape architects registered in Washington;

(d) Applicant's proof of compliance shall consist of:

(i) Education: Transcript of college grades indicating degrees earned.

(ii) References: Three landscape architect reference letters and letters of reference from two other persons acquainted with applicant's character and professional abilities.

(iii) Employment: Statements of previous qualified landscape architect employers covering full time employment for a minimum of three years if a landscape architectural college graduate and two additional years for each college year short of graduation.

(iv) Clients: Three signed letters from former clients.

(v) Examination: Certification by state of origin of registration that applicant passed examination, listing subjects taken and grades received.

(2) The board will require personal audience of any candidate for registration by reciprocity, except that personal audience may be waived in cases where supporting documentation or other evidence shows sufficient information for the board to reach a decision without audience.

(3) Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided such certification is current and valid at the time of application for registration, and after the candidate's file has been received and approved by the board. [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 308-13-070 Applicant's qualifications. (1) The board shall apply to all applicants for registration whether by examination, exemption, or reciprocity, its judgment of the applicant's sufficiency of knowledge, ability, and moral fitness to hold themselves out to the public as landscape architects. [Order 2472, § 308-13-070, filed 12/16/69.]

WAC 308-13-080 Certificates, seals. (1) Certificates shall be signed by the chairman and the secretary of the board, and by the director.

(2) Every registered landscape architect shall have a seal or stamp in design authorized by the board, bearing the name of the registrant, the registration number, and the legend "REGISTERED LANDSCAPE ARCHITECT." This seal or stamp with the registrant's counter signature shall appear on the title page of specifications and on every sheet of the working drawings when filed with public authorities. In case of a partnership, only one of the registered principal partners shall be required to seal or stamp documents.

(3) The board will certify to the director for investigation and action any instance brought to its attention of unlawful use of the seal or stamp herein provided, such as the holder of a certificate of registration permitting the seal or stamp to be affixed to any plans, specifications or drawings that were not prepared by the registrant or under the registrant's personal supervision , direction and control; or the use of the seal or stamp herein provided after the certificate of the registrant has expired or been revoked, or while it is under suspension. [Statutory Authority: RCW 18.96.060. 80-05-141 (Order PL-343), § 308-13-080, filed 5/7/80; Order 2472, § 308-13-080, filed 12/16/69.]

WAC 308-13-090 Withdrawal of registrant. (1) Any registrant in good standing upon fully retiring from landscape architectural practice may withdraw from practice by giving written notice to the director, and may thereafter resume practice at any time upon payment of the then current annual renewal fee.

(2) The board will certify to the director for investigation and action any instance brought to its attention of resumption of practice without notifying the director of intention thereof and payment of the then current annual renewal fee. [Order 2472, § 308-13-090, filed 12/16/69.]

WAC 308-13-100 Reinstatement. (1) A personal interview with the board will be required of any person applying for restoration of a suspended or revoked license. The fee for reissue of license shall be the then current annual renewal fee. [Order 2472, § 308-13-100, filed 12/16/69.]

WAC 308-13-110 Landscape architect listings. Where a firm name does not identify the licensed person specifically in a professional firm, or persons named in a firm title are not all landscape architects registered in this state, the board will recognize as acceptable such firm name listings in announcements, brochures, business cards, letterheads, promotional literature, telephone directories, and all other media intended for public display or circulation, if all such listings identify the landscape architect(s) who is currently registered in Washington and who is legally responsible as a principal for the firm's landscape architectural work in this state. [Order PL 169, § 308-13-110, filed 6/19/74; Order PL-135, § 308-13-110, filed 11/13/72.]

WAC 308-13-150 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Exam application (nonrefundable)	$ 25.00
Full exam or retake	125.00
Retake—Part A only	25.00
Part B only	25.00
Part C only	30.00
Part D only	30.00
Part E only	30.00
Initial license	75.00
Renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Reciprocity fee	150.00
Certification	15.00
Replacement certificate	20.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

Chapter 308-16 WAC
BARBERS, BARBER SHOPS, AND BARBER COLLEGES

WAC

308-16-010 Limitations on practice.
308-16-020 Barber shops—Use of premises.
308-16-030 Barber shops—Water supply.
308-16-040 Barber shops—Discharge of waste water.
308-16-050 Barber shops—Lighting fixtures.
308-16-060 Barber shops—Ventilation.
308-16-070 Barber shops—Receptacle for soiled towels.
308-16-080 Barber shops—Waste receptacles.
308-16-090 Barber shops—Supervision and license.
308-16-100 Barber shops—Posting of license.
308-16-110 Barber shops—General sanitation.
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308-16-150 Barber shops—Health of personnel.
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308-16-200 Barber colleges—Hours.
308-16-205 Required haircut for performance examination.
308-16-213 Practical examination—Length of examination.
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308-16-310 Demonstrations and short courses.
308-16-320 Time for applications.
308-16-350 Textbook(s) used for barber examination.
308-16-360 Examination for men's hairstyling certificate.
308-16-380 Definition of the words "chemical" or "chemicals."
308-16-390 Barber student curriculum.
308-16-400 Men's hairstyling curriculum, instructors and schools.
308-16-430 Renewal of licenses.
308-16-440 Catalog or brochure.
308-16-450 Minimum cancellation and refund policy.
308-16-460 Enrollment agreement (contract) checklist.
308-16-470 Bonding.
308-16-500 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-16-210 Examinations. [Rule 22, filed 12/4/63.] Repealed by Order 1, filed 2/7/68.

308-16-21001 Required haircut for performance examination. [Order PL 193, § 308-16-210 (codified as WAC 308-16-21001), filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.

308-16-211 Scoring for practical examination—Permit. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-211, filed 1/9/81; Order PL 193, § 308-16-211, filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.

308-16-212 Scoring for practical examination—Journeyman. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-212, filed 1/9/81; Order PL 193, § 308-16-212, filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.

308-16-217 Permittees—Partial examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-217, filed 1/9/81; Order 14, § 308-16-217, filed 3/14/69.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.

308-16-220 Renewal of permits. [Order PL 203, § 308-16-220, filed 11/5/75; Order PL-147, § 308-16-220, filed 8/14/73; Order 1 (part), filed 2/7/68; Rule 21, filed 12/22/64; 8/13/63.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.

308-16-230 Revocation of permits. [Rule 23, filed 12/22/64.] Repealed by Order 1, filed 2/7/68.]

308-16-280 Waivers, maximum and minimum months of attendance. [Order 7, § 308-16-280, filed 9/9/68.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.

308-16-370 Permit barber training. [Order PL-154, § 308-16-370, filed 12/10/73.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.

308-16-410 License renewal fee. [Order PL 163, § 308-16-410, filed 3/18/74.] Repealed by Order PL 203, filed 11/5/75. Later promulgation, see WAC 308-16-420.

308-16-420 Barber—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-16-420, filed 9/25/80; Order PL 203, § 308-16-420, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-16-500.

WAC 308-16-010 Limitations on practice. No barber shall be permitted to practice as an itinerant, but must work in an established place of business and only in a place for which a barber shop location license has been issued, except in the case of illness or disability of the patron. [Order 1 (part), filed 2/7/68; Rule 15, filed 3/23/60.]

WAC 308-16-020 Barber shops--Use of premises. No barber shop shall be used as a living, dining or sleeping apartment, and no pets, birds or animals other than guide dogs shall be permitted in the shop. No shop shall be operated in conjunction with another business unless said business sells original packaged merchandise. Then said shop must be partitioned off by means of a solid wood, metal or part-glass partition at least six feet high with doors. The partition must be flush with the floor. [Order 1 (part), filed 2/7/68; Rule 1, filed 3/23/60.]

WAC 308-16-030 Barber shops--Water supply. An adequate supply of hot and cold water from a municipal or satisfactory private source shall be provided. [Rule 3, filed 3/23/60.]

WAC 308-16-040 Barber shops--Discharge of waste water. Waste water from all plumbing fixtures shall be discharged into municipal sewers where available, otherwise, suitable facilities shall be installed for the absorption of the water by the soil in underground systems. [Rule 4, filed 3/23/60.]

WAC 308-16-050 Barber shops--Lighting fixtures. Lighting fixtures shall be in sufficient numbers and properly placed so as to provide adequate illumination. [Rule 6, filed 3/23/60.]

WAC 308-16-060 Barber shops--Ventilation. Every shop or college shall be properly and adequately ventilated. [Rule 7, filed 3/23/60.]

WAC 308-16-070 Barber shops--Receptacle for soiled towels. A closed receptacle, which can be readily emptied and cleansed, must be used for soiled towels. [Rule 10, filed 3/23/60.]

WAC 308-16-080 Barber shops--Waste receptacles. A closed refuse container for hair droppings, paper and other waste material shall be provided and maintained so that they are not offensive. [Rule 11, filed 3/23/60.]

WAC 308-16-090 Barber shops--Supervision and license. It shall be unlawful to own or operate a barber shop unless it is, at all times, under the direct supervision and management of a registered barber and unless a barber shop location license has been issued by the division of professional licenses. [Order 1 (part), filed 2/7/68; Rule 17, filed 3/23/60.]

WAC 308-16-100 Barber shops--Posting of license. The location license for each barber shop and barber college must be posted in a conspicuous place. [Rule 16, filed 3/23/60.]

WAC 308-16-110 Barber shops--General sanitation. All barber shops and colleges will be clean and sanitary at all times. [Rule 2, filed 3/23/60.]

WAC 308-16-120 Barber shops--Sanitation of walls, furniture and fixtures. Floors, walls, furniture and fixtures of barber shops shall, at all times, be kept clean and sanitary, constructed of materials which are readily cleanable, free from cracks, holes and crevices which may collect dirt and harbor insects and disease. [Rule 5, filed 3/23/60.]

WAC 308-16-130 Barber shops--Cabinets. Cabinets shall be constructed of materials which are readily cleanable. They shall have tight fitting doors that shall be kept closed to protect sterilized tools, implements, linen and towels from dust and dirt. [Rule 8, filed 3/23/60.]

WAC 308-16-140 Barber shops--Sterilization of tools and implements. All tools and implements must be placed in a sterilizing solution for sufficient time, removed and rinsed in hot water before being used. [Rule 9, filed 3/23/60.]

WAC 308-16-150 Barber shops--Health of personnel. No proprietor of a shop shall permit any person suffering from a communicable disease or from venereal disease to act as barber in said shop. [Rule 12, filed 3/23/60.]

WAC 308-16-160 Barber shops--Cleanliness of personnel. Every barber, student or instructor, while engaged in barbering, shall wear an outer garment of a hard finish material to which hair will not adhere or penetrate. Such barber personnel must present a neat appearance and keep his person clean and sanitary at all times. [Order PL-104, § 308-16-160, filed 8/3/71; Order 1 (part), filed 2/7/68; Rule 14, filed 3/23/60.]

WAC 308-16-170 Restricted services. No barber shall serve any person afflicted with any contagious or infectious disease nor shave any person when the surface to be shaved is inflamed or broken out and contains pus. [Order 1 (part), filed 2/7/68; Rule 13, filed 3/23/60.]

WAC 308-16-180 Use of certain materials restricted. If alum or other substance is used to stop the flow of blood, it shall only be used in powdered form and applied with a clean towel or in liquid form. The use of astringent pencils, sponges and puffs is prohibited. [Rule 18, filed 3/23/60.]

WAC 308-16-190 Inspection. Each barber shop shall be inspected at least twice a year. Each barber school or college shall be inspected at least six times a year. [Rule 20, filed 3/23/60.]

WAC 308-16-200 Barber colleges--Hours. The school day in an accredited college shall not be divided into periods that may work to the detriment of the students. A student shall not receive any credit toward the completion of the 1248-hour requirement for graduation for any time periods of less than four hours in any one day. [Order 7, § 308-16-200, filed 9/9/68; Rule 19, filed 3/23/60.]

WAC 308-16-205 Required haircut for performance examination. All applicants for barber licensure will be required to perform a haircut that is well balanced, with an emphasis upon shading and topping. Any one of the styles of haircuts contained on page 60 or 61 of the "Standardized Textbook of Barbering and Styling", Seventh Edition, published by the Associated Master Barbers and Beauticians of America is acceptable. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-205, filed 7/12/83.]

WAC 308-16-213 Practical examination--Length of examination. Barber examinees will be allowed no more than eighty minutes to complete all portions of the practical examination. [Statutory Authority: RCW 18-.15.056. 83-15-013 (Order PL 439), § 308-16-213, filed 7/12/83; Order PL 193, § 308-16-213, filed 6/12/75.]

WAC 308-16-214 Scoring for practical examination--Barber. All applicants for a barber practical examination must obtain a grade average of 75% in each

category of the practical examination, to wit: Haircutting, shaving, massaging, shampooing and conditioning of barber tools. The final score for each category shall be based upon the scores given to the applicant by the majority of the examiners or be based upon the average of the scores of all examiners, whichever is greater. A failure to obtain a final score of 75% in any one category will result in failure of the examination and upon a proper retest, the applicant will be required to perform those categories of the practical examination in which the applicant previously failed. [Statutory Authority: RCW 18.15.056. 83–15–013 (Order PL 439), § 308–16–214, filed 7/12/83.]

WAC 308–16–215 Reexaminations. Applicants for barber examination shall be permitted to take that category of the examination, both written and practical, [examination] which they have failed to pass: *Provided, however,* That all examinations shall be completed within one year of the date of original application. If more than one year has elapsed, a new application shall be submitted and all portions of the written and practical examinations successfully completed. [Statutory Authority: RCW 18.15.056. 81–03–015 (Order PL 365), § 308–16–215, filed 1/9/81; Order 12, § 308–16–215, filed 9/12/68.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–16–216 Partial written reexaminations. An applicant retaking the written barber examination, consisting of five branches, shall be reexamined only in those branches in which s/he has failed to receive a passing grade of 75%. [Statutory Authority: RCW 18-.15.056. 81–03–015 (Order PL 365), § 308–16–216, filed 1/9/81; Order 14, § 308–16–216, filed 3/14/69.]

WAC 308–16–218 Applications for examination. Applications for examination or reexamination and licensing must be received, complete in all respects including required fees, no later than 15 days prior to the beginning date of the next scheduled examination. [Statutory Authority: RCW 18.15.056. 81–03–015 (Order PL 365), § 308–16–218, filed 1/9/81.]

WAC 308–16–240 Brush–up courses. Any person previously licensed as a barber in the state of Washington or any person holding a valid master barber license from one of the other states of the United States, shall be deemed qualified to make an application to the director of licensing for a brush–up course and be entitled to obtain a certificate authorizing him to study the practice of barbering in any barber school or barber college of this state for a period of two hundred fifty hours in not more than sixty days. [Statutory Authority: RCW 18.15.056. 83–15–013 (Order PL 439), § 308–16–240, filed 7/12/83; Order 1 (part), filed 2/7/68.]

WAC 308–16–250 Instructor examinations. The minimum passing grade for the instructor's examination shall be seventy–five percent. [Order 1 (part), filed 2/7/68.]

WAC 308–16–260 Theory classes. In order to retain its accreditation a barber college must conduct theory classes, a minimum duration of 30 minutes per day, with an instructor in physical presence. Barbering demonstrations shall not be construed as theory instruction. [Order 7, § 308–16–260, filed 9/9/68.]

WAC 308–16–270 Minimum weekly theory hours. A student shall not receive any credit toward the completion of the 1248–hour requirement for any hours in any week which are in excess of 16 times the number of theory hours in that week. [Order 7, § 308–16–270, filed 9/9/68.]

WAC 308–16–290 Finishing services by instructors. An instructor shall not engage in the finishing of barber services on customers for those students who have completed more than 300 hours of instruction. [Order 7, § 308–16–290, filed 9/9/68.]

WAC 308–16–300 Defining "use" of instructor's license. An instructor's license shall stand revoked if not "used" for a period of two years. "Used" shall mean that the individual has been actively engaged in instruction in a barber school for at least 20 days during a two–year period. [Order 7, § 308–16–300, filed 9/9/68.]

WAC 308–16–310 Demonstrations and short courses. Demonstrations of hair styling, fitting and styling of hairpieces, and courses of short duration must comply with the following requirements:

(1) Courses will be restricted to licensed barbers;

(2) The demonstration [of] [or] course must be conducted in a barber school unless permission is obtained from the director to hold it in another location;

(3) The sponsors of the demonstration or course must file with the director a notification, in writing, not less than 15 days in advance, indicating when, where and by whom the demonstration or course will be conducted; and

(4) If the demonstration or course is conducted by other than a licensed barber instructor, then a Washington licensed barber or barber instructor must be designated as responsible for the program and approval by the director. [Statutory Authority: RCW 18.15.056. 83–15–013 (Order PL 439), § 308–16–310, filed 7/12/83; Order PL–147, § 308–16–310, filed 8/14/73; Order 7, § 308–16–310, filed 9/9/68.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–16–320 Time for applications. "Days" shall, for the purposes of RCW 18.15.050—Applications, mean working days for the Washington state division of professional licensing (Mondays, Tuesdays, Wednesdays, Thursdays and Fridays) with no disallowance for state holidays. [Order 12, § 308–16–320, filed 9/12/68.]

WAC 308–16–350 Textbook(s) used for barber examination. The latest revised edition of the Standardized Textbook of Barbering published by the Associated Master Barbers and Beauticians of America, or, after October 1, 1980, the latest revised edition of the Standard Textbook of Professional Barber – Styling, published by Milady Publishing Corporation, is the authority for barber examinations. [Statutory Authority: RCW 18-.15.110 and 18.15.240. 80–02–079 (Order PL 333), § 308–16–350, filed 1/18/80; Order PL–147, § 308–16–350, filed 8/14/73.]

WAC 308–16–360 Examination for men's hairstyling certificate. (1) The examination will consist of written, practical and oral examinations.

(a) Written examination will consist of: Hair analogy; chemical processing; wrapping and rolling the hair; and fitting and servicing wigs, wefts and hairpieces.

(b) Practical examination will consist of: Parting and sectioning of the hair; and rolling the hair with water, with papers on top and on bottom of the hair, and doing at least five rolls.

(c) Oral examination will consist of any question the examiner feels necessary to determine the applicant's ability.

(2) The authority for the examination will be the latest edition of Milady's "Advanced Textbook of Barbering and Hairstyling" and the "Textbook of Permanent Waving for Men." [Order PL–154, § 308–16–360, filed 12/10/73; Order PL–147, § 308–16–360, filed 8/14/73.]

WAC 308–16–380 Definition of the words "chemical" or "chemicals." The word "chemical" as used in the phrase "the chemical processing of the hair" in RCW 18.15.010 and the word "chemicals" as used in the phrase "applying chemicals as related to men's hairstyling" in RCW 18.15.210 shall mean: Chemicals which change the actual structure of the hair for the purposes of curl correction, straightening, permanent waiving and permanent hair coloring. [Order PL–154, § 308–16–380, filed 12/10/73.]

WAC 308–16–390 Barber student curriculum. (1) The curriculum to be followed by all licensed barber schools or colleges will consist of not less than one hundred and sixty hours of classroom theory instruction and not less than one thousand and eighty–eight hours of floor instruction and practice. Theory subjects or categories as identified herein are taken from the latest revised edition of the Standardized Textbook of Barbering, published by the Associated Master Barbers and Beauticians of America.

(2) The following minimum classroom instructional hours will be given to each student attending a barber school or college:

STANDARDIZED TEXTBOOK SUBJECTS	
Preface, history of barber profession ethics and business attitudes	1 hour
Implements of barber profession	1 hour
Honing and stropping	2 hours
Hygiene, sanitation	2 hours
Shaving	4 hours
Haircutting and styling basic, razor, long, ladies, black	20 hours
Shampoo, hair tonic, scalp massage services	4 hours
Facials, massages	8 hours
Hair relaxing	6 hours
Hair replacement	6 hours
Men's hair coloring	6 hours
Beard, goatee, mustache designing	2 hours
Recognizing, conditioning damaged hair	10 hours
Bacteriology, sterilization	4 hours
The skin and its appendages	24 hours
Hair, scalp and skin ailments	12 hours
Cosmetics and their chemistry	12 hours
Light therapy, electricity	1 1/2 hours
Syphilis	4 hours
Circulation	4 hours
Digestion	4 hours
Anatomy and physiology of cells	4 hours
Bones of the head	3 hours
Muscles	4 hours
Nervous system	4 hours
Barber boards	1/2 hour
Shop management and ownership	5 hours
Merchandising and shop layout	1 hour
Barber stylist and his business	1 hour
TOTAL	160 hours

(3) During the floor instruction and practice phase of the barber course, the following minimum hours of instruction will be given or the student supervised in performing functions as follows:

INSTRUCTIONS OR FUNCTIONS	
Care, use and handling implements	50 hours
Honing and stropping	50 hours
Haircuts	800 each
Shaves	75 each
Shampoos and tonics	100 each
Sanitation – sterilization	20 hours
Massage and massage services	100 each
Facials	100 each
Shampoos and scalp treatments	100 each
Hair coloring	10 each
Shop management	20 hours

(4) A monthly record of each student's training will be maintained and reported to the director on the forms as provided by him to each barber school or college. [Order PL 172, § 308–16–390, filed 6/20/74; Order PL 160, § 308–16–390, filed 2/21/74.]

WAC 308–16–400 Men's hairstyling curriculum, instructors and schools. (1) The curriculum for all men's hairstyling courses shall include instruction in hair analogy, chemical processing, wrapping and rolling of the hair, and fitting and servicing of wigs, wefts and hairpieces as follows:

(a) Theory and classroom instruction 32 hours;

(b) Practical instruction and floor practice 24 hours divided between the following subjects:

[(i)] Hair analogy 7 hours;

[(ii)] chemical processing 5 hours;

[(iii)] wrapping and rolling 7 hours;

[(iv)] fitting and servicing of wigs, wefts and hairpieces 5 hours.

(2) All men's hairstyling courses shall either be taught by a Washington licensed instructor who holds a valid men's hairstyling certificate or shall be held under the supervision of a person who holds a valid Washington men's hairstyling certificate.

(3) All men's hairstyling courses shall be held in licensed barber schools: *Provided*, That the committee may authorize additional locations when they determine it necessary to insure that equal training opportunities are available throughout the state.

[(4)] No licensee shall be given credit for attendance at a training program in men's hairstyling unless the course was approved by the committee in advance. Approval shall be contingent on the sponsor's submitting an application to the committee which includes the following information:

(a) The content of the course;

(b) the names and qualifications of the instructors;

(c) the dates on which the course will be offered;

(d) the location at which the course will be offered (including the sanitary facilities available);

(e) the name of the organization sponsoring or offering the course;

(f) the names and numbers of applicants who will be accepted for training;

Applications must be submitted for the committee's approval at least two weeks prior to the starting date of the course.

(5) The instructor or hairstylist supervising the course shall maintain adequate records of the hours and practical work completed by each person enrolled. No licensee shall be given credit for more than eight hours study and practice in any one day. Each licensee shall be furnished a certificate of graduation upon completion of the course signed by the supervising instructor or stylist, and a copy of the applicant's final training record shall be submitted to the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504 on such forms as the committee may require.

(6) Upon submission of a copy of the certificate, graduation from an approved men's hairstyling course and an application for examination, the committee will consider the candidate qualified for examination. [Order 283, § 308–16–400, filed 12/29/77; Order PL 160, § 308–16–400, filed 2/21/74.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–16–430 Renewal of licenses. (1) Effective with the renewal period beginning July 1, 1977, the annual license renewal date for barbers' licenses will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1977. Licensed barbers desiring to renew their license will be required to pay a fee of ten dollars plus approximately one–twelfth of that amount for each month, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following June 30, 1978.

(b) On and after July 1, 1977, all new or initial barber licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee on or before the license expiration date will be subject to the late payment penalty fee as set forth in WAC 308–16–420. [Order PL 262, § 308–16–430, filed 1/13/77.]

WAC 308–16–440 Catalog or brochure. Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

(1) The date of publication and year(s) for which the catalog or brochure is effective;

(2) The name and address of the school;

(3) The names of the owner(s) or governing body;

(4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;

(5) The school's normal hours of operation and instruction;

(6) The school's policy on enrollments and the specific criteria or requirements for admission;

(7) The school's policy on attendance, tardiness and student conduct;

(8) The school's grading system and policies;

(9) The educational objectives of the program, along with a summary of the requirements for licensure as a barber and a statement that a license is required to practice this occupation;

(10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;

(11) A description of the available space, facilities and equipment at the school and the class size;

(12) A detailed schedule of all fees, including charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;

(13) A copy of the school's refund policy which must at a minimum comply with WAC 308–16–450;

(14) A clear statement that the school does NOT guarantee employment and an accurate description of any placement or job counseling services offered by the school;

(15) An explanation of any scholarship or tuition waiver policies;

(16) Any other material facts concerning the school which are likely to affect the student's decision to enroll. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82–08–064 (Order PL 394), § 308–16–440, filed 4/7/82.]

WAC 308–16–450 Minimum cancellation and refund policy. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students and schools. An individual school, however, may wish to adopt a more liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the commission for vocational education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreement.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction, and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within 3 days of signing an enrollment agreement or making an initial payment, shall be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty–five dollars.

(b) Any applicant who requests a refund more than 3 days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition.

(c) Any student terminating training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid on the number of hours the student was enrolled in the program as set forth in the following table:

No. Hours Enrolled	% Tuition to be Refunded by the School
1–156	80%
157–312	60%
313–624	40%
625–936	20%
More than 937	0%

(d) Any student disabled by prolonged illness or accident after completing 937 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract price upon proper certification by the student's attending physician.

(5) Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

(6) Any moneys due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

(7) Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(8) No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless the student, the student's guardian and/or financial sponsor is notified of such sale or assignment. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82–08–064 (Order PL 394), § 308–16–450, filed 4/7/82.]

WAC 308–16–460 Enrollment agreement (contract) checklist. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Requirement elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title as identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g., quarter, semester, etc.) and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charge.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Methods and terms of payment. Must comply with Federal Truth–In–Lending and state retail installment sales contract requirements.

(f) Starting date. Scheduled class starting date.

(g) Class schedule. All day, morning, afternoon, evening, split or other time of class attendance.

(h) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(i) Cancellation or termination by student. How to cancel or voluntarily terminate the agreement.

(j) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 308–16–450.

(k) Employment or tuition assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student.

(l) Effective date. Not binding until signed by the student or his guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(m) Acknowledgments. Acknowledgment that signers have read and received a copy of the contract must appear on the contract in 8 pt. boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School signature. Acceptance date and signature of appropriate official at the school.

(p) Other elements. Other elements required by other state, local or federal governmental bodies.

(i) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82–08–064 (Order PL 394), § 308–16–460, filed 4/7/82.]

WAC 308–16–470 Bonding. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy–five thousand dollars. Schools not having been in operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director. [Statutory Authority: RCW 18.15.056 and 18-.15.090. 82–08–064 (Order PL 394), § 308–16–470, filed 4/7/82.]

WAC 308–16–500 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Barbers:	
Application and exam	$ 30.00
Full exam	30.00
Partial reexam	15.00
Renewal	35.00
Late renewal penalty	35.00
Instructors:	
Application and exam	30.00
Reexam	30.00
Renewal	35.00
Late renewal penalty	35.00
Manager instructors:	
Application and exam	30.00
Reexam	30.00
Renewal	35.00
Late renewal penalty	35.00
Duplicate license (any)	5.00
Certified men's hairstylist:	
Application and exam	50.00
Reexam	50.00
Barber shops:	
Application	25.00
Renewal	25.00
Transfer fee	25.00
Late renewal penalty	25.00
Barber schools:	
Application	150.00
Renewal	150.00
Late renewal penalty	150.00
Barber student application	5.00
Student barber certificate renewal	5.00
Shop original inspection fee	25.00
Shop transfer penalty fee	25.00

[Statutory Authority: 1983 c 168 § 12. 83–22–060 (Order PL 446), § 308–16–500, filed 11/2/83; 83–17–031 (Order PL 442), § 308–16–500, filed 8/10/83. Formerly WAC 308–16–420.]

Chapter 308–24 WAC
BEAUTY CULTURE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–24–005 Definitions. [Order PL 105, § 308–24–005, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.

308–24–010 Licensing out of state applicants—Equivalency. [Rules (part), filed 3/23/60.] Repealed by Order PL 105, filed 2/11/71.

308–24–020 Licensing out of state applicants—Temporary permits are not granted. [Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–030 Licensing out of state applicants—With two years experience. [Order PL 105, § 308–24–030, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–040 Licensing out of state applicants—With less than two years experience. [Order PL 105, § 308–24–040, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–050 Licensing of foreign beauticians. [Order PL 105, § 308–24–050, filed 2/11/71; Rules, filed 6/14/66; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–100 Posting of rules, licenses and inspection reports. [Order PL 105, § 308–24–100, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–110 Inspections. [Order PL 105, § 308–24–110, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–120 Standard requirements for maintenance and operation. [Order PL 105, § 308–24–120, filed 2/11/71; § 308–24–120, filed 7/20/67; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–130 Disinfection and sanitization of implements. [Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–140 Operator and employees. [Order PL 105, § 308–24–140, filed 2/11/71; § 308–24–140, filed 7/20/67; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.

308–24–150 Badges for certain students. [Regulation, filed 7/8/66.] Repealed by Order PL 152, filed 10/11/73.

308–24–160 Forfeiture of examination fee. [Order 3, filed 4/18/68.] Repealed by Order PL 105, filed 2/11/71. Later promulgation, see WAC 308–24–180.

308–24–170 Equivalent high school education. [Order PL 105, § 308–24–170, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.

308–24–180 Applications, examinations and renewals. [Order PL 105, § 308–24–180, filed 2/11/71; WAC 308–24–160 (part).] Repealed by Order PL 152, filed 10/11/73.

308-24-190	Trainee students. [Order PL 105, § 308-24-190, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
308-24-200	Recording student hours. [Order PL 105, § 308-24-200, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
308-24-210	Post graduate training for instructors. [Order PL 105, § 308-24-210, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
308-24-220	School equipment and facilities. [Order PL 105, § 308-24-220, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
308-24-310	Trainee students. [Statutory Authority: RCW 18.18-.020. 79-12-001 (Order PL 319), § 308-24-310, filed 11/8/79; Order PL 152, § 308-24-310, filed 10/11/73.] Repealed by 82-21-036 (Order PL 409), filed 10/15/82. Statutory Authority: RCW 18.18.020.
308-24-380	Examination for licensing. [Order PL 279, § 308-24-380, filed 12/19/77; Order PL 212, § 308-24-380, filed 11/5/75; Order PL 152, § 308-24-380, filed 10/11/73.] Repealed by 81-09-031 (Order PL 376), filed 4/13/81. Statutory Authority: RCW 18.18.020.
308-24-405	Licensing out of state applicants—With two years experience. [Order PL 152, § 308-24-405, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
308-24-410	Licensing out of state applicants—With less than two years experience. [Order PL 152, § 308-24-410, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
308-24-415	Licensing of foreign applicants. [Order PL 152, § 308-24-415, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
308-24-480	License renewal fee. [Order PL 163, § 308-24-480, filed 3/18/74.] Repealed by Order PL 212, filed 11/5/75. Later promulgation, see WAC 308-24-490.
308-24-490	Cosmetology—Fees. [Statutory Authority: RCW 43-.24.085. 80-14-022 (Order 356), § 308-24-490, filed 9/25/80. Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-490, filed 11/8/79; Order PL 212, § 308-24-490, filed 11/5/75. Formerly WAC 308-24-480(part).] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-24-485.

WAC 308-24-300 Definitions. (1) The words "three hundred hours of instruction and practice" as used in RCW 18.18.210 shall mean: A total of three hundred hours of classroom instruction at a licensed cosmetology school, consisting of a combination of formal instruction, supervised study, and supervised practice.

(2) The words "his or her own family" as used in RCW 18.18.260 shall mean: Licensee's husband or wife, licensee's children and all other immediate relatives of the licensee.

(3) The word "student" as used in RCW 18.18.050, and 18.18.210 shall mean a person who is enrolled in a 2,000 hour course of instruction in a licensed cosmetology school. In all other cases, the word "student" as used in chapter 18.18 RCW shall mean those individuals enrolled in all or part of the 2,000 hour cosmetology course, 500 hour manicurist course or 500 hour cadet instructor course in a licensed cosmetology school.

(4) Practice of manicuring as used in RCW 18.18.010(4) also includes:

(a) Hand and arm massage when performed in conjunction with a manicure. Arm massage not to extend beyond the elbow.

(b) Foot and leg massage when performed in conjunction with a pedicure. Leg massage not to extend beyond the knee.

(c) Facial makeup to include: Application of false and semi-permanent eyelashes; temporary removal of facial hair when performed in conjunction with facials; tinting eyelashes and brows; and arching brows.

(d) Applying, caring and removal of artificial nails.

(5) The words "shop," "shops," "licensed shop," or "licensed shops" as used in this chapter includes both cosmetology shops and manicurist shops as defined in RCW 18.18.010 (7) and (8).

(6) In accordance with the 1982 revision of chapter 18.18 RCW the term "cosmetology operator" shall now mean cosmetology manager operator and "manicurist" shall now mean manicurist manager operator. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-300, filed 10/15/82; 79-12-001 (Order P.L. 319), § 308-24-300, filed 11/8/79; Order PL 279, § 308-24-300, filed 12/19/77; Order PL 152, § 308-24-300, filed 10/11/73.]

WAC 308-24-305 Demonstrations and contests. (1) Any person who represents a manufacturer, wholesaler, retailer or distributor and who for the purpose of advertising, promoting or selling any cosmetology lotion, compound, preparation, substances, equipment or supplies, may perform demonstrations of the use [or] [of] application of the item, incident to the original, retail sale of the item, provided that if a person is to be used as a model, then such person must:

(a) Voluntarily agree to serve as a demonstration model; and,

(b) Not be subject to any charge or fee for such demonstration.

However, if the demonstrator does not hold a Washington state cosmetology instructor operator license, then any such demonstration in a cosmetology school must be performed in the presence of and under the direct supervision of a duly licensed Washington state cosmetology instructor operator.

(2) A licensee, or person who does not hold a Washington state cosmetology license, may demonstrate equipment, materials, products, hairstyling, hairwaving, or haircutting in conjunction with any state-wide or regional cosmetology or hairdressing trade show provided:

(a) The demonstration is confined to the explanation or application of cosmetics, hair products, hairstyling, haircutting or other aspects of the cosmetology industry, and,

(b) The cosmetology or hairdressing trade show is conducted or designed primarily for the benefit of licensed cosmetologists or others qualified in the profession, and

(c) If the demonstration requires the use of a person as a model, then the person servicing as a model must:

(i) Voluntarily agree to serve as a demonstration model, and

(ii) Not be subject to any charge or fee for such demonstration.

(3) State–wide or regional contests or competition, involving a branch of cosmetology, may be conducted in places other than licensed cosmetology schools or shops, provided:

(a) The contest or competition is held for the primary purpose of generating interest in and enhancing the cosmetology profession; and,

(b) All contestants are currently licensed as cosmetologists or registered as cosmetology students; and,

(c) The general safety and sanitation regulations governing schools and shops are met; and,

(d) If the contestants are required to use a person to serve as a model, then such person must:

(i) Voluntarily agree to serve as the contestant's model; and,

(ii) Not be subject to any charge or fee for the services received from the contestant.

(4) Persons or firms desiring to conduct demonstrations other than those authorized by WAC 308–24–305 (1) and (2) may request the director's approval of such demonstrations. Request must be made in writing to the director at least thirty days prior to the planned demonstration date, indicating the time, place, purpose and conduct of such demonstration. [Statutory Authority: RCW 18.18.020. 81–03–016 (Order PL 366), § 308–24–305, filed 1/9/81; Order PL 279, § 308–24–305, filed 12/19/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–24–315 Equivalent high school education. The only acceptable equivalency for high school education shall be the successful completion of the standard GED test by obtaining an average score of at least 45% with no individual scores of less than 35% in any graded subject. [Order PL 152, § 308–24–315, filed 10/11/73.]

WAC 308–24–320 Recording student hours. (1) Each licensed school shall record registered students' instructional hours and requirements monthly on forms provided by the director. All original copies of the monthly reports of students' hours and requirements shall be retained in the school files so long as the student is registered and undergoing instruction in that school, with the exception of the original final report which is taken to examination. The original shall be submitted to the examining committee and a copy retained by the school. All retained reports will be made available by the school at the request of students, cosmetology executive secretary or authorized representatives. In cases of separation or transfer of students, schools shall report the instructional hours and requirements earned not later than 10 days following the date of student's separation or transfer from the school.

Cadet instructor hours must be recorded daily by accomplishment and kept on file in the school along with progress reports and evaluations. The original summary of hours and final evaluation of satisfactory completion must be submitted to the examining committee at the time of examination.

(2) Only instructor operators or managers and the individual students will attest to the correctness of the monthly reports.

(3) Fractional hours, if recorded on the monthly reports shall be in increments of no less than 15 minutes, i.e., 1/4, 1/2, 3/4 hours or 15, 30 or 45 minutes.

(4) No student will be given credit for more than eight hours of instruction in any one day. A student will be given credit daily for all hours of attendance in a licensed cosmetology school. Each practical and theory requirement completed shall be credited daily. School's disciplinary policies should not affect hours and requirements which have already been completed.

(5) A duplicate copy of the student's monthly instruction report will be furnished to the student at the completion of each month.

(6) At the time of application for examination, the school shall submit a report of hours and requirements to date of application for each candidate. Such report to be submitted with list of all candidates. [Statutory Authority: RCW 18.18.020. 82–21–036 (Order PL 409), § 308–24–320, filed 10/15/82; 81–03–016 (Order PL 366), § 308–24–320, filed 1/9/81; Order PL 279, § 308–24–320, filed 12/19/77; Order PL 152, § 308–24–320, filed 10/11/73.]

WAC 308–24–330 Credit allowed on transfer of training. (1) A licensed manicurist or a registered student of a manicurist course of instruction desiring to enroll in a 2,000 hour cosmetology course, may be given credit in the cosmetology course, as determined by the examining committee; but such credit shall not exceed the number of hours and operations as set forth in the curriculum.

(2) A registered student enrolled in a 2,000 hour cosmetology course desiring to enroll in a manicurist course, may be given credit in the manicuring course, as determined by the examining committee; but such credit shall not exceed the number of hours and operations as set forth in the curriculum.

(3) An individual applying for license as a cosmetologist, manicurist or instructor who may have been licensed by another state, but who does not meet this state's requirements for licensing, may be given credit in a cosmetology, manicurist or cadet instructor course as determined by the examining committee, but such credit shall not exceed the number of hours and operations as set forth in the curriculum. [Statutory Authority: RCW 18.18.020. 82–21–036 (Order PL 409), § 308–24–330, filed 10/15/82; Order PL 152, § 308–24–330, filed 10/11/73.]

WAC 308–24–335 State correctional institutions. A licensed cosmetology school may recognize up to the first four hundred hours spent at a cosmetology school operated by and within the confines of a state correctional institution. For the purposes of this rule, a state correctional institution is one established under any one

or more of the following chapters: 72.08, 72.12, 72.13, 72.15, 72.18, 72.19, and 72.20 RCW. These hours may be recognized only if completed in accordance with the following: (1) That the student's curriculum must be approved as set forth in RCW 18.18.190 and WAC 308-24-355, (2) that no charge is made for any student services and students are not compensated for any work that they perform, (3) that the institutional school's facilities are subject to and conform to the requirements of RCW 18.18.210 and WAC 308-24-450, (4) that the class consist of six students or less in the program at any one time, and (5) that the school be regularly inspected in accordance with RCW 18.18.108 and WAC 308-24-470. [Statutory Authority: RCW 18.18.020. 79-02-012 (Order PL-298), § 308-24-335, filed 1/11/79.]

WAC 308-24-340 Student restrictions. (1) Students enrolled in a cosmetology course of instruction who have completed more than 300 hours of instruction and practice in a cosmetology school shall wear a badge which must meet the following requirements:

(a) Be greater than 1 1/2" X 1 1/2" in dimensions;

(b) Include the phrase "over 300 hours";

(c) Display the student's name.

(2) Students having less than 300 hours of instruction and practice in a cosmetology course of instruction shall not be allowed to wear any type of badge other than a name identification.

(3) Student training shall not exceed eight hours in any one day.

(4) A student enrolled in the manicurist course of instruction having more than 100 hours of instruction and practice in such course shall wear a badge which must meet the following requirements:

(a) It must be greater than 1 1/2" X 1 1/2" in dimensions;

(b) Include the phrase "manicurist over 100 hours";

(c) Display the student's name.

(5) Students having less than 100 hours of instruction and practice in the manicurist course shall not be allowed to wear any type of badge other than a name identification.

(6) No charge shall be made for the student's work or services until the student has completed the following:

(a) Cosmetology student, 300 hours of instruction and training as a cosmetologist in a licensed cosmetology school.

(b) Manicurist student, 100 hours of instruction and training as a manicurist in a licensed cosmetology school.

(7) All students enrolled in a cosmetology operator or manicurist course of instruction at a licensed cosmetology school must wear washable, professional type of apparel while in attendance at such school. Students are expected to maintain a neat and clean appearance at all times while in attendance and undergoing training at a licensed school.

(8) Students enrolled in the cadet instructor course will wear a badge displaying their name and the words "cadet instructor." [Statutory Authority: RCW 18.18-.020. 82-21-036 (Order PL 409), § 308-24-340, filed 10/15/82; Order PL 279, § 308-24-340, filed 12/19/77; Order PL 152, § 308-24-340, filed 10/11/73.]

WAC 308-24-345 Curriculum for cadet instructors. Licensed cosmetology schools wishing to offer training for cadet instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on a minimum of 500 hours of training and study in the areas shown below:

(1) 150 hours of training in instructional methods covering the following subjects or units;

(a) 30 hours on methods of teaching cosmetology: (Vocational education, Unit 1)

(i) Lesson planning;

(ii) Student learning principles;

(iii) Classroom management;

(iv) 4 step method.

(b) 30 hours on occupational analysis and advisory committees: (Vocational education, Unit II)

(i) Develop system for analysis;

(ii) Charting and categorizing;

(iii) Validating;

(iv) Organizing and working with advisory committees.

(c) 30 hours on course organization: (Vocational education, Unit III)

(i) Develop instruction from analysis;

(ii) Organize and prioritize;

(iii) Group and sequence learning units;

(iv) Test and evaluate;

(v) Teaching aids.

(d) 30 hours on student leadership development: (Vocational education, Unit XXIII)

(i) How to be effective;

(ii) Vocational Industrial Clubs of America or student leadership organization;

(iii) Personality and conduct;

(iv) Interpersonal relationships;

(v) Customer relations.

(e) 30 hours on one of the following topics or units;

(i) Testing and rating (Unit IX);

(ii) Shop organization and management (Unit X);

(iii) Audio visual materials (Unit XXII);

(iv) Philosophy of vocational education (Unit XVIII);

(v) Techniques in individualized instruction (Unit XXIV).

(2) 350 hours of training in clinic supervision and management covering the application of teaching techniques as follows:

(i) Practical classroom and clinic services;

(ii) Dispensary inventory and maintenance;

(iii) Reception area management.

(A) Use of cash register;

(B) Telephone techniques;

(C) Student practical assignments.

(3) Cadet instructors are considered to be students and cannot be used to satisfy the minimum instructor requirements or to replace a licensed instructor required by RCW 18.18.170. Cadet instructors must be under the direct supervision of a licensed instructor operator at all

times. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-345, filed 10/15/82.]

WAC 308-24-350 Eligibility requirements for licensing as a manicurist. (1) To be eligible for the manicuring examination, an applicant must:

(a) Be at least 18 years of age, and of good moral character and temperate habits;

(b) Have graduated from an accredited high school or the equivalent thereof;

(c) Have completed a course of training of not less than 500 hours in a registered cosmetology school. A certificate of completion issued by the school of cosmetology must accompany each application for examination. Licensed schools may not withhold the issuance of a certificate of completion to a student having completed 500 hours of instruction for any reason other than for the purpose as set forth in WAC 308-24-355(7).

(d) Complete an application accompanied with school certificate of completion, required fee and submit to the division of professional licensing, cosmetology section, Olympia, Washington. [Order PL 279, § 308-24-350, filed 12/19/77; Order PL 152, § 308-24-350, filed 10/11/73.]

WAC 308-24-355 Curriculum for cosmetology operator course of instruction. (1) Licensed cosmetology schools are required to develop and maintain an appropriate curriculum for the course of study and training as conducted by the school. The curriculum or course outline for cosmetology operator training should be developed and based upon two thousand hours of instruction, training and practice in the subjects as outlined in RCW 18.18.190 and as supplemented by WAC 308-24-355.

(2) Each school must schedule a minimum of one hour each training day for classroom textbook instruction. Such instruction is defined to be formal lectures by an instructor, or demonstration and instructions by an instructor of practical techniques, methods, procedures, applications or operations relating to the practices of cosmetology or hairdressing.

(3) The minimum hours of classroom instruction for each practical subject shown below shall be:

SUBJECT	MINIMUM INSTRUCTIONAL HOURS
SHAMPOOING	10
RINSES	5
CARE OF FACE INCLUDING EYEBROWS AND LASHES:	
(a) Facial including makeup	15
(b) Eyebrow, arches and lash care	10
SCALP TREATMENTS:	
(a) Manipulations and other methods	7
(b) Conditions	3
HAIR COLORING AND BLEACHING	30
PERMANENT WAVING	25
CHEMICAL RELAXERS	5
FINGERWAVING	20
HAIR SHAPING AND CUTTING	20
MANICURING	15
STYLING:	
(a) Rollers and pin curls	30
(b) Iron curling and thermal waving	10
WIG CARE	5

(4) In addition to required classroom instruction, each student must also complete a minimum number of practical operations during their 2000 hour course of instruction. The minimum operations assigned to each practice shown below, shall be:

SUBJECT	MINIMUM OPERATIONS
SHAMPOOS	100
RINSES	25
HAIRCUTS:	
(a) Scissor	50
(b) Razor	50
ARCHES/LASH/BROW TREATMENTS	10
MANICURES	50
HAIRSTYLING :	
(a) Fingerwaves	25
(b) Pincurls and/or roller sets	250
(c) Thermal waves	25
SCALP TREATMENTS INCLUDING MANIPULATIONS	25
FACIALS AND MAKEUP	25
PERMANENT WAVING:	55
(a) Chemical relaxers	5
HAIR COLORS:	
(a) Tints	35
(b) Bleaches, all types	5
WIG CARE	3

(5) Chemical relaxers, bleaches and wig care practices may be performed on manikins. At least 50 percent of each of the other required practical operations, shown in subparagraph (4) above, must be completed on a model (other than a manikin) or patron while under the direct supervision of a licensed instructor operator. No student may be given credit or partial credit for any operation unless it was wholly performed and completed by that student. Further, no charge may be made for the student's services in performing these services until the student has completed 400 hours of instruction and practice as provided in RCW 18.18.210.

(6) All minimum requirements must be completed before a student can be considered qualified for licensing as an operator. However, nothing contained in this rule shall prohibit or limit any licensed school from imposing whatever additional requirements considered necessary to ensure that its students are fully and properly trained.

(7) Students satisfactorily completing the required 2000 hour cosmetology course of instruction and training will be furnished a certificate of completion by the cosmetology school. Students will be required to furnish a copy of this certificate to the examining committee

prior to being examined as to their qualifications for a cosmetology operator's license. Licensed cosmetology schools may not withhold the issuance of a certificate of completion to a student having completed 2000 hours of instruction for any reason other than the student's failure to meet the training or professional qualification standards set by the school, provided that in all such cases, the school has informed the student in writing the specific reasons for withholding the issuance of the certificate and has likewise informed the student of the estimated additional type of training required in order to satisfactorily meet the school's professional qualification standards. [Order PL 279, § 308-24-355, filed 12/19/77.]

WAC 308-24-360 Curriculum for manicurist course of instruction. (1) The curriculum for students enrolled in a cosmetology school for a manicurist course of five hundred hours shall be:

SUBJECT	MINIMUM HOURS ASSIGNED TO SUBJECT
1. CLASSROOM INSTRUCTION IN THE SCIENCE AND PRACTICE OF MANICURING, PEDICURING, AND FACIALS . . . . . For the purpose of this section: Classroom instruction in state law on cosmetology, including professional ethics, hygiene, and good grooming; salesmanship; personality development; bacteriology; sterilization; safety measures; anatomy and physiology; science of manicuring; hand and arm massage; science of facials including massage treatments; depilatories; makeup; eyelash and brow care; electricity and chemistry as applied to manicuring, pedicuring and facials.	100
2. PRACTICAL TRAINING AND TECHNICAL INSTRUCTION IN THE PRACTICE OF MANICURING, PEDICURING AND FACIALS . . . . . Practical training shall mean practice on another person by cutting, trimming, cleansing, polishing, repairing, coloring, massaging nails, hands, arms, feet and legs. Facial makeup, massaging, cleansing, treating, beautifying face, neck, chest, and shoulders.	350
3. LABORATORY . . . . . Shall consist of: Individual practice in the preparation of germicidal solutions and practice in cleansing, disinfecting, and maintaining manicuring, pedicuring and facial equipment, tools, and implements used on a patron.	10
4. MISCELLANEOUS PRACTICAL TRAINING AND TECHNICAL INSTRUCTION AS FOLLOWS . . . . . Additional instruction and practices as determined necessary by the school. Additional instruction in self study, normal clean up duties, required keeping of records, and the art of telephone etiquette.	40
5. MINIMUM OPERATIONS ASSIGNED TO SUBJECT . . . . . Shall consist of: 30 plain manicures, 10 oil manicures, 10 buffer manicures; 5 pedicures; 15 hand and arm massages; 10 nail repairs; 5 false nails; 25 facials; 20 makeups; 10 packs or masks; 10 wax depilatories; 10 eyebrow arches; 5 lash and brow tints; 10 artificial lash applications.	within hours shown above

[Order PL 152, § 308-24-360, filed 10/11/73.]

WAC 308-24-370 Application and examinations. (1) Applications for student registration, except for those students registered under authority of RCW 18-.18.010 (14), (16) and (17), must be accompanied by a copy (or certification) of the applicant's high school diploma, or a copy of the applicant's GED test results.

(2) Applications for special student registrations must be accompanied by a copy of the letter of agreement between the student's senior high school (or prep school) and the licensed cosmetology school. When these students apply for examination and licensing, each will then be required to produce a copy (or certification) of his or her high school diploma.

(3) Students must submit application[s] for examination and licensing to be received, complete in all respects including required fees, no later than 45 calendar days prior to the beginning date of the scheduled examination. Licensed schools may allow a student to submit an application for cosmetology instructor, manager operator or manicurist manager operator examination before actual completion of the required minimum training hours, provided, the school owner or manager may reasonably expect or anticipate that such student will have completed the required number of training hours by the beginning date of the examination for which application is made.

(4) Generally examinations will be scheduled to be conducted during the months of January, March, May, July, September, and November of each year. In January of each year the examining committee will determine the beginning date for each examination period for the following calendar year. Thereafter this schedule of

examination[s] will be furnished to each licensed cosmetology school and will be available to any person upon request.

(5) An individual who has filed an application and is subsequently scheduled for examination should notify the director, in writing, if he/she is unable to appear for the scheduled examination. Failure to give such notification at least seven days before the scheduled examination date will result in total forfeiture of the application and examination fee. Conversely, seven day's notice will cause the applicant to be rescheduled for the next examination.

(6) Applications for a shop or school license will be submitted at least thirty days prior to the proposed opening date and will be accompanied with diagram, sketch or drawing of the entire floor plan for the proposed establishment. This floor plan should show or identify: Outside entrances; restrooms; and, to the extent applicable, waiting rooms; storage rooms; dispensary; any other rooms; styling or work stations, dryers, shampoo bowls, facial area; facial equipment; sinks, manicure equipment; manicure work stations; and any other major items of fixed or mobile equipment. These floor plan drawings will be used by the department in determining whether the proposed shop or school has sufficient space and equipment to adequately perform the services to be offered to the public and to ensure that the shop or school will provide the facilities and equipment as set forth in chapter 18.18 RCW and the rules adopted under the authority thereof. Additionally, these drawings will be used as a guide during the prelicensing inspection. [Statutory Authority: RCW 18.18.020. 82–21–036 (Order PL 409), § 308–24–370, filed 10/15/82; 79–12–001 (Order P.L. 319), § 308–24–370, filed 11/8/79; Order PL 279, § 308–24–370, filed 12/19/77; Order PL 152, § 308–24–370, filed 10/11/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–24–382 Examination for licensing. (1) All applicants must at their scheduled time for examination, present the admittance card or letter previously sent to them by the division of professional licensing. Applicants must appear for the practical portion of the examination in washable, professional uniforms of one of the following types:

(a) A white uniform dress, or

(b) A white tunic or jacket and a white or dark colored skirt, or

(c) A white tunic or jacket and white or dark colored slacks or pants.

(2) Applicants for cosmetology operator or manicurist examination, who submitted their application prior to the completion of the minimum hours of instruction, must at the time of examination present written certification that they have completed the minimum curriculum and training as prescribed by chapter 18.18 RCW and chapter 308–24 WAC.

(3) It is the applicant's responsibility to furnish or procure the individual supplies and equipment required for the practical examination. Also, it is the sole responsibility of the cosmetology operator or manicurist applicant to provide a suitable model upon which the applicant will be required to demonstrate certain skills or techniques during the practical examination phase. These models must meet the following requirements:

(a) Be at least 15 years of age;

(b) The model's hair must be clean and of sufficient length that a minimum of one inch may be removed by cutting and with sufficient hair remaining so that examinee may perform the services or functions as set forth in WAC 308–24–380 (5)(a).

(c) The model's fingernails must have not less than one–eighth inch of free edge. Free edge is defined as the end portion of the nail plate extending over the fingertip.

(d) The model must be free from any infectious or contagious disease of the head, scalp, hair, face, neck, hands or nails such as acne, tinea or herpes simplex. The examining committee reserves the right to disqualify any model who, in their opinion, may be a carrier of an infectious or contagious disease.

NOTE: Applicants are prohibited from using any person who is: A registered cosmetology or manicuring student; licensed in any branch of cosmetology; or a cosmetology school owner. Additionally, because of limitation of physical space or facilities, an applicant may only use one individual to serve as the model for all phases of the practical examination for which the applicant is scheduled. [Statutory Authority: RCW 18.18-.020. 81–09–031 (Order PL 376), § 308–24–382, filed 4/13/81.]

WAC 308–24–384 Scope of examinations. (1) Written examinations:

(a) Cosmetology manager operator. The written portion of this examination will include questions relating to the following branches of cosmetology:

(i) Hairstyling and shampooing;

(ii) Hair coloring and bleaching;

(iii) Permanent waving and chemical hair relaxing;

(iv) Hair shaping;

(v) Scalp and hair treatments;

(vi) Manicuring and pedicuring;

(vii) Facials, makeup and theory of massage;

(viii) Anatomy and physiology as it pertains to cosmetology;

(ix) Hygiene, sanitation and sterilization;

(x) Salon management, state cosmetology laws and regulations, professional ethics and other practices of cosmetology.

(b) Manicurist manager operator. The written portion of this examination will include questions relating to the following branches of manicuring:

(i) Manicuring as defined in RCW 18.18.010(3);

(ii) Hygiene, sanitation and sterilization;

(iii) Anatomy and physiology as it pertains to manicuring, pedicuring, and facials;

(iv) Salon management, state cosmetology law and regulations, professional ethics and other practices of manicuring.

(c) Cosmetology instructor operator. The written portion of this examination will include questions relating to educational psychology, instructional planning, principles and methods of teaching, training aids, testing and evaluation and state cosmetology law and regulations.

(2) Practical examinations:

(a) Cosmetology manager operator. The practical portion of this examination may include an actual demonstration of or in the following functions or branches:

(i) Facials;

(ii) Scalp treatments;

(iii) Haircuts (razor, scissor dry or scissor wet);

(iv) Shampooing;

(v) Hair coloring and bleaching;

(vi) Fingerwaves;

(vii) Permanent waving;

(viii) Chemical straightening;

(ix) Thermal curling or waving;

(x) Hairstyling;

(xi) Manicuring.

(b) Manicurist manager operator. The practical portion of this examination may include an actual demonstration of or in the following functions or branches:

(i) Manicuring;

(ii) Pedicuring;

(iii) Facial treatments including makeup;

(iv) Arches/lash/brow treatments.

(c) Cosmetology instructor operator. The practical portion of this examination will be graded based upon applicant's demonstration of teaching skills and the lesson plans submitted as directed by the examining committee.

(3) The examination shall consist of written questions and answers and practical tests. Passing grades shall be based on the standard of one hundred percent. An applicant who receives a passing grade of not less than seventy-five percent in all branches, shall be entitled to a license. Those applicants who do not obtain a score of seventy-five percent in all branches of the examination will fail the examination.

(4) Any applicant for instructor, cosmetology or manicurist license having failed the examination may apply for reexamination at the next scheduled examination upon payment of reexamination fee. Such applicants will be reexamined in those branches failed. However, if the applicant again fails to successfully pass the examination, he or she may be required to return to an approved cosmetology school for additional instruction, as determined by the committee, before he may be reexamined in those branches. Any applicant who fails to obtain the additional training to be reexamined and be licensed within three years following original examination date, shall be required to take the entire licensing examination.

(5) (a) The examining committee recognizes that there are many textbooks offering instruction in the theory and practice of cosmetology and does not intend to endorse any one textbook or to limit the textbooks any licensed school may use to instruct its students. Therefore, in the event a dispute arises over the answer to the test question, the committee will rely on the majority of information found in the Standard Textbook of Cosmetology, Milady Publishing Corp., 1981 Edition; West's Textbook of Cosmetology, West Publishing Co., 1981 Edition; or the Professional Cosmetologist, West Publishing Co., 1979 Edition, as the authority in determining which answers may be credited as correct or incorrect.

(b) Textbook authority for instructor operator examination will be Cosmetology Teacher Training Manual, published by Milady Publishing Corp., copyright revision 1977. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-384, filed 10/15/82; 81-09-031 (Order PL 376), § 308-24-384, filed 4/13/81.]

WAC 308-24-390 Time limitation for licensing. Individuals registering as students in a school of cosmetology must complete their training, successfully pass the examination, and be licensed within a period of not more than five years. Otherwise, records of student hours and training received will no longer be considered valid. [Order PL 152, § 308-24-390, filed 10/11/73.]

WAC 308-24-395 Instructor examination for licensing. It is the sole responsibility of the cadet instructor to furnish all necessary equipment and supplies needed to take the practical examination. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-395, filed 10/15/82.]

WAC 308-24-400 Licensing out of state applicants--Temporary permits are not granted. The filing of an application for a license is no assurance that a license will be issued. Therefore, it is unlawful for an operator or a manicurist to work in this state until applicant has secured a license. Under no circumstances will anyone be permitted to do any phase of cosmetology work in this state without first obtaining a Washington license. We do not issue temporary permits. [Order PL 152, § 308-24-400, filed 10/11/73.]

WAC 308-24-403 Licensing out of state applicants without examination. (1) Applicants may be issued a license as a cosmetology operator, manager operator, instructor operator, manicurist manager operator, or manicurist without examination provided their qualifications, training and experience obtained in any state, territory, possession or foreign country are substantially equal to the prerequisites for such licensing in the state of Washington. Applicants seeking license must submit the following for review and determination as to whether they meet the licensing requirements of this state:

(a) Completed application form and fee.

(b) Certification by the state or country as to: The professional training or schooling obtained; results of any examination for licensing; and, the record of any cosmetologist, hairdressing or manicurist license issued

to applicant and the period such license was active or valid.

(c) Evidence of graduation from an accredited high school or, in the case of foreign schooling, evidence of completion of a course of instruction equivalent to a high school education in the United States. Applicants who have not graduated from high school, or an equivalent foreign school, may submit evidence of GED test scores as substitute support for the high school graduation requirement.

(d) Summary of all cosmetology work experience acquired by applicant since first obtaining a cosmetology license.

(2) When determining whether applicants meet the training requirements (2000 hours for cosmetology operator or 500 hours for manicurist) the committee will generally recognize hour–for–hour training and will give credit for 100 training hours for each three months of full time employment as a licensee outside the state of Washington, provided such experience was obtained within two years prior to the date of application.

(3) Each applicant for licensing without examination may be required to appear before a member of the examining committee for the purpose[s] of confirming or ascertaining that all requirements for licensing have been met and that the individual is sufficiently knowledgeable of Washington state's cosmetology licensing act and the rules and regulations adopted thereunder.

(4) Individuals that claim training and experience was acquired in a foreign country and who support their application with evidence or certifications as set forth above will be required to furnish an official English language transcript of such documents, at their own expense. Additionally, such individuals may be tested by the committee member to determine if the applicant has the ability to read, write and understand basic English language. [Statutory Authority: RCW 18.18.020. 81–03–016 (Order PL 366), § 308–24–403, filed 1/9/81; 79–12–001 (Order PL 319), § 308–24–403, filed 11/8/79; Order PL 279, § 308–24–403, filed 12/19/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–24–404 Licensing out of state applicants with examination. (1) Those individuals seeking licensing who have only partially met the required professional training or experience requirements of this state may be required to take the practical and/or written examination normally required for the type of licensing applied for.

(2) These applicants will normally be given the same credit for training and experience as set forth in WAC 308–24–403. However, because of failure to fully meet state standards the examining committee will then determine if additional training and/or examination is required. [Statutory Authority: RCW 18.18.020. 81–03–016 (Order PL 366), § 308–24–404, filed 1/9/81; Order PL 279, § 308–24–404, filed 12/19/77.]

WAC 308–24–420 Post graduate training for instructors. (1) All licensed instructor operators, after receipt of their original license, shall be required to furnish proof of thirty clock hours of post graduate instruction, as required by RCW 18.18.290, prior to the renewal of their license after three years from the date of original license. (For example: An instructor operator first licensed on July 1, 1975, would be required to furnish the evidence of post graduate training prior to July 1, 1978.) Failure to furnish such evidence will preclude an individual from being granted a renewal of their instructor operator license.

(2) Post graduate training established by RCW 18-.18.290 is a continuing requirement for those individuals granted an instructor operator license and who thereafter desire to maintain an active license. Each three year cycle, based upon original license issued date, licensees must have completed and furnished proof of the required post graduate training. (For example: An instructor operator first licensed on July 1, 1973, would be required to have completed at least thirty clock hours of post graduate training during each three year cycle, i.e., between the periods: July 1, 1973 and June 30, 1976; July 1, 1976 and June 30, 1979; July 1, 1979 and June 30, 1982; and so on.)

(3) Proof of post graduate study shall be in the form of a certificate of hours of attendance given by, vocational–technical schools, community colleges, or institutes of higher learning such as colleges and universities. Proof may be submitted to the director at any time for any amount of instructional hours and the director shall record such hours in the licensee's records. Carry over of post graduate hours, that is hours acquired in excess of 30 during any three year period, will not serve to credit or offset the required training hours for any succeeding three year cycle. [Order PL 279, § 308–24–420, filed 12/19/77; Order PL 152, § 308–24–420, filed 10/11/73.]

WAC 308–24–430 Standard requirements for maintenance and operation of licensed shops or schools. (1) Water supply. An adequate supply of hot and cold running water of safe, sanitary quality must be provided in shampoo area, dispensary and in toilet facilities in licensed premises.

(2) Waste disposal. Waste water from fixtures must be discharged into sewers where available, or suitable facilities must be installed in accordance with ordinance[s] or rules and regulations as prescribed by the local health [officer] [offices].

(3) Plumbing. Plumbing fixtures shall be of impervious material and of a type which is readily accessible for cleaning. They shall be installed in accordance with the plumbing ordinances of the area and installed so as not to constitute a cross connection.

(4) Floors. They shall consist of hardwood, tile or composition, or be suitably covered and be maintained in good repair, provided that such covering or surface shall be free from cracks, holes, and crevices which may collect dirt and hair. There shall be no accumulation of

dust or dirt on floors. Hair droppings shall be removed immediately after completion of each haircut.

(5) Walls, ceilings, and fixtures. Ceilings and walls shall be kept in good repair and clean at all times. Shelves, furniture and fixtures shall be kept clean and free of dust, dirt and hair droppings.

(6) Lighting. Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate lighting on all working surfaces. This lighting may be obtained by either natural or artificial light or a combination of both. Light fixtures shall be washed at sufficient intervals to be kept clean.

(7) Cabinets. Cabinets shall be provided for storage of clean linen and towels. These shall have tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(8) Receptacle for used towels. A covered receptacle (need not be air tight) which can be readily emptied and cleansed shall be provided exclusively for soiled towels and linen.

(9) Refuse. Each work station shall have a waste basket or similar container that must be emptied and cleansed daily.

(10) Garbage disposal. All garbage shall be kept in a covered container and disposed of at frequent intervals so as not to create an unsanitary condition.

(11) Brushes, combs, and implements. Brushes, combs, shears, clippers and other implements shall be thoroughly cleansed and sanitized after each patron. Hair must be removed before sanitizing.

(12) Protective papers and linens. A clean towel, not previously used for any purpose since laundering shall be placed on the head rest of facial chairs before any patron reclines in that chair. A clean towel will be placed between the head and shampoo bowl when a patron is reclined in the chair for shampooing. A paper strip or clean towel shall be placed completely around the neck of each customer before any apron or hair cloth or any other protective device is fastened around the neck.

(13) Towels. Towels and other linens used in any licensed shop or school shall be washed after every use. A clean towel shall be used for each patron. Towels shall not be washed and dried on the premises except in suitable automatic washers and dryers. Drying towels on lines in shops or schools is prohibited. If towels are self–laundered in suitable automatic washers and dryers, sufficient hot water, detergent, and bleaching agents are to be used for each washing.

(14) Creams, lotions, and fluids. Individual amounts of lotion must be poured into a clean container and applied with individual pieces of clean gauze or cotton. Creams and other semi–solid substances must be removed from the container with a spatula. Powder must be applied to patrons from bottles or dispenser. Use of brush for dusting powder is prohibited. Waving fluids shall be dispensed from suitable containers in a manner which prevents contamination of unused fluid. All containers must be covered when not in use and maintained in a clean dust–free manner.

(15) Hair nets, clippies, etc. Hair nets, clippies, pins, rollers, etc., must be washed in a warm detergent solution and kept in a clean, dust–proof storage cabinet when not in use.

(16) Permanent waving. Permanent wave end papers and neck strips must not be reused. All permanent wave rods and supplies shall be thoroughly cleaned and stored in a covered container when not in use.

(17) Toilet facilities. Every licensed shop and school shall provide adequate toilet facilities for the use of its customers, employees and/or students. Separate toilet facilities for men and women will be maintained within each licensed school. Toilet facilities will be maintained within each licensed shop or adjacent thereto ("adjacent thereto" is defined to mean: In a commercial building — on the same floor and within a reasonable distance; or in a residence — in close proximity to the shop and within the residential structure). The toilet rooms shall have a commode, lavatory, soap dispenser, single service sanitary towels and waste basket. The rooms shall be lighted and ventilated. Toilet rooms and fixtures shall be kept clean and in good repair.

(18) Ventilation. All rooms in licensed shops or schools must have good ventilation. Where no windows are available for ventilation, there must be mechanical means for proper ventilation.

(19) Fixtures. Equipment in licensed shops or schools shall be of professional quality and kept immaculately clean.

(20) Dispensary. In each licensed shop or school there shall be a designated, separate and appropriate area for purposes of storing and dispensing cosmetic, manicuring or hairdressing supplies. This area will also contain the necessary facilities[,] equipment and sink required for the cleansing and sanitizing of brushes, combs, rollers, pins, clippies and such other type equipment or implements.

(21) Work stands. Work stands shall be maintained in a neat, orderly manner. Equipment which has been used shall not be left lying on the work stand[s], but shall be placed in a container for items to be washed and sanitized. Storage drawers in work stations shall be lined with a washable or disposable material and kept free of hair and in a clean, sanitary condition.

(22) Wet sterilizer. The container must be filled with sufficient sterilizer fluid to completely cover all articles placed therein for sanitizing. Fresh solution to be made daily.

(23) Shampoo bowls. Shall be [cleaned] [cleansed] immediately after use, including removal of loose hair from trap, and tints and dyes when spilled.

(24) Pets. Except for "seeing–eye" animals accompanying [in] patrons, dogs, cats or pets of any kind shall not be allowed in a licensed shop or school.

(25) Booths. Licensees electing to rent or lease booths or other defined areas within their licensed shop, have the primary and direct responsibility of ensuring that all such individuals (to whom they rent or lease space) while performing services within the licensee's shop:

(a) Hold the appropriate and current license issued by the state of Washington that [authorizes] [authorized]

the person to perform the services being offered to the public; and

(b) Complying with all other provisions of the law regulating the practice of cosmetology, hairdressing or manicuring (chapter 18.18 RCW) and the rules adopted thereunder (chapter 308-24 WAC).

(26) If a licensed cosmetology school is operated in connection with another business, it must be separated by solid floor-to-ceiling partition. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-430, filed 1/9/81; 79-12-001 (Order PL 319), § 308-24-430, filed 11/8/79; Order PL 279, § 308-24-430, filed 12/19/77; Order PL 152, § 308-24-430, filed 10/11/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-24-440 Licensees and employees. (1) Every licensed cosmetologist or manicurist shall thoroughly cleanse his or her hands with soap and water immediately before and after serving each patron. Clean towels, cloth or disposable, shall be provided for each licensee. Use of common towel is prohibited.

(2) Licensees must wear[,] professional type apparel. General appearance shall be clean and professional at all times.

(3) Persons employed in a licensed shop shall be free from communicable disease.

(4) No work shall be performed on any individual having a visible disease or parasites unless the patron shall produce a certificate from a licensed practicing physician stating that the patron is free from infectious, contagious, or communicable disease.

(5) No licensee shall undertake to treat or diagnose any disease of the skin, scalp or nails.

(6) Performance of work or services by a licensee in an unsanitary or filthy manner is cause for revocation of license.

(7) Licensee shall notify the director in writing of a change in the name and/or address within thirty days after such action. A shop or school location license is not transferable to a new owner or to another location. A new application must be submitted for approval with the required fee.

(8) Each operator shall have an adequate number of combs and brushes. Combs, brushes or other implements shall not be carried in the pockets of uniforms or clothing.

(9) The use of antiseptic or disinfectant of any injurious strength on the skin is strictly prohibited. Manufacturer's instructions are to be followed.

(10) Licenses must be posted at each station. Licensees shall immediately notify the director as to a lost or misplaced license. An affidavit shall be submitted to substantiate the loss or misplacement, and must be accompanied with the required fee in order to obtain a duplicate license. Defacing or alteration of licenses is prohibited. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-440, filed 11/8/79; Order PL 279, § 308-24-440, filed 12/19/77; Order PL 152, § 308-24-440, filed 10/11/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-24-450 School equipment and facilities. (1) Each school receiving their original licensed on or after March 13, 1971, shall have available for every twenty-five students enrolled in the 2,000 hour cosmetology course of instruction, the following equipment or facilities in addition to the requirements of WAC 308-24-430:

3 shampoo bowls
2 facial chairs
7 hair dryers
1 sanitizer
1 heating cap
20 dresseretts
20 mirrors
20 chairs
5 manicuring tables with sanitizing container
1 bulletin board (minimum size 4' X 3')
1 blackboard (minimum size 4' X 3')
Adequate cold permanent wave equipment
Individual text books
Library of reference books, to include, but not limited to: One medical dictionary, one American language dictionary, trade magazines, and charts, and current cosmetology publications.

NOTE: Schools having student capacity in a number not divisible by twenty-five will receive guidance from the cosmetology examining committee as to the minimum equipment or facilities requirements.

(2) Those schools also offering the 500 hour manicurist course of instruction will provide, in addition to that equipment shown in paragraph (1) above, the following equipment:

Facial chairs — 1 per 2 students
Dresseretts — 1 per 2 students
Manicuring stools — 1 per 2 students
Manicuring tables — 1 per 2 students
Facial area with hot and cold running water — 1 per 15 students
Closed cabinet (adequate in size for student supplies and manicuring equipment) — 1 per 10 students
Sanitizer — 1 per 15 students
Manicuring heater — 1 per 3 students
Facial tray — 1 per 2 students
Therapeutic lamp — 1 per school.

[Order PL 152, § 308-24-450, filed 10/11/73.]

WAC 308-24-460 Posting of rules, licenses and inspection reports. (1) Shop or school owner's location license and the most current shop or school inspection

report shall be posted in a conspicuous place in each licensed shop or cosmetology school.

(2) Individual's cosmetology operator, manager operator, instructor operator, manicurist manager operator or manicurist license shall be posted in a conspicuous place on or beside the licensee's work station in the licensed shop. In the case of schools, individual's licenses shall be posted in a conspicuous place as may be determined by the licensed school owner. To each individual's license posted in accordance with this rule will be affixed a current photograph. The photograph will be of a passport type approximately two inches by two inches and affixed in such a manner as to not obliterate the licensee's name, license number or expiration date.

(3) Rules, as prescribed in WAC 308-24-430 and 308-24-440 shall be posted in a conspicuous place in each licensed shop or school.

(4) "Conspicuous place" shall be interpreted as a location or place which is in plain view within the licensed shop or school and readily available for public inspection. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-460, filed 11/8/79; Order PL 152, § 308-24-460, filed 10/11/73.]

WAC 308-24-470 Inspections. (1) Inspections of licensed shops or schools by authorized state representatives shall include observation for compliance with the law regulating the practice[s] of cosmetology, hairdressing and manicuring (chapter 18.18 RCW) and rules adopted thereunder (chapter 308-24 WAC).

(2) Schools shall be inspected by the secretary of the cosmetology examining committee or by his/her representative. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-470, filed 11/8/79; Order PL 279, § 308-24-470, filed 12/19/77; Order PL 152, § 308-24-470, filed 10/11/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-24-485 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Manager—Operator:	
Exam application	$ 30.00
Full reexam	30.00
Partial reexam	15.00
Renewal	15.00
Reciprocity	30.00
Late renewal penalty	15.00
Instructor—Operator:	
Exam application	30.00
Reexam	30.00
Renewal	15.00
Reciprocity	30.00
Late renewal penalty	15.00
Manicurist manager–operator:	
Exam application	15.00
Reexam	15.00
Renewal	10.00
Late renewal penalty	10.00
Reciprocity	15.00
Manicurist shop:	
Application	25.00
Renewal	25.00
Late renewal penalty	25.00
Cosmetology shop:	
Application	25.00
Renewal	25.00
Late renewal penalty	25.00
Cosmetology school:	
Application	150.00
Renewal	150.00
Late renewal penalty	150.00
Duplicate license (any)	5.00
Cosmetology student application	5.00

[Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-24-485, filed 11/2/83; 83-17-031 (Order PL 442), § 308-24-485, filed 8/10/83. Formerly WAC 308-24-490.]

WAC 308-24-500 Renewal of licenses. (1) Effective with the renewal period beginning July 1, 1977, the annual license renewal date for cosmetology operators, manager–operators, and instructor–operators will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1977. Licensed cosmetology operators, manager–operators, or instructor–operators desiring to renew their license will be required to pay a fee of ten dollars plus approximately one–twelfth of that amount for each month, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following June 30, 1978.

(b) On or after July 1, 1977, all new or initial cosmetology operator, manager–operator or instructor–operator licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee on or before the license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-24-490. [Order PL 262, § 308-24-500, filed 1/13/77.]

WAC 308-24-510 Catalog or brochure. Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an

informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

(1) The date of publication and year(s) for which the catalog or brochure is effective;

(2) The name and address of the school;

(3) The names of the owner(s) or governing body;

(4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;

(5) The school's normal hours of operation and instruction;

(6) The school's policy on enrollments and the specific criteria or requirements for admission;

(7) The school's policy on attendance, tardiness and student conduct;

(8) The school's grading systems and policies;

(9) The educational objectives of the program, along with a summary of the requirements for licensure as a cosmetology operator and a statement that a license is required to practice this occupation;

(10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;

(11) A description of the available space, facilities and equipment at the school and the class size;

(12) A detailed schedule of all fees, including charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;

(13) A copy of the school's refund policy which must at a minimum comply with WAC 308–24–520;

(14) A clear statement that the school does not guarantee employment and an accurate description of any placement or job counseling services offered by the school;

(15) An explanation of any scholarship or tuition waiver policies;

(16) Any other material facts concerning the school which are likely to affect the student's decision to enroll. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82–08–063 (Order PL 395), § 308–24–510, filed 4/7/82.]

WAC 308–24–520 Minimum cancellation and refund policy. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students and schools. An individual school, however, may wish to adopt a more liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the commission for vocational education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreement.

(1) Enrollment agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction, and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within three days of signing an enrollment agreement or making an initial payment, shall be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty–five dollars;

(b) Any applicant who requests a refund more than three days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition.

(c) Any student terminating training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid on the number of hours the student was enrolled in the program as set forth in the following table:

% of TIME ENROLLED	% TUITION TO BE REFUNDED BY SCHOOL
0.1– 4.9%	80%
5.0– 9.9%	70%
10.0–14.9%	60%
15.0–24.9%	50%
25.0–49.9%	30%
Over 50%	0%

(d) Any student disabled by prolonged illness or accident after completing 1000 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract price upon proper certification by the student's attending physician.

(5) Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

(6) Any monies due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

(7) Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(8) No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless the student, the student's guardian and/or financial sponsor is notified of such sale or assignment. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82–08–063 (Order PL 395), § 308–24–520, filed 4/7/82.]

WAC 308–24–530 Enrollment agreement (contract) checklist. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Required elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course or program. Course or program title is identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g., quarter, semester, etc.) and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charge.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Method and terms of payment. Must comply with federal truth–in–lending and state retail installment sales contract requirements.

(f) Starting date. Scheduled class starting date.

(g) Class schedule. All day, morning, afternoon, evening, split or other time of class attendance.

(h) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(i) Cancellation or termination by student. How to cancel or voluntarily terminate the agreement.

(j) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 308–24–520.

(k) Employment of tuition assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student.

(l) Effective date. Not binding until signed by the student or his guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(m) Acknowledgement. Acknowledgement that signers have read and received a copy of the contract must appear on the contract in 8 pt boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School signature. Acceptance date and signature of appropriate official at the school.

(p) Other elements. Other elements required by other state, local or federal governmental bodies.

(q) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82–08–063 (Order PL 395), § 308–24–530, filed 4/7/82.]

WAC 308–24–540 Bonding. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy–five thousand dollars. Schools not having been in

operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director. [Statutory Authority: RCW 18.18.020 and 18-.18.070. 82–08–063 (Order PL 395), § 308–24–540, filed 4/7/82.]

Chapter 308–25 WAC
DENTAL HYGIENISTS

WAC

308–25–010 Application for examination.
308–25–020 The examination.
308–25–030 Examination results.
308–25–040 Examination review procedures.
308–25–050 Renewal of licenses.
308–25–065 Fees.
308–25–070 Dismissal from examination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–25–060 Dental hygienist—Fees. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82–06–043 (Order 672), § 308–25–060, filed 3/2/82.] Repealed by 83–17–031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308–25–065.

WAC 308–25–010 Application for examination. (1) To be eligible for the dental hygiene examination the applicant must have attained the age of eighteen years or be going to attain such age before the date of the examination, and must be a graduate from a dental hygiene school approved by the director of the department of licensing. The director adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental hygiene schools and current January 1981 and has approved all and only those dental hygiene schools which were accredited by the commission as of January 1981. Other dental hygiene schools which apply for director's approval and which meet these adopted standards to the director's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the director.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington, upon request. The application must be completed in every respect and must reach the division of professional licensing in Olympia, at least sixty days prior to the examination. The application must include:

(a) The required examination fee;

(b) either the national board IBM card or a notarized copy of the national board certificate. Applicants who have not passed the national board will be given a Washington state written examination;

(c) two photos of the applicant taken within the year immediately preceding the application.

(3) The only acceptable proof of graduation from an approved dental hygiene school is an official transcript from such school, or a verified list of graduating students from the dean or director of the dental hygiene school. The verified list of candidates will only be acceptable from applicants who have graduated within 45 days of the examination date for which they are applying. An applicant may complete application requirements and be scheduled for the examination before graduation, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean or director has been received by the division of professional licensing of the department of licensing on or before the day of the examination.

(4) Upon establishing examination eligibility, the division of professional licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the director or the director's authorized agent throughout the practical examination.

(5) Applicants will be required to furnish documentary evidence of malpractice liability insurance covering their performance during the examination. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82–11–068 (Order PL 398), § 308–25–010, filed 5/14/82; 82–06–043 (Order 672), § 308–25–010, filed 3/2/82.]

WAC 308–25–020 The examination. The dental hygiene examination will consist of a written section and a practical section.

(1) Written examination: The written examination will cover ten subject areas including inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, and restorative dentistry: *Provided*, That a certificate granted by the National Board of Dental Hygiene Examinations may be accepted in lieu of the written examination: *Provided further*, That such applicant may also be required to successfully complete a written examination covering anesthesia, restorative dentistry, or other kindred subjects.

(2) Practical examination: The practical examination will be a clinical demonstration of a prophylaxis case to consist of the removal of deposits from and the polishing of the surfaces of the teeth.

(i) Patients must be attained by the applicant and be at least eighteen years of age with a minimum of twenty–four teeth. A patient shall not be a dentist, dental student, dental hygienist, or dental hygiene student. It is not recommended that patients be selected who have advanced stages of periodontal involvement, such as 6 mm sulcus depth with moderate degrees of alveolar bone loss. Patients must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. Applicant will be required to furnish radiographs and a patient health history as specified. If case is not adequate for testing the applicant's competency, patient will be rejected. [Statutory Authority: RCW 43.24.020 and 43.24.024. 83–07–051 (Order PL 430), § 308–25–020, filed 3/18/83; 82–11–068 (Order PL 398), § 308–25–020, filed 5/14/82; 82–06–043 (Order 672), § 308–25–020, filed 3/2/82.]

WAC 308–25–030 Examination results. (1) In order to pass the examination the applicant must attain:

(a) An average grade of 65% in the written examination section, OR submit proof of successful completion of National Board of Dental Hygiene Examination and 65% in any required additional written examination; and

(b) An average grade of 75% in the practical examination.

(2) Applicants who fail either section of the examination (practical or written) may retake the section they failed (practical or written) by again completing an application and submitting the appropriate fee to the division of professional licensing.

(3) Applicants who fail to appear for examination will forfeit the examination fee. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82–11–068 (Order PL 398), § 308–25–030, filed 5/14/82; 82–06–043 (Order 672), § 308–25–030, filed 3/2/82.]

WAC 308–25–040 Examination review procedures. (1) Each individual who takes the examination for licensure as a dental hygienist and does not pass the examination will be provided, upon written request, information indicating the areas of the examination in which performance was deficient.

(2) Any unsuccessful applicant, after being advised by the department of licensing of the areas of deficiency in the examination, may request review of the examination results. This request must be in writing and must be received by the department of licensing within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results the examination are in question. The director [or] [of] the director's authorized agent will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the review of the examination may appeal the decision and may request a formal hearing to be held before the director or an administrative law judge pursuant to the Administrative Procedure Act. Such hearing must be requested within 20 days of receipt of the result of the director's or the director's authorized agent's review of the examination results. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82–11–068 (Order PL 398), § 308–25–040, filed 5/14/82; 82–06–043 (Order 672), § 308–25–040, filed 3/2/82.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–25–050 Renewal of licenses. The annual license renewal date for the licensed dental hygienists is hereby changed to coincide with the licensee's birthdate. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82–06–043 (Order 672), § 308–25–050, filed 3/2/82.]

WAC 308–25–065 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Initial application and exam	$ 50.00
Reexam	50.00
Renewal	25.00
Reciprocity	50.00
Duplicate license	5.00
Certification	25.00

[Statutory Authority: 1983 c 168 § 12. 83–17–031 (Order PL 442), § 308–25–065, filed 8/10/83. Formerly WAC 308–25–060.]

WAC 308–25–070 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the director or the director's authorized agent may be dismissed from examination and all of his or her work will be rejected. Such conduct will include but not be limited to the following:

(a) Giving or receiving aid, either directly or indirectly, during the examination process.

(b) Failure to follow directions relative to the conduct of the examination, including termination of procedures. [Statutory Authority: RCW 43.24.020 and 43.24.024. 82–06–043 (Order 672), § 308–25–070, filed 3/2/82.]

Chapter 308–26 WAC
DISPENSING OPTICIANS

WAC

308–26–005 Definitions.

308–26–010 Registration of apprentices.
308–26–011 Comments.
308–26–015 Application for examination.
308–26–016 Approval of prescribed courses in opticianry.
308–26–017 Dispensing optician examination.
308–26–040 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–26–020 Fees. [Statutory Authority: RCW 18.34.070. 82–21–035 (Order PL 408), § 308–26–020, filed 10/15/82; Order PL 220, § 308–26–020, filed 11/5/75.] Repealed by 83–17–031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308–26–040.

WAC 308–26–005 Definitions. For the purpose of administering and recording apprenticeship training, in accordance with the conditions specified by RCW 18-.34.070 (5)(a), one year shall be defined as 2,000 hours of training under supervision of a licensed physician, optometrist or dispensing optician. This definition will not be used to extend the limit of apprenticeship training as specified in RCW 18.34.030.

(1) No apprentice shall engage in the work of dispensing optician except in the course and scope of apprenticeship training under the direct supervision of a duly licensed physician, optometrist, or dispensing optician. In those situations where the apprentice or the supervisor rotates within the same eye care organization or business operation, the provisions of WAC 308–26–010(2) (as amended February 23, 1976) will apply.

(2) "Direct supervision" shall mean that the supervising optometrist, physician, or dispensing optician shall:

(a) Inspect a substantial portion of the apprentice's work;

(b) Be physically present on the premises where the apprentice is working and available for consultation with the apprentice a minimum of 80% of the time claimed as apprenticeship training. Thus, of the 2,000 training hours in one year of apprenticeship, the supervisor must be on the premises simultaneously with the apprentice for 1,600 hours, and have available at each location where an apprentice is working a monthly log with verification by initial of both the licensed supervisor ant the apprentice to be shown upon request made by the state; and

(c) Except that in the case of the fitting or adjusting of contact lenses, "direct supervision" shall require that the supervising optician, optometrist, or physician inspect all of the apprentice's work and be physically present on the premises at all times.

Provided, however, That if the supervisor is absent for extended periods of time, the apprentice shall be supervised by another licensed physician, optometrist, or dispensing optician, and provided further that "direct supervision" shall not require that the supervisor while on the premises inspect all of the apprentice's work, nor shall it require that the supervisor and apprentice be constantly in the same room. [Statutory Authority: RCW 18.04.040. 78–07–073 (Order PL–289), § 308–26–005, filed 6/30/78; Order PL–106, § 308–26–005, filed 2/2/71.]

WAC 308–26–010 Registration of apprentices. (1) Registration of an apprentice shall be requested by the physician, optometrist or dispensing optician who intends to provide the training for and direct supervision of the apprentice's work, on a form provided by the director.

(2) Separate registrations shall be required if an individual receives his apprenticeship training from more than one licensee.

(3) In determining whether or not an individual has completed his apprenticeship, within the minimum of three years or the maximum of six years, only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the director will be considered: *Provided,* That an individual who has been registered in an apprentice–type program by an agency of the state of Washington, which program has been approved by the director, and who has been trained and directly supervised by a licensed physician, optometrist, or dispensing optician while in such program, may have all such training considered toward fulfillment of his apprenticeship, whether such training occurred before or after his formal registration with the director: *Provided, further,* That this exemption is not to be construed or applied in any manner which would except any person from any provision of RCW 18.34.030: *Provided, further,* That before such training may be considered toward fulfillment of his apprenticeship, formal registration of the individual must be requested by the physician, optometrist, or dispensing optician who has trained and supervised the individual, in retrospective accordance with subsections (1), (2) and (4) of this section, on a form provided by the director.

(4) The licensee initially requesting the registration of an apprentice shall notify the director whenever he terminates the apprenticeship training, unless such termination is concluded by reason of the apprentice becoming licensed as a dispensing optician.

(5) After registration, the apprentice shall notify the director, in writing and within thirty days, of any name or address change. [Order PL 241, § 308–26–010, filed 2/26/76; Order PL–106, § 308–26–010, filed 2/2/71.]

WAC 308–26–011 Comments. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works. [Statutory Authority: RCW 18.04.040. 78–07–073 (Order PL–289), § 308–26–011, filed 6/30/78.]

WAC 308–26–015 Application for examination. (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the director.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) Examination fees are not refundable. If an applicant is unable to attend his scheduled examination, and so notifies the director in writing at least 7 days prior to

the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he may retake the examination if he pays the statutory examination fee. [Order PL-106, § 308-26-015, filed 2/2/71.]

WAC 308-26-016 Approval of prescribed courses in opticianry. The director, pursuant to RCW 18.34.070, hereby adopts the accreditation standards of the American Board of Opticianry of the National Academy of Opticianry, "Essentials of an Accredited Educational Program for Ophthalmic Dispensers," in effect as of March 4, 1979. The director approves all and only those institutions accredited by, and in good standing with, the American Board of Opticianry of the National Academy of Opticianry in accordance with these accreditation standards as of March 4, 1979. Other institutions which apply for the director's approval and which meet the standards to the director's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the director.

The director reserves the right to withdraw approval of any course in opticianry which ceases to meet the approval of the director or the American Board of Opticianry of the National Academy of Opticianry after notifying the school in writing and granting it an opportunity to contest the director's proposed withdrawal. [Statutory Authority: RCW 18.34.040 and 18.34.070(5). 80-01-070 (Order 327), § 308-26-016, filed 12/21/79.]

WAC 308-26-017 Dispensing optician examination. (1) Every qualified applicant shall pass an examination with a score of at least seventy percent in each of the three examination sections: Written contact lenses, written basic optical concepts to include anatomy and physiology, and practical. Subject to subsection (2), any applicant obtaining a score of less than 70% in any section will only be required to retake the section(s) in which a grade of less than 70% was obtained.

(2) Applicants failing an examination section, other than the practical section, may retake the section(s) failed after five months. An applicant failing the practical section must wait for one year when the complete examination is administered by the dispensing optician examining committee. Examination sections passed will be valid for a period of thirteen months; applicants failing to successfully pass failed section(s) within thirteen months shall be subject to subsequent reexamination on all three sections. [Statutory Authority: RCW 18.34-.080. 82-11-056 (Order PL 397), § 308-26-017, filed 5/13/82.]

WAC 308-26-040 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Full exam or reexam	$ 50.00
Reexam—Practical only	30.00
Reexam—Written (basic) only	10.00
Reexam—Contact lens only	10.00
License renewal	60.00
Late renewal penalty	60.00
Duplicate license	5.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-26-040, filed 8/10/83. Formerly WAC 308-26-020.]

Chapter 308-28 WAC
CHIROPRACTIC EXAMINERS BOARD

Reviser's note: See Title 113 WAC, Chiropractic Disciplinary Board, and Title 114 WAC, Board of Chiropractic Examiners.

Chapter 308-29 WAC
COLLECTION AGENCIES AND REPOSSESSION SERVICES

WAC

308-29-010 Definitions.
308-29-020 Financial statement.
308-29-030 License records.
308-29-045 Fees.
308-29-050 Suit or judgment notification.
308-29-060 Sale of a licensed collection agency.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-29-040 Collection agency—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-29-040, filed 9/25/80; Order PL 221, § 308-29-040, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-29-045.

WAC 308-29-010 Definitions. For the purpose of administering chapter 19.16 RCW, the following terms shall be considered in the following manner:

(1) "Branch office" shall mean any location physically separated from the principal place of business of a licensee from which the licensee or his employees conduct any activity meeting the criteria of a collection agency under the definition of that term in RCW 19.16.100.

(2) "Repossession services" conducted by any person, firm, partnership, trust, joint venture, association or corporation, shall not be considered within the definition of collection agency in RCW 19.16.100, unless such person, firm, partnership, trust, joint venture, association or corporation is repossessing or is attempting to repossess property for a third party and is authorized by such third party to accept cash or any other thing of value from the debtor in lieu of actual repossession. [Order PL-123, § 308-29-010, filed 5/17/72.]

WAC 308-29-020 Financial statement. Each applicant for a collection agency license shall be required to

submit a current financial statement of assets and liabilities. Such statement will be submitted in the manner and form as may be prescribed by the director. Whenever a licensee applies for annual license renewal, such licensee will be required to submit a certification as to the financial solvency of the collection agency. [Order PL-123, § 308-29-020, filed 5/17/72.]

WAC 308-29-030 License records. (1) Each licensee shall notify the director in writing within ten days after any change in ownership of a proprietorship or any change in owners, officers, directors, or managing employees of a nonindividual licensee. Such notification shall consist of reporting the individual's name, position, home address and effective date of change.

(2) Each licensee shall advise the department in writing of any additional information regarding the change or changes in subsection (1) that the department may seek within ten days after the receipt of such a request from the department. [Order PL-141, § 308-29-030, filed 12/18/72.]

WAC 308-29-045 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Collection agency—Main office:	
Original application	$ 300.00
Investigation (nonrefundable)	200.00
Renewal	300.00
Late renewal penalty	300.00
Reregistration fee after 30 days	1,100.00
Duplicate license	5.00
Branch office:	
Original application	250.00
Renewal	150.00
Late renewal penalty	150.00
Reregistration fee after 30 days	550.00

[Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-29-045, filed 11/2/83; 83-17-031 (Order PL 442), § 308-29-045, filed 8/10/83. Formerly WAC 308-29-040.]

WAC 308-29-050 Suit or judgment notification. (1) Every licensee shall, within twenty days, notify the director in writing of any judgment entered in any court whatsoever, the subject matter of which involves any of the practices prohibited in RCW 19.16.250 or any of the grounds set forth in RCW 19.16.120 (4)(c), 19.16.120 (4)(d) or 19.16.120 (4)(f), and in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party therein.

(2) Every licensee shall, within twenty days after service or knowledge thereof, notify the director in writing of the filing of a petition in bankruptcy, or any tax lien or warrant, or of the filing of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party and which involves any alleged violation of RCW 19.16.210 or which is or purports to be brought on behalf of the state of Washington or three or more persons or entities.

(3) The notification in writing shall be by certified or registered mail and shall identify the name or names of all parties plaintiff and defendant, the court in which the action is commenced, and the cause number assigned to the action. [Statutory Authority: RCW 19.16.410. 79-06-084 (Order PL-306), § 308-29-050, filed 6/1/79.]

WAC 308-29-060 Sale of a licensed collection agency. Whenever a licensee intends to sell or otherwise transfer his or its interests in a collection agency, the seller (licensee) and buyer or transferee will insure that there is incorporated in the body of the sale agreement or document of transfer appropriate clauses that set forth provisions relative to the following:

(a) The Washington state collection agency license is not transferable or assignable and buyer is responsible to initiate whatever administrative action is necessary to obtain such license as required by law.

(b) Whether buyer or seller has the responsibility for all payments due customers on or before the effective date of sale.

(c) Whether buyer or seller has the responsibility for maintaining and preserving the accounting records as prescribed by RCW 19.16.230(3).

(d) Whether buyer is restricted from or is authorized to use the seller's collection agency's business name. [Statutory Authority: RCW 19.16.410. 79-06-084 (Order PL-306), § 308-29-060, filed 6/1/79.]

Chapter 308-31 WAC
CHIROPODY

WAC
308-31-010 Examination.
308-31-020 Terms.
308-31-030 Approved schools of podiatric medicine.
308-31-040 Identification of licensees.
308-31-050 Presumption of responsibility for advertisements.
308-31-055 Fees.
308-31-060 Advertisements prior to licensure prohibited.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-31-300 License renewal fee. [Order PL-163, § 308-31-300, filed 3/18/74.] Repealed by Order PL 226, filed 11/5/75.

308-31-310 Podiatry—Fees. [Statutory Authority: RCW 43.24-.085. 80-14-022 (Order 356), § 308-31-310, filed 9/25/80; Order PL 226, § 308-31-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-31-055.

WAC 308-31-010 Examination. (1) It is the determination of the board that after July 6, 1976, all applicants for licensure who have been licensed by examination in another state or who have satisfactorily

passed examinations given by the national board of podiatry examiners will be required to pass a written examination in the clinical application of the following subjects:

Dermatology
Biomechanics
Surgery
Medicine
Podiatric medicine
Radiology
Pharmacology
Laboratory procedures

The examination will be given at least annually, at a time and place designated by the board.

(2) Every applicant for a podiatry license shall be required to pass the examination for such a license with a grade of at least 75%.

(3) The board shall determine the method of grading each examination, and shall apply such method uniformly to all applicants taking that examination.

(4) The board and the department shall not disclose any applicant's examination score to anyone other than the applicant, unless requested to do so in writing by the applicant.

(5) The applicant will be notified, in writing, of his or her examination scores. [Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-010, filed 1/14/83; Order PL 250, § 308-31-010, filed 5/28/76; Order PL 128, § 308-31-010, filed 7/7/72.]

WAC 308-31-020 Terms. For the purpose of chapter 18.22 RCW the term chiropody and podiatry shall be synonymous. [Order PL 128, § 308-31-020, filed 7/7/72.]

WAC 308-31-030 Approved schools of podiatric medicine. For the purpose of the laws relating to podiatric medicine, the board approves those schools of podiatric medicine listed as accredited schools of podiatric medicine set forth in the list of accredited colleges published as of August, 1980, by the Council on Podiatry Education of the American Podiatry Association. [Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-030, filed 1/14/83.]

WAC 308-31-040 Identification of licensees. Each person licensed pursuant to chapter 18.22 RCW must be clearly identified to the public as a doctor of podiatry at every establishment in which he or she is engaged in the practice of podiatry. Such identification must indicate the name of the licensee at or near the entrance to the licensee's office. Only the names of people actually practicing at a location may appear at that location or in any advertisements or announcements regarding that location. The name of an individual who has previously practiced at a location may remain in use in conjunction with that location for a period of no more than one year from the date that person ceases to practice at the location. [Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-040, filed 1/14/83.]

WAC 308-31-050 Presumption of responsibility for advertisements. Any licensed doctor of podiatry whose name, office address or place of practice is mentioned in any advertisement of any kind or character shall be presumed to have caused, allowed, permitted, approved and sanctioned such advertising and shall be presumed to be personally responsible for the content and character thereof. Once sufficient evidence of the existence of the advertisement has been introduced at any hearing before the board of podiatry, the burden of establishing proof to rebut this presumption by a preponderance of the evidence shall be upon the doctor of podiatry. [Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-050, filed 1/14/83.]

WAC 308-31-055 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and exam	$200.00
Reciprocity application	200.00
License renewal	100.00
Reexamination	200.00
Late renewal penalty	10.00
Duplicate license	5.00

[Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-31-055, filed 11/2/83; 83-17-031 (Order PL 442), § 308-31-055, filed 8/10/83. Formerly WAC 308-31-310.]

WAC 308-31-060 Advertisements prior to licensure prohibited. Any individual who has not been licensed to practice as a podiatrist by the state of Washington is prohibited from advertising as practicing podiatry in this state, by any means including placement of a telephone listing in any telephone directory. [Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-060, filed 1/14/83.]

Chapter 308-32 WAC
DEBT ADJUSTERS

WAC

308-32-015	Nonparticipating creditors—Terms to be included in contract.
308-32-020	Blind advertising.
308-32-030	Deceptive advertising.
308-32-040	Advertising—Rates of charge.
308-32-050	Maintenance of advertising copy.
308-32-060	Return of license.
308-32-070	Application—Fingerprints required.
308-32-080	Application and fees.
308-32-090	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-32-010	Nonparticipating creditors. [Order 2, § 308-32-010, filed 3/13/68.] Repealed by Order 5, filed 8/20/68, effective 10/1/68.
308-32-300	License renewal fee. [Order PL-163, § 308-32-300, filed 3/18/74.] Repealed by 79-08-062 (Order 307), filed 7/23/79. Statutory Authority: RCW 18.28.170.

308-32-310 Fees. [Statutory Authority: RCW 18.28.170. 79-08-062 (Order 307), § 308-32-310, filed 7/23/79; Order PL 211, § 308-32-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-32-090.

WAC 308-32-015 Nonparticipating creditors--Terms to be included in contract. Every contract between a licensee and a debtor shall include a provision that the licensee shall notify the debtor in writing within five days of notification to the licensee by a creditor that the creditor refuses to accept payment pursuant to the contract between the licensee and the debtor. No fee shall be charged for an indebtedness when the creditor involved refuses to accept payment. [Statutory Authority: RCW 18.28.170. 79-08-062 (Order 307), § 308-32-015, filed 7/23/79; Order 5, § 308-32-015, filed 8/20/68, effective 10/1/68.]

WAC 308-32-020 Blind advertising. Licensees shall not use "blind" advertisements. An example of "blind" advertising is an advertisement giving only telephone number, post office, or newspaper box numbers, or name other than that of the licensee. Advertisements shall include the name of the advertiser. [Order 2, § 308-32-020, filed 3/13/68.]

WAC 308-32-030 Deceptive advertising. Deceptive advertising shall include, but not be limited to: (a) Advertising copy designed to frighten or alarm a reader by emphasizing the possibility of attachments, repossessions, loss of jobs, garnishments, or similar statements.

(b) Any advertisement containing a representation or inference that a licensee will pay bills or will prevent attachments, repossessions, loss of jobs, threats or garnishments.

(c) Any advertisement containing a representation of a proposed schedule of payments unless such advertisement includes a statement that the proposed schedule will be based upon an analysis of the debtor's financial condition and the debtor's ability to pay and upon the agreement of the creditors of the debtor. [Order 2, § 308-32-030, filed 3/13/68.]

WAC 308-32-040 Advertising--Rates of charge. An advertisement shall not contain any reference to rates of charge unless the charges are specifically set forth in the advertisement. [Order 2, § 308-32-040, filed 3/13/68.]

WAC 308-32-050 Maintenance of advertising copy. (a) Each licensee shall maintain a file of all advertising copies for a period of at least one year after use, which advertising copy file shall be maintained for inspection by the department.

(b) All advertising copies shall have noted thereon the name or names of all advertising media used and the dates when such advertisements appeared.

(c) In the case of radio or television advertising, unless full text of such announcements is maintained for the aforesaid prescribed time by the broadcasting station or stations and is there available, the licensee shall cause a voice transcription or written copy of the full text of such announcement to be prepared and retained for said one year period. [Order 2, § 308-32-050, filed 3/13/68.]

WAC 308-32-060 Return of license. When a licensee ceases to be in the business of debt adjusting or when the employment of a licensee with a debt adjusting agency is terminated, the license shall be returned to the department. [Order 2, § 308-32-060, filed 3/13/68.]

WAC 308-32-070 Application--Fingerprints required. Each applicant for a debt adjuster license shall submit his fingerprints to the department as part of his application. [Order 2, § 308-32-070, filed 3/13/68.]

WAC 308-32-080 Application and fees. Any individual person applying for a debt adjusting license shall file a completed application together with the investigation, licensing and examination fees with the professional licensing division of the department of motor vehicles at least fifteen days before the date of the examination. Only one examination may be taken for each examination fee and application submitted. The director, in his discretion, may waive subsequent investigation fees for individual applicants. [Order 5, § 308-32-080, filed 8/20/68, effective 10/1/68.]

WAC 308-32-090 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Agencies:	
Investigation fee	$100.00
Original application	200.00
Renewal	250.00
Late renewal penalty	250.00
Debt adjuster:	
Investigation fee	100.00
Exam or reexam	150.00
Original application	300.00
Renewal	300.00
Duplicate license	5.00
Late renewal penalty	300.00

[Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-32-090, filed 11/2/83; 83-17-031 (Order PL 442), § 308-32-090, filed 8/10/83. Formerly WAC 308-32-310.]

Chapter 308-33 WAC
EMPLOYMENT AGENCIES--FEE SCHEDULES

WAC

308-33-011 Fees.
308-33-020 Director's review of fees.
308-33-030 Manner of setting forth fees in agency contracts.
308-33-040 Resume selling—Generally.
308-33-050 Restrictions on agencies selling resumes.

308–33–060 Informing applicants of agency fee after employment gained.
308–33–071 Signing of contracts.
308–33–080 Contract term guidelines.
308–33–090 Branch office—Defined.
308–33–095 Examinations.
308–33–105 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–33–010 Excessive fees. [Order 337001, § 308–33–010, filed 2/26/70, effective 4/1/70.] Repealed by Order PL–142, filed 1/24/73. Later enactment, see WAC 308–33–011.

308–33–015 Request for excess fees. [Order PL–142, § 308–33–015, filed 1/24/73.] Repealed by 81–02–031 (Order PL 359), filed 1/5/81. Statutory Authority: RCW 19.31.070.

308–33–070 Signing of contracts; employer paid fee contracts. [Order PL 118, § 308–33–070, filed 3/22/72, effective 4/21/72.] Repealed by Order PL–142, filed 1/24/73. Later enactment, see WAC 308–33–071.

308–33–100 Employment agency—Fees. [Statutory Authority: RCW 43.24.085. 80–14–022 (Order 356), § 308–33–100, filed 9/25/80; Order PL 272, § 308–33–100, filed 7/26/77, effective 9/21/77; Order PL 213, § 308–33–100, filed 11/5/75.] Repealed by 83–17–031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308–33–105.

WAC 308–33–011 Fees. (1) The fees which employment agencies may contract to charge applicants shall not be regulated. However, no agency shall use a fee schedule or contract which has not been approved for use by the director as provided for in RCW 19.31.050.

(2) Although fees are not regulated, no employment agency shall require by contract or otherwise that an applicant make payments in any one month period in an amount which exceeds the applicant's anticipated gross earnings for that period.

(3) In the event of termination within sixty days of the start of employment, an applicant shall be required to pay no more than twenty percent of the gross earnings actually received, or the full placement fee set forth in the contract with the agency, whichever is less.

If the employment is terminated after sixty days, the applicant shall be obligated for the full placement fee set forth in the contract with the agency.

(4) The applicant may submit payroll information to the agency within seventy days after employment for re-evaluation to reflect a fee based on actual gross earnings for the first sixty days. [Statutory Authority: RCW 19-.31.070. 81–02–031 (Order PL 359), § 308–33–011, filed 1/5/81; Order PL 272, § 308–33–011, filed 7/26/77, effective 9/21/77; Order PL 243, § 308–33–011, filed 4/1/76; Order PL–142, § 308–33–011, filed 1/24/73. Formerly WAC 308–33–010.]

WAC 308–33–020 Director's review of fees. The fee schedules will be reviewed by the director with the assistance of the advisory board every twelfth month after the effective date of this amendatory rule, or sooner if the director determines it necessary. Failure to review the fee schedules, however, shall in no way affect the validity or effectiveness of the existing and director–approved fee schedules. [Statutory Authority: RCW 19-.31.070. 81–02–031 (Order PL 359), § 308–33–020, filed 1/5/81; Order PL–142, § 308–33–020, filed 1/24/73; Order 337001, § 308–33–020, filed 2/26/70, effective 4/1/70.]

WAC 308–33–030 Manner of setting forth fees in agency contracts. (1) The fee to be charged an applicant, under usual circumstances, must be set forth in the employment agency contract only under the following headings:

(a) Monthly salary.

(b) The range of agency's fee expressed in dollars.

(c) Agency's fee as a percentage of the expected monthly compensation.

(2) An agency must set forth additional information concerning its fees within its contract as required by law and the rules in support thereof.

(3) Agencies may not indicate, either orally or in writing, that their contract and fee schedules have been "approved" or in any way "recommended" by the state. However, a licensee may indicate that their contracts are "approved for use." [Statutory Authority: RCW 19.31-.070. 81–02–031 (Order PL 359), § 308–33–030, filed 1/5/81; Order PL–142, § 308–33–030, filed 1/24/73; Order 337001, § 308–33–030, filed 2/26/70, effective 4/1/70.]

WAC 308–33–040 Resume selling—Generally. Any business which sells resumes to an individual and also provides him with a list of names to whom such resumes may be sent, or provides him with pre–addressed envelopes to be mailed by the individual, or by the business itself, is an employment agency within the definition of the employment agency act. [Order PL 118, § 308–33–040, filed 3/22/72, effective 4/21/72.]

WAC 308–33–050 Restrictions on agencies selling resumes. (1) An employment agency cannot charge an applicant a fee for the preparation of a resume in addition to a placement fee if a placement is made within six months of the receipt of such resume by an applicant.

(2) A resume for the purposes of this rule is a document specially prepared at the request of an applicant which is approved and received by the applicant. [Order PL 118, § 308–33–050, filed 3/22/72, effective 4/21/72.]

WAC 308–33–060 Informing applicants of agency fee after employment gained. As soon as practicable after an applicant has accepted employment through the efforts of an employment agency, the applicant shall be notified of the amount of the agency fee in a form containing at least the following information:

(1) Amount of fee expressed in dollars;

(2) Expected monthly or annual salary (whichever the fee is based upon); and

(3) Date applicant was to start employment. [Order PL 118, § 308–33–060, filed 3/22/72, effective 4/21/72.]

WAC 308–33–071 Signing of contracts. (1) Before a contract shall be signed by an applicant the applicant must have an opportunity to discuss the contract and its terms with an authorized representative of the agency.

(2) The applicant must be given a signed carbon or duplicate copy of the contract immediately after signing.

(3) In the event an applicant seeks only positions in which the fee is paid by the employer, the agency shall note such fact on all contracts prior to signature by the applicant.

(4) The provisions of subsection (3) above shall not preclude the agency from having an applicant sign a contract obligating him or her for a fee in the event the applicant terminates within sixty days and the employer is reimbursed by the agency.

(5) Any contracts in accordance with subsection (4) shall contain the necessary information required by RCW 19.31.040 and shall be approved by the director prior to its use by an agency. [Order PL 272, § 308–33–071, filed 7/26/77, effective 9/21/77; Order PL–142, § 308–33–071, filed 1/24/73. Formerly WAC 308–33–070.]

WAC 308–33–080 Contract term guidelines. The director shall prepare, and make available upon request to all agencies, contract terms that will be approved by him for use in employment agency contracts. [Order PL–142, § 308–33–080, filed 1/24/73.]

WAC 308–33–090 Branch office--Defined. A branch office is defined to mean any location physically separated from the principal place of business of a licensee from which the licensee or his employees conduct any activity meeting the criteria of an employment agency under the definition of that term in RCW 19.31-.020. [Order PL–142, § 308–33–090, filed 1/24/73.]

WAC 308–33–095 Examinations. (1) Examinations for general managers shall be written and shall consist of a minimum of forty multiple choice questions covering the subject matter set forth in section 19.31.100 RCW, as now or hereafter amended.

(2) The minimum passing grade for the examination shall be seventy–five percent.

(3) Examinations will be conducted at locations specified by the director on Thursday of the first full week of January, April, July and October.

(4) Applications and fees for examination must be received by the department thirty days in advance of the scheduled examination date. Applicants making application after the prescribed deadline will be scheduled for the second examination following receipt of the application and fee.

(5) Applicants failing examination shall submit a fee on each occasion of application for reexamination.

(6) General managers who have passed the examination and do not remain active in the employment agency business shall, if not so actively engaged for longer than one year, be required to retake and pass the examination prior to being qualified to serve as a general manager.

(7) Examination fees are not refundable. [Order PL 272, § 308–33–095, filed 7/26/77, effective 9/21/77.]

WAC 308–33–105 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Agencies:	
Original license	$300.00
Renewal	300.00
Transfer of license	150.00
Duplicate license	5.00
Late renewal penalty	300.00
New/amended contract approval	50.00
New/amended fee schedule approval	50.00
Branch office:	
Original application	150.00
Renewal	150.00
Transfer of license	75.00
Late renewal penalty	150.00
Duplicate license	5.00
General manager exam fee	50.00

[Statutory Authority: 1983 c 168 § 12. 83–22–060 (Order PL 446), § 308–33–105, filed 11/2/83; 83–17–031 (Order PL 442), § 308–33–105, filed 8/10/83. Formerly WAC 308–33–100.]

Chapter 308–34 WAC
DRUGLESS THERAPEUTICS

WAC

308–34–010 Definitions.
308–34–020 Scope and purpose.
308–34–030 Provisional approval.
308–34–040 Full approval.
308–34–050 Eligibility.
308–34–060 Application procedure.
308–34–070 Standards.
308–34–080 Review procedures.

WAC 308–34–010 Definitions. (1) Director. As used in these rules, director means the director of the department of licensing.

(2) Chartered drugless school. As used in chapter 18-.36 RCW, chartered drugless school means a naturopathic school or college approved by the director under this chapter. [Statutory Authority: Chapter 18.36 RCW. 82–09–043 (Order PL 396), § 308–34–010, filed 4/14/82.]

WAC 308–34–020 Scope and purpose. (1) The minimum educational requirements for licensure to practice drugless therapeutics in Washington is graduation from a naturopathic school or college approved by the director which teaches adequate courses in all subjects necessary to the practice of drugless therapeutics.

(2) The purpose of these rules is to provide a set of standards and procedures by which naturopathic schools or colleges may obtain approval by the director in order

that graduates of those schools may be permitted to take examinations for license. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-020, filed 4/14/82.]

WAC 308-34-030 Provisional approval. The director may grant provisional approval to a naturopathic school or college which has been in continuous operation for at least one year. Provisional approval may be granted for a period not to exceed two and one-half years and may not be renewed or extended. Provisional approval shall not imply nor assure eventual approval.

(1) In order to obtain provisional approval, a naturopathic school or college must demonstrate compliance with, or adequate planning and resources to achieve compliance with, the standards contained in this chapter and chapter 18.36 RCW.

(2) The procedures for application, examination, review and revocation of provisional approval shall be the same as those specified for approval in this chapter. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-030, filed 4/14/82.]

WAC 308-34-040 Full approval. (1) The director may grant full approval to a naturopath school or college which has demonstrated that it complies with the standards contained in this chapter and chapter 18.36 RCW.

(2) After approval by the director, periodic reports may be required. Failure to conform to or maintain established standards may result in loss of approval. No school or college shall receive approval for a period longer than five years. Prior to the expiration of the period of approval, the school or college must apply to the director for renewal of approval. The director shall review the application and make a final decision of approval or disapproval in not more than eleven months.

(3) If a naturopathic school or college fails to maintain the required standards or fails to report significant institutional changes within ninety days of the change including changes in location, the director may revoke or suspend approval. The director may contact a naturopathic school or college at any time, either through a representative or evaluation committee, to audit, inspect or gather information concerning the operating of the school or college. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-040, filed 4/14/82.]

WAC 308-34-050 Eligibility. (1) In order to apply for provisional approval, a naturopathic school or college must have been in continuous operation for a period of at least one year.

(2) In order to apply for full approval, a naturopathic school or college must have been in continuous operation for a period of at least three years.

(3) In order to apply for either provisional or full approval, a naturopathic school or college must have met the provisions of the Educational Service Registration Act chapter 28B.05 RCW or equivalent standards of the state in which the school is located. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-050, filed 4/14/82.]

WAC 308-34-060 Application procedure. Naturopathic schools or colleges seeking approval shall apply to the director on a form or in a manner prescribed by the director. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-060, filed 4/14/82.]

WAC 308-34-070 Standards. The following standards shall be used by the director in considering a naturopathic school's or college's application for approval:

(1) Objectives. The objectives of the institution shall be clearly stated and address the preparation for the drugless physician to provide patient care. The implementation of the objectives should be apparent in the administration of the institution, individual course objectives, and in the total program leading to graduation.

(2) Organization. The institution shall be incorporated under the laws of the state of its residence as an education corporation. Control shall be vested in a board of directors composed of drugless physicians and others. Under no circumstances shall more than one-third of the directors have administrative or instructional positions in the college. The directors must demonstrate collective responsibility in their knowledge of, and policy decisions consistent with, the objectives of the college; support of college programs and active participation in college governance; and selection and oversight of the chief administrative officer.

(3) Administration. The education and experience of directors, administrators, supervisors, and instructors should be sufficient to ensure that the student will receive educational services consistent with institutional objectives. The administration of the institution shall be such that the lines of authority are clearly drawn. The institution shall present with its application a catalog and a brief, narrative explanation of how the administration of the institution is, or is to be, organized and how the administrative responsibility for each of the following is, or is to be, managed:

(a) Faculty and staff recruitment;

(b) Personnel records management;

(c) Faculty pay scale and policies;

(d) Standards and practices relating to evaluation, improvement of instruction, promotion, retention and tenure;

(e) Admissions policies including procedures used to solicit students;

(f) Development and administration of policies governing rejection and retention of students, job placement, and student counseling and advising services;

(g) Curriculum requirements;

(h) Tuition and fee policies; and

(i) Financial management policies.

(4) Financial condition. The institution shall demonstrate its financial stability by submitting certified audits once every three years and, reports, or other appropriate evidence annually.

(5) Records. The institution shall maintain an adequately detailed system of records for each student beginning with application credentials through the entire period of attendance. The records, including matriculation, attendance, grades, disciplinary action and financial accounts, shall be the permanent property of the institution, except insofar as RCW 28B.05.190 applies, to be safeguarded from all hazards and not to be loaned or destroyed.

(6) Educational credentials.

(a) Upon satisfactory completion of the educational program, the student shall receive a degree from the institution indicating that the course of study has been satisfactorily completed by the student.

(b) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript that specifies all courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer, or examination.

(c) Upon request, all student records and transcripts shall be made available to the director.

(7) Catalog. The institution shall publish a current catalog at least every two years containing the following information:

(a) Name and address of the school;

(b) Date of publication;

(c) Admission requirements and procedures;

(d) A statement of tuition and other fees or charges for which a student is responsible and a statement on refund policies;

(e) A school calendar designating the beginning and ending dates of each term, vacation periods, holidays, and other dates of significance to students;

(f) Objectives of the institution;

(g) A list of trustees (directors), administrative officers and faculty members including titles and academic qualifications;

(h) A statement of policy about standards of progress required of students, including the grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory progress, probation, and re-entry, if any;

(i) A description of each course indicating the number of hours and course content, and its place in the total program;

(j) A description of facilities and major equipment, including library, laboratory and clinical training facilities;

(k) Statements on the nature and availability of student financial assistance, counseling, housing, and placement services, if any;

(l) A statement indicating whether the school is recognized by other agencies or associations for the licensing or certification of drugless physicians; and

(m) Any other material facts concerning the institution which is reasonably likely to affect the decision of the potential student.

(8) Admission policies and procedures. The institution shall not deny admission to a prospective student because of sex, race, color, religion, physical handicap and/or ethnic origin.

(9) Attendance. The institution shall have stated policy relative to attendance.

(10) Curriculum. The curriculum of the institution shall be designed and presented to meet or exceed the statutory requirements of length and content. Each student shall attend a minimum of 4000 hours of classroom instructions, including clinical training. The following standards are intended not as an exact description of an institution's curriculum, but rather as guidelines for the typical acceptable program. It is expected that the actual program taught by each institution will be prepared by the academic departments of the institution to meet the needs of their students and will exceed the outline present here. The policy has been adopted to preserve the autonomy and uniqueness of each institution, and to encourage innovative and experimental programs enhancing the quality of drugless therapeutics education.

(a) Basic science

Anatomy (includes histology and embryology)
Physiology
Pathology
Biochemistry
Public health (includes public health, genetics, microbiology, immunology)
Naturopathic philosophy
Pharmacology

(b) Clinical sciences

(i) Diagnostic courses

Physical diagnosis
Clinical diagnosis
Laboratory diagnosis
Radiological diagnosis

(ii) Therapeutic courses

Matera medica (botanical medicine)
Homeotherapeutics
Nutrition
Physical medicine
(includes mechanical and manual manipulation, hydrotherapy, and electrotherapy)
Psychological medicine

(iii) Specialty courses

Organ systems (cardiology, dermatology, endocrinology, EENT, gastroenterology)
Human development (gynecology, obstetrics, pediatrics, geriatrics)
Jurisprudence
Medical emergencies
Office procedures

(iv) Clinical externship/preceptorship

(11) Academic standards. The institution must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(12) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in

the subject(s) taught; advanced degrees in their respective disciplines are expected. The faculty should participate in development and evaluation of curriculum instructional methods and facilities; student discipline, welfare, and counseling; establishment of administrative and educational policies; scholarly and professional growth. Provisions shall be made to allow and encourage faculty involvement in these noninstructional functions, including a plan for peer observation and evaluation among faculty. The institution shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty. The institution shall have stated policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance and appeals procedures. The institution shall submit to the director for each faculty member a resume which includes the following information.

(a) Academic rank or title;

(b) Degree(s) held, the institution(s) that conferred the degree(s), the date(s) thereof, and whether earned or honorary;

(c) Other qualifying training or experience;

(d) Name and course number of each course taught;

(e) Other noninstructional responsibilities, if any, and the proportion of the faculty member's time devoted to them; and

(f) The length of time associated with the institution.

(13) Library. The library shall be staffed, equipped and organized to adequately support the instruction, and research of students and faculty.

(14) Clinical training. The clinical facilities shall be adequate in size, number and resources to provide all aspects of drugless therapeutics diagnosis and treatment. There shall be properly equipped rooms for consultation, physical examination and therapy, and a pharmacy, laboratory, and radiological equipment each consistent with the definition of practice in chapter 18.36 RCW as now or hereafter amended. A licensed and adequately experienced drugless physician must be present in the clinic at all times which the clinic is open and in direct supervision of and have final decision in the diagnosis and treatment of patients by students.

(15) Physical plant, materials and equipment. The institution shall own or enjoy the full use of buildings and equipment adequate to accommodate the instruction of its students, and administrative and faculty offices. There shall be adequate facilities of the safekeeping of valuable records. The plant and grounds, equipment and facilities shall be maintained in an efficient, sanitary, and presentable condition. All laws relating to safety and sanitation and other regulations concerning public buildings shall be observed. There shall be sufficient personnel employed to carry out proper maintenance.

(16) Cancellation and refund policy. The institution shall maintain a fair and equitable policy in reference to refund of the unused portion of tuition fees and other charges in the event a student fails to enter the course, or withdraws at any time prior to completion of the course. Such a policy shall be in keeping with generally accepted practices of institutions of higher education.

(17) Other information. The applicant institution shall provide any other information about the institution and its programs required by the director. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-070, filed 4/14/82.]

WAC 308-34-080 Review procedures. The director may send a representative or an examining or evaluation committee to inspect any institution requesting approval. Such inspections may be at any reasonable time during the normal operating hours of the institution. The report of the representative or committee and the institution's response shall be submitted as part of the documentation necessary for the director's action on the institution's application. [Statutory Authority: Chapter 18.36 RCW. 82-09-043 (Order PL 396), § 308-34-080, filed 4/14/82.]

Chapter 308-37 WAC
DENTISTRY--LICENSE DISPLAY--REPORTS--RECORDS--INVENTORY REQUIREMENTS--PRESCRIBING PRACTICES

WAC

308-37-100	Display of licenses.
308-37-110	Maintenance and retention of patient records.
308-37-120	Report of patient injury or mortality.
308-37-130	Recording requirements for all prescription drugs.
308-37-135	Recording requirement for scheduled drugs.
308-37-140	Prescribing, dispensing or distributing drugs.

WAC 308-37-100 Display of licenses. The license of any dentist, dental hygienist or other individual licensed pursuant to the laws of Washington to engage in any activity being performed in the premises under the supervision or control of a licensed dentist, shall be displayed in a place visible to individuals receiving services in the premises, and readily available for inspection by any designee of the dental disciplinary board. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-100, filed 2/20/81.]

WAC 308-37-110 Maintenance and retention of patient records. Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the dental disciplinary board or its authorized representative: *Provided*, That x-rays or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs. [Statutory Authority: RCW 18.32.640. 82-07-043 (Order PL 392), § 308-37-

110, filed 3/17/82; 81-06-013 (Order PL 373), § 308-37-110, filed 2/20/81.]

WAC 308-37-120 Report of patient injury or mortality. All licensees engaged in the practice of dentistry shall submit a complete report of any patient mortality or other incident which results in temporary or permanent physical or mental injury requiring hospitalization of said patient during, or as a direct result of dental procedures or anesthesia related thereto. This report shall be submitted to the dental disciplinary board within thirty days of the occurrence. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-120, filed 2/20/81.]

WAC 308-37-130 Recording requirements for all prescription drugs. An accurate record of [the] [any] medication[s] prescribed or dispensed will be clearly indicated on the patient history. This record shall include the date prescribed or the date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed. [Statutory Authority: RCW 18.32.640(1). 83-04-050 (Order PL 423), § 308-37-130, filed 2/1/83; 81-06-013 (Order PL 373), § 308-37-130, filed 2/20/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-37-135 Recording requirement for scheduled drugs. When Schedule II, III, IV or V drugs as described in chapter 69.50 RCW are stocked by the dental office for dispensing to patients, an inventory control record must be kept in such a manner as to identify disposition of such medicines and such records shall be available for inspection. [Statutory Authority: RCW 18.32.640(1). 83-04-050 (Order PL 423), § 308-37-135, filed 2/1/83.]

WAC 308-37-140 Prescribing, dispensing or distributing drugs. No dentist shall prescribe, dispense or distribute any controlled substance or legend drug for other than dentally-related conditions. [Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-140, filed 2/20/81.]

Chapter 308-38 WAC

GUIDELINES FOR DELEGATION OF DUTIES TO PERSONS NOT LICENSED AS DENTISTS

WAC

308-38-100 Purpose.
308-38-110 Definitions.
308-38-120 Acts that may be performed by unlicensed persons.
308-38-130 Acts that may not be performed by unlicensed persons.
308-38-140 Acts that may be performed by licensed dental hygienists under general supervision.
308-38-150 Acts that may be performed by licensed dental hygienists under close supervision.
308-38-160 Acts that may not be performed by dental hygienists.

WAC 308-38-100 Purpose. The purpose of this chapter is to establish guidelines on delegation of duties to persons who are not licensed to practice dentistry. The dental laws of Washington state authorized the delegation of certain duties to nondentist personnel and prohibit the delegation of certain other duties. By statute, the duties that may be delegated to a person not licensed to practice dentistry may be performed only under the supervision of a licensed dentist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or oral health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The dentist is ultimately responsible for the services performed in his or her office and this responsibility cannot be delegated. The board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds that it is necessary to adopt the following definitions and regulations. [Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-100, filed 8/18/81.]

WAC 308-38-110 Definitions. (1) "Dental disciplinary board" shall mean the board created by RCW 18.32.560.

(2) "Dental examining board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the department of licensing.

(4) "Close supervision" shall mean that a licensed dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. A dentist shall be physically present in the treatment facility while the procedures are performed. Close supervision does not require a dentist to be physically present in the operatory; however, an attending dentist must be in the treatment facility and be capable of responding immediately in the event of an emergency.

(5) "Treatment facility" means a dental office or connecting suite of offices, dental clinic, room or area with equipment to provide dental treatment, or the immediately adjacent rooms or areas. A treatment facility does not extend to any other area of a building in which the treatment facility is located.

(6) "General supervision" means supervision of dental procedures based on examination and diagnosis of the patient and subsequent instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist in the treatment facility during the performance of those procedures.

(7) "Unlicensed person" means a person who is neither a dentist duly licensed pursuant to the provisions of chapter 18.32 RCW nor a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW.

(8) "Oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes complete removal of calculus, soft deposits, plaque, stains

and the smoothing of unattached tooth surfaces. The objective of this treatment shall be creation of an environment in which hard and soft tissues can be maintained in good health by the patient.

(9) "Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with rubber cap or brush and a polishing agent.

This procedure shall not be intended or interpreted as an oral prophylaxis as defined in WAC 308–38–110(8) a procedure specifically reserved to performance by a licensed dentist or dental hygienist. Coronal polishing may, however, be performed by dental assistants under close supervision as a portion of the oral prophylaxis. In all instances, however, a licensed dentist shall determine that the teeth need to be polished and are free of calculus or other extraneous material prior to performance of coronal polishing by a dental assistant.

(10) "Root planing" means the process of instrumentation by which the unattached surfaces of the root are made smooth by the removal of calculus and/or deposits.

(11) "Periodontal soft tissue curettage" means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap.

(12) "Debridement at the periodontal surgical site" means curettage and/or root planing after reflection of a flap by the supervising dentist. This does not include cutting of osseous tissues.

(13) "Luxation" is defined as an integral part of the surgical procedure of which the end result is extraction of a tooth. Luxation is not a distinct procedure in and of itself. It is the dislocation or displacement of a tooth or of the temporomandibular articulation.

(14) "Incising" is defined as part of the surgical procedure of which the end result is removal of oral tissue. Incising, or the making of an incision, is not a separate and distinct procedure in and of itself.

(15) "Elevating soft tissues" is defined as part of a surgical procedure involving the use of the periosteal elevator to raise flaps of soft tissues. Elevating soft tissue is not a separate and distinct procedure in and of itself.

(16) "Suturing" is defined as the readaption of soft tissue by means of stitches as a phase of an oral surgery procedure. Suturing is not a separate and distinct procedure in and of itself. [Statutory Authority: RCW 18.32-.640. 81–17–054 (Order PL 382), § 308–38–110, filed 8/18/81.]

WAC 308–38–120 Acts that may be performed by unlicensed persons. A dentist may allow an unlicensed person to perform the following acts under the dentist's close supervision: (1) Oral inspection, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Place and remove the rubber dam.

(4) Hold in place and remove impression materials after the dentist has placed them.

(5) Take impressions solely for diagnostic and opposing models.

(6) Take impressions and wax bites solely for study casts.

(7) Remove the excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.

(8) Perform coronal polish.

(9) Give flouride treatments.

(10) Place periodontal packs.

(11) Remove periodontal packs or sutures.

(12) Placement of a matrix and wedge for a silver restoration after the dentist has prepared the cavity.

(13) Place a temporary filling (as ZOE) after diagnosis and examination by the dentist.

(14) Apply tooth separators as for placement for Class III gold foil.

(15) Fabricate, place, and remove temporary crowns or temporary bridges.

(16) Pack and medicate extraction areas.

(17) Deliver a sedative drug capsule to patient.

(18) Place topical anesthetics.

(19) Placement of retraction cord.

(20) Polish restorations at a subsequent appointment.

(21) Select denture shade and mold.

(22) Acid etch.

(23) Apply sealants.

(24) Place dental x–ray film and expose and develop the films.

(25) Take intra–oral and extra–oral photographs.

(26) Take health histories.

(27) Take and record blood pressure and vital signs.

(28) Give preoperative and postoperative instructions.

(29) Assist in the administration of nitrous oxide analgesia or sedation, but shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the dentist. Patients must never be left unattended while nitrous oxide–oxygen analgesia or sedation is administered to them. The dentist must be present at chairside during the entire administration of nitrous oxide and oxygen analgesia or sedation if any other central nervous system depressant has been given to the patient. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.

(30) Select orthodontic bands for size.

(31) Place and remove orthodontic separators.

(32) Prepare teeth for the bonding or orthodontic appliances.

(33) Fit and adjust headgear.

(34) Remove fixed orthodontic appliances.

(35) Remove and replace archwires and orthodontic wires.

(36) Take a facebow transfer for mounting study casts. [Statutory Authority: RCW 18.32.640. 81–17–054 (Order PL 382), § 308–38–120, filed 8/18/81.]

WAC 308–38–130 Acts that may not be performed by unlicensed persons. No dentist shall allow an unlicensed person who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures. (1) Any removal of or addition to the hard or soft natural tissue of the oral cavity.

(2) Any placing of permanent or semi–permanent restorations in natural teeth.

(3) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure.

(4) Any administration of general or injected local anesthetic of any nature in connection with a dental operation.

(5) Any oral prophylaxis, except coronal polishing as a part of oral prophylaxis as defined in WAC 308–38–110(9) and 308–38–120(8).

(6) Any scaling procedure.

(7) The taking of any impressions of the teeth or jaws, or the relationships of the teeth or jaws, for the purpose of fabricating any intra–oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(8) Intra–orally adjust occlusal of inlays, crowns, and bridges.

(9) Intra–orally finish margins of inlays, crowns, and bridges.

(10) Cement or recement, permanently, any cast restoration or stainless steel crown.

(11) Incise gingiva or other soft tissue.

(12) Elevate soft tissue flap.

(13) Luxate teeth.

(14) Curette to sever epithelial attachment.

(15) Suture.

(16) Establish occlusal vertical dimension for dentures.

(17) Try–in of dentures set in wax.

(18) Insertion and post–insertion adjustments of dentures.

(19) Endodontic treatment — open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal. [Statutory Authority: RCW 18.32.640. 81–17–054 (Order PL 382), § 308–38–130, filed 8/18/81.]

WAC 308–38–140 Acts that may be performed by licensed dental hygienists under general supervision. A dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

(1) Oral inspection and measuring of periodontal pockets, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Take intra–oral and extra–oral radiographs.

(4) Apply topical preventive or prophylactic agents.

(5) Polish and smooth restorations.

(6) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.

(7) Record health histories.

(8) Take and record blood pressure and vital signs.

(9) Perform sub–gingival and supra–gingival scaling.

(10) Perform root planing. [Statutory Authority: RCW 18.32.640. 81–17–054 (Order PL 382), § 308–38–140, filed 8/18/81.]

WAC 308–38–150 Acts that may be performed by licensed dental hygienists under close supervision. In addition to the acts performed under section WAC 308–38–120, a dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's close supervision:

(1) Perform soft–tissue curettage.

(2) Give injections of a local anesthetic.

(3) Place restorations into the cavity prepared by the dentist, and thereafter could carve, contour, and adjust contacts and occlusion of the restoration.

(4) Administer nitrous oxide analgesia.

(5) Apply sealants. [Statutory Authority: RCW 18-.32.640. 81–17–054 (Order PL 382), § 308–38–150, filed 8/18/81.]

WAC 308–38–160 Acts that may not be performed by dental hygienists. No dentist shall allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures:

(1) Any surgical removal of tissue of the oral cavity, except for soft–tissue curettage, as defined in WAC 308–38–110(11).

(2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician.

(3) Any diagnosis for treatment or treatment planning.

(4) The taking of any impression of the teeth or jaw, or the relationship of the teeth or jaws, for the purpose of fabricating any intra–oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(5) Intra–orally adjust occlusal of inlays, crowns, and bridges.

(6) Intra–orally finish margins of inlays, crowns, and bridges.

(7) Cement or recement, permanently, any cast restorations or stainless steel crowns.

(8) Incise gingiva or other soft tissue.

(9) Elevate soft tissue flap.

(10) Luxate teeth.

(11) Curette to sever epithelial attachment.

(12) Suture.

(13) Establish occlusal vertical dimension for dentures.

(14) Try–in of dentures set in wax.

(15) Insertion and post–insertion adjustments of dentures.

(16) Endodontic treatment—open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal. [Statutory Authority: RCW 18.32.640. 81–17–054 (Order PL 382), § 308–38–160, filed 8/18/81.]

Chapter 308–39 WAC

GUIDELINES FOR SAFE ADMINISTRATION OF ANESTHETIC AGENTS FOR DENTAL PROCEDURES

WAC

308–39–100 Purpose.
308–39–110 Definitions.
308–39–120 Standards for dental administration of anesthesia.

WAC 308–39–100 Purpose. The purpose of this chapter is to establish guidelines upon which the safety of administration of anesthetic agents can be measured. The dental laws of the state of Washington permit any licensed dentist to administer such agents. Morbidity and mortality can be associated therewith. Training, experience, adequate equipment and competent staff can minimize such risk. The dental disciplinary board is empowered and directed to identify unsafe practices, equipment and conditions and direct corrective action. These guidelines represent the basis upon which unsafe dental anesthesia practices would be judged. The board therefore, in order to promote the welfare of the state and to protect the health and well–being of the people of this state, finds it necessary to adopt the following definitions and standards. [Statutory Authority: RCW 18.32.640. 81–06–013 (Order PL 373), § 308–39–100, filed 2/20/81.]

WAC 308–39–110 Definitions. (1) "Dental disciplinary board" shall mean the board created by RCW 18.32.560.

(2) "Dental examining board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the department of licensing.

(4) "General anesthesia" is a controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or non–pharmacologic method, or combination thereof.

(5) "Sedation" is a depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by pharmacologic or non–pharmacologic method, or combination thereof.

(6) "Regional anesthesia" consists of the use of any drug, element, or other material which results in a state of insensibility of a circumscribed area, or the loss of sensation of some definite, localized area, without inhibition of conscious processes. [Statutory Authority: RCW 18.32.640(1). 82–16–087 (Order PL 403), § 308–39–110, filed 8/4/82. Statutory Authority: RCW 18.32-.640. 81–06–013 (Order PL 373), § 308–39–110, filed 2/20/81.]

WAC 308–39–120 Standards for dental administration of anesthesia. The dental disciplinary board adopts the following guidelines for its use when considering and investigating complaints and charges of malpractice, unsafe conditions and practices involving the dental administration of anesthesia; and for analyzing anesthesia equipment, staff, procedures and training:

(1) A dentist currently licensed in the state of Washington who has a minimum of one year of training in anesthesiology and related subjects beyond the undergraduate dental school level, or its equivalent, sponsored by an accredited hospital or an accredited dental school; or is eligible to take the examination for certification, or has been certified, (a) as a fellow in general anesthesia of the American Society of Dental Anesthesiologists according to the standards as of January 1, 1982, or (b) by the American Association of Oral and Maxillofacial Surgeons according to the standards as of December 1979 shall be presumed adequately prepared to use or administer general anesthesia;

(2) Successful completion of a course with a minimum of sixty clock hours instruction beyond the undergraduate dental school level sponsored by an accredited hospital or accredited dental school, including instruction in safety and management of emergencies, shall be considered necessary in order for a dentist to administer sedation other than nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone.

(3) A dentist will be presumed eligible to administer nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone, if he or she has successfully completed a course containing a minimum of fourteen clock hours of either undergraduate dental school or post graduate instruction. This instruction must include actual experience with the administration of nitrous oxide.

(4) When using local or regional anesthetic agents for dental patients the dentist shall be capable of reasonably handling procedure problems and emergencies incident to the use and administration of local anesthetic agents.

Dentists who comply with the above–listed guidelines or who can show evidence of competence and skill by virtue of experience and/or comparable alternate training, shall be presumed by the dental disciplinary board to have appropriate credentials for the use of anesthetics.

Dentists shall be capable of managing and treating any untoward reaction or emergency incident to the administration of any regional anesthesia, sedation, or general anesthesia that he/she may administer. The dentist should have certification in CPR with a periodic update not to exceed two years. The dentist shall be responsible for the competence of his/her staff in cardiopulmonary resuscitation. [Statutory Authority: RCW 18.32.640(1). 82–16–087 (Order PL 403), § 308–39–120, filed 8/4/82. Statutory Authority: RCW 18.32.640. 81–06–013 (Order PL 373), § 308–39–120, filed 2/20/81.]

Chapter 308-40 WAC
DENTISTRY

WAC

308-40-010 Maintenance of records.
308-40-020 Prescriptions.
308-40-030 Previous rules and regulations repealed.
308-40-040 A rule applicable to dental technicians.
308-40-101 Application procedure.
308-40-102 Examination content.
308-40-103 Dismissal from examination.
308-40-104 Examination results.
308-40-105 Examination review procedures.
308-40-110 Foreign trained dentists.
308-40-111 Preclinical exam waiver.
308-40-125 Fees.
308-40-130 Renewal of licenses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-40-100 Examination for a dental license. [Order PL 277, § 308-40-100, filed 11/17/77; Order PL 266, § 308-40-100, filed 3/24/77; Order PL 237, § 308-40-100, filed 2/18/76; Order PL 151, § 308-40-100, filed 10/3/73; Order PL-108, § 308-40-100, filed 6/25/71; Order, § 308-40-100, filed 12/3/69; § 308-40-100, filed 4/14/67; Examination rule, filed 6/30/64.] Repealed by 79-04-011 (Order 295, Resolution 295), filed 3/13/79. Statutory Authority: RCW 18.32.040.

308-40-120 Dentistry—Fees. [Statutory Authority: RCW 43.24-.085. 80-14-022 (Order 356), § 308-40-120, filed 9/25/80; Order PL 218, § 308-40-120, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-40-125.

WAC 308-40-010 Maintenance of records. Every dentist who operates a dental office in the state of Washington must maintain a comprehensive written and dated record of all services rendered to his patients. In offices where more than one dentist is performing the services the records must specify the dentist who performed the services. Whenever requested to do so, by the director of licenses, or his authorized representative, the dentist shall supply documentary proof:

(1) That he is the owner or purchaser of the dental equipment and/or the office he occupies.

(2) That he is the lessee of the office and/or dental equipment.

(3) That he is, or is not, associated with other persons in the practice of dentistry, including prosthetic dentistry, and who, if any, the associates are.

(4) That he operates his office during specific hours per day and days per week, stipulating such hours and days. [Order, § 1, filed 3/23/60.]

WAC 308-40-020 Prescriptions. Every dentist who operates a dental office in the state of Washington must write a valid prescription to the dental laboratory or dental technician with whom he or she intends to place an order for the making, repairing, altering or supplying of artificial restorations, substitutes or appliances to be worn in the human mouth. A separate prescription must be submitted to the dental laboratory or dental technician for each patient's requirements. Such prescriptions, to be valid, must be written in duplicate and contain the date, the name and address of the dental laboratory or the dental technician, the name and address of the patient, description of the basic work to be done, the signature of the dentist serving the patient for whom the work is being done and the dentist's license certificate number. The original prescription shall be referred to the dental laboratory or the dental technician and the carbon copy shall be retained for five years, by the dentist, in an orderly, accessible file and shall be readily available for inspection by the director of licenses or his authorized representative. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-020, filed 1/26/82; Order, § 2, filed 3/23/60.]

WAC 308-40-030 Previous rules and regulations repealed. All rules and regulations previously adopted pursuant to chapter 18.32 RCW are hereby repealed.

These rules and regulations, when adopted, contain the same force and effect as the statutes authorizing their promulgation. [Order, § 3, filed 3/23/60.]

WAC 308-40-040 A rule applicable to dental technicians. RCW 18.32.030 provides in part:

> "The following practices, acts and operations are excepted from the operation of the provisions of this chapter: . . . .
>
> "(6) The making, repairing, altering or supplying of artificial restorations, substitutes, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of licenses or his authorized representatives."

To acquire exemption from the law prohibiting the practice of dentistry, dental technicians must comply with the above-quoted provisions. The form of the required prescription is defined in the rules set forth above. [Order, filed 3/23/60.]

WAC 308-40-101 Application procedure. (1) To be eligible for the dental examination, the applicant must be a graduate from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in January 1981 and has approved all and only those dental schools which were accredited by the commission as of January 1981. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to

apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) Applications for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504. The application must be completed in every respect, and reach the division of professional licensing in Olympia at least sixty days prior to the examination.

(3) Applicants who are not citizens or resident aliens in the United States[,] must attain full citizenship or resident alien status within six years from issuance of the license, or the license will be cancelled;

(4) The only acceptable proof of graduation from an approved dental school is an official transcript from such school, or a verified list of graduating students from the dean of the dental school. The verified list of students will only be acceptable from applicants who have graduated within 45 days of the examination for which they are applying. An applicant may complete his other application requirements and be scheduled for the examination before he has graduated, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean has been received by the division of professional licensing of the department of licensing on or before the first day of the examination.

(5) In case of applicant having previously been in practice, the board requires a sworn statement covering history of practice for a five-year period immediately preceding application for this examination. This statement must accompany the application when returning it to the division of professional licensing.

(6) Upon establishing examination eligibility, the division of professional licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the board throughout the practical examination. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-101, filed 1/26/82. Statutory Authority: RCW 18.29-.030 and 18.32.040. 81-08-043 (Order PL 374), § 308-40-101, filed 3/31/81; 80-05-063 (Order PL 342), § 308-40-101, filed 4/22/80. Statutory Authority: RCW 18.32.040. 79-04-011 (Order 295, Resolution 295), § 308-40-101, filed 3/13/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-40-102 Examination content. (1) The examination will consist of:

(a) Theory: National board only accepted.

(b) Practical:

(i) Restorative examination: The restorative examination shall consist of an amalgam restoration, a cast gold restoration and a gold foil restoration. Proper radiographs are required for each cavity selection.

Amalgam Class II -

Cast gold restoration - Three or more surfaces.

Gold foil - Class II, III or V

(ii) Prosthetic: Candidates will be evaluated in the area of prosthetics.

(iii) The board may, at its discretion, give an examination in oral diagnosis and treatment planning, or any other phase of dentistry. Candidate will receive information concerning such examination.

(2) Each applicant must furnish his or her own patient for all phases of the practical examination. Patients must be at least eighteen years of age, and shall not be a dentist, dental student, dental hygienist or dental hygiene student. The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination.

(3) An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students, hygienists, undergraduate hygienists are not acceptable as assistants. Assistants must complete a form of eligibility. [Statutory Authority: RCW 18.32-.040. 83-08-021 (Order PL 431), § 308-40-102, filed 3/29/83; 82-04-024 (Order PL 391), § 308-40-102, filed 1/26/82; 79-04-011 (Order 295, Resolution 295), § 308-40-102, filed 3/13/79.]

WAC 308-40-103 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-103, filed 1/26/82.]

WAC 308-40-104 Examination results. (1) In order to pass the examination the applicant must have a score of 75 in each of the restorative procedures. An overall average of 75 for the entire examination must be achieved.

(2) Applicants will be required to retake the entire examination even though a passing score may have been received on any portion of the examination.

(3) Applicants who fail the examination may apply for reexamination by completing application and submitting the appropriate fee to the division of professional licensing.

(4) Applicants who fail to appear for examination forfeit the examination fee. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-104, filed 1/26/82.]

WAC 308-40-105 Examination review procedures. (1) Each individual who takes the practical examination for licensure as a dentist and does not pass the examination will be provided, upon written request, information indicating the areas of the practical examination in which his or her performance was deficient.

(2) Any unsuccessful applicant, after being advised by the board of the areas of deficiency in the examination, may request review by the board of his or her examination results. This request must be in writing and must be received by the board within 45 days of notification of the examination results. The request must state the reason or reasons why the applicant feels the results of the examination should be changed. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(3) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within 20 days of receipt of the result of the board's review of the examination results. [Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-105, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-40-105, filed 11/24/80; 80-05-063 (Order PL 342), § 308-40-105, filed 4/22/80.]

WAC 308-40-110 Foreign trained dentists. The following requirements apply to persons who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

(1) A person who has issued to him or her a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school listed by the World Health Organization, or by a foreign dental school approved by the board of examiners, shall be eligible to take the examination given by the board in the theory and practice of the science of dentistry upon furnishing all of the following:

(a) A certified copy of dental school diploma.

(b) Official dental school transcript.

(c) Proof of identification by an appropriate governmental agency; provided, however, that alternate arrangements may be made for political refugees.

(2) Examination by the board of a foreign trained dental applicant shall be a progression examination given in English in the following sequence:

(a) Passing scores on national board examinations, parts I and II.

(b) Satisfactory performance on a preclinical examination in all portions of the restorative examination. This portion will be completed on a typodont.

(c) Satisfactory performance on a clinical examination required of all candidates for dental licensure including the prosthetic/oral diagnosis and treatment planning examination.

(3) The licensure examination for foreign trained dental applicants shall be held by the board at least once a year with such additional examinations as the board desires to hold. The time and place of the examination shall be fixed by the board at least six months prior to the date that the examination is to be held. [Statutory Authority: RCW 18.32.040. 83-08-021 (Order PL 431), § 308-40-110, filed 3/29/83; 82-04-024 (Order PL 391), § 308-40-110, filed 1/26/82; Order PL 253, § 308-40-110, filed 7/13/76; Order PL 194, § 308-40-110, filed 7/2/75.]

WAC 308-40-111 Preclinical exam waiver. Foreign trained dentists who are licensed in one or more of the United States shall not be required to take the preclinical examination. [Statutory Authority: RCW 18-.32.040. 79-04-011 (Order 295, Resolution No. 295), § 308-40-111, filed 3/13/79.]

WAC 308-40-125 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and exam	$120.00
Reexam	120.00
Renewal	40.00
Late renewal penalty	40.00
Reciprocity application	120.00
Duplicate license	5.00
Certification	25.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-40-125, filed 8/10/83. Formerly WAC 308-40-120.]

WAC 308-40-130 Renewal of licenses. (1) Effective with the renewal period beginning October 1, 1977, the annual license renewal date for dentists will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of September 30, 1977. Licensed dentists desiring to renew their license will be required to pay a fee of fifteen dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following September 30, 1978.

(b) On and after October 1, 1977, all new or initial dentist licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date.

However, licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-40-120. [Order PL 262, § 308-40-130, filed 1/13/77.]

Chapter 308-41 WAC
LICENSING UNDER THE DRUGLESS THERAPEUTICS LAW

WAC

308-41-025 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-41-010 License renewal fee. [Order PL 166, § 308-41-010, filed 4/2/74.] Repealed by Order PL 225, filed 11/5/75. For later promulgation, see WAC 308-41-020.

308-41-020 Drugless therapist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-41-020, filed 9/25/80; Order PL 225, § 308-41-020, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-41-025.

WAC 308-41-025 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and exam	$150.00
License renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Certification	15.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-41-025, filed 8/10/83. Formerly WAC 308-41-020.]

Chapter 308-42 WAC
PHYSICAL THERAPISTS

WAC

308-42-010 Definitions.
308-42-020 Registration certificates—Signed by examining committee.
308-42-030 Examining committee—Chairman to be designated.
308-42-035 Examination committee—Meetings.
308-42-040 Examination—When held.
308-42-045 Examination.
308-42-050 Probationary certificates—Foreign trained applicants.
308-42-055 Probationary certificates—Domestic trained applicants.
308-42-060 Reciprocity—Recommendation to director.
308-42-070 Reinstatement.
308-42-075 Fees.
308-42-110 Application due date.
308-42-120 Renewal of license.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-42-025 Application for registration—Process. [Order PL 191, § 308-42-025, filed 5/29/75.] Repealed by 83-05-032 (Order PL 426), filed 2/10/83. Statutory Authority: RCW 18.74.020.

308-42-080 Registration renewal fee. [Order PL 149, § 308-42-080, filed 9/18/73.] Repealed by Order PL 219, filed 11/5/75. Later promulgation, see WAC 308-42-100.

308-42-100 Physical therapist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-42-100, filed 9/25/80; Order PL 219, § 308-42-100, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-42-075.

WAC 308-42-010 Definitions. For purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) The "prescription and direction of a person licensed in Washington to practice medicine and surgery," under which the physical therapist must practice, shall include written or oral instructions from the said medical and/or surgical practitioner. If the instructions are oral, the physical therapist may administer treatment accordingly, but must make a notation for his own record describing the nature of the treatment, the date administered, the name of the person receiving treatment, and the name of the prescribing practitioner.

(2) A "person licensed to practice medicine and surgery" shall include properly licensed physicians, osteopathic physicians, podiatrists, and dentists: *Provided, however*, That the prescription and direction of the podiatrist and dentist be limited to their scope of practice as defined by chapters 18.22 and 18.32 RCW respectively.

(3) The "performance of tests of neuro muscular function" includes the performance of electroneuromyographic examinations. [Order PL 191, § 308-42-010, filed 5/29/75; Order 704207, § 308-42-010, filed 8/7/70, effective 9/15/70.]

WAC 308-42-020 Registration certificates—Signed by examining committee. Successful applicants for registration as physical therapists in Washington shall be issued a registration certificate as required by law, bearing the signatures of members of the examining committee. [Order 704207, § 308-42-020, filed 8/7/70, effective 9/15/70.]

WAC 308-42-030 Examining committee—Chairman to be designated. (1) The member of the examining committee with the least remaining time in office shall be designated chairman of the examining committee.

(2) The first such designation shall be made on January 1, 1971, and thereafter on January 1 of each succeeding year. [Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-030, filed 2/10/83; Order 704207, § 308-42-030, filed 8/7/70, effective 9/15/70.]

WAC 308-42-035 Examination committee—Meetings. The examining committee shall meet at least three times each calendar year. [Statutory Authority: RCW 18.74.020. 79-05-035 (Order PL 302), § 308-42-035, filed 4/24/79; Order PL 191, § 308-42-035, filed 5/29/75.]

WAC 308-42-040 Examination--When held. (1) Examinations of applicants for registration as physical therapists shall be held twice a year at the time and location prescribed by the director with the advice and consent of the examining committee.

(2) If for religious or other reasons acceptable to the examining committee, an applicant is unable to be examined on the appointed day, another examination may be given within a reasonable time on a day approved by the examining committee.

(3) Physical therapy students in their last year may apply for licensure by examination prior to graduation under the following circumstances:

(a) Receipt of a letter from an official, of their physical therapy school, verifying the probability of graduation prior to the date of the examination for which they are applying.

(b) Results of the examination and the probational certificate will be withheld until a diploma, official transcript or certification letter from the registrar's office certifying completion of all requirements for degree or certificate in physical therapy is received by the department. [Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-040, filed 2/10/83; 79-05-035 (Order PL 302), § 308-42-040, filed 4/24/79; Order PL 191, § 308-42-040, filed 5/29/75; Order 704207, § 308-42-040, filed 8/7/70, effective 9/15/70.]

WAC 308-42-045 Examination. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as prepared by the Professional Examining Service of New York. A passing score is 70% of the raw score with not less than 60% raw score on each of the three examination parts.

(2) A passing score, as defined above, obtained in a PES exam within three years prior to the date of registration application and verified by the interstate reporting service of the Professional Examining Service of New York, will satisfy the written examination requirement[s].

(3) If a candidate fails to receive a passing score on the examination, he or she must retake the entire examination.

(4) Where necessary, applicant's score will be rounded off to the nearest whole number. [Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-045, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-045, filed 9/15/81; Order PL 191, § 308-42-045, filed 5/29/75.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-42-050 Probationary certificates--Foreign trained applicants. (1) Before a probationary certificate may be issued to a foreign trained physical therapist, the applicant must present to the examining committee a letter from the supervising R.P.T. verifying:

(a) That an R.P.T. will provide constant on-site supervision.

(b) That the department will be advised of severance of the supervisory relationship for any reason.

(2) The severance of supervision would invalidate the probational certificate.

(3) The diploma from the School of Physical Therapy, if not in English, shall be accompanied by a certified English translation.

(4) Applicants must submit a certified copy of the courses completed in their physical therapy curriculum. It must be in English and include the requirements for admission and number of clock hours devoted to each course. [Order PL 191, § 308-42-050, filed 5/29/75; Order 704207, § 308-42-050, filed 8/7/70, effective 9/15/70.]

WAC 308-42-055 Probationary certificates--Domestic trained applicants. (1) Before a probationary certificate may be issued to a domestic trained physical therapist, the applicant must present to the examining committee a letter from the supervising R.P.T. verifying:

(a) That an R.P.T. will provide constant on-site supervision.

(b) That the department will be advised of severance of the supervisory relationship for any reason.

(2) The severance of supervision would invalidate the probational certificate.

(3) Applicants must submit a certified copy of a diploma from a school of an approved school of physical therapy. [Statutory Authority: RCW 18.74.020. 80-14-011 (Order PL-354), § 308-42-055, filed 9/22/80.]

WAC 308-42-060 Reciprocity--Recommendation to director. (1) Before recommending to the director that reciprocity be extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the examining committee shall determine the qualifications of the applicant as prescribed by law[,] based in part on the Professional Examining Service examination as follows:

(a) For applicants examined after October 14, 1981, a score of 70% of the raw score with not less than 60% raw score on [each of the] three examination parts, [or]

(b) For applicants examined prior to October 14, 1981, a score of 1.5 standard deviation below the national mean; verified[,] by the interstate reporting service of the Professional Examining Service of New York, shall be considered passing for the purposes of reciprocity outlined in RCW 18.74.060.

(2) If the decision to extend reciprocity is based on an examination other than the Professional Examining Service, the examining committee shall determine if such examination is equivalent to that required by the laws of this state.

(3) The committee shall not recommend to the director that a person be registered as a physical therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the Professional Examining Service examination, or other

examination equivalent to that required by the laws of this state.

(4) All applicants who have been denied reciprocity must apply for registration in Washington and receive a probationary certificate or become licensed before engaging in the practice of physical therapy. [Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-060, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-060, filed 9/15/81; Order PL 191, § 308-42-060, filed 5/29/75; Order 704207, § 308-42-060, filed 8/7/70, effective 9/15/70.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-42-070 Reinstatement. Any physical therapist who fails to renew his or her license for a period of three years shall not be entitled to automatic renewal of license under RCW 18.74.070. In order for such a physical therapist to obtain a license to practice physical therapy he or she must file an original application along with the required fees. The examining committee may, in its sole discretion, permit such applicant to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state and is competent to engage in the practice of physical therapy. [Statutory Authority: RCW 18.74.020. 83-05-032 (Order PL 426), § 308-42-070, filed 2/10/83.]

WAC 308-42-075 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application—Exam	$100.00
Reciprocity application	100.00
License renewal	35.00
Late renewal penalty	35.00
Duplicate license	5.00
Certification	10.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-42-075, filed 8/10/83. Formerly WAC 308-42-100.]

WAC 308-42-110 Application due date. All examination applications must be submitted no later than sixty days prior to the examination. [Statutory Authority: RCW 18.74.020. 79-05-035 (Order PL 302), § 308-42-110, filed 4/24/79.]

WAC 308-42-120 Renewal of license. (1) The annual license renewal date for physical therapists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) Current licensees, as of January 1, 1981. Licensed physical therapists desiring to renew their licenses will be required to pay a fee of fifteen dollars, plus one-twelfth of that amount for each month or fraction thereof, in order to extend their license to expire on their birth anniversary date next following January 1, 1981.

(3) After the initial conversion to a staggered system, licensees may renew their licenses at the annual fee rate, for one year from birth anniversary date to the next birth anniversary date. [Statutory Authority: RCW 43-.24.140. 80-04-057 (Order 337), § 308-42-120, filed 3/24/80.]

Chapter 308-44 WAC
ENGINEERS AND LAND SURVEYORS
[See Title 196 WAC]

Chapter 308-48 WAC
FUNERAL DIRECTORS AND EMBALMERS

WAC

308-48-010 Definitions.
308-48-030 Restrictions.
308-48-040 Control of dead bodies.
308-48-050 Confidence.
308-48-060 Against concealment of crime.
308-48-070 Fraud and deceit.
308-48-080 Improper use of license.
308-48-085 Funeral establishments—Inspections.
308-48-100 Improper methods for seeking business.
308-48-110 Revocation of license.
308-48-120 Apprentices—Credit limitation for prior employment.
308-48-130 College credit.
308-48-140 Reciprocity.
308-48-150 Course of training—Funeral director apprentice.
308-48-160 Embalmer's apprentice.
308-48-165 Examination subjects.
308-48-180 Renewal of licenses.
308-48-185 Funeral establishments—License expiration.
308-48-190 Examination fee.
308-48-200 Report of apprenticeship termination, transfer and credit.
308-48-250 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-48-020 Misconduct enumerated in statute. [Rule 2, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

308-48-090 Absence of licensee. [Order PL 273, § 308-48-090, filed 8/1/77; Rule 9, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

308-48-115 Director's designees. [Order PL 273, § 308-48-115, filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

308-48-170 Collegiate level hours. [Order PL 122, § 308-48-170, filed 5/9/72.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

308-48-175 Application to national boards—Embalmers. [Order PL 273, § 308-48-175, filed 8/1/77; Order PL-259, § 308-48-175, filed 12/7/76.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

308-48-19001 Definition—Employ. [Order PL 273, § 308-48-190 (codified as WAC 308-48-19001), filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.

308-48-300 License renewal fee. [Order PL-163, § 308-48-300, filed 3/18/74.] Repealed by Order PL 207, filed 11/5/75. Later promulgation, see WAC 308-48-310.

308-48-310 Funeral directors and embalmers—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-48-310, filed 9/25/80; Order PL 273, § 308-48-310, filed 8/1/77; Order PL-259, § 308-48-310, filed 12/7/76; Order PL 207, § 308-48-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-48-250.

WAC 308-48-010 Definitions. For the purpose of these rules, the following terms shall be construed in the following manner:

(1) "Funeral director," and "embalmer" shall have the same meaning as provided in RCW 18.39.010.

(2) "Board" shall mean the state board of funeral directors and embalmers.

(3) "Licensee" shall mean any person holding a license issued by the director.

(4) "In its employ" as used in RCW 18.39.148 shall include personnel who are employed on a part-time basis as well as personnel who are employed on a full-time basis.

Any prohibition in these rules and regulations stated as against a licensee or apprentice shall be taken and treated as a prohibition against such action by the licensee or apprentice in his own proper person, directly or indirectly, or by agent, servant, employee or associate, or through any person, firm or corporation, and as a prohibition against such action known and permitted by him and operating or tending to operate for his benefit from whatever source. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-010, filed 1/26/83; Rule 1, filed 9/17/64.]

WAC 308-48-030 Restrictions. (1) Licensees in all their licensed activities, shall comply with all applicable Washington state laws, rules and regulations related to health or the handling or disposal of human remains.

(2) Every establishment where embalming is done shall have a separate room for the purpose, equipped in a sanitary manner, including operating table, sanitary waste receptacles and such plumbing as may be necessary for the sanitary disposal of wastes resulting from embalming; and that embalming instruments shall be properly cleaned and disinfected after each operation and shall be kept clean between operations.

(3) No licensee or apprentice, in handling a dead body, shall perform any unnecessary act which will tend to affect adversely the dignity or the respectful and reverential handling and burial or other customary disposal of the dead.

(4) The care and preparation for burial or other disposition of all human dead bodies shall be private. No one shall be allowed in the embalming or preparation rooms while a dead body is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized doctors and nurses employed in a case, nor to members of the immediate family of the deceased or those authorized to be present by the decedent's next of kin.

(5) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a body in the licensee's care, custody or control to the decedent's next of kin or the proper authorities. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-030, filed 1/26/83; Rule 3, filed 9/17/64.]

WAC 308-48-040 Control of dead bodies. (1) No licensee shall, directly or indirectly, assume control of any dead body without having first obtained authority therefore from the person or persons lawfully entitled thereto, or their responsible representatives or, in a proper case, a public official lawfully entitled to such control.

(2) A licensee in charge of a dead body shall be governed by the directions of those lawfully entitled to such control as aforesaid, as to matters relating to the preparation, handling and final disposal of such body (including steps in preparation, autopsy, embalming, dressing, viewing, photographing; type of clothing, casket, box or vault; cremation; time, place, type and manner of funeral ceremonies and burial or other customary disposal) insofar as public health and laws will permit.

(3) Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the cremated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, upon submission of evidence to the effect that such person, firm, corporation or association has made unsuccessful efforts to have the person or persons responsible for the remains, provide for disposition of same, special permits for such disposition may be secured from the state department of health. [Rule 4, filed 9/17/64.]

WAC 308-48-050 Confidence. No licensee or apprentice shall divulge any confidence, privacy or secrets of the domestic life in any home wherein he may be called upon to serve, and this prohibition shall include any information as to illness, cause of death, financial affairs or transactions, and any other information customarily considered confidential, obtained while serving in such licensed capacity. This prohibition shall not prevent the divulging to any person lawfully entitled or properly authorized to receive same. [Rule 5, filed 9/17/64.]

WAC 308-48-060 Against concealment of crime. (1) No licensee or apprentice shall remove or embalm a dead body when he has information indicating crime or intentional violence in connection with the cause of death, until permission is first obtained from a coroner or other qualified official.

(2) Any licensee or apprentice having or obtaining, as a result of his services, any information in relation to a possible crime shall forthwith communicate such information to a proper law-enforcement officer.

(3) No licensee or apprentice shall do any act knowing that it will conceal evidence of crime.

(4) No embalmer shall knowingly use any fluid or compound which is in violation of federal or state law, in the embalming of a dead body. [Rule 6, filed 9/17/64.]

WAC 308-48-070 Fraud and deceit. No licensee or apprentice shall practice any fraud or deceit of any kind in connection with his licensed activities, and he shall not misrepresent any merchandise or service which he offers for sale. [Rule 7, filed 9/17/64.]

WAC 308-48-080 Improper use of license. No license shall place, permit to be placed or authorize the placement of his license in any establishment of place of business unless he be an owner, part owner or bona fide employee of such place of business, nor shall he lend his license (or any copy thereof) for use by any establishment or place of business in which he has no such interest, nor shall he suffer any establishment or place of business to pretend or represent that it is legally qualified to perform funeral directing or embalming by any such improper use of his license. [Rule 8, filed 9/17/64.]

WAC 308-48-085 Funeral establishments--Inspections. (1) Funeral establishments licensed under the provisions of chapter 18.39 RCW will be inspected at least once each year by the duly appointed department inspector.

(2) Inspections shall cover the areas of sanitation and public health as well as conformity with applicable statutes and rules.

(3) Any unsatisfactory conditions or violations found will be the subject of reinspection prior to the expiration of thirty days. Uncorrected conditions or the continued existence of a violation will form the basis for the filing of charges and the institution of proceedings as provided for in the Administrative Procedure Act, chapter 34.04 RCW. [Order PL 273, § 308-48-085, filed 8/1/77.]

WAC 308-48-100 Improper methods for seeking business. No licensee or apprentice or other person associated with a funeral establishment shall solicit business or shall offer any inducement, pecuniary or otherwise, for employing solicitors, agents, canvassers or others for the purpose of securing or attempting to secure business. Licensees shall not use donations, gifts, bonuses or acts of service designed to place the recipient in a position of obligation or indebtedness; and such persons shall not transfer or offer to transfer any property or service as payment of or in token for business secured, influenced or otherwise provided or in promise thereof. [Rule 10, filed 9/17/64.]

WAC 308-48-110 Revocation of license. No individual whose license has been revoked shall be eligible for licensure as a funeral director or embalmer in this state for a period of five years from the date of such revocation. Upon expiration of the 5-year period, such individual may apply for reinstatement provided he successfully retakes the examination and meets all the minimum requirements of RCW 18.39.035. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-110, filed 1/26/83; Order PL 273, § 308-48-110, filed 8/1/77; Rule 11, filed 9/17/64.]

WAC 308-48-120 Apprentices--Credit limitation for prior employment. An apprentice shall not be entitled to more than two months of credit towards his apprenticeship requirement for any employment predating his registration as an apprentice with the director pursuant to RCW 18.39.120. [Rules, § 1, filed 10/5/67.]

WAC 308-48-130 College credit. Any applicant for licensure as an embalmer who is exempted from the provisions of RCW 18.39.040, shall be entitled to one year of college credit for having successfully completed a one-year course in a mortuary school accredited as a junior college. [Rules, § 2, filed 10/5/67.]

WAC 308-48-140 Reciprocity. To qualify for licensure by reciprocity, an applicant must furnish proof satisfactory to the department that his professional education and experience are comparable to the minimum requirements set out in RCW 18.39.035 and 18-.39.045, including proof that the applicant:

(1) Is currently licensed in good standing in another state or territory of the United States;

(2) Has successfully completed the national board examination and the public health and state law portions of the Washington examination;

(3) Has completed 60 semester or 90 quarter hours of study at an accredited college or institution of higher learning or the equivalent;

(4) For a funeral director's license, has completed at least a one year apprenticeship under a licensed funeral director in the state where originally licensed;

(5) For an embalmer's license, has completed a two year apprenticeship under the supervision of a licensed embalmer and graduated from a school of mortuary science recognized by the board.

Applicants may substitute a year of full time employment as a licensed funeral director or embalmer for each required year of apprenticeship. Additional full time experience as a funeral director or embalmer may be used to substitute for the educational requirement at the rate of two years of employment for each year of college required. [Statutory Authority: RCW 18.39.130, as amended by SHB 871. 83-01-111 (Order PL 416), § 308-48-140, filed 12/21/82; Order 700801, § 308-48-140, filed 8/25/70.]

WAC 308-48-150 Course of training--Funeral director apprentice. (1) For the purposes of RCW 18.39-.030, the term "one year course of training" shall include assisting a licensed funeral director in conducting at least twenty-five funerals and assisting in the

burial and/or final disposition of at least twenty–five human bodies.

(2) The term "one year" shall consist of at least eighteen hundred hours of employment and cannot be completed in a period of time less than one calendar year.

(3) The required eighteen hundred hours of employment should embrace the below–listed areas of instruction:

(a) Funeral arranging to include:

(i) Public relations and business ethics;

(ii) Study of different religious, fraternal and military rites and procedures;

(iii) Selection room arrangement, conduct and procedure;

(iii) Selection room arrangement, conduct and procedure;

(iv) Assisting at committal services;

(v) Arranging for clergy, cemetery, organist, pallbearers, newspaper items, flowers, including shipment of remains in United States and overseas;

(vi) Assisting family and friends during visitation;

(vii) Assisting family and friends during services;

(viii) Funeral procession organizing and control.

Subtotal – 1,000 hours.

(b) Administrative duties to include:

(i) Completing and filing vital statistics reports for the state and other state and federal reports;

(ii) Basic bookkeeping, including sales tax, withholding, unemployment taxes (federal and state);

(iii) Knowledge of preparing statement of services;

(iv) Completing and filing death certificates (obtaining transit permits when necessary);

(v) Completing and filing social security forms;

(vi) Completing and filing veterans' forms;

(vii) Completing and filing cremation certificates.

Subtotal – 440 hours.

(c) Merchandising to include:

(i) Knowledge of casket displays (product knowledge);

(ii) Buying, pricing, overhead determination, etc.;

(iii) Color coordination, types of caskets, vaults, urns, burial clothing, etc.

Subtotal – 100 hours.

(d) Funeral home maintenance to include:

(i) Parlors and viewing rooms, chapel, lounges and foyers, selection room, preparation room, offices, etc.;

(ii) All outside areas, including pavements and walkways, parking lots, lawn areas, lighting fixtures, etc.

Subtotal – 90 hours.

(e) Automotive service to include:

(i) Care and operation of equipment;

(ii) Knowledge of service area;

(iii) Location of hospitals, city and county morgues, nursing homes, etc.;

(iv) Flower vehicle, lead cars, limousines, etc.

Subtotal – 100 hours.

(f) Personal attitudes and appearance to include:

(i) Reenforcement of beliefs in the value of what you are doing;

(ii) Standards of personal appearance, dress and conduct;

(iii) Location and availability of pathologists, doctors, clergy, hospitals, etc., with emphasis of "how we can serve them."

Subtotal – 30 hours.

(g) Background information – laws and regulations to include:

(i) Knowledge and understanding of chapters 18.39 and 70.58 RCW and the rules and regulations pertaining thereto.

Subtotal – 40 hours.

TOTAL HOURS – 1,800. [Order PL–259, § 308–48–150, filed 12/7/76; Order PL 122, § 308–48–150, filed 5/9/72.]

WAC 308–48–160 Embalmer's apprentice. (1) For the purposes of RCW 18.39.040, the term "two year course of training" shall include the embalming of at least fifty human bodies under the supervision of a licensed embalmer.

(2) The term "two year" shall consist of at least thirty–six hundred hours of employment and cannot be completed in a period of time less than two calendar years.

(3) The required thirty–six hundred hours of employment should embrace the below–listed areas of instruction:

(a) Preparation of remains to include:

(i) Embalming – posted and nonposted cases; cases requiring special care, e.g., communicable diseases;

(ii) Restorative and cosmetic work;

(iii) Dressing and casketing;

(iv) Knowledge of instruments – their uses, etc.;

(v) Knowledge of fluids – their uses (when and how much).

Subtotal – 3,300 hours.

(b) Personal attitudes and appearance to include:

(i) Standards of personal appearance, dress and conduct;

(ii) Location and availability of pathologists, doctors, clergy, hospitals, etc., with emphasis of "how we can serve them";

(iii) Reenforcement of beliefs in the value of what you are doing.

Subtotal – 250 hours.

(c) Background information – laws and regulations to include:

(i) Knowledge and understanding of chapters 18.39 and 70.58 RCW and the rules and regulations pertaining thereto.

Subtotal – 50 hours.

TOTAL HOURS – 3,600. [Order PL–259, § 308–48–160, filed 12/7/76; Order PL 122, § 308–48–160, filed 5/9/72.]

WAC 308–48–165 Examination subjects. Effective March 1, 1983, the following national board examinations will be administered to all funeral director and embalmer license applicants:

(1) For funeral directors, the funeral service arts exam covering sociology, psychology and counseling, funeral directing and professional relationships, business

law, funeral service law, funeral merchandising and accounting;

(2) For embalmers, the funeral service science exam covering embalming, restorative art, microbiology, pathology, chemistry and anatomy.

Applicants will also be required to successfully complete a state exam in the following subjects:

(3) For funeral directors, signs of death, sanitary science and state law governing the practice of funeral directing, and the preparation, burial, disposal or shipment of human remains;

(4) For embalmers, physiology, sanitary science and state law governing the practice of embalming, and the preparation, burial, disposal or shipment of human remains. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-165, filed 1/26/83.]

WAC 308-48-180 Renewal of licenses. (1) The annual license renewal date for embalmers and funeral directors is hereby changed to coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to next birth anniversary date.

(3) Under the staggered license renewal system, the late payment penalty provision will be applied as follows:

(a) Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee. [Order PL 207, § 308-48-180, filed 11/5/75; Order PL 171, § 308-48-180, filed 5/20/74.]

WAC 308-48-185 Funeral establishments--License expiration. Funeral establishment licenses issued pursuant to chapter 18.39 RCW, as now or hereafter amended, shall expire annually on June 30. [Order PL 273, § 308-48-185, filed 8/1/77.]

WAC 308-48-190 Examination fee. Examination fees paid pursuant to the provisions of RCW 18.39.070(1) are not refundable unless the applicant notifies the department in writing at least 15 days prior to the scheduled exam date that he will not appear. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-190, filed 1/26/83; Order PL-249, § 308-48-190, filed 5/21/76.]

WAC 308-48-200 Report of apprenticeship termination, transfer and credit. (1) The responsibility for notifying the director, department of licensing of apprenticeship registration and termination rests with the employing funeral director or embalmer pursuant to RCW 18.39.120. In order to protect the status of the apprentice in cases where the employing licensee fails to initiate the required report of termination or registration, the affected apprentice should initiate and ensure submission of same. Such report must be submitted within thirty days of the termination or registration of the apprentice's employment, setting forth the information required for apprenticeship credit. The report shall be certified by signature of the supervising employer.

(2) A transfer of apprenticeship report shall be submitted by the apprentice or his new employer to the director, department of licensing, within thirty days of his hiring by a new supervising employer. Such report is to be signed by the apprentice and his new supervising employer. No apprenticeship credit shall be allowed for period worked between the time of transfer and the reporting of same unless such report is submitted within the required thirty days of such transfer. No credit for apprenticeship shall be allowed for any period during which the apprentice is not duly registered pursuant to RCW 18.39.120, except as provided for in WAC 308-48-120. In the event an apprentice's supervising employer dies or is otherwise incapable of certifying apprenticeship credit, such credit may be given by certification of the apprentice of credit due or by certification by another licensee who has knowledge of the work performed and the credit due: *Provided*, That in either such case, documentation or reasonable proof of such credit [due] may be required by the director. [Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-200, filed 1/26/83; Order PL-249, § 308-48-200, filed 5/21/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-48-250 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmers:	
State exam or reexam	$ 50.00
National board exam	50.00
Renewal	40.00
Late renewal penalty	40.00
Reciprocity application	50.00
Apprentice application	20.00
Apprentice renewal	20.00
Funeral director:	
State exam or reexam	50.00
National board exam	50.00
Renewal	30.00
Late renewal penalty	30.00

Title of Fee	Fee
Apprentice application	15.00
Apprentice renewal	15.00
Duplicate license	5.00
Certification	10.00
Funeral establishment:	
Original application	50.00
Renewal	50.00
Late renewal penalty	50.00
Pre–need application	35.00
Pre–need renewal	15.00
Financial statement fee	10.00

[Statutory Authority: 1983 c 168 § 12. 83–17–031 (Order PL 442), § 308–48–250, filed 8/10/83. Formerly WAC 308–48–310.]

Chapter 308–49 WAC
PREARRANGEMENT FUNERAL SERVICES

WAC

308–49–100 Purpose.
308–49–120 Effective date and scope.
308–49–130 Definitions.
308–49–140 Registration.
308–49–150 Prearrangement funeral service contract form requirements.
308–49–160 Requirements as to trust funds.
308–49–170 Annual statement requirements.
308–49–180 Renewal of certificate of registration.

WAC 308–49–100 Purpose. The purpose of this chapter is to implement the provisions of chapter 66, Laws of 1982 1st ex. sess., by establishing rules for the registration of funeral establishments which enter into prearrangement funeral service contracts and to establish uniform minimum requirements for such contracts and prearrangement trust funds. [Statutory Authority: 1982 c 66 § 12. 83–04–021 (Order PL 420), § 308–49–100, filed 1/26/83.]

WAC 308–49–120 Effective date and scope. These regulations shall be effective on March 1, 1983, and shall be applicable to all prearrangement funeral service contracts entered into in this state on and after that date. [Statutory Authority: 1982 c 66 § 12. 83–04–021 (Order PL 420), § 308–49–120, filed 1/26/83.]

WAC 308–49–130 Definitions. Unless the context clearly requires otherwise, the following definitions shall apply throughout this chapter:

(1) "Prearrangement funeral service contract" means any contract, other than a contract entered into by an insurance company, under which, for a specified consideration paid in advance in a lump sum or by installments, a funeral establishment promises upon the death of a beneficiary named or implied in the contract, to furnish funeral merchandise or services.

(2) "Funeral merchandise or services" shall mean those services normally performed and merchandise normally provided by funeral establishments including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches or vaults.

(3) "Qualified public depository" means a depository defined by RCW 39.58.010 (state banks or trust companies, national banking associations, and certain branches of foreign banks), a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated and governed by any act of Congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.

(4) "Funeral establishment" means a place of business licensed under RCW 18.39.145. [Statutory Authority: 1982 c 66 § 12. 83–04–021 (Order PL 420), § 308–49–130, filed 1/26/83.]

WAC 308–49–140 Registration. (1) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the director. To apply for registration, a funeral establishment must file an application on forms provided by the director, which includes:

(a) The name, address, and telephone number of the funeral establishment;

(b) The name and license number of the person at the funeral establishment responsible for supervising the sale of funeral merchandise or service on a prearrangement basis;

(c) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts including:

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year, certified by a certified public accountant, a licensed public accountant, or a copy of the establishment's most recent federal income tax return verified by a certified public accountant or a licensed public accountant;

(d) The prearrangement funeral contract forms the establishment proposes to use, which need not be in final printed form; however, a copy of the final printed form shall be filed with the director before the form is used;

(e) Identification of the qualified public depository the establishment will use with an explanation of the depository's manner of operating and managing the prearrangement funeral service contract trust fund, together with copies of any contract or trust agreement to be entered into in connection with such trust fund, and, if a single trust fund is to be established and maintained with respect to several prearrangement funeral service contracts, a complete explanation of the manner in

which records will be maintained to allocate the interest, dividends, increases or accretions and the share of such fund to each contract.

(2) Upon review of the application, the director may require additional information or explanation prior to registration or refusing to register the funeral establishment.

(3) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for issuance of the certificate of registration. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-140, filed 1/26/83.]

WAC 308-49-150 Prearrangement funeral service contract form requirements. (1) The terms of prearrangement funeral service contracts are of substantial importance to both consumers and the establishment. Contracts therefore should be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every contract shall include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price paid fully pays for such services and merchandise or if the purchase price is to be applied toward the cost of such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

(d) Information about the prearrangement funeral service trust fund and the amount to be deposited in the trust fund, and either designate the particular qualified public depository which will be used or provide a means whereby a purchaser or beneficiary may ascertain the depository;

(e) A statement to the purchaser of the contract that the funds deposited under the contract, plus accruals thereon, shall be withdrawable from the depository under the following circumstances and conditions;

(i) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(ii) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been cancelled in accordance with its terms;

(f) A statement that any purchaser or beneficiary who has entered into a prearrangement funeral service contract shall have the right to receive, on making such demand of the funeral establishment, a refund of the entire amount paid on the contract (including any amounts not deposited, interest charges paid under chapter 63.14 RCW), together with all interest, dividends, increases, or accretions to the fund;

(g) A statement that the contract will automatically terminate if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, or for any other reason is unable to fulfill the obligations under the contract; and that, in such event, and upon demand by the purchaser or beneficiary of the contract, the depository of the contract funds will refund to the purchaser or beneficiary all funds deposited under the contract, unless otherwise ordered by a court of competent jurisdiction.

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

(4) If a retail installment transaction is involved, the contract shall comply with the requirements of chapter 63.14 RCW. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-150, filed 1/26/83.]

WAC 308-49-160 Requirements as to trust funds. (1) A funeral establishment must record with the director the name of each qualified public depository which it uses in connection with its prearrangement funeral service contracts. In the event it transfers its trust funds from one qualified public depository to another, it shall notify the director of such change at least 15 days in advance of the change.

(2) Until services and merchandise are furnished pursuant to the contract, not more than 15% of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment. The funeral establishment must deposit no less than the last 85% of the proceeds received on each prearrangement funeral service contract, excluding sales tax, no later than the twentieth day of the month following receipt of each payment thereon, in a qualified public depository which has been recorded with the director pursuant to subsection (1) of this section.

(3) The qualified public depository must agree in writing with the funeral establishment to permit withdrawal of the funds the depository holds under a prearrangement funeral service contract, plus accruals thereon, in accordance with the requirements of chapter 18.39 RCW.

(4) A qualified public depository holding funds under a prearrangement funeral service contract must agree with the funeral establishment that the depository will continue to hold the prearrangement funeral service trust fund of the particular funeral establishment even though the funeral establishment may not renew its certificate of registration or has such certificate suspended, revoked or nonrenewed. This shall not prevent a transfer of funds to another qualified public depository.

(5) A purchaser or beneficiary shall be entitled to be informed of the amount of the deposit attributable to his or her prearrangement funeral service contract, and either the funeral establishment or the depository shall provide the purchaser or beneficiary with such information at least once each year. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-160, filed 1/26/83.]

WAC 308–49–170 Annual statement requirements. (1) Each registered funeral establishment shall file with the director annually, before the first day of March, a true and accurate statement of its financial condition, transactions and affairs for the preceding calendar year.

(2) The statement shall include a balance sheet and a profit and loss statement for the preceding calendar year, certified by a certified public accountant or a licensed public accountant, or a copy of the establishment's most recent federal income tax return verified by either a certified public accountant or a licensed public accountant.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent which have occurred in the preceding calendar year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information shall be provided:

(a) The name of depository and the account number;

(b) The number of outstanding contracts at the beginning of the year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prearrangement funeral merchandise and services covered by the contract have been furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services;

(i) The number of outstanding contracts as of the end of the calendar year and the amount being held in trust for such contracts.

(5) The annual statement shall be accompanied by a fee as determined by the director, payable to the state treasurer. [Statutory Authority: 1982 c 66 § 12. 83–04–021 (Order PL 420), § 308–49–170, filed 1/26/83.]

WAC 308–49–180 Renewal of certificate of registration. The certificate of registration must be renewed by the first day of July of each year. After review of the annual statement, the director will renew the certificate of registration upon receipt of the statutory renewal fee established by the director, if the funeral establishment is qualified for such renewal. [Statutory Authority: 1982 c 66 § 12. 83–04–021 (Order PL 420), § 308–49–180, filed 1/26/83.]

Chapter 308–50 WAC

REGULATION AND PRACTICE OF HEARING AID FITTERS AND DISPENSERS

WAC

308–50–010 Examinations.
308–50–020 Reexaminations.
308–50–040 Refunds on examination fee.
308–50–050 Failure to renew license.
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308–50–070 Mobile hearing aid dispensing units.
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308–50–090 Trainees.
308–50–100 Trainee sponsors.
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308–50–120 Standards for equipment calibration.
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308–50–140 Bait advertising.
308–50–150 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts.
308–50–160 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties.
308–50–170 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character of business, etc.
308–50–180 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of physician.
308–50–190 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of words "prescription," "diagnosis," etc.
308–50–200 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to visibility, construction, etc.
308–50–210 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to batteries.
308–50–220 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception representing novelty of products.
308–50–230 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting business establishment.
308–50–240 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Advertising of parts, accessories or components.
308–50–250 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Endorsements, etc.
308–50–260 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Used or rebuilt products.
308–50–270 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Association with the state of Washington.
308–50–280 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Tests, acceptance or approval.
308–50–290 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use, imitation or simulation of trademarks, etc.
308–50–295 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Defamation of competitors or false disparagement of their products.
308–50–300 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Canvassing.
308–50–310 Personal disclosure.
308–50–320 Documentation of referrals.
308–50–330 Purchaser recision rights.
308–50–350 Renewal of license.
308–50–375 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–50–030 Failure to appear at examination. [Order PL 159, § 308–50–030, filed 2/8/74.] Repealed by Order PL 190, filed 5/23/75.

308–50–055 Medical certification. [Order PL 190, § 308–50–055, filed 5/23/75.] Repealed by 81–09–030 (Order PL 375), filed 4/13/81. Statutory Authority: RCW 18.35.140.

308–50–340 Fees. [Order PL 222, § 308–50–340, filed 11/5/75.] Repealed by 83–17–031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308–50–375.

WAC 308–50–010 Examinations. (1) The examination required of applicants shall be in two parts: Written and practical, each consisting of several sections. (Note: The examination prepared by the national hearing aid society will be used as a guideline.)

(2) The minimum passing grade for each section shall be seventy percent with the minimum average grade of seventy–five percent for each part before an applicant shall be considered to have satisfactorily passed the required examination for licensure.

(3) In addition to those subjects listed in RCW 18-.35.070, the examination shall test the knowledge of the applicant in the basic act governing hearing aid fitter/dispensers and rules and regulations promulgated pursuant to this act.

(4) Applications for examination shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application. [Order PL 190, § 308–50–010, filed 5/23/75; Order PL 159, § 308–50–010, filed 2/8/74.]

WAC 308–50–020 Reexaminations. (1) Should an applicant fail any section, he may apply to the department to be reexamined in such section(s).

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

(3) Any person who fails to qualify for licensure after three examinations shall be required to take the entire examination. [Order PL 222, § 308–50–020, filed 11/5/75; Order PL 159, § 308–50–020, filed 2/8/74.]

WAC 308–50–040 Refunds on examination fee. (1) Applicants who notify the department at least sixty days prior to the next regularly scheduled examination that they are withdrawing their application will have their examination fee refunded.

(2) Applicants who have not notified the department within the required sixty days or who do not appear for their originally scheduled examination shall not be entitled to a refund. [Order PL 159, § 308–50–040, filed 2/8/74.]

WAC 308–50–050 Failure to renew license. All persons who fail to renew their licenses before the expiration of the thirty day grace period provided for in the act shall, upon application for renewal, be required to take and pass the written examination, paying the required fee, unless the department determines that for good and sufficient reason such examination shall not be required. In either case, the applicant shall pay the penalty fee for license renewal. [Order PL 222, § 308–50–050, filed 11/5/75; Order PL 159, § 308–50–050, filed 2/8/74.]

WAC 308–50–060 Place(s) of business in Washington. (1) A place or places of business in the state of Washington where a licensee engages or intends to engage in the fitting and dispensing of hearing aids shall mean an established place(s) at a permanent address(es) which shall be open to the public on a regular basis and attended by a licensed hearing aid fitter/dispenser.

(2) Such place or places shall provide the minimum standards of facilities and equipment essential for the testing of hearing and the fitting and dispensing of hearing aids.

(3) The hours of business shall be prominently and continuously displayed and visible to the public at each such place of business. [Order PL 159, § 308–50–060, filed 2/8/74.]

WAC 308–50–070 Mobile hearing aid dispensing units. (1) Mobile hearing aid dispensing units may be authorized by the department when such units have been inspected and approved by a person or persons designated by the director.

(2) Such units shall include the minimum standards of equipment necessary for the testing of hearing and the fitting and dispensing of hearing aids to the public.

(3) Mobile unit facilities shall be maintained in acceptable standards of cleanliness and sanitation.

(4) A licensee who operates a mobile unit shall provide in writing to each client the address and telephone number of his regular place of business as well as its hours of business.

(5) A licensee who operates a mobile unit shall provide notice, in writing, to each client of the date and time of his next intended scheduled visit. [Order PL 159, § 308–50–070, filed 2/8/74.]

WAC 308–50–080 Temporary or itinerant activities prohibited. Except as otherwise provided in these rules and regulations, it is prohibited to test the hearing of the public or to fit and dispense hearing aids at temporary or itinerant locations in this state unless WAC 308–50–110 and 308–50–130 are followed. [Statutory Authority: RCW 18.35.140. 81–09–030 (Order PL 375), § 308–50–080, filed 4/13/81; Order PL 159, § 308–50–080, filed 2/8/74.]

WAC 308–50–090 Trainees. (1) A trainee may not fit and dispense a hearing aid unless the sponsor or a person licensed under this act other than a trainee is physically present or on the premises during the first ninety days the trainee is testing the hearing or fitting or dispensing hearing aids. The extent of direction and supervision of the trainee after the first ninety days of a trainee licensure shall be at the discretion of his sponsor.

(2) During the first ninety days of his licensure, a trainee shall wear an identification badge readily visible to the public which identifies him as a trainee.

(3) A trainee licensed less than ninety days may not make housecalls and test the hearing or dispense hearing aids unless a person licensed under chapter 18.35 RCW in a capacity other than a trainee is present with and supervising his actions at all times.

(4) A trainee who loses his sponsor for any reason may not continue his trainee status with a new sponsor until a new trainee application has been filed and payment of this license fee required by RCW 18.35.060 (1)(d) has been received by the department: *Provided*, That, if a trainee obtains a new sponsor and submits the required application within thirty days of the withdrawal of his previous sponsor, the fee shall only be five dollars.

(5) If a sponsor dies or withdraws from business, it shall be the responsibility of the trainee to report the loss of such sponsorship to the department in writing. [Order PL 159, § 308–50–090, filed 2/8/74.]

WAC 308–50–100 Trainee sponsors. (1) The sponsor of a trainee who desires to terminate the responsibilities of sponsorship shall provide the trainee written notice of such termination, giving reasons, and shall immediately notify the department by registered or certified mail, of the termination of such sponsorship.

(2) In the event the trainee quits or terminates for any reason, the sponsor shall notify the department immediately by registered or certified mail.

(3) The sponsor of such terminating trainee shall be responsible for the trainee until such time as the notification of such termination is deposited in the United States mail. [Order PL 159, § 308–50–100, filed 2/8/74.]

WAC 308–50–110 Minimum standards of equipment. Minimum equipment in the fitting and dispensing of hearing aids shall include:

(1) Access to a selection of hearing aid models, and hearing aid supplies and services sufficiently complete to accommodate the various user needs.

(2) Facilities for the personal comfort of customers.

(3) A test environment with background noise no greater than current American National Standards Institute specifications plus 15 dB in each place of business by January 1, 1975.

(4) Pure tone audiometer calibrated in accordance with WAC 308–50–120.

(5) Equipment appropriate for conducting speech audiometry (testing). [Order PL 159, § 308–50–110, filed 2/8/74.]

WAC 308–50–120 Standards for equipment calibration. All electronic equipment utilized by licensees for the determination of audiometric thresholds for pure tones and for speech shall conform to all current standards of the American National Standards Institute (at present, ANSI S3.6 – 1969). Licensees shall insure that all such audiometric equipment has been evaluated electrically and acoustically at least once each year, adjusted or repaired if necessary, and that conformity with such standards was determined at that time. Records of such calibration shall be permanently maintained by licensees and shall be available for inspection at any time by the department. No licensee shall be permitted to certify as to the calibration of his own equipment unless authorized to do so by the department. In addition, all licensees shall utilize their own routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than on a daily basis, to generally determine that it is in normal working order. These procedures shall be written and known to all licensees in each place of business, and shall be readily available for inspection by the department. [Order PL 159, § 308–50–120, filed 2/8/74.]

WAC 308–50–130 Minimal standards of procedure. Minimum procedures in the fitting and dispensing of hearing aids shall include:

(1) Examination of the ear canal to reasonably determine if any of the following conditions exist:

(a) Impacted ear wax.

(b) Discharge in ear.

(c) Perforation of the ear drum.

(d) Any inflammation or irritation of the ear canal.

(e) Any other abnormality.

When any such condition exists, the client shall be advised to obtain appropriate medical care. In the event of a medical referral a licensee shall contact such referror when any of the above conditions are found in order to determine whether medical treatment should be undertaken for such condition. A record of such contact must be maintained in the client's file.

(2) Hearing loss, or residual hearing, shall be established for each ear using pure tone threshold audiometry by air and bone conduction with effective making as required.

(3) When pure tone audiometry indicates an air–bone gap of 20 dB or more, the client shall be advised of the potential help available from medical treatment. Should the client decline to consider such methods or if the client has previously been advised against such procedures, an appropriate notation shall be made for the record.

(4) Appropriate live voice or recorded speech audiometry by earphones, including speech reception threshold testing and speech discrimination testing.

(5) In the event a client is referred to a licensee, by an audiologist, otologist or otolaryngologist and audiometric results obtained within the previous three months are provided to the licensee as a part of this referral, the applicable provisions of WAC 308–50–130 shall not be required.

(6) When audiometric or similar tests must be conducted outside of a sound treated enclosure, the test shall be made in as quiet an environment as practical. Should there be excessive ambient noise, an appropriate notation shall be made on the audiogram and/or other form(s) relating to the test(s).

(7) For any fitting requiring an earmold, an appropriate custom–made earmold should be available or provided.

(8) Persons reporting a recent sudden onset of loss, vertigo, nausea, earaches, or other such discomfort should be advised to seek medical opinion prior to the fitting of any hearing aid.

(9) Final fitting of the aid to ensure physical and operational comfort.

(10) Keeping a complete retail price list showing all hearing aid models for all prospective clients to examine.

(11) Keeping records on every client to whom the licensee renders services or to whom he dispenses a hearing aid. Such records shall be preserved for at least three years after the dispensing of the first hearing aid to the client. If other hearing aids are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an aid to that client. The records which must be available for department inspection will include:

(a) Copy of each receipt executed in connection with the fitting and dispensing of each hearing aid.

(b) A complete record of tests, test results and services other than minor services.

(c) Client's case history.

(d) Any correspondence specifically related to the service given the client or the hearing aid or aids dispensed to the client. [Order PL 159, § 308–50–130, filed 2/8/74.]

WAC 308–50–140 Bait advertising. It shall be unethical to engage in bait advertising. In determining whether there has been a violation of this rule, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product or service, but was made for the purpose of contacting prospective purchasers and selling them a product, service or products other than the product or service offered. In addition to the procedures outlined in chapter 18.35 RCW, other acts or practices which are considered bait advertising include:

(1) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect;

(2) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;

(3) The disparagement, by acts or words, of the product offered, or the disparagement of the guarantee, credit terms, availability of service, repairs or parts, or in any other respect, in connection with it;

(4) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;

(5) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter; and

(6) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this rule. [Order PL 159, § 308–50–140, filed 2/8/74.]

WAC 308–50–150 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to misrepresent:

(1) The grade, quality, quantity, origin, novelty, price, cost, terms of sale, use, construction, size, composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, or physiological benefits of any hearing aid or the psychological well–being induced by a hearing aid;

(2) Any service or adjustment offered, promised, or to be supplied to purchasers of any hearing aid;

(3) Any material fact pertaining to the manufacture, distribution or marketing of any hearing aid; or

(4) The scientific or technical knowledge, training, experience or other qualifications of a licensee, or of his employees, relating to the selection, fitting, adjustment, maintenance or repair of industry products;

(5) Misrepresent shall mean making misleading, deceiving, improbable or untruthful representations or in any other material respect, the character, extent or type of his business except as provided in WAC 308–50–170.

(6) The reparability, including the cost thereof, or the adequacy of a prospective purchaser's own hearing aid(s) or ancillary equipment. [Order PL 159, § 308–50–150, filed 2/8/74.]

WAC 308–50–160 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent in advertising or otherwise that a hearing aid is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor. (The necessary disclosure requires that any guarantee made by the licensee which is not backed up by the manufacturer must clearly state that the guarantee is offered by the licensee only.)

Representations that a hearing aid is "guaranteed for life" or has a "lifetime guarantee," in addition to meeting the above requirements, shall contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as may have the tendency to mislead purchasers or prospective purchasers into the belief that the hearing aid so

guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

This rule has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty." [Order PL 159, § 308–50–160, filed 2/8/74.]

WAC 308–50–170 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character of business, etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent, unless it is true, directly or indirectly through the use of any word or term in his corporate or trade name, in his advertising or otherwise:

(1) That he is a manufacturer of hearing aids or devices, or of batteries, parts, or accessories therefor;

(2) That he is the owner or operator of a factory or producing company manufacturing such products; or

(3) That he owns or maintains a laboratory devoted to hearing aid research, testing, experimentation, or development. [Order PL 159, § 308–50–170, filed 2/8/74.]

WAC 308–50–180 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of physician. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent directly or by implication, unless it is true:

(1) That the services or advice of a physician have been used in the designing or manufacturing of hearing aids or in the selection, fitting, adjustment, maintenance or repair of hearing aids.

(2) The prohibitions of this rule are applicable to the use of the terms "doctor," "physician," "otologist" or "otolaryngologist"; to any abbreviations, variations or derivatives of such terms; and to the use of any symbol, depiction, or representation having a medical or osteopathic connotation. [Order PL 159, § 308–50–180, filed 2/8/74.]

WAC 308–50–190 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of words "prescription," "diagnosis," etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use, in advertising or otherwise, the words "prescribe," "prescription," "diagnose," "diagnosis," or "diagnostic" or any abbreviation, variation or derivative thereof or symbol therefor, in his business name or in referring to or describing his service, business, business activity or any industry product, unless such licensee is a licensed physician or such licensee clearly reveals that the use of such term(s) refers to a function or action or activity which has been or will be performed only by a licensed physician. [Order PL 261, § 308–50–190, filed 12/21/76; Order PL 190, § 308–50–190, filed 5/23/75; Order PL 159, § 308–50–190, filed 2/8/74.]

WAC 308–50–200 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to visibility, construction, etc. A licensee shall not:

(1) Represent, directly or by implication, through the use of such words or expressions as "invisible," "hidden," "hidden hearing," "completely out of sight," "conceal your deafness," "hear in secret," "unnoticed even by your closest friends," "no one will know you are hard of hearing," "your hearing loss is your secret," "no one need know you are wearing a hearing aid," "hidden or out of sight when inserted in the ear canal," or by any other words or expressions of similar import, that any hearing aid, device, or part is hidden or cannot be seen unless such is the fact.

(2) Use in advertising the words or expressions "no cord," "cordless," "one hundred percent cordless," "no unsightly cord dangling from your ear," "no wires," "no tell–tale wires," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that a plastic tube (or similar device) runs from the instrument to the ear if such is the fact.

(3) Use in advertising the words or expressions, "no button," "no ear button," "no buttons or receivers in either ear," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that an earmold or plastic tip is inserted in the ear if such is the fact.

(4) Represent, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features such as the absence of anything in the ear, or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in most cases of hearing loss this type of instrument is not suitable. [Order PL 159, § 308–50–200, filed 2/8/74.]

WAC 308–50–210 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to batteries. Licensees shall not represent directly or by implication, that batteries sold only by such licensees, or bearing a specified brand, label, or other identifying mark, are the only ones suitable for use in a particular type or make of hearing aid or device when such is not a true fact. [Order PL 159, § 308–50–210, filed 2/8/74.]

WAC 308–50–220 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception representing novelty of products. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent to purchasers or prospective purchasers any statement or statements which have the capacity and tendency or effect of misleading or deceiving them into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a

new mechanical or scientific principle, when such is not the fact.

Representations of the following or similar types, when not fully justified by the facts, are among those prohibited by this rule: "Amazing new discovery," "revolutionary new invention," "radically new and different," "sensational new laboratory development," "remarkable new electronic device," "brand-new invention," "marvelous new hearing invention," "new scientific aid," and "miracle." [Order PL 159, § 308-50-220, filed 2/8/74.]

WAC 308-50-230 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Misrepresenting business establishment. It shall be unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent, directly or by implication, that a commercial hearing aid establishment is a governmental or public one, or is a nonprofit medical, educational, or research institution, through the use of terms having a medical, professional, or scientific connotation, such as, "hearing center," "hearing institute," "hearing bureau," hearing clinic," "state's hearing clinic," "state's speech and hearing center," or similar representations.

Nothing in this rule is understood to preclude a licensee from representing if such be the fact, that he owns, operates or controls a "hearing aid center," or from using other words or expressions which clearly and nondeceptively identify the member's establishment as a commercial hearing aid enterprise. [Order PL 159, § 308-50-230, filed 2/8/74.]

WAC 308-50-240 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Advertising of parts, accessories or components. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use or cause to be used, any type of advertising or promotional literature depicting or describing a part, accessory, or component of any hearing aid or device, such as a battery on a finger, a transistor held in the hand, etc., in such manner as to have the capacity and tendency to mislead or deceive purchasers or prospective purchasers into the erroneous belief that the said part, accessory or component is all that needs to be worn or carried. [Order PL 159, § 308-50-240, filed 2/8/74.]

WAC 308-50-250 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Endorsements, etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent:

(1) That the particular individual, organization, or institution endorses, uses or recommends such licensee's hearing aids, devices, or other industry products when such is not the fact; or

(2) That a particular individual wears such licensee's hearing aids or devices when such is not the fact. [Order PL 159, § 308-50-250, filed 2/8/74.]

WAC 308-50-260 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Used or rebuilt products. (1) A licensee may not represent, directly or indirectly, that any industry product or part thereof is new, unused, or rebuilt, when such is not the fact.

(2) In the marketing of a hearing aid which has been used, or which contains used parts, a licensee shall make full and nondeceptive disclosure of such fact in all advertising and promotional literature relating to the product, on the container, box or package in which such product is packed or enclosed and, if the product has the appearance of being new, on the product itself. The required disclosure may be made by use of such words as "used," "secondhand," "repaired," or "rebuilt," whichever most accurately describes the product involved.

(3) A licensee shall not misrepresent the identity of the rebuilder of a hearing aid. If the rebuilding of a hearing aid was done by other than the original manufacturer, a licensee shall disclose such fact wherever the original manufacturer is identified. [Order PL 159, § 308-50-260, filed 2/8/74.]

WAC 308-50-270 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Association with the state of Washington. A licensee shall not represent in any manner that he is endorsed by or associated with the state of Washington or any of its administrative bodies. Nothing in this rule is to preclude the licensee from verifying upon request that he is licensed by the state to engage in the fitting and dispensing of hearing aids. [Order PL 159, § 308-50-270, filed 2/8/74.]

WAC 308-50-280 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Tests, acceptance or approval. A licensee shall not:

(1) Represent or use any seals, emblems, shields or other insignia which represent, directly or by implication, in any manner that a hearing aid or device has been tested, accepted, or approved by any individual, concern, organization, group, or association, unless such is the fact and unless the hearing aid or device has been tested by such individual, concern, organization, group or association in such manner as reasonable to insure the quality and performance of the instrument in relation to its intended usage and the fulfillment of any material claims made, implied or intended to be supported by such representation or insignia.

(2) Represent that a hearing aid or device tested, accepted, or approved by any individual, concern, organization, group or association has been subjected to tests based on more severe standards of performance, workmanship and quality than is in fact true.

(3) Make any other false, misleading or deceptive representation respecting and testing, acceptance or approval of a hearing aid or device by any individual, concern, organization, group or association.

(NOTE: Under this rule, it is not necessary for each individual hearing aid or device to be tested where the

method employed is a sample testing and full and nondeceptive disclosure of this fact is given in all advertising and otherwise.) [Order PL 159, § 308–50–280, filed 2/8/74.]

WAC 308–50–290 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use, imitation or simulation of trademarks, etc. A licensee shall not:

(1) Imitate or simulate the trademarks, trade names, brands or labels of competitors with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(2) Use in his advertising the name, model name or trademark of a particular manufacturer of hearing aids in such manner as to imply a relationship with the manufacturer that does not exist or otherwise to mislead or deceive purchasers or prospective purchasers.

(3) Use any trade name, corporate name, trademark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature or origin of any product of the industry or of any material used therein, or which is false, deceptive or misleading in any other material respect. [Order PL 159, § 308–50–290, filed 2/8/74.]

WAC 308–50–295 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Defamation of competitors or false disparagement of their products. (1) It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their testing procedures, testing equipment, business methods, selling prices, values, credit terms, policies, or services.

(NOTE: The use of "bait" or "blind" advertisements as a means of accomplishing such defamation or false disparagement is deemed to be within the prohibitions of this rule.)

(2) Under this rule, it is an unfair trade practice for an industry member:

(a) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them; or

(b) to represent falsely that competitors are unreliable but that the disparager is not; or

(c) to quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to shown, demonstrate, or represent competitive models as being the current models when such is not the fact. [Order PL 190, § 308–50–295, filed 5/23/75.]

WAC 308–50–300 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Canvassing. A licensee shall not canvass from house to house or places of business in person or by an agent for purposes of obtaining purchasers or prospective purchasers of hearing aids or for the testing of hearing or the fitting or dispensing of hearing aid equipment or services. However, nothing herein shall prevent a licensee from calling upon prospective purchasers by prior invitation, request or referral or when the licensee has reasonable cause to believe the prospective purchaser may be interested in the purchase of a hearing aid. [Order PL 159, § 308–50–300, filed 2/8/74.]

WAC 308–50–310 Personal disclosure. A licensee who contacts a prospective purchaser away from the licensee's place of business must:

(1) When the contact is in person, present the prospective purchaser with written notice of:

(a) His name, the name of his business firm, his address and telephone number;

(b) The number of his license.

(2) Telephone contact with prospective purchasers must disclose the name of the licensee, name of his business firm and purpose of call. [Order PL 159, § 308–50–310, filed 2/8/74.]

WAC 308–50–320 Documentation of referrals. A licensee shall document all referrals for inspection by the department. Documentation shall consist of the name and address of the referral source and the date of such referral. [Order PL 159, § 308–50–320, filed 2/8/74.]

WAC 308–50–330 Purchaser recision rights. In addition to the receipt and disclosure information required by RCW 18.35.030, 63.14.040 and 63.14.120, every retail agreement for the sale of a hearing aid shall contain or have attached the following notices in ten point boldface type or larger.

"NOTICE TO BUYER:

"(1) Do not sign this agreement before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

"(2) You are entitled to a copy of this agreement at the time you sign it.

"(3) You may cancel this agreement if it was solicited in person, and you sign it, at a place other than the seller's business address shown on the agreement, by sending notice of such "cancellation by certified mail, return receipt requested, to the seller at his address shown on the agreement, which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing this agreement; you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this agreement.

"ADDITIONAL RIGHTS

"In addition to the rights and remedies provided for under the above circumstances, you, the purchaser, have the right to rescind the transaction for other than the seller's breach if:

"(1) You consult a licensed physician and such licensed physician advises you against the purchase or use

of a hearing aid and specifies in writing the medical reason for such advice.

"(2) You return the hearing aid or hold it at the seller's disposal and the hearing aid is in its original condition less normal wear and tear, and you send a notice to the licensee at his regular place of business by certified mail, return receipt requested. The notice should state that the transaction is cancelled pursuant to RCW 18.35.190(3) and must be mailed not later than thirty days following the date of purchase. Such notice shall include a copy of the physician's signed statement.

"In the event of cancellation under RCW 18.35.190(3), the licensee must, without further request, refund to you within ten days after such cancellation, all deposits, including down payment, less ten percent of the total purchase price and less the reasonable price of earmolds, if any. He must also return all goods traded in by you on account or in contemplation of the sale less any reasonable costs actually incurred in making all such goods so traded in ready for resale.

"You, the buyer, shall incur no additional liability for such cancellation." [Order PL 190, § 308-50-330, filed 5/23/75; Order PL 159, § 308-50-330, filed 2/8/74.]

WAC 308-50-350 Renewal of license. (1) The annual license renewal date for hearing aid fitters and dispensers is hereby changed to coincide with the licensee's birthdate. Individuals making application for examination and initial license, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) Current licensees as of December 31, 1983. Licensed hearing aid fitters and dispensers desiring to renew their licenses will be required to pay a fee of eighty dollars, plus one-twelfth of that amount for each month or fraction thereof, in order to extend their license to expire on their birth anniversary date next following December 31, 1983.

(c) After the initial conversion to a staggered system, licensees may renew their licenses at the annual fee rate, for one year from birth anniversary date to the next birth anniversary date. Statutory Authority: 1983 c 39 § 7. 83-23-056 (Order PL 447), § 308-50-350, filed 11/15/83.]

WAC 308-50-375 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Initial trainee application	$160.00
Extension of trainee license	160.00
Examination or full reexam	240.00
Partial reexam	120.00
Initial license	80.00
Renewal	80.00
Late renewal penalty	80.00
Duplicate license	5.00
Certification	10.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-50-375, filed 8/10/83. Formerly WAC 308-50-340.]

Chapter 308-51 WAC
MASSAGE BUSINESSES AND MASSAGE OPERATORS--LICENSING

WAC

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308-51-200 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-51-030 Massage licensing—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-51-030, filed 9/25/80; Order PL 255, § 308-51-030, filed 8/20/76; Order PL 231, § 308-51-030, filed 10/30/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-51-200.

WAC 308-51-010 Applications. (1) Applications for an original license or renewal of a license to practice as a massage operator or to conduct a massage business shall be made to the Division of Professional Licensing, 12th and Franklin Streets, P.O. Box 9649, Olympia, Washington 98504. (Telephone number (206) 753-0776.)

(2) Application forms shall be prepared by the director and shall provide for the statement of all information required for the license in question. An applicant for the issuance or renewal of a massage operator's license and/or a massage business license shall be required to furnish the director with satisfactory evidence to establish that all requirements for the license have been fulfilled by the applicant, including the requirement that he is of good moral character and has not been convicted of, or forfeited bond for, a crime involving lewdness or moral turpitude or a crime involving possession, use, or distribution of any controlled substance except marihuana.

(b) An applicant may establish proof of age by submitting a photocopy of his birth certificate. If it is not reasonably possible to obtain a photocopy of the birth certificate, an affidavit attesting to the date and place of birth may be accepted by the director in lieu of such photocopy.

(3) The term "applicant" as used in chapter 280, Laws of 1975 1st ex. sess. and chapter 18.108 RCW, relating to massage business license, is defined to include and shall be applied as follows to:

(a) The owner, in case of sole proprietorship.

(b) All partners, in case of a general or limited partnership.

(c) A corporation, which may apply through its chief executive officer. [Statutory Authority: RCW 18.108-.020. 81–11–005 (Order PL 379), § 308–51–010, filed 5/11/81; Order PL 255, § 308–51–010, filed 8/20/76; Order PL 231, § 308–51–010, filed 10/30/75.]

WAC 308–51–020 Licenses. (1) All licenses issued shall be displayed in a place on the business premises which is in plain view and readily available for official inspection.

(2) In the event of loss or destruction of a license, the licensee will file with the director an affidavit explaining the loss or destruction of the license. Licensee may obtain a duplicate license upon payment of a fee in the amount of three dollars.

(3) Licenses issued by the director shall not be assignable or transferable from person to person or from business to business.

(4) A massage business licensee that moves the place of business from the address shown on the license to another address or makes any change of the business name from that as shown on the license shall file written notice with the director not later than ten days after the effective date of such change. Notification of change in business license location or name must be accompanied with a license revision fee of five dollars.

(5) No more than one massage business, as defined by paragraph (5), section 1, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.010(5), shall be operated under the same license.

(6) Each licensee issued a massage operator or massage owner–operator license shall upon receipt thereof affix a current photograph of the licensee to the license. The photograph will be of passport size approximately two inches by two inches and affixed in such a manner as to not obliterate the licensee's name, license number or expiration date. [Order PL 255, § 308–51–020, filed 8/20/76; Order PL 231, § 308–51–020, filed 10/30/75.]

WAC 308–51–040 Denial, suspension or revocation of license. (1) The provisions of sections 9 and 18, chapter 280, Laws of Washington 1975 1st ex. sess., are applicable to: Each owner and managing employee of a sole proprietorship, each partner and managing employee of a massage business conducted by a partnership; and to each officer, director, managing employee and stockholder of a massage business conducted by a corporation.

(2) Improper, unprofessional or dishonorable conduct shall include, but not be limited to:

(a) The commission of any act involving moral turpitude or corruption, whether the same constitutes a crime or not, and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action; or

(b) For any owner, if the owner knew of, or encouraged the act, or any proprietor, manager, employee, or agent of any massage business to intentionally touch, manipulate, or expose the genitals of a customer in any manner, whether or not the customer requested or acquiesced in the act. [Order PL 231, § 308–51–040, filed 10/30/75.]

WAC 308–51–050 Equipment and sanitation. (1) All establishments giving cabinet, vapor or steam baths shall be equipped with adequate shower facilities.

(2) All cabinets, showers, tubs, basins, massage or steam tables, and all other fixed equipment used shall be thoroughly cleansed and shall be rendered free from harmful organisms by the application of an accepted bactericidal agent.

(3) Combs, brushes, shower caps, mechanical and massage instruments, or bathing devices that come in contact with the body shall be sterilized or disinfected by modern and approved methods and instruments. Devices, equipment or parts thereof having been used on one person shall be sterilized or disinfected before being used on another person.

(4) Impervious sheeting shall cover, full length, all massage tables or pads, directly under fresh sheets and linens or disposable paper sheets.

(5) All single service materials and clean linen such as sheets, towels, gowns, pillow cases and all other linens used in the practice of massage, shall be furnished by the licensee for the use of each individual patron.

(6) All towels and linens used for one person shall be laundered or cleaned before they are used by any other person.

(7) All soiled linens shall be immediately placed in a covered receptacle.

(8) Soap and clean towels shall be provided by the licensee for use of employees.

(9) All equipment shall be clean, well maintained and in good repair. [Order PL 231, § 308–51–050, filed 10/30/75.]

WAC 308–51–060 Facility standards. (1) Floors, walls, ceilings, furniture and fixtures shall be kept in good repair, clean and sanitary at all times.

(2) All rooms shall have adequate lighting and ventilation and shall be maintained at a comfortable temperature.

(3) Each massage business shall have toilet and lavatory facilities for use of the patrons and employees. Such will be located within the premises, or immediately adjacent thereto. The toilet and lavatory shall be equipped with hot and cold running water, toilet paper, soap, single service towels, and waste receptacle.

(4) Water supply shall be adequate, safe and sanitary. Drinking fountains or individual drinking cups shall be provided for the convenience of customers and employees.

(5) The operation and standards for a massage business must meet all local or state building, utilities, zoning, fire prevention and health codes.

(6) No pets, birds, or animals, other than guide dogs, shall be permitted within the premises occupied by the massage business.

(7) Persons employed as massage operators shall be required to be fully clothed, neat and clean at all times when performing services upon patrons.

(8) No door or doors to any room or rooms in a massage parlor shall be locked, barricaded or blocked in any manner while occupied by a massage parlor employee and patron.

(9) When any state or local law enforcement personnel arrive at the massage parlor and determine to inspect the premises, no person shall personally give notice or shall activate any device which causes a light to flash, illuminate or darken, a buzzer to sound, or which might cause any notice whatsoever to be given to any persons in any room or rooms in the massage parlor that said inspectors are present. [Order PL 231, § 308-51-060, filed 10/30/75.]

WAC 308-51-070 Communicable disease control. (1) Persons suffering from infectious or contagious diseases shall not be treated by any licensed massage business or massage operator.

(2) Any person known to be infected with any contagious disease, or to be a carrier of such disease, or who has an infected wound or open lesion on any exposed portions of his or her body, shall be excluded from practicing massage. Any owner or manager who has reason to suspect that any employee has contracted a communicable disease shall immediately require the individual to have an examination by his or her personal physician. [Order PL 231, § 308-51-070, filed 10/30/75.]

WAC 308-51-080 Inspection of massage premises. (1) The director or any of his authorized representatives may visit and inspect the premises of a massage business establishment at any time when such establishment is open for business. Such inspection shall be limited to the following purposes:

(a) To ascertain whether or not all massage operators working on the premises are properly licensed;

(b) To ascertain whether or not the equipment and sanitation requirements of WAC 308-51-050 are met;

(c) To ascertain whether or not the facility standards of WAC 308-51-060 are met.

(2) This section shall not be construed to permit the physically forcible entry of the director or his authorized agent into any area of a massage business establishment, but refusal to permit inspection, for the purposes set out above, shall be grounds for revocation or suspension of a massage business license pursuant to RCW 18.108.080 or 18.108.170. [Order PL 238, § 308-51-080, filed 2/9/76.]

WAC 308-51-100 Scope of examination. (1) The examination for a massage operator's license shall, except as noted in subparagraph (2) below, consist of written questions as well as a practical demonstration that will require the applicant to perform a massage or partial massage upon another person and which may include oral questions.

(2) An applicant handicapped by blindness will not be subject to a written examination. A blind applicant will be asked oral questions to appropriately test the range and depth of his knowledge of the subjects shown in subparagraph (3) below.

(3) Written and oral questions will be sufficient in number to satisfy the massage examining board that the applicant has been given an adequate opportunity to express his or her knowledge relating to the following subjects as they pertain to the practice of massage:

(a) Anatomy and physiology,

(b) Hydrotherapy,

(c) Hygiene,

(d) First aid,

(e) Massage theory and practice,

(f) Symptomatology (only as it pertains to contra-indications of massage), and

(g) The law and rules of the board relating to massage (i.e., chapter 18.108 RCW and chapter 308-51 WAC).

(4) The practical demonstration of massage will be conducted before the examining board and the applicant will be required to perform the massage treatment or techniques as directed by the board. During the practical demonstration each member of the board in attendance will observe, note and grade each applicant on the following elements:

(a) Oral questions,

(b) Contact,

(c) Draping,

(d) Effluerage,

(e) Friction,

(f) Petrissage,

(g) Pressure,

(h) Professional manner,

(i) Rhythm,

(j) Swedish gymnastics, to include both active and passive exercise,

(k) Tapotement,

(l) Use of lubricants,

(m) Vibration, and

(n) Nerve strokes. [Statutory Authority: RCW 18-.108.020. 80-01-018 (Order PL 329, Resolution 12/79), § 308-51-100, filed 12/13/79; Order PL 248, § 308-51-100, filed 5/25/76.]

WAC 308-51-110 Grading of examinations. (1) The grading of all written examinations, and of oral questions given in lieu thereof, will be based upon a possible score of 100% and the minimum passing score shall be 70%.

(2) The grading of the practical demonstration and the oral questions given each applicant during such demonstration will be based upon a possible score of 100% and the minimum passing score shall be 70%. In determining the applicant's grade, the board members' grading for each element shown in WAC 308-51-100(4) for the practical demonstration will be totaled, and the total will then be averaged to establish the final grade for each element of the practical demonstration.

(3) After the score of the applicant has been determined for each element of the practical demonstration,

the board will arrive at the applicant's overall score by applying the following formula:

(a) The scores achieved by the applicant on the elements of professional manner, draping, and use of lubricants will be totaled and averaged.

(b) The scores achieved by the applicant on the elements of effleurage, petrissage, rhythm, pressure, friction, vibration, Swedish gymnastics, tapotement, nerve strokes and contact will be totaled and averaged.

(c) The scores achieved by the applicant on the oral questions asked during the practical demonstration will be totaled and averaged.

(d) The applicant's overall grade on the practical demonstration will consist of a weighted average of the scores determined under (a), (b) and (c) above. The score determined under (a) above will count 10%. The score determined under (b) above will count 60%. The score determined under (c) above will count 30%.

(4) Each applicant must obtain a grade of 70% or better on each portion of the examination, i.e., written (or oral in lieu of written), and practical demonstration, before being considered by the board to be technically qualified for licensing as a massage operator. [Statutory Authority: RCW 18.108.020. 79–10–042 (Order 314, Resolution 9/79), § 308–51–110, filed 9/13/79; Order PL 248, § 308–51–110, filed 5/25/76.]

WAC 308–51–120 Frequency and location of examinations. (1) The board will normally conduct practical examinations in March and September of each year.

(2) Written examinations will be conducted at least twenty days prior to scheduled practical examinations. Applicants will be required to pass the written examination prior to being scheduled for the practical examination.

(3) Written and practical examinations will be conducted at a location within the state as determined by the director, with due consideration to be given to the residential location of the examinees and the availability and costs of required facilities and services.

(4) A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination dates. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Examination fees are nonrefundable. Should an applicant fail to appear for examination at the designated time and place, he shall forfeit the examination fee unless he has notified the division of professional licensing of his inability to appear for the scheduled examination at least five days before the designated time. With the required five days notice, a candidate may request to be rescheduled for examination any time within two years of the time they submitted their original application. [Statutory Authority: RCW 18.108.020. 83–23–077 (Order PL 448), § 308–51–120, filed 11/18/83; 80–01–017 (Order PL 330, Resolution 12/79), § 308–51–120, filed 12/13/79; Order PL 248, § 308–51–120, filed 5/25/76.]

WAC 308–51–130 Reexamination. An applicant who has failed to pass the examination may apply for reexamination, provided the required reexamination fee is submitted. An applicant must successfully complete the written examination or oral in lieu of written where appropriate, prior to being scheduled for the practical examination. If an applicant fails to successfully pass the practical examination within two years of passing the written examination, he/she must retake the written examination before being eligible to again attempt the practical examination. [Statutory Authority: RCW 18-.108.020. 80–04–012 (Order PL 336), § 308–51–130, filed 3/10/80; Order PL 248, § 308–51–130, filed 5/25/76.]

WAC 308–51–140 Special examination. (1) An applicant who states that he cannot read or speak the English language with sufficient facility to take the regular examination may elect one of the following options:

(a) He may attempt to take the written examination: *Provided*, That if he cannot successfully obtain a passing score of 70% or better, the board will disregard the results of this examination and the applicant may elect an alternative examination: *Provided further*, That there will be no reexamination fee under this subsection (a);

(b) He may elect to be given the written examination in English orally; or

(c) He may elect to take an alternative, oral examination with the assistance of an interpreter.

(2) An applicant requiring language translation will be given an alternative examination in which the number of oral questions will be sufficient to appropriately test the range and depth of his knowledge of the subjects shown in WAC 308–51–100(3). [Order PL 248, § 308–51–140, filed 5/25/76.]

WAC 308–51–150 Massage business licensee reports. Upon each application for renewal of a massage business license and at such other times as the director requests in writing, a massage business licensee shall report the names and license numbers of all persons engaged in the practice of massage at his business on the date of the report. Further, upon the written request of the director, a massage business licensee shall also report the names and license numbers of all persons engaged in the practice of massage at his business at any time during a period immediately prior to the date of the report, which period shall be designated in the written request of the director. Reports shall be on forms provided by the director and must accompany the application for license renewal or be delivered to the director within ten days of the licensee's receipt of the director's written request, as the case may be. Reports shall include both the true legal names of persons engaged in the practice of massage at the particular massage business, and also any pseudonyms, aliases and nicknames which such persons have used while so engaged. [Order PL 255, § 308–51–150, filed 8/20/76.]

WAC 308-51-200 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Operator:	
Written test	$ 30.00
Practical exam	40.00
Written—Reexam	30.00
Practical—Reexam	40.00
Initial license	30.00
Renewal	30.00
Late renewal penalty	10.00
Business:	
Application	50.00
Renewal	50.00
Late renewal penalty	10.00
Duplicate license	5.00

[Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-51-200, filed 11/2/83; 83-17-031 (Order PL 442), § 308-51-200, filed 8/10/83. Formerly WAC 308-51-030.]

Chapter 308-52 WAC
MEDICAL EXAMINERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-52-020 Requirement for processing reciprocal applications. [Rules (part), filed 12/18/63.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.

308-52-050 Failure in more than one subject. [Order PL 136, § 308-52-050, filed 11/16/72; Rules (part), filed 12/18/63.] Repealed by 78-04-028 (Order PL 284, Resolution 78-139), filed 3/14/78. Statutory Authority: RCW 18.71.017.

308-52-110 Reciprocity or waiver applications for license. [Order PL 136, § 308-52-110, filed 11/16/72; Rules (part), filed 1/12/65.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.

308-52-130 Physicians' assistants. [Order PL 275, § 308-52-130, filed 10/12/77; Order PL 180, § 308-52-130, filed 12/3/74; Order PL 167, § 308-52-130, filed 4/17/74; Order PL 114, § 308-52-130, filed 10/13/71.] Repealed by 79-06-055 (Order PL 301), filed 5/22/79. Statutory Authority: RCW 18.71A.020.

308-52-137 Physicians' assistants—Classification. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-137, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.

308-52-144 Physicians' assistants—Simultaneous registration of Type C assistants. [Statutory Authority: RCW 18-.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-144, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.

308-52-200 Definitions. [Order PL 110, § 308-52-200, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.

308-52-210 National board of medical examiners. [Order PL 110, § 308-52-210, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.

308-52-220 State board reciprocity. [Order PL 110, § 308-52-220, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.

308-52-230 Washington state basic science examination. [Order 146, § 308-52-230, filed 8/16/73; Order PL 110, § 308-52-230, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.

308-52-240 Applications filed prior to January 1, 1970. [Order PL 110, § 308-52-240, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.

308-52-250 Internship defined. [Order 146, § 308-52-250, filed 8/16/73.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.

308-52-300 License renewal registration fee. [Order PL 163, § 308-52-300, filed 3/18/74.] Repealed by Order PL 209, filed 11/5/75.

308-52-310 Physician—Fees. [Statutory Authority: RCW 43.24-.085. 80-14-022 (Order 356), § 308-52-310, filed 9/25/80; Order PL 209, § 308-52-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-52-315.

308-52-520 Acupuncture experience. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-520, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.

308-52-550 Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-550, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.

308-52-560 Acupuncture assistant utilization. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-560, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.

WAC 308-52-010 Board meetings. Regular medical board meetings shall be held at least four times yearly. Additional regular or special meetings may be called at discretion of president or quorum of the board. [Order PL 136, § 308-52-010, filed 11/16/72; Rules (part), filed 12/18/63.]

WAC 308-52-030 Examinations. Examinations shall be given twice yearly in the months of June and December. [Order PL 136, § 308-52-030, filed 11/16/72; Rules (part), filed 12/18/63.]

WAC 308-52-040 Foreign medical graduates. (1) Except in unusual circumstances, which shall be considered individually by the board, all graduates of foreign medical schools who were not licensed in another state prior to 1958 must have obtained the certificate granted by the educational council for foreign medical graduates or must qualify for exemption as provided for in other sections of these rules and regulations.

(2) A United States citizen or resident alien who has obtained his medical education in a medical school outside the United States, Canada, or Puerto Rico shall be eligible for licensure in the state of Washington if he has satisfied the following requirements:

(a) Has completed all of the formal academic requirements for graduation from a medical school outside the United States, provided that such medical school provides a resident course of professional instruction equivalent to that required under RCW 18.71.055 for approval of United States and Canadian schools. An internship and/or social service in a foreign country shall not be considered to be a part of the formal academic requirements.

(b) Has successfully completed one academic year of supervised clinical training in a program approved by the board. Approval of such program shall be based on the following requirements:

(i) The program shall be sponsored by a board-approved United States medical school.

(ii) The school must provide supervision equivalent to that given undergraduate medical students.

(iii) Admission to such a program shall be contingent upon review of the applicant's academic achievement, completion of the formal academic curriculum of the foreign medical school, and the attainment of a score satisfactory to the medical school in a qualifying examination acceptable to the board such as part 1 of the national board examination, or day-1 of flex examination, or the ECFMG examination.

(iv) The program must include experience in each of the major clinical disciplines.

(c) Has completed the postgraduate clinical hospital training required by the board of all applicants for licensure.

(d) Has passed the examination required by the board of all applicants for licensure.

(3) Satisfaction of the requirements of section (2) of these rules and regulations shall substitute for the completion of any foreign internship and/or social service required by the foreign medical school or government as a condition to the awarding of a medical degree or licensure, and no such requirements shall be a condition of licensure as a physician in this state.

(4) Certification by the ECFMG shall not be a condition of licensure as a physician in this state for candidates who have successfully completed the requirements of section (2) of these rules and regulations.

(5) All persons issued a license to practice medicine and surgery by the board of medical examiners shall possess all the rights and privileges thereof, including the use of the title "doctor of medicine" and the initials "M.D."

(6) Graduates of foreign medical schools who do not qualify for licensure under these rules and regulations will be required to meet the rules previously adopted by the board. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-040, filed 1/21/81; Order PL 240, § 308-52-040, filed 2/19/76; Order PL 183, § 308-52-040, filed 2/10/75; Order PL 136, § 308-52-040, filed 11/16/72; Rules (part), filed 12/18/63.]

WAC 308-52-100 Applications for examination. All applications for medical license by examination in the state of Washington shall be in the office of the professional licensing division, department of motor vehicles no later than October 1 or April 1. [Order PL 136, § 308-52-100, filed 11/16/72; Rules (part), filed 1/12/65.]

WAC 308-52-120 Approved United States and Canadian medical schools. For the purposes of the Medical Practice Act the board approves those medical schools listed as accredited medical schools in the United States set forth in Appendix II, Table I, and as accredited schools in Canada set forth in Appendix III, Table I, as published in the Journal of the American Medical Association for March 7, 1980. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-120, filed 1/21/81; Order PL-278, § 308-52-120, filed 11/16/77.]

WAC 308-52-132 Emergency narcotic administration. (1) When approved by the board in the physician assistant utilization plan, a physician may issue a standing written order, authorizing his or her physician assistant to administer a Schedule II narcotic controlled

substance to the physician's patient in severe pain as an emergency pain relieving measure while efforts are being made to contact a physician or transport the patient for further emergency medical care.

(2) The authorization shall only be for the direct administration of a narcotic to a patient in an emergency. A physician must personally issue any prescription for Schedule II controlled substances which are not directly administered to a patient in an emergency pursuant to this regulation.

(3) A record of the emergency narcotic administration shall be maintained which shall include the date, time, patient's name, name of the physician assistant, name and strength of narcotic drug administered and nature of emergency. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-132, filed 1/21/81.]

WAC 308-52-135 Physician assistant prescriptions. A physician assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and registration number.

(2) A physician assistant employed or extended privileges by a hospital nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician assistants may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements. [Statutory Authority: RCW 18.71A.020. 83-07-014 (Order PL 428), § 308-52-135, filed 3/10/83; 82-03-022 (Order PL 390), § 308-52-135, filed 1/14/82; 79-10-041 (Order PL 317), § 308-52-135, filed 9/13/79; Order PL 264, § 308-52-135, filed 3/15/77.]

WAC 308-52-136 Physicians' assistants--Scope of jurisdiction. Chapter 18.71A RCW defines a physician's assistant as ". . . a person who is enrolled in, or has satisfactorily completed, a board approved program to prepare persons to practice medicine to a limited extent." The board will consider as falling within its jurisdiction all individuals who meet the above requirement, who assume responsibility for direct patient care involving patient contact and who are not registered, certified or licensed by another agency of the state. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-136, filed 3/14/78.]

WAC 308-52-138 Physician assistants--Program approval. No physician shall be entitled to register a physician assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(1) Standards. The board will establish standards by which programs designed to produce the various types of physician assistants shall be judged. If the council of medical education of the American medical association has defined "essentials" for such program, these shall be regarded as minimal criteria.

(2) Procedure.

(a) In order for a program for training physician assistants to be considered for approval by the board, the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director of the program shall also advise the board concerning the medical skills which are attained in such course, and the methods by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(b) The board will approve programs in terms of the skills attained by its graduates and the specialty for which the physician assistant is trained.

(c) Reapproval. Each approved program will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(d) Registry. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(3)(a) Where an application for program approval has been pending for one year and has not been approved due to the absence of program standards promulgated by the board, a program may apply for provisional approval.

(b) Such approval is solely for the limited purpose of availing the program's students of the exemption contained in RCW 18.71.030(8) and shall end when the board makes a final determination as to program approval pursuant to this section.

(c) Provisional approval as defined in subsection (b) above can be granted if the program:

(i) Needs such approval in order for the clinical elements of its educational regimen to proceed on schedule;

(ii) Has established the likelihood of satisfying the relevant program approval guidelines in their current form;

(iii) Will otherwise comply with the terms of RCW 18.71.030(8); and

(iv) Agrees to such other safeguards as the board may stipulate to ensure patient safety. [Statutory Authority: RCW 18.71A.020. 83–03–031 (Order PL 421), § 308–52–138, filed 1/14/83; 81–03–078 (Order PL 368), § 308–52–138, filed 1/21/81; 78–04–029 (Order PL 285, Resolution 78–140), § 308–52–138, filed 3/14/78.]

WAC 308–52–139 Physician assistant—Registration. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. All applications shall be made to the board on forms supplied by the board. Applications shall not be reviewed or approved until the forms and supporting documents are complete. Applications shall be made jointly by the physician and the assistant. An application which clearly meets the board's requirements may receive interim approval by the board's executive secretary or assistant executive secretary providing the physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the required education and training of the physician assistant. Such interim approval shall be subject to final action by the board's application committee at its next regular meeting. Applications which do not clearly meet the board's guidelines will be reviewed at the committee meeting, which review may include an interview. Applications may also be considered at any regular meeting of the board.

(3) Registration renewal. Each registered assistant and the registering physician shall be required to submit an application for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. A statement must be made concerning any changes in utilization requested, which will be subject to approval of the board. Registration renewals will be issued to expire on the physician assistant's next birth anniversary date.

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively, providing that the new physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the continuing competence of the physician assistant. Application for transfer of registration shall be made on forms provided by the board and may also be considered at any regular meeting of the board or its committee.

(5) Utilization plan. The application for registration of a physician assistant must include a detailed plan describing the manner in which the physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized physician assistants based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. In the case of family practice (primary care) and pediatric physician assistants, the board will issue a list of tasks which physician assistants are commonly trained to perform, with the expectation that the physician sponsor will be responsible for determining which of the tasks the physician assistant will perform and at what level of supervision. No assistant shall be registered to perform tasks not contained in the program approval, or in the case of family practice and pediatric physician assistants, the board list, unless evidence satisfactory to the board is submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board or the application committee. [Statutory Authority: RCW 18.71A.020. 82–24–013 (Order PL 412), § 308–52–139, filed 11/19/82; 81–03–078 (Order PL 368), § 308–52–139, filed 1/21/81; 80–15–031 (Order PL–353), § 308–52–139, filed 10/8/80; 78–04–029 (Order PL 285, Resolution 78–140), § 308–52–139, filed 3/14/78.]

WAC 308–52–140 Physician assistant—Utilization. (1) Limitations, number.

(a) No physician shall supervise more than two graduate physician assistants without [special] authorization by the board.

(b) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in section three of this regulation shall be established by the board on an individual basis.

(2) Limitations, geographic.

(a) No physician assistant shall be utilized in a place geographically separated from the supervising physician's primary place for meeting patients without the express permission of the board. The "primary place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or the homes of patients for whom a physician–patient relationship has already been established.

(b) Special permission may be granted to utilize a physician assistant in a place remote from the physician's primary place for meeting patients if:

(i) There is a demonstrated need for such utilization.

(ii) Adequate provision for immediate communication between the physician and his or her physician assistant exists.

(iii) A mechanism has been developed to provide for the establishment of a direct patient–physician relationship between the supervising physician and patients who may be seen initially by the physician assistant.

(iv) The responsible physician spends at least one–half day per week in the remote office.

(v) The provisions of WAC 308–52–141(2) are met.

(vi) The waiting room, offices and examining rooms of all facilities approved as remote sites must have

posted a printed announcement that the (named) sponsor is responsible for all care rendered, and that the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.

(3) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised by a supervising physician in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150.

(4) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor. [Statutory Authority: RCW 18.71A.020. 83-07-014 (Order PL 428), § 308-52-140, filed 3/10/83; 82-24-013 (Order PL 412), § 308-52-140, filed 11/19/82; 82-03-022 (Order PL 390), § 308-52-140, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-140, filed 1/21/81; 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-140, filed 3/14/78.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-52-141 Physician assistants--Responsibility of supervising physician. It shall be the responsibility of the supervising physician to insure that:

(1) The best interests of his patients are served by the utilization of a physician assistant.

(2) Adequate supervision and review of the work of the physician assistant is provided.

(a) The supervising physician shall review and countersign pertinent notes and orders concerning patient care provided by the physician assistant, if such care is rendered without direct consultation with the physician. The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

(b) In the temporary absence of the supervising physician, the physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The physician assistant may not function as such if these supervisory and review functions are impossible.

(3) The physician assistant employed by him, at all times when meeting or treating patients, wears an identifying badge in a prominent place on his person identifying him as a physician assistant.

(4) No physician's assistant in his employ advertises himself in any manner which would tend to mislead the public generally or the patients of the physician as to his role.

(5) The physician's assistant in his employ performs only those tasks which have been authorized by the board. If the physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-141, filed 1/21/81; 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-141, filed 3/14/78.]

WAC 308-52-142 Physicians' assistants--Registration fee. The fee for an initial registration or transfer of registration shall be fifty dollars, to be paid by the physician. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-142, filed 3/14/78.]

WAC 308-52-143 Physicians' assistants--Reregistration fee. The fee for reregistration shall be ten dollars which shall be paid by the supervising physician at the time of submission of the renewal form. Failure to reregister and pay the renewal fee shall render the registration invalid, but registration may be reinstated by payment of a penalty fee of twenty-five dollars together with all delinquent annual registration fees. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-143, filed 3/14/78.]

WAC 308-52-145 Birthday renewal registration implementation. (1) Effective with the renewal period beginning March 1, 1981, the annual physician assistant registration renewal date will be changed to coincide with the physician assistant's birthdate. Physicians making application for initial registration will be issued a registration to expire on the physician assistant's next birthdate.

(2) Physicians desiring to renew a registration to utilize a physician assistant's services will pay the renewal fee plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their registration so that it expires on the physician assistant's birthday next following March 1, 1982. [Statutory Authority: RCW 18.71A.020. 80-15-031 (Order PL-353), § 308-52-145, filed 10/8/80.]

WAC 308-52-150 Assistance or consultation with other physicians. (1) Physician sponsor. A physician assistant may assist or consult with a physician other than his or her sponsor or alternate concerning the care or treatment of the sponsor's patients, provided it is done with the knowledge and concurrence of the sponsor. The sponsor must maintain on file a written statement which

instructs the physician assistant as to who may be assisted or consulted and under what circumstances or if no list is possible, then the method to be used in determining who may be consulted or assisted. The sponsor retains primary responsibility for the performance of his or her physician assistant.

(2) Responsibility of a nonsponsoring physician. A non-sponsoring physician utilizing or advising a physician assistant as indicated in section (1) of this rule, shall assume responsibility for patient services provided by a physician assistant if the physician:

(a) Knowingly requests that patient services be rendered by the physician assistant; or

(b) Knowingly consults with the physician assistant concerning the rendering of patient services. [Statutory Authority: RCW 18.71A.020. 83-03-031 (Order PL 421), § 308-52-150, filed 1/14/83.]

WAC 308-52-160 Physician assistant applications--Denial. (1) Applications may only be denied or modified by a vote of the board. The executive secretary or application committee may refer an application to the board without giving approval.

(2) An application by a physician to supervise a physician assistant may be denied or modified under any of the following conditions:

(a) The physician assistant has not graduated from an approved program or a foreign medical school acceptable to the board;

(b) The utilization plan submitted does not meet the requirements for utilization or supervision as outlined in the regulations;

(c) The physician assistant is found to not be physically or mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;

(d) The physician assistant's registration or other professional license(s) has been revoked, suspended or restricted by any licensing agency, or he or she has been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such registration under the laws of the state of Washington.

(e) The utilization plan delegates to the physician assistant tasks for which he or she is not adequately trained to perform;

(f) The physician sponsor or alternate has had his or her license revoked or suspended, or restricted to such degree that it could reasonably affect his or her ability to properly supervise a physician assistant. A physician's mental or physical impairment could also affect his or her ability to supervise;

(g) The physician assistant has filed with the board, any false, fraudulent or forged statement or documents for the purpose of obtaining the registration.

(3) In the event an application is denied or modified, the physician applying may request a hearing to present evidence as to why the application should be approved. Only the sponsoring physician may appeal a board decision: *Provided, however,* That if the decision reflects on the character, competence or conduct of the physician assistant, he or she will be given the opportunity to exonerate him or herself. [Statutory Authority: RCW 18-.71A.020. 82-24-013 (Order PL 412), § 308-52-160, filed 11/19/82.]

WAC 308-52-201 General continuing medical education requirements. (1) All registered physician assistants will be required to show evidence of fifty credit hours of continuing medical education by their registration renewal date in 1982.

(2) In lieu of fifty hours of continuing medical education the board will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.

(3) If a registered physician assistant fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time. [Statutory Authority: RCW 18.71A.020. 82-03-022 (Order PL 390), § 308-52-201, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-201, filed 1/21/81.]

WAC 308-52-205 Categories of creditable continuing medical education activities. (1) The board approves the following categories of creditable continuing medical education activities for physician assistants. A minimum of twenty credit hours must be earned in category I.

Category I	Continuing medical education activities with accredited sponsorship
Category II	Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience

(2) The board adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-205, filed 1/21/81.]

WAC 308-52-211 Continuing medical education clock hour credit requirement. (1) The credits must be earned in the year preceding application for renewal of registration.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the fifty hour continuing medical education requirement. [Statutory Authority: RCW 18-.71A.020. 81-03-078 (Order PL 368), § 308-52-211, filed 1/21/81.]

WAC 308-52-215 Prior activity approval not required. (1) It will not be necessary for a physician assistant to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each individual

physician assistant's integrity in complying with this requirement.

(2) Continuing medical education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing medical education for physician assistants that constitutes a meritorious learning experience. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-215, filed 1/21/81.]

WAC 308-52-221 Certification of compliance. (1) In conjunction with the application for renewal of registration a physician assistant shall submit an affidavit of compliance with the fifty hour continuing medical education requirement on a form supplied by the board.

(2) The board reserves the right to require a physician assistant to submit evidence in addition to the affidavit to demonstrate compliance with the fifty hour continuing medical education requirement. Accordingly, it is the responsibility of a physician assistant to maintain evidence of such compliance. [Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-221, filed 1/21/81.]

WAC 308-52-255 Post graduate medical training defined. For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the board in general medicine or surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of undergraduate medical instruction outlined in RCW 18.71-.055. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects. [Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-255, filed 1/21/81.]

WAC 308-52-260 Examination scores. Examinations given by the Washington state board of medical examiners:

(a) The board adopts the examination of the federation of state licensing boards as the examination given by the board.

(b) The minimal passing scores for the FLEX examination shall be a FLEX weighted average of seventy-five percent. [Statutory Authority: RCW 18.71.017. 79-06-063 (Order PL 304), § 388-52-260, filed 5/23/79; 78-04-028 (Order PL 284, Resolution 78-139), § 308-52-260, filed 3/14/78; Order PL 240, § 308-52-260, filed 2/19/76.]

WAC 308-52-270 Examinations accepted for reciprocity or waiver. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. In addition, the board may accept the examinations given by the medical council of Canada (LMCC) as a basis for reciprocity for days II and III of the Washington examination. The minimum passing score will depend upon the quality of the examination using the FLEX examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the national board of medical examiners may be granted a license without examination: *Provided*, That the applicant has not previously failed to pass an examination held in this state. [Statutory Authority: RCW 18.71.017. 78-04-028 (Order PL 284, Resolution 78-139), § 308-52-270, filed 3/14/78; Order PL 268, § 308-52-270, filed 5/11/77; Order PL 240, § 308-52-270, filed 2/19/76.]

WAC 308-52-315 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Physicians and surgeons:	
Application	$ 25.00
First exam	100.00
Retake—Exam	100.00
Reciprocity	50.00
License renewal	30.00
Late renewal penalty	10.00
Limited license	55.00
Limited license renewal	15.00
Certification	15.00
Duplicate license	5.00
Disciplinary assessment	30.00
Physician's assistant:	
Application	25.00
Renewal	10.00
Late renewal penalty	10.00
Duplicate license	5.00

[Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-52-315, filed 11/2/83; 83-17-031 (Order PL 442), § 308-52-315, filed 8/10/83. Formerly WAC 308-52-310.]

WAC 308-52-320 License renewal registration date and fee. (1) Effective with the renewal period beginning July 1, 1976, the annual license renewal date will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1976. Licensees desiring to renew their licenses will be required to pay a fee of fifteen dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their birth anniversary date during calendar year 1977 or 1978. Example: Licensee's birthdate is September 1, therefore, the fee is computed

at fifteen dollars plus three dollars and seventy–five cents for three months, or eighteen dollars and seventy–five cents.

(b) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(c) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered renewal system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to birth anniversary date.

(3) Under the staggered license renewal system the late payment penalty provision will be applied as follows:

(a) Before the expiration date of the individual's license, as a courtesy, a notice for renewal of license will be mailed to last address on file to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Should the licensee fail to renew his or her license prior to the expiration date then the individual is subject to the statutory penalty fee. If the licensee fails to renew his or her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force. [Order PL 242, § 308–52–320, filed 3/15/76.]

WAC 308–52–400 Scope. This regulation governs all physicians licensed pursuant to chapter 18.71 RCW who wish to renew their licenses to practice in the state of Washington. [Order PL 247, § 308–52–400, filed 5/17/76.]

WAC 308–52–405 General requirements. (1) The Washington state board of medical examiners requires one hundred fifty credit hours of continuing education every three years. All medical doctors currently licensed will be required to show evidence of one hundred fifty credit hours of continuing medical education by their license renewal date in 1979.

(2) In lieu of one hundred fifty hours of continuing medical education the board will accept a current physician's recognition award of the American Medical Association, or a current certificate of continuing education from either the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists and will consider approval of other programs as they are developed. The board will also accept certification or recertification by a specialty board as the equivalent of one hundred fifty hours of continuing medical education. The certification or recertification must be obtained in the three years preceding application for renewal.

(3) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis; and when circumstances justify it, the board may grant an extension of time. [Statutory Authority: RCW 18.71.017. 79–06–063 (Order PL 304), § 388–52–405, filed 5/23/79; Order PL 247, § 308–52–405, filed 5/17/76.]

WAC 308–52–406 CME requirements during cycle revision. (1) The current three year CME cycle will be revised so that approximately one–third of the licensed physicians will report their CME in each calendar year.

(2) During the implementation of the revised CME cycle, physicians must show evidence of continuing medical education as follows:

(a) Current licensees as of January 1, 1982.

(i) Physicians whose last name initial is A through G must have obtained at least fifty hours of CME by their renewal date in 1983.

(ii) Physicians whose last name initial is H through O must have obtained at least one hundred hours of CME by their renewal date in 1984.

(iii) Physicians whose last name initial is P through Z must have obtained one hundred and fifty hours by their renewal date in 1985.

(b) New licensees. Applicants who qualify for licensure after January 1, 1982 will comply with the CME requirements then in effect.

(3) CME category maximum. Physicians who report fifty or one hundred hours of CME shall reduce the CME category maximum in WAC 308–52–415 on a prorata basis as follows:

(a) For fifty hours requirement a maximum of thirty category I hours and a maximum of twenty credit hours in each of the other categories will be accepted.

(b) For one hundred hours requirement a maximum of sixty category I hours and forty credit hours in each of the other categories will be accepted.

(4) After the revision is complete in 1985 all physicians will report one hundred and fifty hours every three years as required by WAC 308–52–405. [Statutory Authority: RCW 18.71.080. 81–23–051 (Order PL 386), § 308–52–406, filed 11/18/81.]

WAC 308–52–410 Categories of creditable continuing medical education activities. The following are categories of creditable continuing medical education activities approved by the board. A maximum of sixty credit hours may be earned in each category, except category I in which ninety hours may be obtained.

Category I	Continuing medical education activities with accredited sponsorship
Category II	Continuing medical education activities with nonaccredited sponsorship
Category III	Teaching medical physicians or the allied health services
Category IV	Books, papers, publications, exhibits
Category V	Nonsupervised: Self–assessment, self–instruction, specialty board examination preparation, quality of care and/or utilization review.

[Order PL 247, § 308–52–410, filed 5/17/76.]

WAC 308-52-415 Continuing medical education requirement. (1) It is mandatory that credit hours be earned in at least three categories. The credits must be earned in the thirty-six month period preceding application for renewal of licensure.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing medical education requirement.

(3) (a) **Category I: Continuing medical education activities with accredited sponsorship.** A maximum of ninety credit hours may be earned in category I. The board has approved the standards adopted by the house of delegates of the american medical association in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so accredited as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.

(b) **Category II: Continuing medical education activities with nonaccredited sponsorship.** A maximum of sixty credit hours may be earned by attendance at continuing medical education programs offered by organizations or institutions that are not approved in accordance with the provisions of category I.

(c) **Category III: Teaching medical physicians or the allied health services.** A maximum of sixty credit hours may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

(d) **Category IV: Books, papers, publications, exhibits.**

(i) A maximum of sixty credit hours may be earned under category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six month period following presentation or publication.

(ii) Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing cannot be accepted in this or any other category for credit.

(e) **Category V: Nonsupervised.**

(i) A maximum of sixty credit hours may be earned under category V. Credit may be earned only for the thirty-six month period following the year in which the study, preparation, care and/or review occurred.

(ii) Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.

(iii) Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

(iv) Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

(v) Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency. [Order PL 247, § 308-52-415, filed 5/17/76.]

WAC 308-52-420 Approval not required. (1) It will be unnecessary for a physician to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each individual physician's integrity in complying with this requirement.

(2) Continuing medical education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing medical education that constitutes a meritorious learning experience. [Order PL 247, § 308-52-420, filed 5/17/76.]

WAC 308-52-425 Certification of compliance. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hour continuing medical education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty hour continuing medical education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance. [Order PL 247, § 308-52-425, filed 5/17/76.]

WAC 308-52-500 Acupuncture assistant education. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him or her as a practitioner of acupuncture. Satisfactory evidence of formal schooling or other training may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the People's Republic of China, Korea, Japan or Taiwan. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the [issuing] [licensing] agency rather than from the applicant. Individuals not licensed by the listed countries must document their education by means of transcripts, diplomas, patient logs verified by the preceptor, or by other means requested by the board. Applicants for registration must have successfully completed the following training:

(1) The applicant must have completed a minimum of two academic years or 72 quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify. Credits granted by the college towards prior life experience will not be accepted under this requirement.

(2) The applicant must have successfully completed a course of didactic training in basic sciences and acupuncture over a period of two academic years. The basic science training must include a minimum of 250 hours or 21 quarter credits and include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and a survey in Western clinical sciences. The basic science classes must be equivalent to courses given in accredited bachelor of science programs. The acupuncture training must include a minimum of 700 hours or 58 quarter credits in acupuncture theory, and acupuncture diagnosis and treatment techniques. The board will not accept credits obtained on the basis of challenging an exam. Transfer credits from accredited colleges or board approved acupuncture programs will be accepted.

(3) The applicant must have successfully completed a course of clinical training in acupuncture over a period of one academic year. The training must include a minimum of 100 hours or 9 quarter credits of observation, which shall include case presentation and discussion. The observation portion of the clinical training may be conducted during the didactic training but will be considered part of the clinical training for calculation of hours or credits. There must also be a minimum of 350 hours or 29 quarter credits of supervised practice, consisting of 400 separate patient treatments. A minimum of 120 different patients must have been treated. [Statutory Authority: RCW 18.71A.020. 83–07–014 (Order PL 428), § 308–52–500, filed 3/10/83; 79–06–055 (Order PL 301), § 308–52–500, filed 5/22/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–52–502 Acupuncture—Program approval. (1) Procedure. The board will consider for approval any school, program, apprenticeship or tutourial which meets the requirements outlined in this regulation and provides the training required under WAC 308–52–500 Acupuncture assistant education. Approval may be granted to an individual registration applicant's training, or to existing institutions which operate on a continuing basis. Clinical and didactic training may be approved as separate programs or as a joint program. Any clinical instruction conducted in this state must be approved by the board prior to initiation. The program approval process is as follows:

(a) Programs seeking approval shall file an application with the board in the format required by the board.

(b) The board will review the application and determine whether a site review is necessary (in the case of an institution) or an interview is appropriate (in the case of individual training) or approval may be granted on the basis of the application alone.

(c) The site review committee shall consist of two board members, two acupuncturists from the board's acupuncture advisory committee, and one member of the board staff. The review committee may visit the program any time during school operating hours. The committee will report to the board in writing concerning the program's compliance with each section of the regulations.

(d) After reviewing all of the information collected concerning a program; the board may grant or deny approval, or grant approval conditional upon program modifications being made. In the event of denial or conditional approval, the program may request a hearing before the board. No approval shall be extended to an institution for more than three years, at which time a request for reapproval may be made.

(e) The board expects approved programs not to make changes which will result in the program not being in compliance with the regulations. Programs must notify the board concerning significant changes in administration, faculty or curriculum. The board may inspect the school at reasonable intervals to check for compliance. Program approval may be withdrawn, after a hearing, if the board finds the program is no longer in compliance with the regulations.

(2) Didactic faculty. Didactic training may only be provided by persons who meet the criteria for faculty as stated in the council for postsecondary education's WAC 250–55–090 Personnel qualifications. Under no circumstances will an unregistered instructor perform or supervise the performance of acupuncture.

(3) Clinical faculty. Clinical training may be provided only by persons who meet the following criteria:

(a) The instructor must be a practitioner who has had a minimum of five years of full time acupuncture practice experience.

(b) If the training is conducted in this state, the practitioner must be registered to practice in this state. In the case of a school or program, the approval of the institution will include a review of the instructor's qualifications and the training arrangements. Approval of the instructors will extend to instruction conducted within the program.

(c) For training not conducted in this state to be acceptable, the instructor must be licensed by a state or country with equivalent license standards.

(4) Supervision of training. Clinical training in this state must be conducted under the general supervision of the instructor's sponsoring physician. During any given clinic period, the acupuncture instructor may not supervise more than four students. The number of students present during an observation session should be limited according to the judgment of the instructor. Supervision by the instructor during clinical training must be direct: each diagnosis and treatment must be done with the knowledge and concurrence of the instructor. During at least the first 100 treatments, the instructor must be in the room during treatment. Thereafter, the instructor

must at least be in the facility, available for consultation and assistance. A medical doctor may only supervise two acupuncture assistant instructors per clinical instruction period. [Statutory Authority: RCW 18.71A.020. 83-07-014 (Order PL 428), § 308-52-502, filed 3/10/83.]

WAC 308-52-504 Acupuncture--Definition. (1) Acupuncture is a traditional system of medical theory, oriental diagnosis and treatment used to promote health and treat organic or functional disorders, by treating specific acupuncture points or meridians. Acupuncture includes the following techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians.

(b) Use of electrical, mechanical or magnetic devices to stimulate acupuncture points and meridians.

(c) Moxibustion.

(d) Acupressure.

(e) Cupping.

(f) Gwa hsa (dermal friction technique).

(g) Infra-red.

(h) Sonopuncture.

(i) Laser puncture.

(j) Dietary advice.

(k) Manipulative therapies.

(l) Point injection therapy (aquapuncture).

These terms are to be understood within the context of the oriental medical art of acupuncture, and as the board defines them. [Statutory Authority: RCW 18-.71A.020. 83-07-014 (Order PL 428), § 308-52-504, filed 3/10/83; 82-24-013 (Order PL 412), § 308-52-504, filed 11/19/82.]

WAC 308-52-510 Acupuncture equivalency examination. (a) Applicants for registration who have not been issued a license for certificate to practice acupuncture from the governments listed in RCW 18.71A.080, or from a country or state with equivalent standards, must pass an equivalency examination prescribed by the board.

(b) The examination shall be written and practical and shall examine the applicant's knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

(c) Each applicant shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-510, filed 5/22/79.]

WAC 308-52-530 Investigation. An applicant for an authorization to perform acupuncture shall, as part of his or her application, furnish written consent to an investigation of his or her personal background, professional training and experience by the board or any person acting on its behalf. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-530, filed 5/22/79.]

WAC 308-52-540 English fluency. Each applicant must demonstrate sufficient fluency in reading, speaking and understanding the English language to enable the applicant to communicate with supervising physicians and patients concerning health care problems and treatment. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-540, filed 5/22/79.]

WAC 308-52-570 X-rays and laboratory tests. X-ray and laboratory tests are not approved techniques for use by physicians' acupuncture assistants, and use of such techniques is expressly prohibited. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-570, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-570, filed 5/22/79.]

WAC 308-52-580 Ethical considerations. The following acts and practices are unethical and unprofessional conduct warranting appropriate disciplinary action:

(1) The division or "splitting" of fees with other professionals or nonprofessionals as prohibited by chapter 19.68 RCW. Specifically, a person authorized by this board shall not:

(a) Employ another to so solicit or obtain, or remunerate another for soliciting or obtaining, patient referrals.

(b) Directly or indirectly aid or abet an unlicensed person to practice acupuncture or medicine or to receive compensation therefrom.

(2) Use of testimonials, whether paid for or not, to solicit or encourage use of the registrant's services by members of the public.

(3) Making or publishing, or causing to be made or published, any advertisement, offer, statement or other form of representation, oral or written, which directly or by implication is false, misleading or deceptive.

(4) Representation of the physician's acupuncture assistant, by the assistant or the supervising physician, as a physical therapist, chiropractor, drugless healer or masseur except when the assistant is licensed as such. [Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-580, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-580, filed 5/22/79.]

Chapter 308-53 WAC

OPTOMETRY--ANNUAL LICENSE OR REGISTRATION RENEWAL FEE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-53-300	Registration renewal fee. [Order PL-163, § 308-53-300, filed 3/18/74.] Repealed by Order PL 228, filed 11/6/75.
308-53-310	Optometry—Fees. [Statutory Authority: RCW 43.24-.085. 80-14-022 (Order 356), § 308-53-310, filed 9/25/80; Order PL 228, § 308-53-310, filed 11/6/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-53-020.

WAC 308-53-010 Renewal of licenses. (1) The annual license renewal date for licensed optometrists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) In the event of failure to pay the renewal fee, the director shall mail a notice of such suspension to the last known post office address of the holder between the first and fifth days of each of the three succeeding months following the due date of the renewal fee, and if the fee is not paid by the first of the fourth month following the month of renewal, the director may declare the certificate revoked and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly.

(4) All applicants for license renewal must comply with the continuing education requirements set forth in WAC 308-53-100 to 308-53-180. [Order PL 239, § 308-53-010, filed 3/3/76; Order 228, § 308-53-010, filed 11/6/75; Order PL 173, § 308-53-010, filed 8/22/74.]

WAC 308-53-020 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Examination	$100.00
Reexam	100.00
Initial license	40.00
License renewal	40.00
Late renewal	40.00
Duplicate license	5.00
Certification	10.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-53-020, filed 8/10/83. Formerly WAC 308-53-310.]

WAC 308-53-030 Temporary permit recommendation policy. To protect the public, the board generally will recommend to the director issuance of a temporary permit pursuant to RCW 18.53.030 only when the temporary permittee will practice in conjunction with a currently licensed doctor of optometry. If an applicant for a temporary permit is particularly well qualified—for example, by a considerable length of practice in a state with optometry licensing standards equivalent to Washington's—the board may recommend that the director issue him a temporary permit without such restriction. [Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-030, filed 1/17/78.]

WAC 308-53-070 Approval of schools and colleges of optometry. To be eligible to take the optometry examination, a person must be a graduate of an accredited school or college of optometry approved by the Washington state board of optometry. The board of optometry adopts those standards of the Council on Optometric Education of the American Optometric Association which were relevant to approval of optometric schools and colleges and current on December 15, 1977, and has approved all and only those optometric schools and colleges which were approved by the council on optometric education as of December 15, 1977. Other optometric schools and colleges which apply for board approval and which meet these standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

The board reserves the right to withdraw approval of a school which ceases to meet the board's standards after notifying the school in writing and granting it an opportunity to contest the board's proposed withdrawal. [Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-070, filed 1/17/78.]

WAC 308-53-080 Examination subjects. Every qualified applicant for a license as an optometrist shall successfully pass an examination. The board may choose to include, but need not be limited[,] to[,] the following subjects: Contact lenses; Washington state law/social,

legal, economic and ethics of optometry; perimetry; pathology; visual training/optometric theory and methods; ocular anatomy and physiology; ocular pharmacology; lensomet[er] [ry]; retinoscopy; biomicroscopy slit lamp; tonometry; radiuscope; and oral interview and case history.

Every applicant will take a written examination section on contact lenses; Washington state law/social, legal, economics and ethics of optometry; perimetry; pathology slides; visual training/theory and methods of optometry; ocular anatomy and physiology; ocular pathology and ocular pharmacology.

Every applicant will take a practical examination section on[:] Lensomet[er] [ry], retinoscopy, biomicroscopy slit lamp, tonometry and radiuscope. Every applicant will take a practical oral interview and case history section. [Statutory Authority: RCW 18.54.070(5). 83–10–052 (Order PL 433), § 308–53–080, filed 5/3/83; 82–12–077 (Order PL 399), § 308–53–080, filed 6/2/82; 80–01–088 (Order PL 326), § 308–53–080, filed 12/28/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–53–085 Grading examinations. To successfully pass the examination an applicant must obtain the following:

(1) Pass the practical examination section with at least a seventy–five percent average score; and

(2) Pass the practical oral interview and case history section with at least a seventy–five percent score; and

(3) Obtain a total average score of at least seventy–five percent. [Statutory Authority: RCW 18.54.070(5). 83–10–052 (Order PL 433), § 308–53–085, filed 5/3/83; 82–12–077 (Order PL 399), § 308–53–085, filed 6/2/82.]

WAC 308–53–100 Continuing education requirement. Each applicant for renewal of a license to practice optometry in the state of Washington must have completed thirty hours of continuing education within the two years previous to his first renewal date on or after January 1, 1979, and must complete thirty hours of continuing education within each successive two–year period. For example, an individual with a renewal date of January 3, 1979, must have completed thirty credit hours of continuing education within the period beginning January 3, 1977, and ending January 2, 1979. On his renewal date of January 3, 1980, he will be eligible for renewal regardless of the number of continuing education credit hours he has accumulated since January 3, 1979: *Provided*, That he meets all other requirements for renewal; but then to be eligible for license renewal on January 3, 1981, he must have completed an additional thirty credit hours of continuing education within the period beginning January 3, 1979, and ending January 2, 1981, and so on for as long as he continues to practice: *Provided, however*, That each applicant for renewal of a license to practice optometry in the state of Washington must have completed fifty hours of continuing education within the two years previous to his first renewal date on or after January 1, 1985, and must complete fifty hours of continuing education within each successive two–year period. Applicants for renewal practicing only out of the state of Washington may petition the board for full recognition of the continuing education requirement through fulfillment of their state of practice's licensing and continuing education requirements. Failure to complete this requirement is cause for revocation of the license of any optometrist pursuant to RCW 18.53.100(14), or for refusal to renew the license of any optometrist, except that an optometrist applying for the first renewal of his license subsequent to his initial licensing will be exempt from this requirement. [Statutory Authority: RCW 18.54.070(5). 80–01–088 (Order PL 326), § 308–53–100, filed 12/28/79; Order PL 239, § 308–53–100, filed 3/3/76.]

WAC 308–53–110 Credit hour defined. A credit hour is defined as one hour actually spent in a course or other work approved by the optometry board as fulfilling continuing education requirements. [Order PL 239, § 308–53–110, filed 3/3/76.]

WAC 308–53–120 Courses presumed to qualify for credit. Courses offered by the organizations listed in this section will be presumed to qualify as continuing education courses without specific prior approval of the board, but the board reserves the authority to refuse to accept credits in any course if the board determines that the course did not provide information or training sufficient in amount or relevancy. Organizations for the purposes of this section shall include:

(1) The American Optometric Association.

(2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).

(3) The Washington Optometric Association.

(4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

(5) The state optometry board.

(6) The optometry licensing authority of any other state.

(7) The American Academy of Optometry.

(8) The Optometric Extension Program.

(9) The College of Optometrists and Visual Development.

(10) The National Eye Research Foundation.

(11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section. [Order PL 239, § 308–53–120, filed 3/3/76.]

WAC 308–53–125 Post–graduate educational program. The board will be responsible, when financially permissible, to exercise control through the board, or its agent, of an annual post graduate educational program. [Statutory Authority: RCW 18.54.070(5). 80–01–088 (Order PL 326), § 308–53–125, filed 12/28/79.]

WAC 308-53-130 Courses not presumed to qualify. Commercially sponsored courses or courses devoted to techniques involving a single product or device will not be presumed to qualify as continuing education courses. Additionally, continuing education courses shall exhibit relevancy to the usual and customary practice of optometry and must have a definite correlation to subjects taught or offered in accredited colleges or schools of optometry approved by the board of optometry. However, such courses may be granted continuing education credit upon approval by the board. [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-130, filed 2/20/81; Order PL 239, § 308-53-130, filed 3/3/76.]

WAC 308-53-135 Credit for admission to optometric organizations and participation in patient care reviews. Continuing education credit may be granted for preparation and admission to optometric scientific groups (for example, the Academy of Optometry).

Continuing education credit may be granted for participation in formal reviews and evaluations of patient care such as peer review and case conference. Also, professional standard review organization, health systems agency, health planning board, state health coordinating council and state health planning department, and subarea councils of HSA and HEW and other official representation (and not mere attendance as an observer) relating to health care agencies may be granted continuing education credit. [Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-135, filed 12/28/79.]

WAC 308-53-140 Credit for individual study, publications, and small-group study. The granting of continuing education credit for individual study, publication of scholarly papers and articles, and small-group study will be considered by the board on a case-by-case basis. Such credit may be granted if the board determines that such study or publication entails at least the same amount of work, information, or training as a regular course for which the same number of credit hours are awarded. [Order PL 239, § 308-53-140, filed 3/3/76.]

WAC 308-53-145 Credit for reports. Continuing education credit may be given for reports on professional optometric literature. Such report shall list ten basic statements from an article(s) or sequence of articles for each hour of credit. Such report shall be submitted typewritten to the department of licensing, professional licensing division in Olympia. Professional literature approved for such reports are: American Journal of Optometry and Physiological Optics, American Optometric Association News, Contact Lens Forum, Contacto, Insight, International Contact Lens Clinic, Journal of American Optometric Association, Journal on Optometric Education, Journal of Optometric Vision Development, OEP Monthly, Optometric Management, Optometric Monthly, Optometric World, Review of Optometry, 20/20 Magazine. Other professional literature may be submitted in advance for the board's consideration and approval. Literature utilized shall not be issuance dated over two years on the date of submission of the report for credit. Reports shall list the title of the article(s), literature that the article(s) was taken from, the date of issuance/publication of the literature, page(s) utilized, and author(s). A copy of the article utilized shall be submitted whenever possible.

The combined maximum continuing education credit that may be granted under this section and WAC 308-53-146 is twenty percent for every two-year requirement period. [Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-145, filed 3/21/80.]

WAC 308-53-146 Credit for preprogrammed educational materials. Continuing education credit may be granted for observation and participation in the use of formal preprogrammed optometric educational materials, including the use of cassettes, videodiscs, videotapes, teaching machines, etc. Preprogrammed educational materials utilized shall not be issuance dated over two years on the date of submission of the preprogrammed educational material for credit. The doctor of optometry shall list the title of the preprogrammed educational material, the date of issuance of the preprogrammed educational material, the author/provider, and the length of time viewing/listening to the preprogrammed educational material. A synopsis of the preprogrammed material utilized shall be submitted.

The combined maximum continuing education credit that may be granted under this section and WAC 308-53-145 is twenty percent for every two-year requirement period. [Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-146, filed 3/21/80.]

WAC 308-53-150 Credit for lecturing. Continuing education credit may be given for the preparation and presentation of courses and lectures in optometric education, if attendance at such a course or lecture would also qualify for such credit. For each hour of credit for the initial presentation of such a course or lecture, additional credit for time spent in preparation may be granted by the board. Credit for subsequent presentations will be by individual consideration upon a showing that significant additional work has been required. [Order PL 239, § 308-53-150, filed 3/3/76.]

WAC 308-53-151 Credit for CPR training. On or after January 1, 1983, continuing education credit, up to five credit hours yearly, may be granted for training obtained in a cardio-pulmonary resuscitation (CPR) course where such training is provided by a currently certified CPR instructor. A request for credit must include the name of the instructor, by whom the instructor is certified, and information regarding current certification at the time of the course, and the date and location of the course. [Statutory Authority: RCW 18.54.070(5). 82-12-077 (Order PL 399), § 308-53-151, filed 6/2/82.]

WAC 308–53–155 Dual acceptance of continuing education credits. A course otherwise acceptable for continuing education credit under the rules of this chapter will not be denied continuing education credit solely because it has been used to satisfy the continuing education requirement of another state in which the licensee is concurrently licensed. [Order PL 256, § 308–53–155, filed 9/13/76.]

WAC 308–53–160 Recordation of credit. All work for which continuing education credit is claimed shall be recorded with the division of professional licensing of the department of licensing in Olympia, and should be recorded within ninety days of the completion of the work. Continuing education credit will be credited for the renewal period in which the work is performed, and not for the period in which the credit is recorded, if the performance and recordation occur in two different periods. [Statutory Authority: RCW 18.54.070(5). 78–02–030 (Order PL 281), § 308–53–160, filed 1/17/78; Order PL 239, § 308–53–160, filed 3/3/76.]

WAC 308–53–165 Certification for continuing education courses. All courses for which continuing education credit is requested shall be accompanied by proof of attendance at such courses and shall include: Date(s), sponsor(s), location(s), subject(s) and hours attended with signed proof of attendance. If this is not possible, for good cause as determined by the board, then a statement signed by the claimant certifying his attendance at the course(s), the date(s), sponsor(s), location(s), subject(s), and hours attended shall be submitted to the department of licensing, professional licensing division, in Olympia. [Statutory Authority: RCW 18.54.070(5). 80–01–088 (Order PL 326), § 308–53–165, filed 12/28/79.]

WAC 308–53–170 Surplus credit hours. Continuing education credits in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period. [Order PL 239, § 308–53–170, filed 3/3/76.]

WAC 308–53–180 Discretionary exception for emergency situation. In emergency situations, such as personal or family sickness, the board may waive, for good cause shown, all or part of the continuing education requirement for a particular two–year period for an individual licensee. The board will require such verification of the emergency as is necessary to prove its existence. [Order PL 239, § 308–53–180, filed 3/3/76.]

WAC 308–53–190 Exemption of retired doctors of optometry from continuing education requirement. Doctors of optometry licensed by the state of Washington are exempt from the continuing education requirement of WAC 308–53–100 for so long as they are retired from the active practice of optometry.

If such a doctor of optometry resumes the active practice of optometry, the provisions of WAC 308–53–100 will apply to him on the date he begins practice as though he had been practicing continually in the state during the time he held a license.

In addition to the continuing education credits required of him by this application of WAC 308–53–100, such doctor of optometry shall complete as many hours of continuing education as may be required by the board of optometry within a time period set by the board. The amount of credit hours and the period in which they must be taken shall be set by the board on a case–by–case review, to insure the current competency of each individual doctor of optometry. It is the responsibility of the individual doctor of optometry to inform the division of professional licensing of his retirement from or reentry into active practice. [Order PL–271, § 308–53–190, filed 7/25/77.]

WAC 308–53–200 Minimum equipment requirements. (1) At the minimum, every licensed optometrist must have in his office the following equipment and accessories, all of which must be in working condition:

(a) Adjustable examining chair;

(b) Phoropter/refractor;

(c) Retinoscope;

(d) Ophthalmoscope;

(e) Pupillary distance measuring device;

(f) Projector and screen; or illuminated test cabinet, or chart for distant vision testing;

(g) Nearpoint vision testing equipment;

(h) Lensometer/vertometer;

(i) Tonometer.

(2) In addition to the equipment and accessories listed in subsection (1) above, if a licensed optometrist prescribes contact lenses he must have in his office the following equipment, all of which must be in working condition:

(a) Diameter gauge;

(b) Thickness gauge;

(c) Cobalt or black light instrument;

(d) Magnifier, which may separate or part of cobalt or black light instrument;

(e) Radiuscope/contactogauge type measuring instrument;

(f) Thickness tables;

(g) Diopter to millimeter conversion tables;

(h) Biomicroscope/slit lamp;

(i) Ophthalmometer/P.E.K. corneal measurement type instrument. [Order PL 256, § 308–53–200, filed 9/13/76.]

WAC 308–53–205 Mobile optometric units. (1) Doctors of optometry operating mobile units are required to maintain the minimum equipment requirements of WAC 308–53–200 in such units.

(2) Before examining a patient or filling a prescription for a patient, the doctor of optometry must provide to the patient his complete name, his business phone number, the address of his regular office, and his regular office hours. If such doctor of optometry does not maintain a business phone or regular office, he must provide this information to the patient, and must give him his personal phone number and address in place of

his business number and address. If the practice of a mobile unit is owned in whole or in part by someone other than the doctor of optometry operating the mobile unit, such fact must also be provided to the patient, along with the names, phone numbers and addresses of all those who own an interest in the practice. The information required by this section may be provided to the patients by means of a sign on or near the mobile unit which the public may reasonably be expected to see and comprehend. [Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-205, filed 1/17/78.]

WAC 308-53-210 Retention of minimum contact lens records. At a minimum, the following specifications for a contact lens prescription must be retained in the records of the licensed optometrist who makes the prescription:

(1) Dioptric power;
(2) Base curve (inside radius of curvature);
(3) Thickness;
(4) Secondary/peripheral curve, for PMMA lenses;
(5) Type of edge, for PMMA lenses;
(6) Color, if used;
(7) Type of material used;
(8) Special features equivalent to variable curves, fenestration, or coating. [Order PL 256, § 308-53-210, filed 9/13/76.]

WAC 308-53-215 Contact lens advertising. Where contact lens prices are advertised, such advertisement shall clearly state: (a) The type of contact lens or lenses offered at the price(s) advertised and any exclusions or limitations therein; (b) whether examinations, dispensing, related supplies and/or other service charges are included or excluded in the advertised price(s); and (c) the manufacturer, laboratory of origin or brand name of the contact lenses. [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-215, filed 2/20/81.]

WAC 308-53-220 Maintenance of records. Licensed optometrists shall maintain records of eye examinations and prescriptions for a minimum of five years from the date of examination or prescription. [Order PL 256, § 308-53-220, filed 9/13/76.]

WAC 308-53-230 Renting space from and practicing on premises of commercial (mercantile) concern. Where a doctor of optometry rents or buys space from and practices optometry on the premises of a commercial or mercantile concern:

(1) The practice must be owned by the doctor of optometry solely or in conjunction with other licensed doctors of optometry, and in every phase be under the exclusive control of the doctor(s) of optometry. The prescription files must be the sole property of the doctor(s) of optometry.

(2) The space must be definite and distinct from space occupied by other occupants of the premises and by the commercial or mercantile concern itself.

(3) All signs, advertising and display must be separate and distinct from that of the other occupants and of the commercial or mercantile concern itself, and have the name of the doctor(s) of optometry and the words "doctor of optometry" prominently displayed in connection therewith. Any verbal or spoken advertisement or announcement advertising an optometrist on the premises of a commercial or mercantile concern shall not make references which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(4) There must be displayed on any part of the premises occupied by the doctor of optometry or in any advertising of such doctor of optometry no legends such as "optical department," "optical center," "optometrical department," or any others which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(5) In any written advertisement or announcement which uses the name of a commercial or mercantile concern to indicate the location of an optometric practice, the name(s) of the licensed doctor(s) of optometry owning the practice must be in larger type than the name of the commercial or mercantile concern.

(6) A written notice, of a size and type reasonably expected to attract the attention of the public, shall be put in a conspicuous place where the public will be exposed to it before professional services have been contracted for; this notice shall, in plain and simple terms, explain the relationship between the doctor of optometry and the commercial concern. The notice must express that the doctor of optometry is not controlled by the commercial concern in his professional practices, and must clearly describe the amount of responsibility that the commercial concern takes for the professional services rendered by the doctor of optometry.

Examples follow; these are not exhaustive:

John Smith, O.D., is a lessee, not an employee, of the store. He is solely responsible for his professional activities.

The store accepts no responsibility for the actions of John Smith, O.D., its lessee.

John Smith, O.D., is a lessee of the store, not an employee. As a part of the lease, he has agreed to follow the store's policy of "guaranteed satisfaction or your money back." (Obviously, only if this is true.)

Washington law prohibits the store from controlling or owning the practice of a licensed doctor of optometry. Accordingly, the store can assume no responsibility for Dr. Smith's professional services.

The store is responsible for filling your optical prescription. It is not responsible for the professional services of Dr. Smith, its lessee. (If the store operates the optical dispensary.) [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-230, filed 2/20/81; 78-02-030 (Order PL 281), § 308-53-230, filed 1/17/78; Order PL-271, § 308-53-230, filed 7/25/77.]

WAC 308-53-235 Proper identification of licensees. Each person licensed pursuant to chapter 18.53 RCW must be clearly identified to the public as a doctor of optometry at every establishment in which he is engaged in the practice of optometry. Such identification must include the name of the licensee in letters at least two inches high, at or near the entrance to the licensee's office.

If an owner of all or part of a practice does not engage in optometry on a regular basis at that location, his name and address in letters at least two inches high must be clearly visible to patients at or near the entrance to the location. To engage in optometry "on a regular basis" means to practice at a particular location at regular, periodic intervals, information of which is readily available to the public. [Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-235, filed 1/17/78.]

WAC 308-53-240 Doctor of optometry presumed responsible for advertisements. Every licensed doctor of optometry whose name or office address or place of practice appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, allowed, permitted, approved, and sanctioned such advertising and shall be presumed to be personally responsible for the content and character thereof. Once sufficient evidence of the advertisement's existence has been introduced at any administrative hearing before the board of optometry, the burden of proof to rebut this presumption by a preponderance of the evidence shall be upon the doctor of optometry. [Order PL-271, § 308-53-240, filed 7/25/77.]

WAC 308-53-245 Misleading titles or degrees. An optometrist shall not use misleading nor nonhealth related degrees or titles in connection with the professional practice of optometry. The use of an optometric designation such as "optometrist" or "doctor of optometry" shall not be used in connection with a business or activity that is not related to optometric care. Degrees, titles or professional identifications may not be used which have not been specifically granted to an optometrist by an approved school or college. [Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-245, filed 12/28/79.]

WAC 308-53-250 Transmittal of patient information and records. Upon the written request of his patient, a doctor of optometry licensed by the state of Washington is required to transmit any information and records the doctor of optometry has gathered and/or made in the course of his professional relationship with such patient to any doctor of optometry or physician licensed in Washington. A reasonable fee may be charged the patient to cover mailing and clerical costs. [Order PL-271, § 308-53-250, filed 7/25/77.]

WAC 308-53-260 Improper professional relationship. No doctor of optometry shall make any contracts or agreements, whether express or implied, nor engage in any arrangement with a retail dispensing optician whereby the optician or his agent shall:

(1) Pay any professional expenses for the doctor of optometry;

(2) Pay any or all of the professional fees of a doctor of optometry;

(3) Pay any commission, bonus, or rebate for volume of materials or services received from a doctor of optometry;

(4) Receive any commission, bonus or rebate for volume of materials or services furnished to a doctor of optometry;

(5) Pay any commission to the doctor of optometry in return for referral of patients to the optician;

(6) Receive any commission from a doctor of optometry in return for referral of patients to such doctor of optometry. [Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-260, filed 1/17/78.]

WAC 308-53-270 Employed doctors of optometry. The salary, bonus or other remuneration of a doctor of optometry who is employed for professional optometric services, shall not be dependent upon the percentage or number of patients who obtain visual examinations or who have prescriptions filled. The employed optometrist, acting in the capacity of consultant, advisor or staff doctor of optometry, shall at all times remain cognizant of his professional responsibilities and with demeanor, decorum and determination retain his right of independent professional judgment and title in all situations and circumstances as he would in his own office. If at any time the right of independent professional judgment or title is abridged by the party or parties engaging the optometrist's services, it shall be incumbent upon the optometrist to resign his position as consultant, advisor or staff doctor of optometry. [Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-270, filed 12/28/79.]

WAC 308-53-275 Practice under another optometrist's name. Pursuant to RCW 18.53.140, when the initial right to practice under the name of any lawfully licensed optometrist is transferred to another lawfully licensed optometrist or association of lawfully licensed optometrists, the right to practice under such first optometrist's name may not be subsequently transferred by the first transferee and used by a third party or parties. [Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-275, filed 12/28/79.]

WAC 308-53-280 Practice under trade name. The practice of optometry must be under the name of the licensed doctor of optometry and the practice of optometry under a trade name is prohibited except where an optometrist is associated with a nonprofit organization, or is associated with allied health care practitioners such as medical, dental and osteopathic professionals, or where the term "clinic" is used in conjunction with an in-state geographical location or an optometrist's name

in nondeceptive manners. [Statutory Authority: RCW 18.54.070(5). 80–04–054 (Order PL 331), § 308–53–280, filed 3/21/80.]

Chapter 308–54 WAC
NURSING HOME ADMINISTRATOR

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–54–190 Withdrawal from active practice. [Order PL 107, § 308–54–190, filed 3/3/71.] Repealed by 80–08–066 (Order 348), filed 7/1/80. Statutory Authority: RCW 18.52.100.

308–54–210 Refusal, suspension, and revocation of licenses. [Order PL 107, § 308–54–210, filed 3/3/71.] Repealed by 78–02–009 (Order PL 282), filed 1/6/78. Statutory Authority: RCW 18.52.100(14).

308–54–300 License reregistration fee. [Order PL 163, § 308–54–300, filed 3/18/74.] Repealed by Order PL 215, filed 11/5/75. Later promulgation, see WAC 308–54–310.

308–54–310 Nursing home administrators—Fees. [Statutory Authority: RCW 43.24.085. 80–14–022 (Order 356), § 308–54–310, filed 9/25/80; Order PL 215, § 308–54–310, filed 11/5/75.] Repealed by 83–17–031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308–54–315.

WAC 308–54–010 Source of authority—Title. The rules and regulations herein contained constitute and shall be known as the rules and regulations of the board of examiners for the licensing of nursing home administrators of the state of Washington, and are hereby promulgated pursuant to the authority granted to said board pursuant to RCW 18.52.100(14). [Statutory Authority: RCW 18.52.100(14). 78–02–009 (Order PL 282), § 308–54–010, filed 1/6/78; Order PL 107, § 308–54–010, filed 3/3/71.]

WAC 308–54–020 General definitions. Whenever used in these rules and regulations, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the following meanings:

(1) "Board" means the state board of examiners for the licensing of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) "Director" means the director of the department of motor vehicles.

(3) "Nursing home" means any facility or portion thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons.

(5) "Nursing home administrator–in–training" means an individual registered as such with the board, under and pursuant to these rules and regulations.

(6) "Person" or "individual" means an individual and does not include the terms firm, institution, public body, joint stock association or any other group of individuals. [Order PL 107, § 308–54–020, filed 3/3/71.]

WAC 308–54–030 Board of examiners—Meetings. (1) The board shall meet at the discretion of the board.

(2) The chairman, or other presiding officer of the board, or four members by signed written request, may call special meetings thereof when, in their judgment, circumstances or functioning of the board require it.

(3) The rules of parliamentary procedure, as laid down in *Roberts' Rules of Order, Revised*, shall govern any disputes involved in meetings of the board. [Order PL 107, § 308–54–030, filed 3/3/71.]

WAC 308–54–040 Board of examiners—General powers and responsibilities. The board, with the assistance of the director for administrative matters, shall have the duties and responsibilities, within the limits of the Nursing Home Administrator Licensing Act and the rules and regulations herein, to:

(1) Develop standards which must be met by individuals in order to receive a license as a nursing home administrator.

(2) Develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing:

(3) Order the director to issue licenses, provisional licenses or permits to individuals meeting the requirements applicable to them.

(4) Order the director, after such notice and hearing, as may be required by law, to deny, reprimand, revoke, suspend or refuse to reregister a license of any holder or

applicant who fails to meet the requirements of chapter 18.52 RCW.

(5) Investigate, and take appropriate action with respect to any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of chapter 18.52 RCW.

(6) Issue rules and regulations which are necessary to carry out the functions of the Nursing Home Administrator License Act.

(7) Implement and carry out the requirements of the Nursing Home Administrator Licensing Act and rules and regulations, with the assistance of the director for administrative matters, to include such functions as:

(a) Recommending the hiring of consultants to advise on matters requiring expert advice;

(b) The delegating of work responsibilities to committees of the board;

(c) Implement and supervise the administrator–in–training program. [Statutory Authority: RCW 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-040, filed 1/6/78; Order PL 107, § 308-54-040, filed 3/3/71.]

WAC 308-54-050 Board of examiners--Officers and duties. (1) The board shall elect annually from its membership a chairman, vice chairman and secretary–treasurer.

(2) The chairman shall preside at all meetings of the board and shall sign appropriate official documents related to the licensing of nursing home administrators.

(3) In the absence of the chairman, the vice chairman shall preside at meetings, and perform all duties usually performed by the chairman.

(4) The secretary–treasurer shall be responsible for the official minutes and to advise on matters of finance and budget relative to the board. [Order PL 107, § 308-54-050, filed 3/3/71.]

WAC 308-54-060 Executive secretary--Hiring and duties. A full or part–time executive secretary for the board may be employed by the director. The executive secretary shall be recommended by the board with his duties to include:

(1) Attendance at all meeting of the board;

(2) Maintaining a full and complete record of minutes of the said meetings;

(3) Notifying the members of the board of the time and place fixed for meetings of the board;

(4) Maintaining, under the supervision of the director, the records pertaining to licensees and registrants and the rules and regulations;

(5) Countersigning the original certificate of licensure for nursing home administrators;

(6) Conducting all routine correspondence of the board;

(7) Issuing of appropriate notices of meetings and hearings;

(8) Having the responsibility for all books, records, and other state property as may be assigned or under the control of the board;

(9) Receiving all monies and shall pay the same to the treasurer of the state as provided by law;

(10) Keeping such financial records as are considered necessary by the board over and above those required by the department of motor vehicles or other fiscal authorities of the state; and

(11) Performing any other duties pertaining to the position of executive secretary as may be determined by the board or director. [Order PL 126, § 308-54-060, filed 6/1/72; Order PL 107, § 308-54-060, filed 3/3/71.]

WAC 308-54-070 Scheduling of examinations and reexaminations. (1) The board shall determine the subjects of examination of applicants for license as a nursing home administrator, and the scope, content, form, and character of such examinations which in any examination shall be the same for all candidates.

(2) Examination shall be held not less then semiannually and at such times and places as shall be designated by the board.

(3) Following the close of every examination, a permanent record stating in detail the result of the examination for each candidate shall be kept by the board. [Order PL 107, § 308-54-070, filed 3/3/71.]

WAC 308-54-080 Application for examination. (1) An applicant for examination and qualification for a license as a nursing home administrator shall make application therefore in writing, on forms approved by the board and provided by the director. All applications must be completed in every respect.

(2) An applicant, otherwise qualified, who has not administered or does not continue to administer a nursing home, may obtain and maintain a license.

(3) The application fee must be submitted with the form. [Order PL 107, § 308-54-080, filed 3/3/71.]

WAC 308-54-090 Preexamination requirements. No person shall be admitted to or permitted to take an examination for licensure as a nursing home administrator without having first submitted evidence satisfactory to the board that he meets the following requirements:

(1) All applicants must be at least twenty–one years of age, and in addition, must otherwise meet the requirements of suitability and character set forth in WAC 308-54-200.

(2) All applicants must complete an application for licensure provided by the division of professional licensing, department of motor vehicles, and must include all information requested in said application.

(3)(a) All applicants must submit documentation demonstrating that they meet the minimum requirements set forth in RCW 18.52.070(2) relative to training and experience in nursing home or health facility administration. Applicants who, when graded according to the criteria set forth in subparagraph (c) below, accumulate a total of eight points, including at least three points in each management and health care, shall be deemed to have satisfied the statutory requirements.

(b) For the purposes of applying the evaluation criteria set forth below, the following definitions apply:

HEALTH CARE EXPERIENCE

Experience in health care can include employment in any job position which would permit the person to become acquainted with the typical duties, functions of health care personnel and to otherwise become familiar with the terms and language unique to the field of health care. This could include employment as a nurse, physician, pharmacist, orderly, corpsman, etc.

MANAGEMENT EXPERIENCE

Management is considered to be an upper level of supervision which includes directing and guiding the operations of the organization towards established goals.

(c) The following criteria shall be utilized to determine if an individual applicant's prior training and/or experience meets the qualification requirement set forth in RCW 18.52.070(2). Training or experience acquired more than seven years prior to the date of application shall accumulated points at one-half the value listed.

I. **TRAINING:** (NOTE: Courses which incorporate principles of both management and health—such as hospital or health care administration—accumulate points only in one field.)

		Management	Health Care
A. MANAGEMENT			
College Credit related to management	College courses in management, including business administration, finance, public administration, etc. Four points will be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this area not leading to a degree will receive one point for each 45 quarter hours or the equivalent. Graduate courses specifically related to this area will be allowed one point for each academic year or the equivalent up to a maximum of two points for a graduate degree	-----	
Noncredit courses related to management	Noncredit courses specifically related to management such as courses offered by the military or industry. Points allowed will be one-half for each 100 classroom and/or correspondence hours with a maximum of one point (1/2-1)	-----	
Board approved courses related to management	One-half point will be allowed for each fifty classroom hours of instruction with a maximum of one point (1/2-1)	-----	
B. HEALTH CARE			
College Credit related to health care	College courses in the field of health care such as nursing, medicine, public health, social services, etc. Four points will be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this area not leading to a degree will receive one point for each 45 quarter hours or the equivalent. Graduate courses specifically related to this area will be allowed one point for each academic year or the equivalent up to a maximum of two points for a graduate degree		-----
Noncredit courses related to health care	Noncredit courses specifically related to health. Points allowed would be one-half for each 100 classroom and/or correspondence hours with a maximum of one point		-----
Board approved courses related to health care	One-half point would be allowed for each 50 classroom hours of instruction with a maximum of one point (1/2-1)		-----
C. UNRELATED TO HEALTH CARE OR MANAGEMENT			
College Credit not related to management or health care	College courses not specifically related to either management or health care, such as education, science, etc. will receive a maximum of two points for baccalaureate degree, or one-half point for each 45 quarter hours or the equivalent, whether at the undergraduate or graduate level. Points will accumulate toward satisfaction of the management requirement (1/2-2 1/2)	-----	
II. EXPERIENCE:			
A. HEALTH CARE MANAGEMENT			
	One point for each six months of experience in a management position requiring expertise in the health care field. Examples include, but are not limited to, the following: Nursing home administrator, hospital administrator, assistant administrator of a large health care facility, executive in health care-related industry, director of nursing service in a health care facility. Points accumulate in management and health care	-----	-----
B. NONHEALTH CARE MANAGEMENT			
	One point for each six months of experience in management not involving health care as an essential element	-----	
C. RELATED HEALTH CARE			
	One point for each six months of experience in the field of health care not involving substantial managerial responsibility		-----

(4) Applicants not meeting the minimum requirements set forth in subparagraph (3) above may apply to the board for permission to undertake an administrator-in-training program as a substitute for said criteria. Such a program shall be on such terms as the board feels necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth

in RCW 18.52.070, and shall include, without limitations, the following:

(a) The program shall be under the guidance and supervision of a licensed nursing home administrator, as preceptor, and shall be conducted for a period of not less than six months and not more than two years;

(b) The program shall be designed to provide for individual learning experiences and instruction based upon the person's academic backgrounds, training, and experience;

(c) The prospectus for the program must be signed by the preceptor, submitted and approved by the board prior to its commencement. Any changes in the program shall be immediately reported in writing to the board, and the board may withdraw the approval given, or alter the conditions under which approval was given, if the board finds that the program as originally submitted and approved has not been or is not being followed;

(d) The program must include the following components:

(i) A planned systematic rotation through each department of a nursing home;

(ii) Planned reading and written assignments;

(iii) Project assignment including at least one problem–solving assignment to be submitted in writing to the board or a designated board member. Problem–solving project should indicate the definition of an acknowledged problem, the method of approach to the problem such as data gathering, the listing of possible alternatives, the conclusions, and final recommendations to improve the facility or procedure.

(iv) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community; and

(v) A quarterly written report to the board by the applicant including a detailed outline of activities and learning experiences of the reporting period.

(e) The program must provide for a broad range of experience with a close working relationship between preceptor and trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two trainees, or if the facility in which the program is to be implemented has a capacity of fewer than 50 beds. Exceptions to this general rule may be granted by the board in unusual circumstances.

(f) In addition, the board may in an individual case, require up to 150 contact hours of board–approved education, based upon the individual applicant's background, experience, and training. [Order PL 260, § 308–54–090, filed 12/10/76; Order PL 164, § 308–54–090, filed 3/27/74, effective 1/1/75; Order PL 107, § 308–54–090, filed 3/3/71.]

WAC 308–54–095 Preceptors for administrator–in–training programs. In reviewing proposed administrator–in–training programs, the board shall utilize the following criteria in determining the qualifications and duties of the preceptor for such program:

(1) Qualifications of preceptor:

(a) The preceptor should be employed as a licensed nursing home administrator for at least three years.

(b) The preceptor should have an academic background in health care management or health care services.

(c) The preceptor should have demonstrated his or her ability and skills to provide quality care.

(d) The preceptor should have demonstrated his or her continued interest in the broadening of his or her professional horizons beyond the requirements of licensure.

(2) Duties of the preceptor:

(a) The preceptor must take the time necessary in the facility on a weekly basis to adequately supervise the education and activities of the administrator–in–training relative to his program and the facility.

(b) The preceptor should evaluate and report to the board on a quarterly basis as to the progress of the administrator–in–training. [Statutory Authority: RCW 18-.52.100 (2) and (14). 78–02–009 (Order PL 282), § 308–54–095, filed 1/6/78.]

WAC 308–54–100 Disqualification––Reexamination. (1) An applicant for examination who has been disqualified shall be given written notification by the director, based upon the board's findings, of his disqualification and the reasons therefore.

(2) An applicant for examination who has been disqualified may petition the board in writing within thirty days of notification of disqualification for a hearing and a review of his application.

(3) Where an applicant for examination has been disqualified, he may submit a new application for qualification for examination, provided, however, that he shall be required to meet the requirements for licensing as shall be in force at the time of such reapplication.

(4) If a person fails to obtain a passing score, he may up–date his application and retake the examination, for a reexamination fee of fifty dollars, until he obtains a passing score.

(5) If there are two examinations involved, and the applicant fails to receive a passing score in one of the examinations, he will be required to repeat only that examination in which he received a below–passing grade. [Order PL 215, § 308–54–100, filed 11/5/75; Order PL 107, § 308–54–100, filed 3/3/71.]

WAC 308–54–110 Subjects for examination. Every applicant for a license as a nursing home administrator, after meeting the requirements for qualification for examination as set forth in WAC 308–54–090 of these rules and regulations, shall successfully pass an examination. The board may choose to include, but need not be limited to, the following subjects:

(1) Applicable standards of environmental health and safety

(2) Washington state health and safety regulations

(3) General administration

(4) Psychology of patient care

(5) Principles of medical care

(6) Personal and social care

(7) Therapeutic and supportive care and services in long–term care

(8) Departmental organization and management

(9) Community interrelationships.

[Order PL 107, § 308–54–110, filed 3/3/71.]

WAC 308–54–120 Grading examinations. (1) Every candidate for a nursing home administrator's license shall be required to pass the examination for such license at a grade of at least seventy–five percent.

(2) The board shall determine a method of grading each examination separately, and shall apply such method uniformly to all candidates taking that examination.

(3) The board or the department shall not disclose the individual's score to anyone other than the applicant himself, unless requested to do so, in writing, by the applicant.

(4) The applicant will be notified, in writing, the scores received on his examination. [Statutory Authority: RCW 18.52.100. 81–14–037 (Order PL 381), § 308–54–120, filed 6/29/81; Order PL 107, § 308–54–120, filed 3/3/71.]

WAC 308–54–125 Continuing education credit for preceptors for administrators–in–training programs. Any licensed nursing home administrator serving as a preceptor for an administrator in training pursuant to WAC 308–54–090(4) may be granted continuing education credit at a rate of one hour per month provided that no licensed nursing home administrator shall be granted more than 24 hours of continuing education in any three–year period with regard to his or her preceptorship. [Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80–01–057 (Order PL 328), § 308–54–125, filed 12/20/79.]

WAC 308–54–130 Courses of study. A course of study provided to satisfy the continuing education requirement of licensed nursing home administrators must meet the following conditions before approval by the board can be considered:

(1) Such program shall qualify as an approved course of instruction as defined in WAC 308–54–140; and

(2) Such program shall consist of a minimum of three hours of organized instruction with the exception of board–approved correspondence courses of study; and

(3) Such program may include the following general subject areas or their equivalents, and must be oriented to the nursing home administrator and reasonably related to the administrator of nursing homes:

(a) Applicable standards of environmental health and safety

(b) Local health and safety regulations

(c) General administration

(d) Psychology of patient care

(e) Principles of medical care

(f) Personal and social care

(g) Therapeutic and supportive care and services in long–term care

(h) Departmental organization and management

(i) Community inter–relationships; and

(4) Such program shall issue certificates of attendance or other evidence satisfactory to the board. [Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 82–20–092 (Order PL 407), § 308–54–130, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80–01–057 (Order PL 328), § 308–54–130, filed 12/20/79; Order PL 265, § 308–54–130, filed 3/21/77; Order PL 260, § 308–54–130, filed 12/10/76; Order PL 107, § 308–54–130, filed 3/3/71.]

WAC 308–54–140 Approval of courses of study. (1) Programs of study sponsored by any accredited universities or colleges which carry recognized academic credit may be deemed acceptable and approved for continuing education credit: *Provided, however,* That the course meets the conditions set forth in WAC 308–54–130 (2) and (4) and provided that such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering.

(2) Programs of study sponsored by the following may be deemed acceptable and approved for continuing education credit, provided, however, that the course meets the conditions set forth in WAC 308–54–130 (2) and (4) and provided that such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering:

American College of Nursing Home Administrators
American College of Hospital Administrators
Washington State Health Facilities Association
Washington Association of Homes for the Aging
United Nursing Homes, Inc.

Any state long–term care association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

(3) Any course of study sponsored by an educational institution, association, professional society, or organization other than an accredited college or university may be approved by the board for continuing education credit: *Provided, however:*

(a) Such course of study meets the conditions set forth in WAC 308–54–130 (2) – (4); and

(b) Such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering.

(4) In certain circumstances the board reserves the right to approve courses, without registration, taken outside the state of Washington, if, in the opinion of the board, the course clearly meets the conditions of WAC 308–54–130 (2) – (4). Approval will be based upon proof of time, place, curriculum, faculty, and other factors the board may require. Also, in special circumstances, the board may consider requests for continuing education credit for courses of study upon petition to the board. [Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 82–20–092 (Order PL 407), § 308–54–

140, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-140, filed 12/20/79; Order PL 260, § 308-54-140, filed 12/10/76; Order PL 186, § 308-54-140, filed 3/19/75; Order PL 107, § 308-54-140, filed 3/3/71.]

WAC 308-54-150 Continuing education requirements to meet the conditions of reregistration for license. (1) A condition of reregistration for license shall be the requirement that the applicant has attended board-approved courses in continuing education.

(2) The licensee shall present proof that he or she has obtained fifty-four classroom hours in approved continuing education courses during each three year period of his or her licensed tenure. The first three year period shall begin on the date of first renewal of the license, and shall conclude the day before the third anniversary of such renewal. Successive three year periods shall be computed in a similar fashion.

(3) There shall be no carry over of continuing education classroom hours from any three year period to the next three year period. [Statutory Authority: RCW 18-.52.110. 80-04-069 (Order 338), § 308-54-150, filed 3/26/80; Order PL 260, § 308-54-150, filed 12/10/76; Order PL 107, § 308-54-150, filed 3/3/71.]

WAC 308-54-155 Certification of compliance. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the fifty-four hour continuing education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the fifty-four hour continuing education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance. [Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-155, filed 12/20/79.]

WAC 308-54-160 Licenses. (1) Upon the director's receipt of the annual registration fee and the application fee and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who has successfully complied with the requirements of the licensing law and standards provided herein. Such licenses shall be issued on a form certifying that the applicant has met the requirements of the laws, rules and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

(2) Application, registration, or license fees are not refundable or transferable. [Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-160, filed 7/1/80. Statutory Authority: RCW 18.52.070, 18.52-.080 and 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-160, filed 1/6/78; Order PL 107, § 308-54-160, filed 3/3/71.]

WAC 308-54-170 Temporary permits. (1) Upon the director's receipt of the annual fee and the application fee, a temporary permit may be issued by the director under certain unusual circumstances and without examination for a period up to six months. No more than three consecutive permits shall be issued to one person. Such permits shall be subject to confirmation or rescission by order of the board upon review at the next board meeting.

(2) A person holding a temporary permit shall work closely with the executive secretary of the board. This working relationship shall involve written arrangements for consultation by a licensed administrator, subject to review by the board at the next regularly scheduled meeting. [Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-170, filed 7/1/80. Statutory Authority: RCW 18.52.100 (10) and (14). 78-02-009 (Order PL 282), § 308-54-170, filed 1/6/78; Order PL 107, § 308-54-170, filed 3/3/71.]

WAC 308-54-180 Registration of licenses. (1) Every person who holds a valid nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of the annual fee, provided, however, that the requirement of continuing education as described in WAC 308-54-150 is fully met.

(2) Any license holder not reregistered within thirty days after the date for reregistration specified by the director, will be charged a penalty fee as set forth in WAC 308-54-310 annually in addition to his annual registration fee. In the event that the license of an individual is not reregistered within three years from the most recent date for reregistration, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant. [Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-180, filed 7/1/80; Order PL 260, § 308-54-180, filed 12/10/76; Order PL 107, § 308-54-180, filed 3/3/71.]

WAC 308-54-200 Standards of suitability and character. To establish suitability and character to qualify an individual for a license as a nursing home administrator, and prior to being permitted to take the examination for license as a nursing home administrator, the applicant shall furnish evidence satisfactory to the board of:

(1) Absence of physical or mental impairment which would prevent the applicant from performing the duties of a nursing home administrator.

(2) Proof of good moral character including two notarized statements certifying to the good moral character of the applicant. [Statutory Authority: RCW 18.52.100 (1) and (14). 78-02-009 (Order PL 282), § 308-54-200, filed 1/6/78; Order PL 107, § 308-54-200, filed 3/3/71.]

WAC 308–54–205 Standards of conduct. A licensed nursing home administrator shall be in active administrative charge of the nursing home or homes in which he has consented to serve as administrator. [Order PL 164, § 308–54–205, filed 3/27/74.]

WAC 308–54–220 Complaints and hearing procedures. (1) All proceedings of the director and board for rule making, for contested cases and for appeals shall be conducted in conformity with the Administrative Procedure Act of this state.

(2) Complaints regarding any licensed administrator shall be considered only if submitted to the director in writing. In any case, the complaint will be fully investigated by the director, and referred to the board to determine whether any board action should be initiated.

(3) The director, on his or her own initiative may, or upon order of the board, shall, initiate an investigation of possible violations of this chapter. The director shall advise the board of all complaints received and action taken.

(4) The board, with the advice of the director, shall determine the most appropriate method of hearing from among the following choices:

(a) Conducted by the board; or

(b) Conducted by a committee of the board, the majority of which shall be administrator members; or

(c) Conducted by a hearing examiner engaged by the board who shall be a licensed administrator; or

(d) Conducted by a hearing examiner of the state. [Statutory Authority: RCW 18.52.090(2), 18.52.150, 18.52.100 (4), (5), (6) and (14). 78–02–009 (Order PL 282), § 308–54–220, filed 1/6/78; Order PL 107, § 308–54–220, filed 3/3/71.]

WAC 308–54–225 Issuance of subpoenas––Administering oaths and affirmations––Ruling when board or hearing panel not in session. (1) In any investigation or proceeding conducted by the board, the following persons are authorized to subpoena witnesses, issue subpoenas duces tecum, and institute discovery proceedings:

(a) The chairman of the board;

(b) The chairman of the hearing panel designated to hear the case;

(c) The hearing examiner designated to hear the case;

(d) The attorney of record for a party in a contested case may issue subpoenas, including subpoenas duces tecum, to witnesses called to testify or produce evidence on behalf of such party, and such subpoenas, when subscribed by the attorney, shall have the same effect as if issued by the board.

(2) When testimony in any hearing is to be taken under oath or affirmation, the person chairing the hearing shall have authority to administer such oath or affirmation.

(3) Whenever a contested case has been set down for hearing before the entire board or a three member panel, the chairman of the board or panel shall have authority to rule on matters raised by any party at such time as the board or panel is not in session. Any party may, upon notice to all parties, request reconsideration of such rulings by the entire board or panel, as applicable, at its next scheduled meeting. [Statutory Authority: RCW 18.52.100. 80–08–066 (Order 348), § 308–54–225, filed 7/1/80. Statutory Authority: RCW 18.52.155. 78–02–009 (Order PL 282), § 308–54–225, filed 1/6/78.]

WAC 308–54–230 Reciprocity. The board, at its discretion, and otherwise subject to the law pertaining to the licensing of nursing home administrators prescribing the qualifications for a nursing home administrator license may endorse a nursing home administrator license issued by the proper authorities of any other state, upon payment of the annual license fee and the application fee, and upon submission of evidence satisfactory to the board:

(1) That such other state maintains a system and standard of qualification and examination for a nursing home administrator license, which are substantially equivalent to those required in this state;

(2) That such applicant for endorsement is examined and successfully passes the test related to Washington state local health and safety nursing home regulations; and

(3) That such applicant has not had a license revoked or suspended in any state which he has received a nursing home administrator license or reciprocal endorsement. [Order PL 107, § 308–54–230, filed 3/3/71.]

WAC 308–54–240 Restoration and reinstatement of licenses. (1) Suspended licenses are automatically in force at the expiration of the period of suspension set forth in the board's order, but must be reregistered in the normal course if they expire during the period of suspension.

(2) Persons whose licenses have been revoked, or to whom reregistration has been refused, may, upon subsequent application, be licensed, relicensed, or reregistered upon evidence satisfactory to the board that the applicant for such restoration of license has removed the disability.

(3) Concerning such application for restoration of a license, the board, at its discretion, may grant the applicant an informal hearing and if a formal hearing is requested the formal hearing would be conducted in the manner set forth in WAC 308–54–220 (1) and (3). [Statutory Authority: RCW 18.52.100(14) and 18.52-.120. 78–02–009 (Order PL 282), § 308–54–240, filed 1/6/78; Order PL 107, § 308–54–240, filed 3/3/71.]

WAC 308–54–250 Duplicate licenses. Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or destroyed, the director may issue a duplicate license or certificate upon payment of the customary fee as established by the department. [Order PL 107, § 308–54–250, filed 3/3/71.]

WAC 308–54–315 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and exam	$125.00
Reexam (partial)	75.00
Application—Reciprocity	125.00
Original license	50.00
Temporary permit	125.00
Renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
A.I.T. registration	25.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-54-315, filed 8/10/83. Formerly WAC 308-54-310.]

WAC 308-54-320 Renewal of licenses. (1) Effective with the renewal period beginning September 1, 1980, the annual license renewal date for nursing home administrators will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of September 1, 1980. Licensed nursing home administrators desiring to renew their licenses will be required to pay a fee of thirty-five dollars, plus one-twelfth of that amount for each amount, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following September 1, 1981.

(b) On and after September 1, 1980, all new or initial nursing home administrator licenses issued will expire on the applicant's next birth anniversary date.

(2) After the conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee within thirty days of license expiration on or before the license expiration date will be subject to the late penalty fee as set forth in WAC 308-54-310. [Statutory Authority: RCW 43.24.140. 80-04-057 (Order 337), § 308-54-320, filed 3/24/80.]

Chapter 308-55 WAC
REGULATING THE PRACTICE OF OCULARISTS

WAC

308-55-025 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-55-010 Fees. [Statutory Authority: RCW 43.24.085 and 1980 c 101 § 7. 80-08-003 (Order 344), § 308-55-010, filed 6/19/80.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-55-025.

WAC 308-55-025 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and exam	$250.00
Renewal	300.00
Late renewal penalty	300.00
Duplicate license	5.00
Apprentice registration	200.00
Transfer of sponsor	50.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-55-025, filed 8/10/83. Formerly WAC 308-55-010.]

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

WAC

308-56A-005 Title required.
308-56A-010 Title purpose only.
308-56A-015 No title issued.
308-56A-020 Application for title required.
308-56A-025 General procedure for application.
308-56A-030 Form required for name and address.
308-56A-035 Form required for name and address—One name on application.
308-56A-040 Form required for name and address—Address.
308-56A-045 Form required for name and address—Address, nonresident.
308-56A-050 Form required for name and address—Last registered owner shown on application.
308-56A-055 Form required for name and address—Owners in common.
308-56A-060 Form required for name and address—Ownership in joint tenancy.
308-56A-065 Vehicles held in trust.
308-56A-070 Vehicles held in trust—Leased vehicles.
308-56A-075 Vehicles held in trust—Two legal owners.
308-56A-080 Refusal by department to release title.
308-56A-085 Error in title issued by department.
308-56A-100 Declaration of use tax form.
308-56A-105 Previously titled vehicles.
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308-56A-115 Vehicles not previously titled.
308-56A-120 Vehicle not on excise tax schedule.
308-56A-125 Foreign title.
308-56A-130 Acquired from United States government.
308-56A-135 Registered by foreign military command.
308-56A-140 Departmental temporary.
308-56A-145 Special mailing.
308-56A-150 Certificate of inspection.
308-56A-200 Lost title.
308-56A-205 Release of interest.
308-56A-210 Lack of proper release.
308-56A-215 Incorrect endorsements or erasures.
308-56A-250 Signature of registered owner on application—Exceptions.
308-56A-255 Signature of registered owner—Supplemental form.
308-56A-260 Signature of legal owner on application.
308-56A-265 Releasing interest.
308-56A-270 Forms of signature.
308-56A-275 Certification of signature.
308-56A-280 Certification of signature—Departmental employees.
308-56A-285 Certification of signature—Vehicle dealer.
308-56A-300 Abandoned vehicles.
308-56A-305 Sheriff's sale.
308-56A-310 Personal property lien.
308-56A-315 Name change.
308-56A-320 Transfer by court order.
308-56A-325 Owner incompetent.
308-56A-330 Owner bankrupt.

308-56A-335	Owner deceased—Signature of personal representative.
308-56A-340	Owner deceased—Will left.
308-56A-345	Owner deceased—No will left.
308-56A-350	Owner deceased—To spouse "in lieu of homestead."
308-56A-355	Owner deceased—In name of estate.
308-56A-360	Owner deceased—Estate not administered.
308-56A-365	Owner deceased—Community property agreement.
308-56A-400	Dealer to dealer transfer.
308-56A-405	Acquired from United States government.
308-56A-410	No application required.
308-56A-415	Application in dealers name.
308-56A-420	Delivery of vehicle on dealer's temporary permit.
308-56A-450	Glider kits.
308-56A-455	Assembled and homemade vehicles.
308-56A-460	Destroyed vehicle rebuilt.
308-56A-465	Fleets.

Reviser's note: Chapter 308-56 WAC entitled "Certificate of title—Motor vehicles, etc." was repealed by Order MV 208, filed 7/31/74. See Title 308 disposition.

WAC 308-56A-005 Title required. A certificate of title is required for (1) every vehicle that may display current and proper vehicle license number plates under the provisions of chapter 46.16 RCW and (2) mobile homes unless enrolled on real property tax rolls. [Order MV 208, § 308-56A-005, filed 7/31/74.]

WAC 308-56A-010 Title purpose only. Certificates of title may be issued to vehicles without issuing a certificate of registration. This does not apply to travel trailers and campers, unless held in a dealer's inventory but may include the following:

(1) Vehicles required to display valid vehicle number license plates prior to operating on the public highway pursuant to chapter 46.16 RCW;

(2) Farm tractors or farm equipment;

(3) All terrain vehicles whether or not required to obtain an ATV use permit;

(4) Golf carts and dune buggies whether or not equipped for legal highway use;

(5) Off highway equipment that may be moved upon public highways by special permits. [Order MV 208, § 308-56A-010, filed 7/31/74.]

WAC 308-56A-015 No title issued. Vehicles may be registered without issuing a Washington certificate of title. Such registration will be accepted when:

(1) An out-of-state secured party will not release an out-of-state title;

(2) A nonresident is required to register his/her vehicle in this state but is also required to maintain his/her home state title and registration. [Order MV 208, § 308-56A-015, filed 7/31/74.]

WAC 308-56A-020 Application for title required. An application for certificate of title is required:

(1) Whenever the ownership of a vehicle changes;

(2) When there is a legal change of name of the registered or legal owner of a vehicle;

(3) When there is a change of name of a business entity owning a vehicle; provided that, an application is not required for each vehicle when a financial institution which is the legal owner of a number of vehicles merges with or is sold to another institution and continues to do business in the name of the surviving institution, if the department is notified in writing of the merger or sale.

(4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;

(5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;

(6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value;

(7) Whenever a vehicle has been reported destroyed by an insurance company and the owner wishes to operate it on the public highways;

(8) Whenever a vehicle has been assembled;

(9) Whenever a glider kit has been installed;

(10) Whenever a replacement engine has been installed in a motorcycle;

(11) Whenever there has been a structural change in the vehicle;

(12) Whenever the vehicle identification number has changed;

(13) Whenever a former nonresident owner of a vehicle requiring a certificate of title becomes a Washington resident as defined in chapter 308-92 WAC as now or hereafter amended;

(14) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner;

(15) Whenever the engine of a vehicle has been changed or modified to accept a fuel other than that shown on the outstanding title. [Order MV 208, § 308-56A-020, filed 7/31/74.]

WAC 308-56A-025 General procedure for application. An application for certificate of title, transfer of title, or reissue of title must be on the forms supplied by the department and must be completed in accordance with the instructions issued by the department. [Order MV 208, § 308-56A-025, filed 7/31/74.]

WAC 308-56A-030 Form required for name and address. The application for certificate of title must indicate the legal name of the registered and legal owner of the vehicle in the form in which the person wishes his/her interests to be reflected. The registered owner's name on the certificate of registration must be identical with the name shown on the certificate of title. [Order MV 208, § 308-56A-030, filed 7/31/74.]

WAC 308-56A-035 Form required for name and address--One name on application. If only one name is shown on the application for certificate of title, that name will be shown as the registered and legal owner of the vehicle on the title issued by the department. [Order MV 208, § 308-56A-035, filed 7/31/74.]

WAC 308-56A-040 Form required for name and address--Address. The address of the registered and legal owner must be shown on the application as the address at which the owner regularly receives mail. If there

is a change in the address, the department must be notified with the following information:

(1) The registered owner's name as it appears on the department records must be printed or typed;

(2) The license plate number of each vehicle;

(3) The new address with zip code and county;

(4) Whether or not the new address is in an incorporated or unincorporated area;

(5) The school district number where the vehicle generally is located is required for each travel trailer and camper. [Order MV 208, § 308-56A-040, filed 7/31/74.]

WAC 308-56A-045 Form required for name and address--Address, nonresident. If a nonresident of the state of Washington is required to obtain a Washington certificate of title or registration, the out-of-state address at which mail is regularly received shall be used. [Order MV 208, § 308-56A-045, filed 7/31/74.]

WAC 308-56A-050 Form required for name and address--Last registered owner shown on application. On an application for transfer of ownership of a vehicle, the application must contain the name and address of the last registered owner of record of the vehicle, even if a double transfer of title is involved. [Order MV 208, § 308-56A-050, filed 7/31/74.]

WAC 308-56A-055 Form required for name and address--Owners in common. If more than one person is shown on the application for title as registered owner of the vehicle, those persons will be treated as owners in common of the vehicle whether the names are joined by the word "and" or the word "or." The address of only one of the registered owners will be accepted on the application for title. [Order MV 208, § 308-56A-055, filed 7/31/74.]

WAC 308-56A-060 Form required for name and address--Ownership in joint tenancy. If more than one person is shown on the title application as registered owner, and the intention of the parties is to create ownership in joint tenancy, it is necessary to use the following language on the application for certificate of title:

(1) "*John Doe* and *Jane Doe* and *Mary Doe* as joint tenants with right of survivorship"; or

(2) "*John Doe* and *Jane Doe* and *Mary Doe* as joint tenants with right of survivorship and not as tenants in common."

The address of only one of the registered owners will be accepted on the application for title. The ownership of the vehicle in joint tenancy will be indicated on the certificate issued by the department in the following manner: "J.T.W.R.O.S."

A certified copy of the death certificate will be required upon the death of a party named on such a title. An application for title in the name(s) of the remaining party will be required. [Order MV 208, § 308-56A-060, filed 7/31/74.]

WAC 308-56A-065 Vehicles held in trust. (1) The trustee shall be shown on any application for certificate of title as registered owner if a vehicle is held in trust for the benefit of another. There is no requirement that the word "trustee" be placed after the name of any such owner.

(2) If the application and subsequently issued title includes the word "trustee" after the name of the registered owner, any signature releasing interest in the vehicle by that owner shall include that designation.

(3) Upon the death of the trustee, a co-trustee or successor trustee shall make application for transfer of title into his/her own name. An affidavit that he is the successor or co-trustee and a copy of the documents so designating him shall accompany any such application. [Order MV 208, § 308-56A-065, filed 7/31/74.]

WAC 308-56A-070 Vehicles held in trust--Leased vehicles. If the vehicle is leased and operated in Washington, it must be titled and licensed in Washington.

(1) The application for title is to be completed with the name of the lessee as registered owner, followed by the word "lessee." The name of the lessor is shown as the secured party or legal owner, followed by the word "lessor."

(2) If the vehicle is subject to a security agreement, the application will be completed as above except the lessor's name will be immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.

(3) Dealers and persons engaged in the business of vehicle leasing may simply show the lessor as sole registered owner if a copy of the lease or rental agreement is attached to the application. This does not apply if the lease contains an option to purchase or if it is for more than one year. [Order MV 208, § 308-56A-070, filed 7/31/74.]

WAC 308-56A-075 Vehicles held in trust--Two legal owners. If one of two legal owners shown on a certificate of title has his/her security interest in the vehicle satisfied, that interest in the vehicle shall be released in the appropriate manner and the appropriate documentation forms forwarded to the remaining legal owner. The remaining legal owner shall either (1) retain that documentation and forward it to the department at the time his/her interest is satisfied along with an application for reissue or (2) the documentation shall be immediately presented to the department with an application for reissue of title to show the remaining secured party as the sole legal owner of the vehicle. If the outstanding certificate of title does not show the address of the remaining legal owner, there must be an application for reissue of title in order that the address of the remaining legal owner may be indicated on the outstanding certificate of title. [Order MV 208, § 308-56A-075, filed 7/31/74.]

WAC 308-56A-080 Refusal by department to release title. The department may refuse to release a vehicle title under any one of the following circumstances:

(1) All or a part of the fees for the license, title, or tonnage license have not been paid; or

(2) All or a part of the fees for the license, title, or tonnage license have been paid with a check that has not been honored by the drawer's bank; or

(3) The applicant is a special fuel user or special fuel dealer who uses special fuel and who has not obtained a special fuel license and bond; or

(4) At the discretion of the department when the department has been requested by an interested party to hold the title pending legal action, or whenever the department deems it inadvisable to release the title. [Order MV 208, § 308-56A-080, filed 7/31/74.]

WAC 308-56A-085 Error in title issued by department. Whenever the department has made an error in issuing a title, the department will cancel the erroneous outstanding title and reissue a correct title. [Order MV 208, § 308-56A-085, filed 7/31/74.]

WAC 308-56A-100 Declaration of use tax form. (1) Every application for certificate of title where the registered owner is changed must be accompanied by a complete declaration of use tax form unless the application or the dealer report of sale is completed indicating that the dealer collected sales tax. If the application is in the name of a vehicle dealer, such declaration must be issued by an employee of the department of revenue.

(2) Exemptions:

(a) Proof is submitted showing use tax paid. This must be in the form of an invoice showing purchaser, selling price, sales tax, and tax number of vendor.

(b) An automobile held or acquired for lease or rental purposes only. The use tax number must be shown on the application with the words lease or daily rental.

(c) In the case of a double transfer where a dealer is the first transferee. [Order MV 208, § 308-56A-100, filed 7/31/74.]

WAC 308-56A-105 Previously titled vehicles. Application for certificate of title to a vehicle that has been previously titled, must be accompanied by:

(1) The properly endorsed outstanding certificate of title or appropriate authorized documentation in lieu of the outstanding certificate. No new certificate will be issued unless the registered and legal owners of the vehicle on file with the department have properly released their interest in the vehicle.

(2) The outstanding certificate of registration or a duplicate thereof if the vehicle is registered during the current year, and if there will be a change in the registration. [Order MV 208, § 308-56A-105, filed 7/31/74.]

WAC 308-56A-110 New vehicles. (1) Application for a certificate of title to a new vehicle never before licensed or titled and sold by an in-state or out-of-state dealer or manufacturer must be accompanied by a Manufacturers Statement of Origin (MSO) or other document certifying the first conveyance of said vehicle after its manufacture.

(2) The statement of origin or other similar document or the factory invoice of the dealer shall reflect the year, make, model, body style, and vehicle identification number and additionally, in the case of motorcycles, the motor number and frame number.

(3) No statement of origin or other similar document can be accepted for the issuance of a title unless all persons named on said statement have released or assigned their interest thereon, or on a department release of interest form. If the selling dealer is the only interest named, a dealer's report of sale on a title application shall have the effect of a release.

(4) Dealer to dealer transfers may be accomplished either by appropriate endorsement of the statement of origin or other similar document, or by a department release of interest form. A complete chain of ownership must be reflected from the original dealer named on the MSO to the retail selling dealer making the application.

(5) If the statement of origin or other similar documentation is not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vehicle, a photocopy of the factory invoice to the dealer can be substituted. A clear chain of ownership must be reflected from the original dealer named on the invoice to the retail selling dealer making application.

(6) This rule shall be applied to all new vehicles commencing with the 1974 model year. [Order MV 208, § 308-56A-110, filed 7/31/74.]

WAC 308-56A-115 Vehicles not previously titled. Application for certificate of title to a vehicle never before titled or licensed must be accompanied by appropriate authorized documentation. [Order MV 208, § 308-56A-115, filed 7/31/74.]

WAC 308-56A-120 Vehicle not on excise tax schedule. If the application for title is for a vehicle not listed in a current excise tax schedule supplied by the department of revenue, the application for certificate of title must be accompanied by, at the department's option:

(1) Documentation to establish the purchase cost of the vehicle and the year of its purchase; or

(2) An assessor's appraisal to establish the basis for determining the applicable amount of excise tax. [Order MV 208, § 308-56A-120, filed 7/31/74.]

WAC 308-56A-125 Foreign title. If the application for title is for a vehicle previously titled and/or registered in another state, the application must be accompanied by:

(1) Either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state; provided that no release is required if there is no change in ownership, and

(2) The out-of-state license number plates unless a reason is given acceptable to the department of motor

vehicles. [Order MV 208, § 308-56A-125, filed 7/31/74.]

WAC 308-56A-130 Acquired from United States government. If the application for title is for a vehicle which has been acquired from an agency of the United States government, the application for certificate of title must be accompanied by the original bill of sale issued by the government or a certified copy thereof. [Order MV 208, § 308-56A-130, filed 7/31/74.]

WAC 308-56A-135 Registered by foreign military command. If the application for title is for a vehicle owned by a member of the armed forces who has returned from foreign duty and has never titled or registered the vehicle in this country, the vehicle will be treated as if it is from a nontitle state with the registration certificate issued for the vehicle by the foreign command being considered proper evidence of ownership. [Order MV 208, § 308-56A-135, filed 7/31/74.]

WAC 308-56A-140 Departmental temporary. If the proper documentation is not immediately available, the department may, at its option, issue a temporary permit. This permit will be valid for 30 days or until proper documentation is received, whichever comes first. The temporary permit will only be available at the department's Olympia office or at a county auditor's office. The application must be on the form supplied by the department and must be completed in accordance with the instructions issued by the department. All fees must be paid, including the temporary permit fee.

The hard copy of the temporary permit must be carried in the vehicle or the towing vehicle at all times the vehicle is in operation. If the vehicle is designed with a rear window, the permit will be attached to the inside of the rear window in the lower left corner with the large numbers visible to one standing or following at the rear of the vehicle. The means of attachment will not obscure the information recorded on the permit. The temporary permit and the missing documentation must be surrendered before the vehicle will be registered. [Order MV 208, § 308-56A-140, filed 7/31/74.]

WAC 308-56A-145 Special mailing. The department will mail the title to the legal owner of record. If it is the intent of the legal owner to have the title mailed to someone or somewhere other than that shown on the title, written authorization, signed by the legal owner, is required. This must be in a form approved by the department. [Order MV 208, § 308-56A-145, filed 7/31/74.]

WAC 308-56A-150 Certificate of inspection. An application for title must be accompanied by a certificate of inspection signed by an authorized inspector whenever the applicant's vehicle is:

(1) From a state or province other than Washington;

(2) A new vehicle that has been sold by someone other than a Washington licensed dealer;

(3) One that has been reported destroyed;

(4) A homemade, assembled, or rebuilt vehicle;

(5) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or lost;

(6) One with a structural change in, or modification of, body or frame changing the class designation or body type; or

(7) A used vehicle and no Washington record can be found.

(8) One that has been referred for inspection for any other reason; provided that the request for inspection shall have been made by a commissioned law enforcement officer, an employee of the department of motor vehicles, or a vehicle license agent.

Where applicable, the statutory inspection fee will be charged.

The director may, at his discretion, designate other competent inspecting agencies to perform the inspection required under items 1 and 2 above if the vehicle is located in a foreign state or province and the requirement for inspection will cause undue hardship. [Order MV 208, § 308-56A-150, filed 7/31/74.]

WAC 308-56A-200 Lost title. If the last issued certificate of title has been lost or destroyed:

(1) An application for a duplicate certificate of title must be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the legal owner.

(2) An application for transfer or reissue of title may be accepted if accompanied by

(a) An affidavit of loss or destruction in a form approved by the department signed by the legal owner of record; and

(b) A proper release of interest.

(3) And the title is from a foreign state or jurisdiction,

(a) The owner of record in that foreign state must apply for a duplicate title from the state issuing the certificate of title or registration and that duplicate certificate must be attached to the application for a Washington certificate of title.

(b) If undue hardship would result from the necessity of obtaining a duplicate certificate, a letter verifying the ownership of the vehicle from the issuing state will be accepted in lieu of a foreign certificate if that letter of verification is no more than 30 days old.

(c) If the foreign certificate or letter of verification shows a person other than the person making the application for Washington certificate of title, the person or persons shown must release his/her or their interest either by endorsement on the certificate or on a release of interest form. [Order MV 208, § 308-56A-200, filed 7/31/74.]

WAC 308-56A-205 Release of interest. If the registered and/or legal owners of record cannot release their interest on the title, a release of interest form approved by the department properly signed in accordance with WAC 308-56A-275, may be used as supportive

documentation. [Order MV 208, § 308-56A-205, filed 7/31/74.]

WAC 308-56A-210 Lack of proper release. If the registered or legal owner as shown in the records of the department or the records of the foreign state issuing the last certificate of title and/or registration of a vehicle has not released his/her interest in the vehicle by endorsement on the certificate or by a release of interest, the following must be attached to an application for Washington certificate of title:

(1) Proper documentation authorized by other sections of this chapter to be used in lieu of a release by the registered or legal owner; or

(2) A bond in accordance with RCW 46.12.151; or

(3) The following, if satisfactory to the department

(a) An affidavit by the applicant stating the reasons the person is unable to obtain a release of interest from the registered and/or legal owner of record; and

(b) Evidence of ownership of the vehicle by the applicant such as, but not limited to, a bill of sale; and

(c) Evidence of attempts to locate the owner of record such as copies of correspondence sent to the last known address of the owner as well as returned receipts showing such correspondence was sent by registered or certified mail, return receipt requested. [Order MV 208, § 308-56A-210, filed 7/31/74.]

WAC 308-56A-215 Incorrect endorsements or erasures. (1) If a title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed. [Order MV 208, § 308-56A-215, filed 7/31/74.]

WAC 308-56A-250 Signature of registered owner on application--Exceptions. On an application for an original, reissue, or transfer of certificate of title, the signature of each and every named registered owner is required except:

(1) When the application is for the sole purpose of removing a legal owner of record from the certificate of title when that legal owner's security interest has been satisfied in the vehicle;

(2) When authorized supportive documentation is used in lieu of the signature or signatures;

(3) When the legal owner applies for a duplicate title;

(4) When there is a change in the secured party. [Order MV 208, § 308-56A-250, filed 7/31/74.]

WAC 308-56A-255 Signature of registered owner--Supplemental form. If the new registered owner's signature does not appear on the application for certificate of title, a separate form approved by the department containing the signature must accompany the application for certificate of title. The signature of the applicant on the attached form shall be certified in accordance with WAC 308-56A-275. [Order MV 208, § 308-56A-255, filed 7/31/74.]

WAC 308-56A-260 Signature of legal owner on application. The signature of the secured party is required on every application for reissue of title where a security agreement has been placed on the vehicle described therein after a certificate of ownership has been issued to the registered owner. [Order MV 208, § 308-56A-260, filed 7/31/74.]

WAC 308-56A-265 Releasing interest. (1) In order for a person to release his/her interest in a vehicle as registered or legal owner, his/her signature is required on the certificate of title issued by the department, unless authorized supportive documentation is used in lieu of that signature or in lieu of the certificate issued by the department.

(2) If the signatures are not on the certificate of title, all signatures must be certified in accordance with WAC 308-56A-275.

(3) If more than one person is shown on the certificate of title issued by the department as registered or legal owner, the signature of each registered and legal owner is required no matter what the form of ownership unless authorized supportive documents are used in lieu of one or more signatures.

(4) A release of interest is not required from one identified as a lessee. [Order MV 208, § 308-56A-265, filed 7/31/74.]

WAC 308-56A-270 Forms of signature. (1) In all cases where the signature of an individual is required, that signature shall be in exactly the same form as the name of the individual that appears on the application or on the certificate of title issued by the department. If the signature contains initials that coincide with the first letter of the given name or names of the named individual, the department will accept that signature. If the signature contains a given name or names that begin with the initials shown on the application or on the title, the department will accept that signature also.

(2) If the signature of a named business entity is required, an authorized individual shall sign for the business entity and indicate the title of his/her position with that entity. The name of the business entity shall be shown. A commonly known abbreviation of the name of the business entity, may, in the discretion of the department, be accepted. [Order MV 208, § 308-56A-270, filed 7/31/74.]

WAC 308-56A-275 Certification of signature. The signature of every applicant to be shown on the certificate of title as the registered owner and of other signatures, as required, shall be subscribed to and sworn to by that person before a notary public, county auditor, deputy auditor, an authorized agent approved by the director of motor vehicles, an agent appointed by the director of motor vehicles, an employee or appointee of either type or agent, or an employee of the department of motor vehicles authorized by the director to certify to an applicant's signature. Approved identification of the person signing shall be required. [Order MV 208, § 308-56A-275, filed 7/31/74.]

WAC 308-56A-280 Certification of signature--Departmental employees. The director hereby authorizes the following department employees to certify signatures: Deputy director, the assistant director for vehicle services, the chief officer and assistant of the division primarily responsible for vehicle licenses and titles, persons assigned to liaison duties between the department and its vehicle license agents, and persons assigned the responsibility of accepting title applications from persons appearing at the department's office. [Order MV 208, § 308-56A-280, filed 7/31/74.]

WAC 308-56A-285 Certification of signature--Vehicle dealer. When a vehicle is sold by a licensed vehicle dealer, such signatures may be certified to by an individual named on the dealer's bond filed with the department of motor vehicles. [Order MV 208, § 308-56A-285, filed 7/31/74.]

WAC 308-56A-300 Abandoned vehicles. An application for title for any abandoned vehicle, as defined in RCW 46.52.102, sold by a registered disposer or garage keeper, as defined in WAC 308-61-020, must be accompanied by:

(1) A properly completed affidavit of sale on a current form provided by the department; and

(2) A copy of the abandoned vehicle report submitted and processed in accordance with RCW 46.52.111 or 46.52.113. [Order MV 208, § 308-56A-300, filed 7/31/74.]

WAC 308-56A-305 Sheriff's sale. (1) An application for title for a vehicle sold by a sheriff pursuant to Washington state law transfers only the interests of the person shown on the bill of sale, or if the former owner is not shown, only the interests of the registered owner of record, and shall be accompanied by:

(a) The sheriff's bill of sale; and

(b) A copy of the court order directing the sale, if any.

(2) The vehicle must be titled in the name of the purchaser shown on the bill of sale. [Order MV 208, § 308-56A-305, filed 7/31/74.]

WAC 308-56A-310 Personal property lien. The application for title for any vehicle sold under a personal property lien shall transfer only the registered owner's interest and shall be accompanied by the seller's bill of sale and

(1) Court decree directing sale; or

(2) Affidavit from the seller

(a) In a form approved by the department, and

(b) A statement explaining how the lien was acquired supported by documentation satisfactory to the department. [Order MV 208, § 308-56A-310, filed 7/31/74.]

WAC 308-56A-315 Name change. On any application for reissue of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change shall be attached to the application. [Order MV 208, § 308-56A-315, filed 7/31/74.]

WAC 308-56A-320 Transfer by court order. Any application for certificate of title, where a change of legal or registered owner of a vehicle is the result of the order of a court, shall be accompanied by a certified copy of the order or a certification from the clerk of court on a department approved form confirming the court's action. If the last issued certificate of title is not attached to the application, an affidavit of lost or destroyed title or an affidavit explaining the nonavailability of the title document shall also be attached to the application. [Order MV 208, § 308-56A-320, filed 7/31/74.]

WAC 308-56A-325 Owner incompetent. On any application for certificate of title where the former owner of record of the vehicle has been declared legally incompetent, the incompetent's interest in the vehicle shall be released by signature of the court appointed guardian. A certified copy of the court order appointing the guardian shall be attached to the application. [Order MV 208, § 308-56A-325, filed 7/31/74.]

WAC 308-56A-330 Owner bankrupt. On any application for certificate of title where the prior owner's interest has been terminated through bankruptcy proceedings, the interest of the bankrupt in the vehicle may be released by his/her trustee. If the release is by his/her trustee, a certified copy of the court order appointing the trustee shall be attached to the application. [Order MV 208, § 308-56A-330, filed 7/31/74.]

WAC 308-56A-335 Owner deceased--Signature of personal representative. On any application for certificate of title where a vehicle has been acquired from the estate of a deceased person, the interest of the deceased's estate in the vehicle shall be released by the signature of the personal representative. A copy of the court order approving or confirming the personal representative shall be attached to the application. Any unreleased legal owners shall remain as such on the new certificate of title issued by the department. [Order MV 208, § 308-56A-335, filed 7/31/74.]

WAC 308-56A-340 Owner deceased--Will left. If the prior owner of a vehicle is deceased and a will was

left the following documents shall be attached to any application for transfer of title:

(1) If the will is not a nonintervention will:

(a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved form confirming the court action; or

(b) A certified copy of the decree of distribution.

(2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action. [Order MV 208, § 308-56A-340, filed 7/31/74.]

WAC 308-56A-345 Owner deceased--No will left. If the prior owner of a vehicle is deceased and left no will, a certified copy of the court order authorization to transfer the vehicle or a certification from the clerk of court confirming such action must be attached to any application for certificate of title. [Order MV 208, § 308-56A-345, filed 7/31/74.]

WAC 308-56A-350 Owner deceased--To spouse "in lieu of homestead." If the prior owner of a vehicle is deceased and the court awards the vehicle to the surviving spouse "in lieu of homestead" a certified copy of the court's order or a certification from the clerk of court on department approved forms confirming such court action must be attached to the application for certificate of title. [Order MV 208, § 308-56A-350, filed 7/31/74.]

WAC 308-56A-355 Owner deceased--In name of estate. If the owner of record of a vehicle is deceased, the vehicle may be titled and licensed in the name of the estate of the deceased pending final settlement of the estate. A certified copy of the court order appointing or confirming the personal representative shall be attached to the application for certificate of title. [Order MV 208, § 308-56A-355, filed 7/31/74.]

WAC 308-56A-360 Owner deceased--Estate not administered. If the prior owner of a vehicle is deceased, left no will, and the estate will not be administered, the surviving spouse or any other heir may release the interest of the deceased's estate in the vehicle by attaching the following to any application for certificate of title:

(1) Affidavit of inheritance with affidavits of release of interest from other heirs attached thereto;

(2) Certified copy of the death certificate. [Order MV 208, § 308-56A-360, filed 7/31/74.]

WAC 308-56A-365 Owner deceased--Community property agreement. If the prior owner of record of a vehicle is deceased and a valid community property agreement exists, the surviving spouse may release the interest of the deceased's estate in the vehicle. The following shall be attached to any application for certificate of title:

(1) A certified copy of the community property agreement;

(2) A certified copy of the death certificate. [Order MV 208, § 308-56A-365, filed 7/31/74.]

WAC 308-56A-400 Dealer to dealer transfer. An application for certificate of title to a vehicle that has been transferred from one vehicle dealer to another vehicle dealer must be accompanied by a release of interest form from every dealer owning the vehicle. A complete chain of ownership must be shown from the prior registered owner to the vehicle dealer making application in the name of the purchaser. [Order MV 208, § 308-56A-400, filed 7/31/74.]

WAC 308-56A-405 Acquired from United States government. A licensed vehicle dealer who acquires vehicles from an agency of the United States government may title the vehicles under "title purpose only" procedures and need attach only the original or one certified copy of the bill of sale if each application is filed in the name of the dealer and all such applications are filed at the same time. [Order MV 208, § 308-56A-405, filed 7/31/74.]

WAC 308-56A-410 No application required. A Washington vehicle dealer need not apply for title in his own name when:

(1) A vehicle is acquired that is titled and the title is properly released; or

(2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;

(3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle. [Order MV 208, § 308-56A-410, filed 7/31/74.]

WAC 308-56A-415 Application in dealers name. A Washington dealer must apply for title in his/her own name by following all procedures set forth in these rules whenever the dealer does not have a valid certificate of ownership properly released. [Order MV 208, § 308-56A-415, filed 7/31/74.]

WAC 308-56A-420 Delivery of vehicle on dealer's temporary permit. (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle that does not bear currently valid Washington license plates by utilizing a dealer's temporary license permit.

(2) The application for title portion of the permit must be properly and completely filled out by the selling dealer, detailing all fees collected, including the dealer's report of sale and the date of sale. If a tonnage license is required, the amount of tonnage purchased must be clearly shown. The application must be signed by the registered owner.

(3) The dealer shall detach the final copy of the permit and shall record the date of issuance in dark, bold letters and numbers on the permit side of that copy. The balance of the copies shall be presented to a license agent by the dealer within fifteen calendar days as an application for license and title.

(4) The final copy of the permit and a purchase order identifying the sale must be carried in the vehicle or the

towing vehicle at all times the vehicle is operated on the temporary permit.

(5) If the vehicle is designed with a rear window, the permit will be attached to the inside of the rear window in the lower left corner with the large numbers visible to one standing or following at the rear of the vehicle. The means of attachment will not obscure the year, make, identification number, the owner's name and address or the date of issue.

(6) The dealer's temporary license permit is valid for only fifteen calendar days following the date of sale.

(7) The dealer's temporary license permit cannot be issued for a dealer or a dealer-employee operated vehicle. It cannot be issued as a demonstration permit.

(8) Fees paid for dealers' temporary license permit applications are not refundable unless the dealer ceases doing business as a vehicle dealer. The fee paid for a single application can be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.

(9) A temporary permit application must be used within twelve months of its date of purchase by a dealer. An unused, expired permit application may be exchanged by a dealer for a new permit by returning it to the department. The expired form to be exchanged must be completely in blank except for the department's date of sale stamp.

(10) Temporary permits are not transferable from one dealer to another. [Order MV 208, § 308-56A-420, filed 7/31/74.]

WAC 308-56A-450 Glider kits. (1) A glider kit is a new cab and chassis designed for assembly with an existing truck or truck-tractor's axles, wheels and power train.

(2) The following procedures will be followed in filling out the application for reissue of title:

(a) The model year of the vehicle will become the year during which the kit is installed;

(b) The make of the vehicle will become the make of the kit;

(c) The series and body type will include the initials GL;

(d) The identification number of the vehicle will be determined by an authorized vehicle identification inspector.

(3) The application for title must be accompanied by the following documents:

(a) The previously issued certificates of title and registration;

(b) The previously issued tonnage license;

(c) A certificate of inspection by an authorized member of the Washington state patrol verifying the vehicle identification number;

(d) A certified weight slip showing the new scale weight of the vehicle;

(e) A manufacturer's statement of origin or bill of sale of the kit;

(f) An assessor's appraisal to establish the basis for determining the applicable amount of excise tax. [Order MV 208, § 308-56A-450, filed 7/31/74.]

WAC 308-56A-455 Assembled and homemade vehicles. (1) Assembled and homemade vehicles are vehicles that have either (a) been put together by using major component parts from two or more commercially manufactured vehicles (major component parts often carry separate identification numbers); (b) have been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer; or (c) have been put together from parts and materials not obtained from other vehicles. An assembled vehicle can be one that has been sold by a wrecker who listed the vehicle on his wrecker's report pursuant to chapter 308-61 WAC. The difference between an assembled and a homemade vehicle is that an assembled vehicle will be recognizable as one produced by a particular manufacturer. A homemade vehicle will be a vehicle that cannot, visually, be identified as one produced by a particular manufacturer. The model year of a homemade vehicle will be the original year of licensing and the make will be homemade.

(2) The following procedures must be followed in applying for a certificate of title:

(a) If the assembly or repair of the vehicle will involve the removal, destruction, or concealment of any identification number, the parts shall be inspected by an authorized member of the Washington state patrol prior to the removal, destruction, or concealment of the number.

(b) The vehicle identification number will be determined and/or assigned by an authorized member of the Washington state patrol, or other personnel authorized by the director.

(c) The application for certificate of title must be accompanied by the following documents:

(i) The certificate of title for each vehicle used in the assembly of the vehicle or bills of sale for each major component part used in the assembly of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes. Such bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle or part.

(ii) A statement from the authorized inspector verifying the vehicle identification number.

(iii) An assessor's appraisal to determine the value for excise tax. [Order MV 208, § 308-56A-455, filed 7/31/74.]

WAC 308-56A-460 Destroyed vehicle rebuilt. (1) If a vehicle has been destroyed or settled as a total loss by an insurance company, the old title must be handled pursuant to chapter 308-58 WAC. If the vehicle is rebuilt or repaired, or the owner wishes to continue using the vehicle, an application for a new title must be made, accompanied by a Washington state patrol inspection and either:

(a) A bill of sale from the insurance company settling the claim;

(b) A bill of sale from an auto wrecker;

(c) A notarized bill of sale from the owner of record; or

(d) In the case of the owner of record retaining the vehicle, a copy of a letter from the department identifying the vehicle and cancelling its title following the notice of destruction.

(2) The license plates from a destroyed vehicle are not transferrable to a new owner. Fees will be charged as if the vehicle were being titled and licensed for the first time. If the owner of record retains the vehicle, the fee charged will be that for reissue of title. [Order MV 208, § 308-56A-460, filed 7/31/74.]

WAC 308-56A-465 Fleets. Any application for title by a registered owner having 25 or more vehicles registered in that name shall be identified as a "fleet" by placing this "fleet owner" identifier symbol on the application. The identifier symbol is issued by the department of motor vehicles in Olympia. [Order MV 208, § 308-56A-465, filed 7/31/74.]

Chapter 308-58 WAC
REPORTING DESTROYED VEHICLES

WAC

308-58-010 Definitions.
308-58-020 Method of reporting destruction.
308-58-030 Sale of salvage.
308-58-040 Destroyed vehicles rebuilt.

WAC 308-58-010 Definitions. For the purpose of RCW 46.12.070, destruction of a vehicle or its total loss, less salvage, shall include:

(1) Its being dismantled with the intention of never again operating it as a vehicle;

(2) Its being damaged to the extent that the cost of repairing it exceeds its market value immediately prior to the accident or occurrence; or

(3) Its being damaged to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

For the purpose of RCW 46.12.070, the settlement of an insurance claim shall mean the date on which an insurance company receives a certificate of title covering a vehicle on which a claim has been or will be paid and the owner has chosen to relinquish ownership of the damaged vehicle. In the instance of an owner desiring to retain the damaged vehicle and its title, settlement shall be the date on which the insurer actually pays for the loss. [Order MV 142, § 308-58-010, filed 8/28/72.]

WAC 308-58-020 Method of reporting destruction. An insurance company settling a claim for a destroyed vehicle will report such settlement by one of two methods:

(1) If the title comes into the insurer's possession in the course of a settlement with a first or third party claimant, the title will be forwarded to the department of motor vehicles within ten days. The insurer will type or print on the title, the name and address of the insurer, a notation "DESTROYED" or, in the event the vehicle is a total loss under the definitions contained in WAC 308-58-010, but in the opinion of the insurer may be repaired at a cost not to exceed sixty percent of its fair market value if repaired, a notation "TOTAL COST OF REPAIR LESS THAN SIXTY PERCENT," and the approximate date of destruction. The requested information will be placed on the title in such a manner as not to obscure any of the printed matter on the title itself. The title, with the information thereon, will be mailed to the Vehicle Records Section, Department of Motor Vehicles, Olympia, Washington 98504.

(2) If the destroyed vehicle and its title do not come into the insurer's possession, the insurer will report the fact of settlement within ten days of settlement on a form to be supplied by the department of motor vehicles. The report will include the following information:

(a) Year, make, series and body style of vehicle;

(b) License plate number, last year of registration and name of state in which registered;

(c) Registered and legal owner's name and address, if known;

(d) Cause of damage;

(e) Whether vehicle is repairable (A vehicle should be considered repairable only if its cost of repair would not exceed sixty percent of its fair market value if repaired.);

(f) Date of sale and amount of sale;

(g) Name and address of purchaser and whether he is the assured, private party, salvage buyer, auto wrecker or fragmentizer;

(h) Name and address of insurance company or adjuster;

(i) Date of report.

In an instance where an insurer does not obtain possession of the title, the registered owner will forward the title to the department of motor vehicles within ten days of the destruction of the vehicle. The title will be endorsed by the legal owner to release his interest, if the legal owner is not the same as the registered owner. The registered owner will print or type on the title the word "DESTROYED," the approximate date of destruction and sign the title. The license plates from the vehicle will be surrendered to any office of the department of motor vehicles.

The title for a vehicle that has been destroyed, which title has not been surrendered to the department, shall be cancelled. Notice of this cancellation will be mailed to the legal owner of the vehicle by regular mail to his address as shown in the department's vehicle records. The legal owner will promptly return the cancelled title to the department. [Order MV 142, § 308-58-020, filed 8/28/72.]

WAC 308-58-030 Sale of salvage. After the title has been sent to the department of motor vehicles as a part of the report of destruction, and the owner decides to sell the damaged vehicle, it may be sold by using a bill of sale instead of the title. The bill of sale must include the statement that the vehicle's title has been sent to Olympia as a part of the report of destruction. In the case of a registered owner, his signature on the bill of

sale must be notarized to convey his interest in the vehicle to a purchaser unless the purchaser is a licensed auto wrecker or dealer in which case a bill of sale need not be notarized. In the case of an insurer, the bill of sale must be signed by someone authorized by the insurance company to sign on its behalf. The title of the person signing for the insurance company must be shown on the bill of sale.

An auto wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with the preceding paragraph in lieu of a title to comply with RCW 46.80.090. [Order MV 142, § 308-58-030, filed 8/28/72.]

WAC 308-58-040 Destroyed vehicles rebuilt. An application for title to a destroyed vehicle less than four years old that has been repaired will contain the word "REBUILT" just above the applicable series and body type in the space reserved on the application for series and body type. The application will be accompanied by a bill of sale for the vehicle, passing ownership to the applicant for title. The application must also be accompanied by a signed statement confirming that the vehicle's identification number is the same as that shown on the application for title. This statement must be signed by someone authorized by the director of motor vehicles to confirm vehicle identification numbers. The former license plate cannot be transferred. An original license plate must be purchased.

When the new title is prepared by the department, the title and registration will contain the word "REBUILT" in an appropriate location on each certificate. This identification will continue to appear on every certificate issued by the department for this vehicle whenever it is licensed or titled in Washington.

The requirements of this section shall not be applicable to a vehicle for which the cost of repair does not exceed sixty percent of the fair market value of the vehicle, if repaired, as determined by the insurance company report or title. [Order MV 142, § 308-58-040, filed 8/28/72.]

Chapter 308-61 WAC
ABANDONED AND INOPERATIVE VEHICLES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-61-015 Definitions—Vehicles. [Order MV 451, § 308-61-015, filed 9/26/77; Order MV 174, § 308-61-015, filed 10/19/73.] Repealed by 79-10-010 (Order 552-DOL), filed 9/7/79. Statutory Authority: RCW 46.79.080.

308-61-020 Definitions—Persons subject to regulation. [Order MV 451, § 308-61-020, filed 9/26/77; Order MV 174, § 308-61-020, filed 10/19/73.] Repealed by 79-10-010 (Order 552-DOL), filed 9/7/79. Statutory Authority: RCW 46.79.080.

308-61-035 Segregation of vehicles, required. [Order MV 174, § 308-61-035, filed 10/19/73.] Repealed by 79-10-010 (Order 552-DOL), filed 9/7/79. Statutory Authority: RCW 46.79.080.

WAC 308-61-010 Definitions--General. (1) **Department.** The department of licensing of the state of Washington.

(2) **Director.** The director of the department of licensing.

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

(4) **Demolish.** To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

(5) **Secure area.** A secure area is a place of safety for vehicle [storage and is an area completely enclosed by fence of sufficient] height and construction to prevent

access by the general public, with a gate which can be locked. The fence shall be at least six feet high with at least two strands of barbed wire placed along the top, bringing the total combined height to eight feet or more.

(6) **Licensee.** A licensee is a person, firm, partnership, association or corporation holding a valid license or registration issued by the department as a registered disposer, wrecker, hulk hauler, or scrap processor as defined in WAC 308-61-030.

(7) **Written bid.** A written bid means a form approved (supplied) by the department in connection with the sale of abandoned vehicles.

(8) **Impounded and abandoned vehicles** – For the purpose of this chapter an impounded vehicle shall be a vehicle taken into custody and stored up to 5 days at the direction of an enforcement officer pursuant to RCW 46.61.565 or 46.52.180. After the 5th day if a vehicle has not been reclaimed by the owner, a registered disposer may declare a vehicle abandoned and proceed as provided by RCW 46.52.114.

(9) Acquire – Shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-61-230.

(10) Custody – Shall mean the possession of a vehicle in which there is equitable ownership but for which ownership documents required in WAC 308-61-230 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-010, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-010, filed 9/7/79; Order MV 451, § 308-61-010, filed 9/26/77; Order MV 174, § 308-61-010, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-025 Definitions--Reports, documents. (1) **Seller's report of sale.** A seller's report of sale on a form furnished by the department will relieve a registered owner from personal liability for costs incurred in the removal, storage or disposal of an abandoned vehicle as provided in RCW 46.52.106 and 46.52.112 if submitted to the department within five days of sale. The seller's report of sale need not be filed if the vehicle has been sold or traded to a licensed dealer. This definition does not apply to the sale of a vehicle by a dealer or to the public sale of an abandoned vehicle hulk.

(2) **Abandoned vehicle report.** (a) An abandoned vehicle report shall be submitted to the department on the forms provided by any registered disposer taking custody of an abandoned vehicle or hulk.

(b) The current registered and legal owner information shall be supplied by the department of licensing and the disposer shall send a notice of custody and sale to the latest reported registered and legal owner providing the disposer has not previously notified the registered and legal owner.

(3) **Notice of custody and sale.** A notice of custody and sale is that document sent by the registered disposer to the registered owner and legal owner giving legal notice of amount of the registered disposer's or garage keeper's lien for services, when due, place and time of public sale if not paid and right to seek judgment for deficiency against the registered owner for a maximum of two hundred dollars minus the sale price of the vehicle.

(4) **Affidavit of sale.** An affidavit of sale is that document given to the successful bidder by the registered disposer or garage keeper. The registered disposer or garage keeper shall state in such affidavit of sale that the sale was conducted under proper procedures and shall indicate the disposition of monies derived from such sale. The affidavit may be submitted to the department with an application for certificate of title or may be used by a licensed auto wrecker, hulk hauler or scrap processor in lieu of certificate of title to report the acquisition for destruction or demolition.

(5) **Report of disposition of abandoned vehicle.** A report of disposition of abandoned vehicle is that document sent to the Washington state patrol, on the form provided, by the registered disposer showing the disposition of the vehicle previously reported to the department on the Abandoned Vehicle Report form provided.

(6) **Release of interest.** A release of interest is that notarized document, signed by the owner in accordance with the rules pertaining to vehicle titles on a form provided by the department, by which the owner may relinquish interest in a vehicle if the certificate of title is not available for his signature.

(7) **Bill of sale.** A bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle or part. A private party sale shall include the notarized signature of the seller. Bills of sale are acceptable in lieu of title in the case of vehicles from nontitle states or when an insurance company or private owner has turned in the title to a vehicle previously destroyed as provided under WAC 308-58-030.

(8) **Abandoned vehicle bid form.** An abandoned vehicle bid form is that form provided by the department for the purpose of recording the second and third highest bids at the sale of abandoned vehicles. [Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-025, filed 9/7/79; Order MV 451, §308-61-025, filed 9/26/77; Order MV 174, § 308-61-025, filed 10/19/73.]

WAC 308-61-027 Normal or regular business hours. Normal or regular business hours shall be 9:00 a.m. to 4:30 p.m. for five days each week; except that for the purpose of inspection, normal business hours shall be 9:00 a.m. to 4:30 p.m. on each day the business is normally and usually open for business. [Order MV 451, § 308-61-027, filed 9/26/77.]

WAC 308-61-030 Established place of business. An established place of business at the location shown on the original application or change of address notice shall be maintained by each licensee in accordance with the following requirements:

(1) **Registered disposer.** A registered disposer's established place of business is a building or separate part thereof for keeping records and a secure area used only by the licensee for storing vehicles where the registered disposer is available for the purpose of allowing owners to claim vehicles at least five days a week during posted periods of at least four hours duration between 8 a.m. and 8 p.m. Each place of business shall be capable of operation separately from any other business.

(2) **Wrecker.** A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals and where his books and records are kept available for inspection during normal business hours and destroying of vehicles is accomplished and which must conform with local zoning regulations.

(3) **Hulk hauler.** A hulk hauler's established place of business is an address at which he receives mail and can normally be reached.

(4) **Scrap processor.** A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders for recycling salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-030, filed 5/27/82; Order MV 451, § 308-61-030, filed 9/26/77; Order MV 174, § 308-61-030, filed 10/19/73.]

WAC 308-61-040 Documents supporting acquisition of vehicles. Any licensee may acquire vehicles for hauling, destruction or demolition if the transferor can furnish proof of ownership, 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 state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession when used by an appropriate licensee:

(1) **Affidavit of lost or stolen title.** When a title is lost or stolen, an affidavit of lost or stolen title executed by the registered or legal owner of record and a release of interest describing the vehicle in full, both of which shall be notarized, will be acceptable in lieu of title.

(2) **Insurance bills of sale.** When a vehicle is purchased from an insurance company which has surrendered title to the department, a bill of sale from the insurer will be acceptable in lieu of title.

(3) **Authorization to dispose.** Upon request from a private person having the right to possession to property upon which an abandoned junk motor vehicle has been left, or from a governmental unit possessing jurisdiction over public property, a written authorization to dispose of such vehicles will be acceptable in lieu of title. Such authorizations may only be issued by law enforcement officers having jurisdiction or authorized representatives of the department, on forms provided for this purpose, after a determination that the vehicle qualifies as an abandoned junk motor vehicle. The ultimate disposition of such vehicles shall be through a scrap processor or vehicle wrecker.

(4) **Affidavit of sale.** When an abandoned vehicle is acquired at public sale, an affidavit of sale on the form provided by the department and completed by the registered disposer taking custody of and selling or retaining the vehicle, will be acceptable in lieu of title.

(5) **Invoice or bill of sale from wrecker.** When vehicles are purchased from a wrecker licensed by the department, which have been properly reported, an invoice or bill of sale from said wrecker listing each vehicle by "yard number" will be acceptable in lieu of title. [Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-040, filed 9/7/79; Order MV 451, § 308-61-040, filed 9/26/77; Order MV 174, § 308-61-040, filed 10/19/73.]

WAC 308-61-050 Grounds for denial, suspension, revocation--Unlawful practices. The director may, by order, deny an application for license under chapters 46-.52, 46.79, and 46.80 RCW, or suspend or revoke any license if he finds that the order is in the public interest and that the applicant, licensee or any partner, officer, director or majority stockholder has failed to comply with any of the provisions of the above-named chapters or the rules and regulations adopted thereunder, or other provisions of Title 46 RCW, or the rules and regulations adopted thereunder relating to the registration, titling, acquisition, handling or disposition of vehicles. In addition, a license may be denied, suspended or revoked if the director has reason to believe that the applicant or licensee or any of the above-named persons has:

(1) Been the holder of a certificate of registration issued under the law which was revoked for cause, or suspended and the terms of the suspension have not been terminated;

(2) Made a false statement of material fact in his application or any supporting documents attached to the application; or. [Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-050, filed 9/7/79; Order MV 174, § 308-61-050, filed 10/19/73.]

WAC 308-61-100 Registered disposers--Application. (1) The application for registration of tow truck operators to dispose of abandoned vehicles and vehicle hulks shall contain:

(a) A statement as to whether the applicant has previously been registered to dispose of abandoned vehicles or abandoned automobile hulks. If the applicant has been so registered, then the registration number shall be shown.

(b) A statement as to whether the applicant currently has a towing or storage contract with any unit of government and giving the name of such governmental unit if a contract exists.

(c) A statement as to whether the applicant has previously engaged in the vehicle towing or storage business under a different name. If the applicant has, the name, addresses, and dates of the business shall appear. If the applicant has been under a different personal name in said business, that name shall be given.

(d) A statement as to the applicant's solvency.

(e) A statement and description of facilities exclusively available to the applicant for the storage of abandoned vehicles or automobile hulks.

(f) A description of each towing vehicle equipped with a lifting mechanism and used by the applicant in his business. Such description shall include the make, year, model or other adequate description, and identification number of the vehicle and the regular Washington license plates assigned to it.

(g) A statement as to whether the applicant has ever had a business license suspended or revoked and, if so, an explanation of the circumstances.

(h) A statement setting forth the applicant's standard fee schedule for towing, storage and other charges. (The department shall be notified within ten days of any changes.)

(i) A statement of the hours available for towing services. If a towing operator has more than one place of business, he shall list hours for each location.

(2) An applicant shall appear for a personal interview if requested by the department. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82–12–037 (Order DOL 683), § 308–61–100, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79–10–012 (Order 554–DOL), § 308–61–100, filed 9/7/79; Order MV 174, § 308–61–100, filed 10/19/73.]

WAC 308–61–110 Registered disposers—General procedures and requirements. All registered disposers shall comply with all statutes, rules and regulations relative to the handling and disposition of abandoned vehicles and automobile hulks, and shall make reports in such form and frequency as may be required.

(1) **Additional places of business.** The address of each place of business operated under the same name and within a single county shall be attached to the registration application. Such additional places of business may be operated under one permit; no additional bond or insurance will be required for such premises so long as each additional place of business is covered by the bond and insurance. The provisions of subsection (5) shall apply to each and every such location: *Provided, however,* That each business location of a registered disposer shall be operated exclusively under one specific name and shall include a secure area for vehicles in his custody only.

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

(3) **Changes in ownership.** Any change of partners or of a corporation's officers' names and addresses, aside from a total sale of the business, shall be reported to the department, in writing, within ten days of such change. A complete sale of business requires a full application from the new owner(s).

(4) **Insurance coverage.** Pursuant to RCW 46.52.108(5) each registered disposer shall file a certificate from an insurance company for:

(a) Insurance to protect vehicle owners under a garagekeeper legal liability policy for vehicles in his care, custody and control including, but not limited to, fire and theft in the amount of $10,000.00 for vehicles in custody.

(b) A minimum of $50,000.00 general liability insurance coverage for each occurrence including bodily injury or property damage.

(c) The amount of insurance required shall be applicable to each location at which vehicles are held in care, custody and control or where the business as a registered disposer is conducted. It shall be incumbent upon each registered disposer for insurance purposes to provide the necessary information for coverage at each location as determined by annual gross receipts, number of employees, number of vehicles used in the business or other means determined to be appropriate for providing public protection proportionate to the size of each business location.

(d) An insurer shall notify the department at least 10 days prior to cancellation of a policy.

(5) **Storage areas.** Vehicles in the custody of a registered disposer shall be kept entirely within a secure area owned or operated by the registered disposer. The fencing requirement may be waived in writing by the department where, due to topography, a fence would be impracticable and the storage area is secure without a fence: *Provided, however,* That vehicles in the custody of a registered disposer shall be kept entirely within the secure area exclusively owned or operated by such registered disposer.

(6) **Business hours.** Each registered disposer shall post his business hours in a place conspicuous to the public when the business is closed and each shall be available for the purpose of releasing vehicles at least five days a week for posted periods of at least four hours' duration between the hours of 8 a.m. and 8 p.m.

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

(8) **Fee schedule.** The department shall be notified within ten days of any change in the fee schedule for towing or storage, which schedule was submitted to the department with the application.

(9) **Registration number.** The registered disposer's registration number shall appear on all correspondence regarding the disposition of abandoned vehicles and automobile hulks.

(10) **Required records.** The registered disposer shall keep a transaction file on each vehicle. The transaction file shall contain the following as a minimum:

(a) Authorization to take custody and remove the vehicle or hulk to disposer's established place of business.

(b) Copy of abandoned vehicle report to the department.

(c) Copy of the department–supplied last known names and addresses of registered and legal owners of the vehicle, as required by RCW 46.52.111(2).

(d) Copy of notice sent by the registered disposer to the last known address of the registered and legal owners, as required by RCW 46.52.111(3).

(e) Copy of the advertisement of public auction including the name and dates of the newspaper.

(f) Copy of the affidavit of sale showing the sale date, purchaser, amount of lien and sale price.

(g) Copy of second and third bidder offers.

Transaction file shall be kept for a minimum of three years. [Statutory Authority: RCW 46.52.115 and 46.80-.140. 82–12–037 (Order DOL 683), § 308–61–110, filed 5/27/82. Statutory Authority: RCW 46.52.115. 80–02–053 (Order 573–DOL), § 308–61–110, filed 1/16/80; 79–10–012 (Order 554–DOL), § 308–61–110, filed 9/7/79; Order MV 451, § 308–61–110, filed 9/26/77; Order MV 174, § 308–61–110, filed 10/19/73.]

WAC 308–61–120 Registered disposers—Procedures for taking custody. (1) **Vehicles deemed abandoned.** Vehicles meeting the requirements of RCW 46.52.102 and 46.52.145 may be deemed abandoned vehicles and abandoned junk motor vehicles, respectively. In addition, vehicles left in garage storage may be deemed abandoned in the following manner:

(a) *Fixed contract of storage.* A vehicle stored under a fixed contract of storage may be deemed abandoned on the third day following expiration of the contract. The fact of abandonment shall be reported to the department and Washington state patrol by the fourth day after expiration of the fixed contract of storage.

(b) *Open–ended contract of storage.* A vehicle stored under an open–ended contract of storage may be deemed abandoned at any time by the registered disposer. The fact of abandonment shall be reported to the department and Washington state patrol within twenty–four hours from the time a vehicle is declared abandoned.

The abandoned vehicle may be offered for public sale pursuant to RCW 46.52.111 and 46.52.112 or other appropriate statutory procedures. If offered for sale pursuant to RCW 46.52.111 and 46.52.112, the registered disposer shall in addition notify the owner of the date the vehicle was deemed abandoned.

(c) *Newspapers of general circulation.* Pursuant to RCW 46.52.112, a newspaper of general circulation in a county shall mean a newspaper which is one of the three with the largest circulation in the county where the sale will be conducted. The required ad shall include make, model, year, vehicle identification number and license plate information including the origin of the place if other than Washington.

(2) **Must possess written authority to tow or other evidence of lawful possession.** Unless the registered disposer has appropriate evidence of ownership or lawful possession for every abandoned vehicle, he shall have in his possession a properly executed written authority to tow from the person requesting removal of the vehicle before he may take custody of any vehicle and while he transports such vehicle.

The properly executed written authority to tow or other evidence of lawful possession will suffice in lieu of current license plates or trip permits for such abandoned vehicles.

(3) **Claiming vehicles.** (a) Either a registered or legal owner may claim an abandoned vehicle from a registered disposer by payment of the disposer's charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of or placed in custody by any law enforcement agency, the registered disposer shall notify such agency of the fact that the vehicle has been claimed, and by whom.

(b) A registered owner who prevails at a hearing shall turn in to the disposer evidence from the district court the impound was held to be invalid. A registered disposer is entitled to collect his impounding costs from the impounding enforcement agency in each case in which he has reimbursed a registered owner because an impound was found to be invalid.

(c) Registered disposers shall maintain a separate trust account for the deposit of cash bonds. Such trust account shall be in an amount which is equal to the total of all deposits on cases still to be tried in district court.

(4) **Surrendering titles.** The registered disposer shall attach to the affidavit of sale any certificate of title voluntarily surrendered to him by the registered or legal owner of an abandoned vehicle. Having the certificate of title in his possession does not relieve the registered disposer of the duty to issue an affidavit of sale to the high bidder at public sale.

(5) Pursuant to RCW 46.52.210 a registered disposer shall upon removal of an abandoned vehicle or hulk from private property, immediately notify the appropriate law enforcement agency of such private impound by reporting make, model, license plate information, vehicle identification number and place of impound. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82–12–037 (Order DOL 683), § 308–61–120, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79–10–012 (Order 554–DOL), § 308–61–120, filed 9/7/79; Order MV 174, § 308–61–120, filed 10/19/73.]

WAC 308–61–130 Registered disposers—Procedures for sale. (1) **Notice of custody and sale.** Notice of custody and sale given to the registered and legal owners

shall describe the abandoned vehicle or hulk by make, model, year and vehicle identification number, and shall state the amount of the lien for towing and storage, and the date and place of public sale if the vehicle is not reclaimed within fifteen days after notice was mailed to such owner.

If the department or its authorized agent has received application for transfer of title prior to the registered disposer's request for owner information for an abandoned vehicle in his custody, and so notifies the registered disposer prior to the date of public sale, the registered disposer shall send appropriate notice to the latest owner of record even though the department has given him the name and address of a previous owner of record.

When the registered disposer notifies a later owner of record, he may include the cost of notice to both previous and present owners of record in his actual costs of sale.

(2) **Vehicles registered out of state.** Abandoned vehicles registered in other states may be sold under the same procedures for the disposition of abandoned vehicles registered in this state. A copy of the notice of custody and sale shall be sent to the department of motor vehicles in the state in which the vehicle was last registered.

If license plates or registration certificates are not on an abandoned vehicle in the custody of a registered disposer or garage keeper, he shall conduct a thorough examination of the vehicle to determine its make, model, year and vehicle identification number, and to locate information leading to the name of the registered and legal owner and the state in which the vehicle was last registered. The department may require an inspection by the Washington state patrol to verify the vehicle identification number of such vehicle. All such information shall be reported to the department, which will communicate with such other states as may be necessary to determine whether the registered and legal owner information is available for the vehicle.

When all reasonable efforts to obtain the owner information have proved unsuccessful, including proof of efforts to follow clues and mail notices to registered and legal owners the vehicle may be disposed of in accordance with all procedures except that the notification of the registered and legal owners by certified or registered mail may be omitted if no clue to their addresses can be found. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the person having custody thereof for a period of three years.

(3) **Examination by potential bidders.** (a) The registered disposers shall make vehicles offered for public sale available for examination by potential bidders for a time period of not less than three hours prior to the sale. Such time period for vehicle examination shall be included in the published ad required under RCW 46.52.112.

(b) The second and third highest bidder on each vehicle may submit a written bid to the registered disposer. The bid shall be on the abandoned vehicle bid forms available from the department. Vehicles shall be sold to the highest bidder but if the high bidder defaults the next highest bidder, if known, shall have the right to purchase for the amount of his bid and this process shall continue until the vehicle is sold or no bidder remains. Bids submitted in writing shall be retained for inspection in the records of the registered disposer for not less than three years.

(c) To implement the procedures set forth in this section, registered disposers shall post a public notice of the bidding procedures which shall clearly set forth to prospective bidders the availability of bid forms for the second and third highest bidders and other information as provided by the department.

(4) **May bid himself.** The registered disposer may bid on the abandoned vehicle. If his is the high bid and the bid exceeds the amount of his lien and actual costs of sale, he shall transmit the excess half to the county treasurer and half to the state treasurer as he would if the high bid was made by a person other than himself.

The registered disposer may not elect to retain the vehicle if the high bid does not meet the amount of his lien plus his actual costs of sale. If a registered disposer intends to engage in the business of reselling vehicles he acquires he shall first obtain a vehicle dealer license as required in chapter 46.70 RCW.

(5) **Actual costs of sale.** In addition to charges specified in the fee schedule on file with the department, the registered disposer may charge against the registered owner or include in his lien only the actual expenses incurred in the sale of abandoned vehicle or hulk. Such actual expenses may include, by way of example, the amount paid for certified or registered mail, and the amount spent to advertise the sale prorated among the number of vehicles advertised. Any other provable actual costs may be assessed. No registered disposer may charge a flat percentage fee or other fixed amount as his cost of sale or for completing abandoned vehicle reports or other indirect expense in complying with required procedures.

(6) **Permissible charges.** (a) Prior to the public sale the abandoned disposer has a lien against the vehicle in his possession for all actual costs, including charges for towing and storage.

(b) If the amount for which the vehicle is sold at public sale is not sufficient in dollar amount to pay the amount of the lien and the actual costs of sale or two hundred dollars, whichever is less, then the registered disposer shall have a deficiency claim against the registered owner, on which he may seek a judgment in an appropriate court of law, in an amount which is the lesser of the following:

(i) If the amount of the lien is two hundred dollars or more, then the difference between two hundred dollars and the amount of the successful bid which is less than two hundred dollars;

(ii) If the amount of the lien is two hundred dollars or less, then the difference between the amount of the lien and the amount of the successful bid which is less than the amount of the lien;

(c) After the public sale, no registered disposer shall attempt to procure from the registered owner of any

abandoned vehicle payment in an amount in excess of the permitted deficiency claim;

(d) In addition, no registered disposer shall attempt to procure payment for storage of an abandoned vehicle or hulk for more than thirty days after he receives the owner information from the department unless he receives written authority from the registered or legal owner to store such vehicle for a longer period.

(e) RCW 46.52.111 time limits shall be observed except where delay is unavoidable in such instances as when a later owner of record is found, vehicle processing is delayed pending investigation of a vehicle's true identification number [by] [of] law enforcement or other circumstance beyond the control of a registered disposer.

(7) **Subordinate charges.** No registered disposer shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the registered disposer or any third party entity shall not be reflected on the Affidavit of Sale or assessed against the registered owner as a result of the disposition of the abandoned vehicle. [Statutory Authority: RCW 46.52-.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-130, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-130, filed 9/7/79; Order MV 451, § 308-61-130, filed 9/26/77; Order MV 174, § 308-61-130, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-140 Registered disposers--Procedures after sale. (1) **Affidavit of sale.** The registered disposer shall complete an affidavit of sale, on the form provided for this purpose, which shall be given to the successful bidder at the sale. The affidavit shall recite that the public sale was held in accordance with the law and disposition of the monies derived from such sale.

(2) **Title must result from sale.** The public sale of an abandoned vehicle must result in the transfer of title from the last registered and legal owners to the successful bidder, or if no bids were made, to the registered disposer. This will be accomplished by attaching the affidavit to an application for certificate of title. This procedure must be followed by all persons except licensed vehicle wreckers, hulk haulers and scrap processors who may use the affidavit of sale in lieu of a certificate of title, if it is attached to the monthly report of vehicles acquired for destruction or demolition.

(3) **Effect of new title.** Upon issuance of new title to the successful bidder or upon report of vehicle by a wrecker or scrap processor, the rights of prior lienholders and former owners, both registered and legal, terminate with the sole exception of the permissible claim for deficiency which survives in the registered disposer, who may seek enforcement of such claim in an appropriate court of law.

(4) **Title transferred before second sale.** The successful bidder, or other person in lawful possession of the vehicle after public sale, shall obtain title in his name before he may sell or transfer his interest in such vehicle. After the public sale and first transfer of title, the affidavit will no longer be an acceptable supporting document for an application for certificate of title; the newly issued title must accompany subsequent applications for title. [Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-140, filed 9/7/79; Order MV 174, § 308-61-140, filed 10/19/73.]

WAC 308-61-150 Registered disposers--Grounds for denial, suspension, revocation--Unlawful practices. In addition to WAC 308-61-050, a registered disposer's license may be denied, suspended or revoked whenever the director has reason to believe the registered disposer or applicant for such registration has committed, or is at the time committing, one of the following unlawful practices:

(1) Towing any abandoned vehicle without first obtaining and having in his possession at all times while transporting, appropriate evidence of ownership or an authorization to dispose or a written authority to tow properly executed by the private person in possession of or law enforcement agency having jurisdiction over the property on which the vehicle was abandoned;

(2) Forging the signature of the registered or legal owner on a certificate of title, or forging the signature of any authorized person on documents pertaining to abandoned vehicles or automobile hulks;

(3) Failing to comply with the rules and regulations relating to the sale of abandoned vehicles;

(4) Failing to accept bids on any abandoned vehicle offered at public sale;

(5) Failing to transmit to the state or a political subdivision thereof any tax or fees derived from the sale or transfer of an abandoned vehicle;

(6) Selling, disposing of, or having in his possession, without notifying law enforcement officials, a vehicle which he knows or has reason to know has been stolen or illegally appropriated without the consent of the owner;

(7) Failing to comply with the rules and regulations relating to the transfer of ownership of vehicles or other procedures after public sale; or

(8) Failing to comply with the provisions of chapter 46.52 RCW, or any rules or regulations issued thereunder or with any statute, rule or regulation relating to the title or disposition of vehicles or vehicle hulks. [Order MV 174, § 308-61-150, filed 10/19/73.]

WAC 308-61-155 Law enforcement procedures for impounding. The notification of impoundment under RCW 46.61.565 or chapter 46.52 RCW mailed to the last registered and legal owner shall include a certificate of mailing:

(1) Name, address and phone number of the impounding enforcement agency, location which led to impoundment, make, model, description, identification number, license plate number of vehicle and state which issued, whether plate is current, comment on condition

of vehicle including obvious body damage or missing equipment, brief reason for impounding, name, address and phone number of registered disposer in whose custody the vehicle was placed, steps required to redeem the vehicle, that a hearing may be requested within 10 days of mailing the notification, location and address of the district court in the area of the impound and that the hearing request should be made to the district court by request in an appropriate space on the notification form, provision for the district court to acknowledge and date the hearing request. In addition pursuant to RCW 46-.52.114 a warning statement shall state "If a vehicle remains unclaimed for 5 days, it may be deemed abandoned and sold at a public sale."

(2) If a registered owner prevails at a district court hearing the impounding enforcement agency shall be liable to the registered disposer for permitted impoundment, towing and storage charges.

(3) Upon presentation of satisfactory proof to the registered disposer holding the vehicle that the impoundment was held invalid the registered disposer shall release the vehicle to the registered owner and collect the appropriate impoundment amount from the impounding agency. [Statutory Authority: RCW 46.52-.115. 80–02–053 (Order 573–DOL), § 308–61–155, filed 1/16/80. Statutory Authority: RCW 46.80.140. 79–10–011 (Order 553–DOL), § 308–61–155, filed 9/7/79.]

WAC 308–61–160 Law enforcement notification stickers. (1) When a law enforcement officer discovers an apparently abandoned vehicle or hulk which does not appear to be a public safety hazard under RCW 46.61-.565 he shall attach a readily visible notification sticker which shall:

(a) Give date and time the sticker was attached,

(b) Identity of the officer,

(c) A statement that if the vehicle is not removed within twenty–four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense,

(d) Identity, location and phone number of the enforcement agency where additional information can be obtained.

(e) A warning that if the vehicle is taken into custody it may be deemed abandoned 5 days after it has been placed in storage and sold at public auction.

(2) If the vehicle has current Washington plates and registration, the officer shall check the records to learn the identity of the last owner of record. The officer or his agency shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker. [Statutory Authority: RCW 46.80.140. 79–10–011 (Order 553–DOL), § 308–61–160, filed 9/7/79.]

WAC 308–61–165 Placing vehicles in custody. (1) If a vehicle is not removed in twenty–four hours subsequent to placement of a notification sticker, a law enforcement officer may take custody of the vehicle or hulk and place it in the care of a registered disposer who shall tow it to his business location for safekeeping.

(2) Whenever a law enforcement officer or his department obtain the identity of the registered and legal owner of an abandoned vehicle or hulk placed in the custody of a registered disposer such information shall be given to the disposer at the earliest possible time so as to assist registered disposers in sending the required notices to registered and legal owners. [Statutory Authority: RCW 46.80.140. 79–10–011 (Order 553–DOL), § 308–61–165, filed 9/7/79.]

WAC 308–61–170 Vehicles impounded or taken into custody. Pursuant to RCW 46.52.114, if a vehicle remains unclaimed for 5 days from the impound date or date taken into custody, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and 46.52.112: *Provided however*, That where a timely request for a hearing has been made pursuant to section 4, chapter 178, Laws of 1979 1st ex. sess., the procedural requirements of the abandoned vehicle provisions of RCW 46.52.111, 46.52.112 and 46.52.114 (i.e. notice to registered and legal owners and publishing in a newspaper of general circulation of the date, time and place of public sale, etc.) may be commenced but the sale of a vehicle at public auction shall not take place until after the requested hearing has been held or the request has been otherwise disposed of by order of the district court. [Statutory Authority: RCW 46.80.140. 79–10–011 (Order 553–DOL), § 308–61–170, filed 9/7/79.]

WAC 308–61–180 Hearing requests. (1) Upon receipt of a hearing request from a registered owner, a district court shall provide the registered disposer and enforcement officer a copy of such request together with the assigned hearing date.

(2) Upon completion of the hearing, the district court shall forward a copy of the judgment to the enforcement agency and the registered disposer as shown on the hearing request document. [Statutory Authority: RCW 46.80.140. 79–10–011 (Order 553–DOL), § 308–61–180, filed 9/7/79.]

WAC 308–61–200 Wreckers—Application for license. An original application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his vehicle(s) are properly identified in accordance with WAC 308–61–220(6).

No license will be renewed unless the wrecker certifies his premises conform to all requirements and that all monthly reports have been submitted to the department. Failure to renew the license prior to June 30 will require the payment of an original license fee of twenty–five dollars, instead of the ten dollar renewal fee.

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated for towing or transportation of vehicles or hulks in the conduct of his business by the applicant, or wrecker seeking renewal

and shall identify such vehicles by make, model, year or other adequate description, and identification number. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-200, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-200, filed 9/7/79; Order MV 174, § 308-61-200, filed 10/19/73.]

WAC 308-61-210 Wreckers--Special plates. All vehicles used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes $1.00 for reflectorization under RCW 46.16-.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle [used] for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. [Statutory Authority: RCW 46.80.140 and 46-.79.080. 82-12-038 (Order DOL 684), § 308-61-210, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-210, filed 9/7/79; Order MV 174, § 308-61-210, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-220 Wreckers--General procedures and requirements. All wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

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

(a) Where required, such sight-obstructing wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. Any fence should be made of chain link with slats or other construction that will prevent public view of the premises.

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

(c) All enclosures and barriers shall be kept in good repair. Dying portions of any hedge shall be replaced.

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

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

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

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

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

(5) **Tow car fee.** The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

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

(7) **Surrendering license plates.** The wrecker shall remove license plates from vehicles on which he has received ownership documents in the segregated area and surrender such plates to an authorized representative of the department prior to submitting his monthly reports for the month the vehicle is acquired. In all other cases

license plates shall be removed within twenty–four hours. All such plates shall be stored in a safe place.

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

(9) A physical barrier shall be provided for the segregated storage of vehicles in custody and awaiting approved ownership documents as provided under WAC 308–61–230. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, barbed wire, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer. There shall be no dismantling or parts removal in this area. [Statutory Authority: RCW 46.80.140 and 46.79-.080. 82–12–038 (Order DOL 684), § 308–61–220, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79–10–011 (Order 553–DOL), § 308–61–220, filed 9/7/79; Order MV 174, § 308–61–220, filed 10/19/73.]

WAC 308–61–230 Wreckers––Procedures for acquiring vehicles and vehicle parts. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish proof of ownership as follows:

(1) Certificate of title properly endorsed in the case of vehicles from states issuing a title.

(2) Certificate of registration and notarized bill of sale from a state issuing registration certificates only.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308–58–030.

(5) Affidavit of sale pursuant to WAC 308–61–140(1) and (2).

(6) Authorization to dispose pursuant to RCW 46.52.150.

(7) (a) In the case of vehicle parts a bill of sale from the seller describing the specific part and giving the full name, address and verification of the seller's identity, plus date of sale. In addition, if a major component part is acquired the vehicle identification number from which it came must also be set forth on the bill of sale. For acquiring major component parts a bill of sale shall include verification of the name and address of the seller, the date, plus the identification number of the vehicle from which the major component part came.

(b) Acquiring parts from vehicles which have had identification numbers removed, defaced or tampered with shall be grounds for suspension or revocation of license, except vehicles cleared by law enforcement agencies.

(c) A copy of each bill of sale shall be maintained on acquired parts for a period of three years. [Statutory Authority: RCW 46.80.140. 79–10–011 (Order 553–DOL), § 308–61–230, filed 9/7/79; Order MV 451, § 308–61–230, filed 9/26/77; Order MV 174, § 308–61–230, filed 10/19/73.]

WAC 308–61–240 Wreckers––Records and procedures for monthly reports. (1) **Wrecker books and files.** The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

(c) A record of each vehicle towed giving:

(i) A description of the vehicle[s] by make, model, year, identification number, license number and name of the owner; and

(ii) A statement giving the place where picked up, destination, and date.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) **Must furnish written reports.** By the tenth of the month following receipt of vehicles to be destroyed, each wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or [order] [other] adequate evidence of ownership, registration certificates, and receipts for license plates surrendered to an authorized representative of the department: *Provided*, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) **Identity of vehicles in yard.** All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-240, filed 5/27/82; Order MV 451, § 308-61-240, filed 9/26/77; Order MV 174, § 308-61-240, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-250 Wreckers--Must furnish bill of sale for parts. No wrecker may sell a motor vehicle part unless he gives the purchaser a bill of sale for such part. Whenever the wrecker sells a motor, frame, or other major component part, he shall describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken: *Provided*, That a vehicle identification number shall not be required on parts acquired for resale unless such are major component parts.

No wrecker may sell vehicles or hulks to a scrap processor or to a hulk hauler for transportation to a scrap processor unless he gives the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle or hulk by yard number; the wrecker shall retain a copy of such invoices for inspection purposes. [Order MV 451, § 308-61-250, filed 9/26/77; Order MV 174, § 308-61-250, filed 10/19/73.]

WAC 308-61-260 Wreckers--Selling used vehicles. (1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard[s] to brakes, lights, tires, safety glass and other safety equipment. However, for purposes of this section, inoperable shall not include a requirement to be currently licensed. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-260, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-260, filed 9/7/79; Order MV 174, § 308-61-260, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-270 Wreckers--Additional grounds for denial, suspension, revocation or civil fine assessment--Unlawful practices. In addition to RCW 46.80-.110 and WAC 308-61-250, a wrecker's license may be denied, suspended or revoked, or the licensee or applicant may be assessed a civil fine up to five hundred dollars for each violation whenever the wrecker or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Misuse of motor vehicle wrecker plates assigned such as renting or loaning for use on vehicle not owned, leased, rented or operated by a licensee or his employee.

(2) Failure to maintain an established place of business which conforms with zoning laws pursuant to RCW 46.80.010.

(3) Failure to make records available during regular business hours to authorized enforcement agencies or officers or employees of the department.

(4) Failure to maintain a segregated storage area as required by WAC 308-61-220 (1)(a) [308-61-220(9)] when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW 46.80.110(1). [Statutory Authority: RCW 46.80-.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-270, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-270, filed 9/7/79; Order MV 451, § 308-61-270, filed 9/26/77; Order MV 174, § 308-61-270, filed 10/19/73.]

WAC 308-61-300 Hulk hauler--Application for license. The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require in addition to the provisions of RCW 46.79.030:

(1) A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler, wrecker or registered disposer denied, suspended or revoked and on what dates and what grounds.

(2) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that his vehicle(s) are properly identified in accordance with WAC 308-61-320(5).

The license expires annually on June 30th and may be renewed prior to that date by filing an application, securing a signature of the appropriate member of the Washington state patrol on his application, and paying a renewal fee of ten dollars. Failure to renew the license prior to June 30th will require a new application and payment of a ten dollar fee. [Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-300, filed 9/7/79; Order MV 451, § 308-61-300, filed 9/26/77; Order MV 174, § 308-61-300, filed 10/19/73.]

WAC 308-61-310 Hulk hauler--Special plates. All vehicles used by hulk haulers on the highways of this state shall bear regular license plates and in addition, special hulk hauler's plates. Each vehicle shall display

both special plates assigned to it, provided that when any vehicle being towed does not have valid license plates, the hulk hauler plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. The plates serve in lieu of a trip permit or current license plates for the vehicle(s) being transported.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set which charges include the reflectorization fee required by RCW 46.16.237. They shall expire simultaneously with the hulk hauler's license. [Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-310, filed 9/7/79; Order MV 451, § 308-61-310, filed 9/26/77; Order MV 174, § 308-61-310, filed 10/19/73.]

WAC 308-61-320 Hulk hauler--General procedures and requirements. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) **Change of address.** The department shall be notified immediately of any change of mailing address.

(2) **License certificate.** The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

A license certificate shall not be construed to be an authorization to store vehicle hulks or parts at the licensee's mailing address.

(3) **Tow car fee.** The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) **Inspection of transport vehicle, premises.** (a) Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(b) The premises of the hulk hauler shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department to confirm storage of vehicle hulks or parts is not taking place.

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

[Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-320, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-320, filed 9/7/79; Order MV 451, § 308-61-320, filed 9/26/77; Order MV 174, § 308-61-320, filed 10/19/73.]

WAC 308-61-330 Hulk hauler--Procedures for acquiring and selling vehicles. (1) **Supporting acquisition for transport, resale.** The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor if the transferor can furnish proof of ownership, 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 state issuing only a registration certificate. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed hulk hauler:

(a) Private persons. Acquisitions from private persons may also be supported by affidavits of lost or stolen title and authorization[s] to dispose.

(i) Affidavit of lost or stolen title signed by the owner on record with the department.

(ii) Authorization to dispose.

(b) All licensees other than wreckers. In addition to a properly endorsed title, acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title signed by owners of record with the department.

(ii) Authorization to dispose signed by a law enforcement officer.

(iii) Affidavit of sale from a registered disposer.

(c) Licensed vehicle wreckers. Acquisition from wreckers licensed by the department may be supported by obtaining his invoice or bill of sale listing each vehicle by the wrecker's "yard number." Such invoice or bill of sale shall be given to the scrap processor purchasing the vehicles listed therein.

(2) **Must possess supporting documentation.** Before a hulk hauler may transport any vehicle for resale, he shall have in his possession documents to support lawful acquisition or possession, as enumerated in subsection (1) of this section. Such documentation shall be in his possession at all times while the vehicle is transported.

(3) **Handling vehicles.** A hulk hauler may not operate as a wrecker or remove parts from vehicles, provided that he may remove the parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap

processor where prior permission is granted or at a location approved by the department.

(4) **May sell to licensed wreckers and scrap processors.** Vehicles in the possession of a licensed hulk hauler may only be sold to a licensed wrecker or scrap processor. [Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-330, filed 9/7/79; Order MV 174, § 308-61-330, filed 10/19/73.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-340 Hulk hauler--Grounds for denial, suspension, revocation--Unlawful practices. In addition to RCW 46.79.070 and WAC 308-61-050, a hulk hauler's license may be denied, suspended, or revoked whenever the director has reason to believe the hulk hauler or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Transporting any vehicle without first obtaining and having in his possession at all times while transporting, appropriate evidence of ownership or of lawful possession for such vehicle;

(2) Engaging in any activity relative to vehicles except the acquisition and transportation for resale thereof to a licensed wrecker or scrap processor;

(3) Selling vehicles or vehicle parts other than to a licensed wrecker or scrap processor;

(4) Selling or disposing of a vehicle or part thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(5) Operating as a wrecker or removing parts from vehicles, provided that a hulk hauler may remove those parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department;

(6) Hauling vehicles from a licensed wrecker to a licensed scrap processor without obtaining and having in his possession during transport the wrecker's invoice or bill of sale for the vehicles being transported;

(7) Renting, leasing or borrowing the special license plates issued to a wrecker, or representing himself as being entitled to use wrecker's plates to sell vehicles to scrap processors, or otherwise using such plates. [Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-340, filed 9/7/79; Order MV 174, § 308-61-340, filed 10/19/73.]

WAC 308-61-400 Scrap processor--Application for license. The application for a scrap processor's license shall contain, in addition to any other information the department may require:

(1) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that the applicant can be found at the address shown on the application.

(2) Evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental Act, chapter 43.21C RCW.

A fee of twenty-five dollars shall accompany each original application. The license expires annually on June 30 and may be renewed prior to that date by filing an application and payment of a renewal fee of ten dollars. Failure to renew the license prior to June 30 will require payment of the original license fee of twenty-five dollars, instead of the ten dollar renewal fee. [Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-400, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-400, filed 9/7/79; Order MV 174, § 308-61-400, filed 10/19/73.]

WAC 308-61-410 Scrap processor--Special plates. Vehicles owned or operated on the highways of this state by a scrap processor and used by him in gathering vehicle hulks or salvage shall bear regular license plates and, in addition, hulk hauler plates. Such plates serve in lieu of a trip permit or current license for any vehicle being transported. Each vehicle shall display all plates issued to it.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set including the reflectorization fee required by RCW 46.16-.237; they expire simultaneously with the scrap processor's license. [Statutory Authority: RCW 46.79-.080. 79-10-010 (Order 552-DOL), § 308-61-410, filed 9/7/79; Order MV 451, § 308-61-410, filed 9/26/77; Order MV 174, § 308-61-410, filed 10/19/73.]

WAC 308-61-420 Scrap processor--General procedures and requirements. All scrap processors shall comply with all statutes, rules and regulations relative to the demolition of vehicles and vehicle hulks.

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

(2) **Display of license certificate.** The license certificate of the scrap processor shall be displayed conspicuously at the business address shown on the application and shall be available for inspection by law enforcement officers and authorized representatives of the department.

(3) **Inspection of premises.** The premises of the scrap processor shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department.

(4) **Surrender of license plates.** All license plates coming into the possession of the scrap processor shall be surrendered to an authorized representative of the department at such time as the monthly report under RCW 46.79.020 is forwarded to the department.

(5) **Identification of licensee's vehicles.** All vehicles equipped for lifting or transporting vehicles or hulks shall display the licensee's name, address and current telephone number. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each

letter and numeral shall be made with at least a half–inch stroke for the width and shall be at least three inches high. See example.

[Statutory Authority: RCW 46.80.140 and 46.79.080. 82–12–038 (Order DOL 684), § 308–61–420, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79–10–010 (Order 552–DOL), § 308–61–420, filed 9/7/79; Order MV 174, § 308–61–420, filed 10/19/73.]

WAC 308–61–430 Scrap processor––Procedures for acquiring vehicles for demolition. (1) **Supporting acquisition.** A scrap processor may acquire vehicles for demolition if the transferor can furnish proof of ownership, 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 state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed scrap processor:

(a) **Private persons.** Acquisition from private persons may also be supported by affidavits of lost or stolen title and authorizations to dispose.

(i) Affidavit of lost or stolen title.

(ii) Authorization to dispose.

(b) **All licensees other than wreckers.** Acquisition from licensees other than wreckers may also be supported by one of the following:

(i) Affidavit of lost or stolen title.

(ii) Authorization to dispose.

(iii) Affidavit of sale.

(iv) Invoice or bill of sale from wrecker.

(c) **Licensed vehicle wreckers.** Acquisition from wreckers licensed by the department do not require the detailed supporting documentation otherwise required, provided that the wrecker has made monthly reports of vehicles wrecked or dismantled, or acquired for such purpose, and has provided an invoice or bill of sale listing each vehicle in the load to be purchased by "yard number." The scrap processor should verify that he is dealing only with currently licensed wreckers; for this purpose, the department will provide lists of licensed wreckers to scrap processors periodically.

(2) **Out–of–state vehicles.** (a) Scrap processors may acquire vehicle salvage from out of state provided that the acquisition is supported by appropriate documentation of ownership of each vehicle of the types enumerated in subsection (1); or

(b) Submit an affidavit prepared by the out–of–state hauler certifying his rightful and true possession of the vehicles contained in the bulk shipment and that he has complied with all statutes, rules and regulations relating to such vehicles in the state or province of origin. [Statutory Authority: RCW 46.79.080. 79–10–010 (Order 552–DOL), § 308–61–430, filed 9/7/79; Order MV 174, § 308–61–430, filed 10/19/73.]

WAC 308–61–440 Scrap processor––Procedures for monthly reports. (1) **Must maintain books and files.** (a) The scrap processor shall maintain books and files of all vehicles acquired other than from a wrecker which shall contain the following:

(i) A description of each vehicle acquired by make, model, year and vehicle identification number;

(ii) The date acquired, name of the person, firm or corporation from which obtained, and the wrecker license numbers if such person is licensed as a wrecker by the department;

(iii) A description of the document evidencing ownership, and if a certificate of title or registration, the title or registration number; and

(iv) The license plate number and name of state in which vehicle was last registered.

(b) For all vehicles acquired from a licensed wrecker, a copy of the wrecker's invoice or bill of sale shall suffice as the record of acquisition and demolition.

(c) Such records shall be maintained for three years and shall be subject to periodic inspection by authorized representatives of the department and appropriate law enforcement officers.

(2) **Must furnish written reports.** By the tenth of the month following acquisition of vehicles or hulks for demolition, each scrap processor shall submit a report, on the form provided by the department, listing each vehicle or part thereof, whether or not such vehicles have been demolished. This report shall be made in duplicate, retaining the duplicate for the scrap processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) above, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he acquires vehicles for salvage from than wreckers licensed by the department. The receipts for license plates surrendered to the department, as required by subsection (4) of WAC 308–61–420, shall also accompany the monthly reports. [Statutory Authority: RCW 46.79.080. 79–10–010 (Order 552–DOL), § 308–61–440, filed 9/7/79; Order MV 174, § 308–61–440, filed 10/19/73.]

WAC 308–61–450 Scrap processor––Grounds for denial, suspension, revocation––Unlawful practices. In addition to RCW 46.79.070 and WAC 308–61–050, a scrap processor's license may be denied, suspended or revoked whenever the director has reason to believe that the scrap processor or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Engaging in any activity relative to vehicles which is not included in RCW 46.79.010 (3) and (5);

(2) Acquiring vehicles for salvage without appropriate evidence of ownership.

(3) Acquiring vehicles for salvage other than from the legal owner of record, any agency of government, an owner of private property on which the vehicle was abandoned, or a person holding a valid license issued by the department.

(4) Acquiring, having in his possession, or demolishing a vehicle or part thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner. [Statutory Authority: RCW 46-.79.080. 79-10-010 (Order 552-DOL), § 308-61-450, filed 9/7/79; Order MV 174, § 308-61-450, filed 10/19/73.]

Chapter 308-62 WAC
PROCEDURE FOR TAKING CUSTODY OF UNAUTHORIZED VEHICLES

WAC

308-62-010 Definitions.
308-62-020 Specifications and standards for approved signs.
308-62-030 Filing of fee schedules with department.

WAC 308-62-010 Definitions. (1) Approved sign – means a sign meeting the specifications and requirements for signs required to be posted pursuant to RCW 46.52.1192 which are set out in WAC 308-62-020.

(2) Authorized designee – for the purposes of this chapter means a person who provides reasonable evidence of identity and provides written authority, or other reasonable evidence of authority, from the registered or legal owner of a specific and clearly identifiable vehicle to act as the owner's agent to receive possession of such vehicle.

(3) Department – means the state of Washington, department of licensing.

(4) Director – means the director of the state of Washington, department of licensing.

(5) Family residential property – means a unit of property, or contiguous unit, of property of common ownership, used solely for residential purposes.

(6) Fee schedule – means a detailed listing made upon a form obtained from the department of all of the fees charged by a towing firm which removes vehicles from private property pursuant to RCW 46.52.119 or 46.52-.1192 for each act or service rendered incident to the removal or storage of such vehicles.

(7) Registered abandoned disposer – means a towing operator or garagekeeper registered with the department pursuant to RCW 46.52.108.

(8) Towing firm – means a towing operator who or which provides removal service for unauthorized vehicles.

(9) Unauthorized vehicle – means a vehicle left on the property of another without the consent of the owner, or the person who has possession or control of that property. [Order 473-DOL, § 308-62-010, filed 12/30/77.]

WAC 308-62-020 Specifications and standards for approved signs. No person shall tow, remove, impound or otherwise disturb any motor vehicle, other than an abandoned vehicle defined by RCW 46.52.102 which may be parked, stalled, or otherwise left on private property, other than family residential property, owned or controlled by such persons, unless there has been previously posted on or near the property in a clearly conspicuous location or locations an approved sign or signs conforming to the following requirements:

(1) Signs shall clearly indicate that unauthorized cars left upon the property will be towed away; and

(2) Signs shall set out the name of the towing firm which will be called to remove unauthorized vehicles from the property and both the telephone number of the towing firm which one may call, and the address of the towing firm to which one may go, each on a twenty-four hour a day basis, to obtain release of the vehicle; and

(3) Signs shall be placed at each driveway entrance to the property so as to be clearly visible and wholly readable to any person entering the property in a motor vehicle: *Provided*, That where a property has more than three driveway entrances, such signs need be placed only at the three driveway entrances most heavily used by vehicles coming onto the property but only if such signs have also been placed at conspicuous locations upon the property itself in such a manner that they may be easily seen and read by most persons parking vehicles upon the property; and

(4) Signs must comply with any applicable zoning codes and planning requirements of local government. [Order 473-DOL, § 308-62-020, filed 12/30/77.]

WAC 308-62-030 Filing of fee schedules with department. Fee schedules required to be filed with the department by towing firms under RCW 46.52.1194 (1)(a) shall be filed and must be actually received in the Office of the Administrator, Dealer and Manufacturer Control, Department of Licensing, Second Floor, Highways-Licenses Building, Olympia, Washington 98504, and conspicuously posted for public inspection at the location of the towing firm from which the release of unauthorized vehicles may be obtained, as required by RCW 46.52.1194 (1)(b), prior to the effective date of the initiation of those fees. No charges shall be made for removal and storage of unauthorized vehicles, or for related services, unless the fee schedule supporting those charges is on file with the department and so posted. Fee schedules shall be filed with the department and posted upon a form obtained from the department, which shall be designed to fully disclose and detail all charges made for such services. [Order 473-DOL, § 308-62-030, filed 12/30/77.]

Chapter 308-66 WAC
MOTOR VEHICLE DEALERS AND SALESMEN

WAC

308-66-110 Definitions.
308-66-120 Dealer's license application.
308-66-130 Salesman's license application.

308-66-140	Place of business and places of business.
308-66-150	Unlawful practices.
308-66-155	Consignment.
308-66-160	Dealer's license plates.
308-66-170	Denial, suspension or revocation of license.
308-66-180	Record of transactions.
308-66-190	Transfer of certificate of title by dealer.
308-66-195	Possession of certificates of title.
308-66-200	Transfer of vehicle to another dealer.
308-66-210	Statement of change in business structure, ownership interest or control.
308-66-211	Termination of business.
308-66-212	Sale, transfer or other disposition of noncorporate licensee.
308-66-213	Partial sales transfer or disposition of noncorporate licensee.
308-66-214	Incorporation of licensee while licensed.
308-66-215	Mergers and consolidations of corporations.
308-66-220	Display of vehicles by combination wrecker-dealer.
308-66-230	Titles—Combination tow truck operator-dealer.

WAC 308-66-110 Definitions. For the purpose of administering chapter 46.70 RCW, the following terms shall be construed in the following manner:

(1) "Offering" the sale of a vehicle shall include the distribution by any means of a list, with or without prices, of vehicles for sale.

(2) "Soliciting" the sale of a vehicle shall include an offer to effect the purchase or sale of a vehicle on behalf of another person.

(3) "Normal business hours" or "reasonable times" shall include, but not be limited to, the hours from 10:00 a.m. through 4:00 p.m. for five days each week. All hours during which the place of business is open for the purpose of bartering, trading or selling vehicles are normal business hours or reasonable times as long as the dealer is open for business at regular intervals. Whenever a dealer closes his place of business during normal business hours, a sign must be posted on the main door of the business stating the time that he will next be open for business or where he may be contacted.

(4) An "employee" of a dealer is one who is paid compensation for a minimum of sixteen hours each week and/or appears on the record of an employer as an employee for whom social security, withholding tax, and all deductions required by law have been made.

(5) A "bona fide full time employee" is one that is employed by the dealer for a minimum of thirty-five hours a week and appears on the records of an employer as an employee for whom social security, withholding tax, and all deductions required by law have been made.

(6) A "broker" shall mean any person, partnership, corporation, or association acting independently, who for a commission, fee or any other form of compensation arranges or engages in the wholesale or retail purchase, sale or lease with option to purchase, of a vehicle.

(7) An "employee identification card" is a card that may be issued by a licensed dealer to an employee, identifying such employee as being in the employ of such dealer. The department will issue blank identification cards to licensed dealers on request.

(8) A "demonstration permit" is a permit issued by a dealer to a prospective customer entitling the prospective customer to operate a particular vehicle for demonstration purposes.

(9) Current service agreement – The agreement between a vehicle manufacturer or vehicle distributor and a seller, stipulating that the seller will provide warranty adjustments for the owners of said manufacturer's or distributor's new vehicles which qualify for adjustments under the said manufacturer's or distributor's warranty.

(10) New vehicle warranty – The warranty extended by a manufacturer or distributor to the first retail purchaser. [Order MV 170, § 308-66-110, filed 7/16/73; Order 70-08-04, § 308-66-110, filed 8/6/70; Order 69-1, § 308-66-110, filed 8/28/69; Order 2, § 308-66-110, filed 1/29/68.]

WAC 308-66-120 Dealer's license application. (1) Each application shall contain in addition to the information required by RCW 46.70.041:

(a) The names and addresses of all owners of ten percent or more of the assets of the firm and the names and addresses of managing employees;

(b) The name and address of the principal place of business of the firm;

(c) The names and addresses of each and every subagency of the firm, if any;

(d) A current balance sheet of assets and liabilities which shall have been prepared within ninety days of its submission;

(e) A statement of whether or not the applicant or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee, was the holder of a license issued pursuant to chapter 46.70 RCW which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(f) A detailed list of all dealerships previously operated by each person named on the application and with which each person presently or was formerly connected or employed.

(2) An applicant shall appear for a personal interview if requested by the department.

(3) A dealer's license issued to a corporation entitles three of the corporate officers to sell without obtaining a salesman's license. The corporate officers so designated shall be named as individuals on the dealer's bond in addition to the name of the corporation appearing on the bond. All other corporate officers or employees who are engaged in sales activities shall be licensed as salesmen.

(4) The department may require a credit report for each party named on each application for a dealer's license. [Order MV 170, § 308-66-120, filed 7/16/73; Order 70-08-04, § 308-66-120, filed 8/6/70; Order 69-1, § 308-66-120, filed 8/28/69; Order 2, § 308-66-120, filed 1/29/68.]

WAC 308-66-130 Salesman's license application. (1) An applicant shall appear for a personal interview if requested by the department.

(2) A newly employed salesman may begin work for a dealer as soon as his application for salesman's license has been completed and mailed to the department. A dealer shall retain a copy of the application and a record

of the date of mailing of the original. This copy shall be posted in a conspicuous place in the premises of the dealer as a temporary authorization to sell and until such time as it can be replaced by the license itself. The temporary authorization is cancelled as of the date the dealer receives notice that a salesman's application for license has been denied.

(3) The department may require a credit report for each applicant applying for a salesman's license. [Order MV 170, § 308-66-130, filed 7/16/73; Order 70-08-04, § 308-66-130, filed 8/6/70; Order 2, § 308-66-130, filed 1/29/68.]

WAC 308-66-140 Place of business and places of business. (1) A dealer shall advise the department of each and every:

(a) Name under which the firm does business, and

(b) Location at which the firm does business.

If there is any addition, deletion or change in the above, the dealer shall so inform the department within ten days of such action.

(2) If a dealer does business and maintains places of business in more than one county, he shall obtain a separate principal license with appropriate bond in each county.

(3) A dealer shall designate one name and one location in each county as set forth in subsection (1) as the principal name and principal place of business of the firm.

(a) 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;

(b) All other names shall be designated and licensed as subagencies of that dealership;

(c) If a dealer is required to obtain a subagency license under (3)(a) of this section, he shall not be required to obtain an additional subagency license under (3)(b) of this section, unless he does business under more than one name at that location;

(d) All subagencies shall be covered by the bond of the dealership.

(4) The director shall fail to renew, suspend, or revoke a subagency license of a dealership if the dealer ceases to maintain "an established place of business" at that subagency location.

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

(6) 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. [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 308-66-150 Unlawful practices. (1) Examples of unlawful acts or practices, as defined by RCW 46.70-.180 (1)(a) shall include but not be limited to representations such as "no down payment," "a dollar down," "five dollars down," "take-over payments," and "no cash needed," and others of similar nature if either secondary financing or initial payment of any amount in excess of that represented is required from the purchaser. A dealer's plan to have all or a portion of the selling price financed by a third party does not relieve him of his obligation to refrain from this prohibited type of advertising.

(2) Examples of unlawful acts or practices as defined by RCW 46.70.180 (1)(b), shall include but not be limited to representations such as "one hundred percent financing" if the terms of the purchase involve more than one security agreement and payments to more than one financing institution. When collateral in addition to the vehicle is required, it shall be listed on the security agreement containing the vehicle's description, not on a separate agreement. If a dealer advertises "collateral financing" or that collateral will be required, the dollar value of the required collateral shall be stated in the advertisement.

(3) It shall be considered misleading within the meaning of RCW 46.70.180(1) to advertise with words, phrases or initials not easily seen and comprehended by persons other than those closely allied with the vehicle industry, for example, the initials: "o.a.c.," or "c.f." or "f.o.b.," without explaining the meaning thereof within the same advertisement or instrument. The word "reprocessed" shall not be used unless the vehicle has actually been rebuilt in a factory-type process.

(4) It shall be considered false or deceptive within the meaning of RCW 46.70.180(1):

(a) To advertise a used vehicle for sale that is not available.

(b) To advertise a new vehicle as available for immediate delivery if it is available only on order.

(c) To sell a particular vehicle at a higher price than advertised.

(i) The only addition to the advertised price shall be the selling price of additional equipment ordered by the purchaser, sales tax, and license fees.

(ii) "Additional equipment ordered by the purchaser" shall not include options installed on the vehicle at the time of advertising.

(iii) "Advertised price" shall not be expressed as a combination of

(A) Dollar figures and words, or

(B) Dollar figures and dollar figures unless the total dollar figure is expressed.

(d) To advertise that "any deal will be accepted" or words to that effect.

(e) To cause an advertisement to be placed by a dealer or salesman that does not identify the dealer by his complete business name, or by the word "dealer."

(f) For a dealer to incorporate in his name any term or designation which would have a tendency to mislead others as to the true nature of the business, such as the

use of "wholesale," when a dealer's business is substantially retail; or "discount," when the price and policy of a dealer does not provide actual discounts.

(g) To advertise a not–new vehicle manufactured less than two years prior to the date of the advertisement without designating the vehicle as "used," "demo," or "demonstrator." For purposes of adequate disclosure, the appropriate quoted term must be employed. Other descriptive words, such as "executive," "lease," "rental," may be used in conjunction therewith, but not so as to create ambiguity as to whether a said vehicle is new, is used, or is a demonstrator.

(h) To advertise a specific price for a model or type of vehicle without:

(i) Designating the number of vehicles available at that price, and

(ii) Clearly identifying the vehicles available by vehicle identification number or license plate number.

Provided, however, That a dealer need not designate the number available or identify the vehicles available if, in fact, an unlimited supply of such vehicles are available for immediate delivery.

(5) It shall be considered false, misleading and deceptive for the seller to act or fail to act in violation of any disclosure provision of Title I of the "Federal Consumer Credit Protection Act" [P.L. 90–321, 82 Stat. 146, 15 USC 1601], popularly known as the "Truth in Lending Act," or in violation of the regulations prescribed by the Board of Governors of the Federal Reserve System to carry out the purposes of that title [12 CFR 226], or in violation of chapter 63.14 RCW, "Retail Installment Sales of Goods and Services."

(6) It shall be considered false, deceptive, or misleading within the meaning of RCW 46.70.180(1) to advertise in violation of any of the following provisions:

(a) No advertisement to aid, promote, or assist directly or indirectly any extension of credit may state:

(i) That a specific amount of credit or installment amount can be arranged unless the creditor usually and customarily arranges or will arrange credit amounts or installments for that period and in that amount; or

(ii) That no down payment or that a specified down payment will be accepted in connection with any extension of credit unless the creditor usually and customarily accepts or will accept down payment in that amount.

(b) No advertisement to aid, promote, or assist directly or indirectly any credit sale of a vehicle shall state:

(i) The rate of a finance charge unless it states the rate of that charge expressed as an "annual percentage rate," using that term.

(ii) The amount of the down payment required or that no down payment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items:

(A) The cash price or the amount of the loan, as applicable.

(B) The amount of the down payment required or that no down payment is required, as applicable.

(C) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(D) The amount of the finance charge expressed as an annual percentage rate.

(E) The deferred payment price or the sum of the payments, as applicable.

(c) No advertisement for the lease of a vehicle containing an option to purchase in which one of the following is used shall be made unless all of the following are disclosed:

(i) The full term of the lease,

(ii) The amount of each lease payment,

(iii) The number of lease payments,

(iv) The total amount of lease payments, and

(v) The residual balance due at the end of the lease necessary to purchase the vehicle.

(d) No advertisement to aid, promote or assist directly or indirectly in providing financing for a residual balance may be used unless it contains all the items required by (b).

(7) It shall not be considered unlawful under the provisions of RCW 46.70.180 (7)(f) for a vehicle manufacturer to provide under the terms of any warranty that a purchaser of a vehicle must make warranty claims against only the manufacturer of an integral part of a vehicle if the manufacturer of that integral part has assumed a direct warranty obligation thereon to the purchaser and does, in fact, provide facilities or agencies within the states of Washington, Oregon or Idaho to discharge such warranty obligation.

(8) No manufacturer need make reimbursement under RCW 46.70.101 (3)(j) except to dealers selling its product at retail or to the dealers holding units purchased from the manufacturer for resale at retail: *Provided, however,* That if the warranty agreement between the dealer and the manufacturer requires prior approval by the manufacturer, such approval must be given within a reasonable time and in no event later than ten days, except in emergency situations where the life, health, or safety of the occupant or owner requires immediate action. [Order MV–446, § 308–66–150, filed 9/16/77; Order MV 170, § 308–66–150, filed 7/16/73; Order 70–08–04, § 308–66–150, filed 8/6/70; Order 69–1, § 308–66–150, filed 8/28/69; Order 2, § 308–66–150, filed 1/29/68.]

WAC 308–66–155 Consignment. (1) **Definitions.**

(a) "Consignment" shall mean an arrangement whereby a motor vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.

(b) "Consignee" shall mean a vehicle dealer who accepts delivery or to whom a motor vehicle is entrusted for the purpose of sale on behalf of another.

(c) "Consignor" shall mean a person who delivers or entrusts a vehicle to a dealer for the purpose of sale.

(2) **Contract.**

(a) It shall be considered an unlawful practice within the meaning of RCW 46.70.180 for a vehicle dealer to

accept any vehicle on consignment without first reducing the consignment to writing.

(b) *Minimum information required for consignment contracts.*

(i) The names of the parties to the contract including the identity of the legal owner.

(ii) A statement by the consignor indicating the location of the title and the unpaid balance of the vehicle, if any.

(iii) The date of the consignment agreement.

(iv) The specific effective duration of the contract.

(v) The agreed upon price which the consignor will receive for his vehicle.

(vi) The description of the consigned vehicle, by make, model, vehicle identification number, and license number.

(vii) The signatures of the parties to the contract.

(viii) If no price has been specified in (v) above, then the minimum retail price and the commission, fee, or compensation to which the vehicle dealer will be entitled upon the sale of the consigned vehicle.

(3) In the event the dealer-consignee and the consignor shall deem it appropriate to vary the terms of the written contract, the dealer-consignee shall obtain written authorization from the consignor prior to the sale of the subject vehicle.

(4) **Requirements for selling consigned vehicles.**

(a) All funds received, including deposits or payments in full or proceeds from the sale of trade-ins, shall be placed in a trust account as required under WAC 308-66-150(7), and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied as provided in the consignment agreement. It shall be considered an unlawful practice for a vehicle dealer or salesman to commingle funds received on a consigned vehicle with the assets of the dealer and the salesman until all terms of the agreement have been completed.

(b) The amount due a consignor after the sale of the consigned vehicle shall be paid by the consignee immediately where title has been delivered to the purchaser, and in all cases shall be paid within ten days.

(c) The consignor shall receive a copy of the purchase order used to complete the sale at the time the funds are remitted where the sale has been on a fee or commission basis.

(5) **Consignee's duty to transfer title.**

(a) The sale of consigned vehicles imposes the same duty under RCW 46.12.120 to consignee as any other sale.

(b) Prior to accepting a vehicle for consignment and offering if for sale, it shall be the duty of the consignee to verify or confirm the title location. Failure to do so shall be considered an unlawful and deceptive practice under RCW 46.70.180(1). [Order MV-352, § 308-66-155, filed 3/4/76.]

WAC 308-66-160 Dealer's license plates. (1) When dealer's plates are used on any vehicle being demonstrated to a prospective customer, it is not necessary that the dealer or a member of his firm accompany the prospective customer except as provided in RCW 46.70.090. Prospective customers, when not accompanied by a dealer or member of his firm, shall be issued a demonstration permit by the dealer authorizing them to operate the vehicle for a period not to exceed seventy-two hours for the purpose of demonstration and possible purchase.

(2) When a dealer receives a vehicle bearing foreign license plates, such plates shall be covered by the dealer's plates while that vehicle is being demonstrated. Upon the sale of the vehicle, the foreign plates shall be removed by the dealer prior to the delivery of the vehicle. Foreign plates so removed shall be turned in to the Washington state patrol or to the department or to the license agent at the time of obtaining Washington plates for the vehicle. When a foreign-plated vehicle is sold to a resident of the state whose plate is so displayed on the vehicle and the purchaser returns the vehicle immediately to his home state for use there and not in Washington, the dealer may deliver the vehicle with foreign plates attached if either one of two conditions is also met. The conditions are: (a) The purchaser must have applied to his home state's vehicle licensing authority to register the vehicle in his own name, or

(b) The purchaser must have obtained a one-transit permit to move the vehicle from the dealer's place of business to his own state.

(3) An employee of a dealer shall carry an employee identification card when operating any vehicle bearing dealer's plates.

(4) Dealer's plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) Dealer's plates may not be used on any vehicle owned by the dealer if such vehicle is used exclusively by members of the dealer's family.

(6) Vehicles bearing dealer's plates may not be loaned to the dealer's service customers.

(7) Dealers are required to provide reasonably accurate records reflecting the use of dealer plates. [Order MV 170, § 308-66-160, filed 7/16/73; Order 70-08-04, § 308-66-160, filed 8/6/70; Order 69-1, § 308-66-160, filed 8/28/69; Order 2, § 308-66-160, 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 or an application has been denied, 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 denial, 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 written permission from an authorized representative of the director.

(2) When the license of a vehicle salesman has been suspended or revoked, the dealer by whom the salesman has been employed, shall remove the salesman's license

from display and surrender it promptly to the department. Upon suspension or revocation the salesman shall surrender his pocket copy of his license promptly to the department. When the terms of a suspension have been fulfilled, the wall and pocket copies of the salesman's license shall be returned to the salesman at his place of employment.

(3) Practices inimical to the health and safety of the citizens of the state of Washington pursuant to RCW 46.70.101 (3)(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 state commission on equipment pursuant to RCW 46.37.005, Title 204 Washington Administrative Code;

(e) "Mobile homes, trailer coaches, and recreational vehicles," chapter 296-48 Washington Administrative Code;

(f) Housing and Community Development Act of 1974, Public Law 93-383, Title VI Mobile Home Construction and Safety Standards, Sec. 603, Sec. 604, Sec. 610, Sec. 615, Sec. 616 and Sec. 617. [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.]

WAC 308-66-180 Record of transactions. (1) The record of purchase and sale of vehicles maintained by a dealer shall, where applicable, consist of:

(a) The license and title numbers of the state in which the vehicle was last registered;

(b) A description of the vehicle, which shall include those items of description required on the Washington application for title;

(c) The name and current address of the person from whom purchased, including the last legal owner;

(d) The name and current address of the purchaser;

(e) The Washington license plate number assigned to the vehicle upon transfer;

(f) The name and dealer license number of the selling or purchasing dealer on each wholesale transaction;

(g) The odometer reading on the vehicle at the time the vehicle was obtained by the dealer, which may consist of the notice received by the dealer from his transferor pursuant to 49 Code of Federal Regulations, part 580;

(h) The hardback copy of the temporary license permit after the permanent license plates have been provided to the purchaser, if the vehicle is delivered on such permit issued by the dealer.

(2) The record of purchase and sale of the vehicle shall be maintained on all transactions whether at retail or wholesale. [Order MV 170, § 308-66-180, filed 7/16/73; Order 2, § 308-66-180, filed 1/29/68.]

WAC 308-66-190 Transfer of certificate of title by dealer. (1) When a vehicle displaying current Washington plates is sold by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within ten days following the sale of the vehicle.

(2) The dealer shall in every case sign or type his name on the certificate of title accompanying the transfer. If an authorized agent signs for the dealer, he shall give his title.

(3) The name and address of the previous registered owner shall be shown on the application for transfer of title.

(4) The dealer shall insert the odometer mileage reading on title applications as required by RCW 46.12-.120. [Order MV 170, § 308-66-190, filed 7/16/73; Order 2, § 308-66-190, filed 1/29/68.]

WAC 308-66-195 Possession of certificates of title. (1) A vehicle dealer shall have possession of a separate certificate of ownership for each used vehicle kept in his possession unless that certificate is in the possession of the person holding a security interest in the dealer's inventory.

(2) Each title shall be in the dealer's own name or in the name of the dealer's immediate vendor properly assigned.

(3) If there is a lienholder on any vehicle acquired by the dealer, the dealer shall obtain possession of the title by paying off any balance due to the lienholder no later than the close of the second business day following the date of acquisition of the vehicle by the dealer. [Order MV 170, § 308-66-195, filed 7/16/73.]

WAC 308-66-200 Transfer of vehicle to another dealer. When a dealer sells a vehicle to a second dealer, the first dealer shall fill out a dealer-to-dealer report of sale or a release of interest, attach to the certificate of title and deliver to the second dealer. The second dealer shall complete the dealer's report of sale on the application for transfer to the subsequent owner. When more than two dealers are involved, each dealer shall complete a dealer-to-dealer form or a release of interest except the final dealer who sells to a retail purchaser. The final dealer shall complete the dealer's report on the application for transfer. [Order MV 170, § 308-66-200, filed 7/16/73; Order 2, § 308-66-200, filed 1/29/68.]

WAC 308-66-210 Statement of change in business structure, ownership interest or control. (1) Any person, firm, association, corporation or trust licensed as a dealer under RCW 46.70.021 must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, majority stockholders,

managing partners or trustees, must file within ten days of assuming such function an application and a legal and financial history.

(2) Any person, firm, association, corporation or trust licensed as a vehicle manufacturer pursuant to chapter 46.70 RCW shall advise the department within ten days of the change and/or addition to:

(a) The business structure of the licensee;

(b) The mailing address of a licensee;

(c) The name and address of employees or agents designated pursuant to RCW 46.70.041 and 46.70.101 to provide service or repairs to vehicles located within the state of Washington. If the licensee requires warranty service to be performed by all of its dealers pursuant to current service agreements on file with the department, it need not advise the department of changes in its lists of dealers.

(3) Any and all changes affecting the applicability of a bond, if posted, shall be reflected by appropriate endorsement to such bond. [Order MV 170, § 308-66-210, filed 7/16/73; Order 70-08-04, § 308-66-210, filed 8/6/70; Order 69-1, § 308-66-210, filed 8/28/69; Order 2, § 308-66-210, filed 1/29/68.]

WAC 308-66-211 Termination of business. A dealer or a manufacturer who terminates his business shall return his license and special license plates to the department for cancellation within ten business days of such termination, except as provided in RCW 46.70.081. [Order MV 170, § 308-66-211, filed 7/16/73; Order 70-08-04, § 308-66-211, filed 8/6/70.]

WAC 308-66-212 Sale, transfer or other disposition of noncorporate licensee. Upon the sale, transfer or other disposition of fifty percent or more of the ownership interest in a noncorporate licensee:

(1) A rider to the bond revealing the change in ownership shall be filed with the department.

(2) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(3) The former owner must turn into the department his special license plates. The new owner or transferee must purchase new plates in his own name. [Order MV 170, § 308-66-212, filed 7/16/73; Order 70-08-04, § 308-66-212, filed 8/6/70.]

WAC 308-66-213 Partial sales transfer or disposition of noncorporate licensee. When a licensee transfers less than fifty percent of the ownership interest in a noncorporate licensee to a person not licensed at the licensee's place of business:

(1) A rider to the bond revealing the change in ownership shall be filed with the department.

(2) A new application reflecting the change in ownership must be filed. The parties thereto shall be considered temporarily licensed until renewal or denial of the application and no additional fee will be required. Upon renewal of the license an original application and fee will be required.

(3) The special license plates issued to the original licensee may continue to be used. The same license number may be retained upon renewal if requested. [Order MV 170, § 308-66-213, filed 7/16/73; Order 70-08-04, § 308-66-213, filed 8/6/70.]

WAC 308-66-214 Incorporation of licensee while licensed. A licensee which incorporates while licensed:

(1) Shall file an application for an appropriate license.

(2) Shall file a new bond with the department.

(3) If the transfer involves a change in the business structure only and does not involve the transfer of fifty percent or more of the ownership interest in the firm, the corporation may be considered temporarily licensed until the end of the licensing period or until the application is denied, and during such period:

(a) No additional fees will be required until renewal, at which time an original application for license and fee will be required.

(b) The same special license plates may be used until renewal. The firm may request the preincorporation license number upon renewal. [Order MV 170, § 308-66-214, filed 7/16/73; Order 70-08-04, § 308-66-214, filed 8/6/70.]

WAC 308-66-215 Mergers and consolidations of corporations. The merger or consolidation of an incorporated licensed firm with a nonlicensed corporation shall be governed by the provisions of WAC 308-66-212 except that a new bond must be filed. Where, in the case of merger, the incorporated licensed firm becomes the surviving corporation, the department may waive WAC 308-66-212(3). [Order MV 170, § 308-66-215, filed 7/16/73; Order 70-08-04, § 308-66-215, filed 8/6/70.]

WAC 308-66-220 Display of vehicles by combination wrecker-dealer. A dealer who is also an auto wrecker shall keep vehicles held for resale physically separated from vehicles which have been or are to be dismantled for parts. Vehicles not in running condition will be considered as part of the wrecking operation and are to be stored within the fenced wrecking area. [Order 70-08-04, § 308-66-220, filed 8/6/70; Order 2, § 308-66-220, filed 1/29/68.]

WAC 308-66-230 Titles--Combination tow truck operator-dealer. A dealer who is also a tow truck operator, must obtain a title in his own name for all motor vehicles held in his inventory which he has obtained as a result of a registered disposer of abandoned vehicle sale conducted in accordance with chapter 46.52 RCW. A vehicle sold directly to a purchaser at the time the registered disposer of abandoned vehicle sale was originally conducted, need not be titled in the dealer's name before making an application for title for the purchaser. [Order 69-1, § 308-66-230, filed 8/28/69; Order 2, § 308-66-230, filed 1/29/68.]

Chapter 308–72 WAC
MOTOR VEHICLE FUEL TAX

WAC

308–72–500 Motor vehicle fuel.
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308–72–650 Refunds to dealer delivering fuel exclusively for marine use.
308–72–660 Power take–off use.
308–72–670 Auxiliary engines.
308–72–680 Gasoline lost or destroyed.
308–72–690 Special rules and requirements for fuel tax refunds.
308–72–700 Use tax.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–72–010, 308–72–020, 308–72–030, 308–72–040, 308–72–050, 308–72–060, 308–72–070, 308–72–080, 308–72–090, 308–72–100, 308–72–110, 308–72–120, 308–72–130, 308–72–140, 308–72–150, 308–72–160, 308–72–170, 308–72–180, 308–72–190, 308–72–200, 308–72–210, 308–72–220, 308–72–230, 308–72–240, 308–72–250, 308–72–260, 308–72–270, 308–72–280, 308–72–290, 308–72–300, 308–72–310, 308–72–320, 308–72–350, 308–72–355, 308–72–360, 308–72–365, 308–72–370, 308–72–375, 308–72–380, 308–72–385, 308–72–390. [Regulation I thru XI, § 308–72–010 thru 308–72–320 and 308–72–350 thru 308–72–390, filed 3/23/60.] Repealed by Order 107MV, filed 9/10/71.

WAC 308–72–500 Motor vehicle fuel. "Motor vehicle fuel" means any product commonly or commercially sold as gasoline, including natural, absorption, casing head and drip gasoline, regardless of their classification or uses and any other inflammable liquid which is usable for propelling motor vehicles: *Provided, however,* The term "motor vehicle fuel" shall not include kerosene, diesel or stove oil, liquefied petroleum gas, paint thinner, cleaning solvents, chemical additives, or products specifically prepared and sold for use in aircraft engines. The blending of such products or any other product or chemical with gasoline or any other inflammable liquid and the resultant product is sold or used for the propulsion of motor vehicles shall constitute a distribution of motor vehicle fuel to which the motor vehicle fuel tax applies. [Order 107MV, § 308–72–500, filed 9/10/71.]

WAC 308–72–510 Property statement in lieu of bond. A property statement in lieu of a corporate surety bond or lawful money of the United States, or bonds or other obligations of the United States, the state of Washington or any county of the state may be filed by a licensed distributor, provided, the statement sets forth a complete description of property, the value thereof, and the amount of any indebtedness or encumbrance thereon. The net value of the property shall be equal to or greater than twice the estimated monthly tax due or to become due as determined in such manner as the director deems proper. A revised or amended property statement shall be furnished by the licensed distributor when the value of the property described on a property statement that has been accepted by the director is known to be less than twice the estimated monthly tax. A property statement that has been accepted by the director shall be revised and brought up–to–date every three years or sooner if requested by the director. [Order 107MV, § 308–72–510, filed 9/10/71.]

WAC 308–72–520 Reports. Every licensed distributor and every person licensed as "other than a distributor" shall on or before the twenty–fifth day of each month, file:

(1) A signed statement of the gallons of motor vehicle fuel sold, distributed, and used; the gallons sold or distributed which are exempt or deductible in the computation of the tax; the net taxable gallons and the amount due the state during the preceding calendar month. A person licensed as "other than a distributor" shall compute the tax on the gallonage otherwise taxable. A remittance to cover the amount of excise tax due shall accompany the report.

(2) A summary of all motor vehicle fuel transactions resulting in sales, distribution and use or in an increase or decrease of stock in licensed bulk storage plants in this state each month.

(3) Such schedules as are necessary to completely explain and support the entries on the statement and summary. Machine tabulated data will be accepted if prepared in the same format as required for manually prepared schedules. The Motor Vehicle Fuel Report Procedures will serve as a guide in preparing the supporting schedules and other documents.

(4) If the twenty–fifth day of the month falls on a Saturday, Sunday, or on a federal holiday for which the U.S. Post Office is closed, the report and tax will be filed or paid on or before the first succeeding day that is not a Saturday, Sunday, or holiday for which the U.S. Post Office is closed, without penalty or loss of rights of any kind. RCW 82.36.050 of the Washington law is explicit regarding the timely filing or receiving of the motor vehicle fuel tax report, tax payment and other data. [Order 474–DOL, § 308–72–520, filed 12/30/77; Order 107MV, § 308–72–520, filed 9/10/71.]

WAC 308–72–530 Import deliveries. (1) Motor vehicle fuel shipped into the state by a licensed distributor and delivered directly into unlicensed bulk storage or to customers in this state shall be reported as DIRECT SHIPMENT TO CUSTOMERS IN THIS STATE—IMPORTS.

(2) Motor vehicle fuel shipped into the state by a licensed distributor and delivered directly to another licensed distributor before such fuel passes through the delivering distributor's bulk storage plants in this state shall be reported as a DIRECT DELIVERY TO CUSTOMERS IN THIS STATE—IMPORTS by the delivering distributor. Exemption shall be claimed as a delivery in this state to another licensed distributor.

(3) Motor vehicle fuel shipped into the state by a licensed distributor and delivered directly into the distributor's bulk storage plant in this state shall be reported as STORAGE RECEIPTS FROM SOURCES OUTSIDE THE STATE. [Order 107MV, § 308-72-530, filed 9/10/71.]

WAC 308-72-540 Tax exempt transactions. (1) Exports. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To a customer at a point outside the state by means of equipment owned and operated or completely controlled by the licensed distributor.

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

(c) To another Washington licensed distributor at a destination outside the state. The delivering distributor shall claim exemption by reason of export and shall report such transactions in the same manner as an export to any other customer.

(d) To another Washington licensed distributor at a destination outside this state following a receipt from another licensed distributor in this state. The licensed distributor receiving the fuel in this state shall be deemed the exporter.

(e) To a buyer in an individual quantity of 500 gallons or less for export by the buyer provided that the licensed distributor is also licensed in and agrees to pay the applicable fuel tax to the state, territory or country of destination.

(f) Into the transportation equipment of a buyer or a common or contract carrier employed by the buyer if the buyer transports the fuel to a location in a foreign nation.

(2) United States armed forces and national guard. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

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

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

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

(d) Within the state in accordance with a credit or courtesy card issued to the United States armed forces or national guard by a licensed distributor provided that a delivery is made into the fuel tanks of ships operated by the United States armed forces or national guard.

(e) No exemptions shall be granted for motor vehicle fuel sold to contractors acting as agents of the United States armed forces or national guard for use in the performance of contracts with the United States armed forces or national guard.

(3) Deliveries to other licensed distributors. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel to another Washington licensed distributor in this state. [Order 107MV, § 308-72-540, filed 9/10/71.]

WAC 308-72-550 Tax exempt losses. (1) Motor vehicle fuel lost or destroyed in this state while being transported in the equipment of a licensed distributor or in the equipment of a common or contract carrier for a Washington licensed distributor shall be reported as taxable distribution. Credit for the tax may be taken when the licensed distributor or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost provided the documents in support of the loss are submitted to the director for approval. Acceptable proof of loss shall ordinarily be understood to consist of:

(a) An affidavit by a person having actual knowledge of the loss, setting forth the origin and destination of the shipment, the circumstances surrounding the loss, the exact quantity of fuel lost, the exact quantity of fuel salvaged, the disposition of the salvaged fuel, and the procedure used in the determination of the quantity of fuel lost;

(b) A signed statement by a state patrol officer or official witness to the loss;

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

(d) A statement by the licensed distributor establishing his ownership of the fuel at time of loss;

(2) Loss of ex-tax motor vehicle fuel which has been proven lost or destroyed prior to distribution from a licensed distributor's bulk storage plant is allowable. Affidavits or other documentary evidence substantiating losses shall be retained by the license distributor. Unproven losses shall be considered as distribution subject to tax.

(3) Exemption from the tax shall not be allowed on losses of tax-paid fuel, losses from unlicensed bulk storage plants, or losses from storage tanks which are connected to retail outlets. A refund of the tax may be allowed for tax-paid fuel lost or destroyed as provided in RCW 82.36.370.

(4) Charges for losses made to employees or agents of the licensed distributor or to other persons who fail to satisfactorily account for fuel shall be invoiced inclusive of tax.

(5) Other losses shall be accounted for and supported by proof which clearly established their validity. [Order 107MV, § 308-72-550, filed 9/10/71.]

WAC 308-72-560 Records--Distributors--Dealers--Brokers. (1) Every licensed distributor and every dealer and every broker shall maintain a complete stock summary of the gallons of motor vehicle fuel handled each month which reflects inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month;

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

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

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

(2) All receipts into storage and withdrawals from storage shall be recorded at the storage facility at which made. [Order 107MV, § 308–72–560, filed 9/10/71.]

WAC 308–72–570 Invoices. (1) Every licensed distributor and every broker shall issue an invoice at the time of each sale, distribution or use. An invoice is defined as: Any document evidencing the transfer of title to motor vehicle fuel and which must include:

(a) An imprinted serial number;

(b) The imprinted name of the distributor or broker;

(c) The name and address of the purchaser;

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

(e) The location of the point of shipment, in words;

(f) The place of delivery, in words, if different from shipping point;

(g) Customers truck or common carrier when delivered thereto;

(h) Name of product sold;

(i) The quantity, in gallons, of product sold;

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

(k) The statement "Ex Washington motor vehicle fuel tax" if exemption is claimed; and

(l) In the case of border or interstate sales where place of delivery may be different than purchaser's address, indicate, "state" where delivered, i.e., Washington delivery, Idaho delivery, Oregon delivery.

(2) Returns. When motor vehicle fuel is physically returned for credit from a customer other than a dealer (service station) the licensed distributor may claim credit for the tax if the original invoice is obtained from the customer and retained by the licensed distributor. When the number of gallons returned is less than the quantity sold and when the customer desires to file claim for refund of tax on the unreturned portion, the licensed distributor shall obtain the refund copy of the delivery invoice and retain it in the tax files. In such cases, a new invoice may be issued for the unreturned portion, making reference to the original date of delivery and invoice number. If the licensed distributor is unable to obtain the customer's original invoice when motor vehicle fuel is physically returned, the licensed distributor receiving the fuel may obtain permission from the director to claim credit for the tax without obtaining the original invoice after furnishing the name and address of the customer, name or location of the licensed distributor's station making the sale, date and number of the delivery invoice, gallons delivered and gallons returned.

An invoice used to record a returned sale or billing adjustment resulting in a credit, must be clearly identified as a credit invoice by means other than circling of figures.

When circumstances require an invoice prepared at the time of delivery to be replaced by another, the new document must include all of the pertinent information shown on the first document including the invoice number and date of transaction.

(3) Own use, taxable. Fuel used in motor vehicles or for other taxable purposes by a licensed distributor or his agent shall be supported by an invoice or usage report covering the total fuel used at a particular plant during the month. If motor vehicle fuel is acquired from another licensed distributor or a dealer, the invoice shall be retained in the licensed distributor's files and the purchase noted on the usage report.

(4) Own use, tax refundable. If motor vehicle fuel is used for a purpose subject to tax refund, the licensed distributor may claim credit for such use on the statement. In such case, the supporting invoices or usage report shall clearly indicate the use as well as the equipment in which used. [Order 107MV, § 308–72–570, filed 9/10/71.]

WAC 308–72–600 Tax refund. The Washington motor vehicle fuel tax law provides that any person who has purchased motor vehicle fuel (gasoline) and has paid the tax, either directly or indirectly, shall be entitled to a refund when such motor vehicle fuel is used for operating tractors, stationary gas engines, motor boats, cleaning, dyeing or other commercial use or when exported from the state, other than in fuel tanks of motor vehicles, and, under certain conditions, on fuel used in operating motor vehicles as explained in WAC 308–72–660. [Order 107MV, § 308–72–600, filed 9/10/71.]

WAC 308–72–610 Refund permit. Any person desiring to claim a refund of the motor vehicle fuel tax shall make application for a refund permit. The refund permit may be obtained before or at the time of filing a claim for refund. [Order 470–DOL, § 308–72–610, filed 12/30/77; Order MV 175, § 308–72–610, filed 10/24/73; Order 107MV, § 308–72–610, filed 9/10/71.]

WAC 308–72–620 Filing of claim. (1) A claim may be filed monthly, quarterly, annually or for whatever period of time the applicant desires except that such claim must be filed not later than the close of the last business day of a period thirteen months from the date of purchase of the motor vehicle fuel. The postmark date will be recognized as the date claim was filed.

(2) In all cases a claim shall be accompanied by the original (top copy) invoice or invoices issued to the claimant by the seller of the fuel. (For exception see subsection (5) of WAC 308–72–630.) All invoices of fuel purchased during the claim period including fuel purchased for licensed motor vehicles must be submitted with each claim.

(3) Individuals must sign their own claims. A partnership claim may be signed by any one of the partners. Claims of business firms or corporations must be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided. Claims should be made out in the same name as that shown on the invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, attach a letter of authorization signed by the person to whom the invoice was issued. [Order 107MV, § 308-72-620, filed 9/10/71.]

WAC 308-72-630 Invoice requirements, seller responsibility. (1) The seller of motor vehicle fuel is required to issue to each purchaser who claims to be entitled to a refund separate invoices for each purchase of fuel on invoice forms approved by the director. Each invoice must be the original issued at the time of purchase. An original invoice for the purpose of supporting a claim for refund of the motor vehicle fuel tax is the top copy of a set of invoices prepared simultaneously by hand or machine. Each invoice in support of a claim for refund must show:

(a) Name and address of the seller;

(b) Purchaser's name and address (invoices showing cash, boat number, equipment name or number, etc. will not qualify). Address not necessary on credit card invoices;

(c) Kind or type of fuel and number of gallons delivered;

(d) Complete date of sale (month, day and year).

(2) A single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by subsection (1): *Provided*, each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of said subsection (1) for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which tax is claimed as refundable and the nonrefundable deliveries and gallons.

(3) Invoices which indicate alterations, corrections or erasures shall be void and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the original invoice.

(5) Credit card invoice forms shall be issued only when a purchaser holds a valid credit card. Such forms shall not be used to invoice cash sales. The original (top copy) credit card invoice is the only one acceptable for refund except as provided in subsection (6).

(6) In extenuating circumstances, copy invoices will be accepted. Each copy must bear a statement signed by the dealer that it is a certified or true copy of the original. In all cases the reason for use of copy invoices must be given. Payment of refund based upon such duplicate or copy invoices will not be made until after expiration of the thirteen month period specified in RCW 82.36.330.

(7) If an original invoice is lost or destroyed, the dealer or distributor may issue a duplicate copy entering thereon the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the original invoice. The copies shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy for validation. The validated copy will be returned to the claimant who, when the thirteen month time limit has elapsed for the copy, may submit it with a separate claim for refund showing the refundable and nonrefundable usage of the fuel.

(8) Sellers of fuel shall not issue two original invoices, one each on a different form for the same delivery of fuel. Only one original invoice shall be issued for any one delivery. [Order 107MV, § 308-72-630, filed 9/10/71.]

WAC 308-72-640 Records. Each claimant shall maintain records which are sufficient to substantiate the accuracy of the claim. Such records shall reflect all motor vehicle fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to accede to a demand for examination of them constitutes a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

(1) Use of fuel from common storage. Fuel purchased and delivered into bulk storage for use in vehicles required to be registered and licensed to operate on the public roads and for nonhighway use, must be fully accounted for by detail withdrawal records to accurately show the manner in which used. This record must be available for inspection upon request. Any fuel on hand (by actual measurement) should be indicated on the claim as closing storage inventory and should be reported as an opening storage inventory on the next claim. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim which established the inventory. All invoices for the total fuel purchased must be submitted with each claim. (For exception see subsection (5) of this section.) A BULK STORAGE RECEIPT AND DISBURSEMENT RECORD designated for recording purchases and withdrawals of fuel from bulk storage will be furnished free upon request.

(2) Use of fuel from separate storage. Where separate bulk storage tanks are maintained for nonhighway use and for public road use, seller should mark the invoices at the time of delivery identifying the storage into which the fuel was delivered. No further detailed record will be

required. Inventories must be reported and all invoices must be submitted. FUEL MAY NOT BE USED from the nonhighway tank in motor vehicles required to be registered and licensed. To do so will invalidate this method of determining refundable gallonage.

(3) Use of fuel from restricted use storage. Special storage facilities in the woods or farm fields or for other uses for certain periods should be identified and explained. If such storage is used entirely for nonhighway purposes and not used in motor vehicles required to be registered and licensed, no other record will be required. Purchase invoices showing delivery into such storage must be submitted and inventory at end of claim period should be reported.

(4) Fuel purchased for other than bulk storage. Fuel purchased in small containers for nonhighway use (boats, tractors, power saws, etc.) should be identified on the purchase invoice and no further record will be required.

(5) Proof of public road use. When no NONREFUNDABLE use deduction is made from invoices attached to the claim, claimant shall retain taxable invoices in his files and be prepared to substantiate fuel used in motor vehicles required to be registered and licensed upon request.

(6) Where a claim covering the operation of an unregistered or unlicensed motor vehicle is entirely over private roads or property subject to refund, no record will be required other than that necessary to show the source and number of gallons of fuel used. [Order 107MV, § 308–72–640, filed 9/10/71.]

WAC 308–72–650 Refunds to dealer delivering fuel exclusively for marine use. (1) Marine dealers may file claim for refund when motor vehicle fuel is delivered directly into the fuel tanks connected to the engine of any marine vessel owned or operated by the purchaser of the fuel, but only if the person to whom the fuel is sold is a holder of a valid motor vehicle fuel tax refund permit at the time of sale. The dealer should request purchaser to exhibit his refund permit at the time of delivery. A claim for refund shall be supported by:

(a) Original (top copy) invoices covering fuel deliveries into the dealer's storage facilities. Licensed distributors who are also marine dealers will not be required to submit purchase invoices.

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

(i) The vessel or boat name;

(ii) The Coast Guard or official number;

(iii) The applicable sales tax;

(iv) Purchaser's motor vehicle fuel tax refund permit number;

(v) The statement "Ex Washington motor vehicle fuel tax."

(2) The dealer shall also file an exemption certificate containing a certificate signed by the purchaser that the fuel will be used solely for marine use. In lieu of a separate certificate, the dealer may imprint an exemption certification on his original sales invoices provided such form has been approved by the director.

(3) Chapter 183, Laws of 1971 ex. sess., provides that one cent per gallon shall be deducted from each marine use refund claim to be deposited in the coastal protection fund. [Order 107MV, § 308–72–650, filed 9/10/71.]

WAC 308–72–660 Power take–off use. (1) Tax refund may be claimed for fuel used in a motor vehicle which is equipped with a power take–off unit to operate auxiliary equipment provided that the fuel used for power take–off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway or if the fuel used to operate the auxiliary equipment by the power take–off is accurately measured by a metering device that has been specifically approved by the director, and, in certain motor vehicles, when established by the following formula:

(a) For gasoline used in pumping fuel oil or heating oil by means of a power take–off unit on a delivery truck at the rate of three–fourths of one gallon for each one thousand gallons of fuel or heating oil delivered. Pumping of gasoline or other refined petroleum products does not apply and claimant shall make a deduction for those products, other than fuel oil, pumped through the meter, pumping out of tanks, testing of meters or other uses. FUEL OIL DELIVER TRUCK OPERATORS must maintain records which show the total gallons of fuel oil or heating oil pumped by each vehicle for which refund is claimed together with supporting meter readings.

(b) For gasoline used in operating a power take–off unit on a cement mixer truck or for gasoline used in operating a power take–off unit which operates a load compactor on a garbage truck at the rate of twenty–five percent of the total gallons of gasoline used in each truck. Garbage trucks with power take–off units which operate only a dump box, hoist or other type of lift shall not apply. CEMENT MIXER TRUCK AND GARBAGE TRUCK OPERATORS must maintain records which show the total gallons of fuel used and the total miles operated for each vehicle.

(2) All claims must be accompanied by valid purchase invoices to cover the total gallons of gasoline purchased, except that invoices for gasoline used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

(3) If fuel is used from bulk storage, claimant shall maintain a detailed record of all receipts, withdrawals, and beginning and ending inventories to substantiate fuel used in motor vehicles.

(4) A schedule of vehicle operations shall support each claim for refund. [Order 107MV, § 308–72–660, filed 9/10/71.]

WAC 308–72–670 Auxiliary engines. Tax refund may be claimed for fuel used in auxiliary engines mounted on a licensed motor vehicle (ready mix concrete, refrigeration or air conditioning units, etc.) if the fuel for the auxiliary engine is supplied from a fuel tank

other than the fuel tank which supplies the engine propelling the vehicle, or is accurately measured by a metering device that has been specifically approved by the director. Estimates for refundable use will not qualify for refund. When separate tanks are used, claimant shall maintain a detailed record of the gallons of fuel used and purchase invoices covering the total gallons of fuel used in both tanks must accompany the claim. [Order 107MV, § 308-72-670, filed 9/10/71.]

WAC 308-72-680 Gasoline lost or destroyed. (1) A refund may be claimed in the manner provided:

(a) On all motor vehicle fuel which is lost or destroyed while claimant shall be the owner thereof through fire, lightning, flood, wind storm or explosion.

(b) On all motor vehicle fuel of 500 gallons or more which is lost or destroyed through leakage or other casualty except evaporation, shrinkage or unknown causes.

(2) The director shall be notified in writing as to the full circumstances and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction. Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary. [Order 107MV, § 308-72-680, filed 9/10/71.]

WAC 308-72-690 Special rules and requirements for fuel tax refunds. (1) U.S. government. Tax refund shall be allowed for fuel used off the public highways for official use in a motor vehicle owned by the United States. When fuel is sold to agencies of the United States, including taxable sales to the armed forces, and when the original invoice must be forwarded to the federal service agencies to support payment for the fuel, the seller, the federal agency and the state by mutual arrangement shall designate a copy as the only copy to be used in support of a claim for refund of the tax. The invoice so designated shall be deemed the original invoice.

(2) Foreign governments. Employees of a foreign government, including foreign diplomatic and consular offices, shall receive a refund of the tax paid on the gallons of fuel used. The refund shall be allowed only if such foreign government grants an equivalent exemption to employees of the United States performing similar services in such country. No refund will be allowed unless and until the claimant complies with the provisions of RCW 82.36.310 and 82.36.330.

(3) Marine users. Marine users, excluding marine dealers, need only to submit those fuel receipts on which the tax is refundable.

(4) Urban transportation systems. A schedule of vehicle operations of an urban passenger transportation system shall supplement the claim for refund.

(5) Snowmobiles and all terrain vehicles. Motor vehicle fuel used and purchased for providing the motive power for snowmobiles and for all terrain vehicles (ATV), although considered a nonhighway use of fuel, shall not be claimed for refund of the motor vehicle fuel tax paid thereon.

(6) No refund shall be made and should not be claimed for motor vehicle fuel used in a motor vehicle required to be registered and licensed notwithstanding that such motor vehicle occasionally may be operated over private roads or property which would otherwise be subject to refund. [Order 107MV, § 308-72-690, filed 9/10/71.]

WAC 308-72-700 Use tax. The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of the refund claimed. The claimant may calculate the tax himself or it will be computed by the department. [Order 107MV, § 308-72-700, filed 9/10/71.]

Chapter 308-76 WAC
MOTOR VEHICLE FUEL IMPORTER USE TAX

WAC

308-76-005 Practice and procedure.
308-76-400 Motor Vehicle Fuel Importer Use Tax Act—Definitions.
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308-76-420 Motor Vehicle Fuel Importer Use Tax Act—Assessment of tax.
308-76-425 Motor Vehicle Fuel Importer Use Tax Act—Exported fuel—Refund procedure.
308-76-430 Motor Vehicle Fuel Importer Use Tax Act—Records required.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-76-010 Users of use fuel—Definitions. [Regulation I, § I, effective 9/1/65.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-015 Users of use fuel—Imposition of tax. [Regulation I, § II, effective 9/1/65.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-020 Users of use fuel—Monthly report required—Tax payable monthly. [Regulation I, § III, effective 9/1/65; Regulation II, § D, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-025 Users of use fuel—Use fuel tax permit and vehicle identification card. [Regulation I, § IV, effective 9/1/65; Regulations II, § A and II, § C, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-030 Users of use fuel—Cancellation or revocation of permit—Discontinuance of use of equipment. [Regulation I, § V, effective 9/1/65; Regulations II, § F, and II, § G, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-035 Users of use fuel—Permit required before registration of vehicle. [Regulation I, § VI, effective 9/1/65.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-040 Users of use fuel—Security required. [Regulation I, § VII, effective 9/1/65; Regulation II, § B, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-045 Users of use fuel—Deficiency assessment—Default assessment—Reassessment of deficiency, and default

assessments—Audit determination. [Regulation I, § VIII, effective 9/1/65.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-050 Users of use fuel—Records to be maintained—Audit of records. [Regulation I, § IX, effective 9/1/65; Regulation II, § E, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-080 Users of use fuel—Display of permit. [Regulation II, § A effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-090 Users of use fuel—Security requirements. [Regulation II, § B (1) (2), effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-100 Sellers of use fuel—Seller's license. [Regulation II, § I, effective 9/1/65; Regulation II, § I, effective 9/1/63; Regulation I, § A, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-110 Sellers of use fuel—Security required. [Regulation II, § II, effective 9/1/65; Regulation II, § II, effective 9/1/63; Regulation I, § B, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-120 Sellers of use fuel—Vehicle identification card, permit, license to be displayed. [Regulation II, § III, effective 9/1/65; Regulation II, § III, effective 9/1/63; Regulation I, § C, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-130 Sellers of use fuel—Monthly report required. [Regulation II, § IV, effective 9/1/65; Regulation II, § IV, effective 9/1/63; Regulation I, § D, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-140 Sellers of use fuel—Records—Liability of sellers. [Regulation II, § V, effective 9/1/65; Regulation II, § IV, effective 9/1/63; Regulation I, § E, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-200 Noncommercial passenger vehicle users—Exemption from use fuel tax report permit, security and vehicle identification card. [Regulation III, effective 9/1/65; Regulation III, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

308-76-500 Use fuel tax report forms. [Use Fuel Tax Regulation IV, effective 1/1/57.] Repealed by Order 114MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

WAC 308-76-005 Practice and procedure. [See WAC 308-08-005(5) and chapter 308-08 WAC].

WAC 308-76-400 Motor Vehicle Fuel Importer Use Tax Act--Definitions. (Reference: RCW 82.37.020.) (1) "Commercial motor vehicle" includes vehicles used or maintained for the transportation of the carrier's own property or equipment and installation or construction vehicles with fixed loads.

(2) "Motor carrier" means an interstate motor carrier operating a commercial motor vehicle. There are no qualifications made as to whether such motor carrier operates a commercial motor vehicle as a common, contract and private carrier, as to exclude same from the definition of a motor carrier.

(3) "Operations" when applied to a motor carrier means the operation of all leased commercial motor vehicles. A motor carrier who leases a commercial motor vehicle(s) (lessee) and operates or causes the vehicle(s) to be operated into or out of or through this state shall be the motor vehicle fuel importer and subject to the provisions of the act.

Operations, when applied to a truck rental company and controlling company house hold movers, with respect to the imposition of the motor vehicle fuel tax, the payment of the tax and/or collection of the tax is as follows:

A truck rental company is responsible and accountable for the operations of commercial motor vehicles that are operated solely under its jurisdiction and control. When a commercial motor vehicle is rented or leased to another party (lessee), the lessee is responsible.

A controlling company household carrier (mover) is responsible and accountable for the tax imposed under the act on commercial motor vehicles operated by "contract truckmen" and/or owner-operators as "independent contractors" while the controlling company has full jurisdiction and operation of the vehicle's movements. In addition, the controlling company shall have full responsibility and liability to render accountability for leased agency miles. The controlling company (lessee) shall be responsible for the tax on leased vehicle miles involving leased contracts with their agent's owned motor vehicles.

An agent of a controlling company household mover shall be responsible and shall account for the tax liability for only those miles traveled in this state by said vehicle while operated under their own rights. [Motor Vehicle Fuel Importer Use Tax Act, Regulation A, effective 8/15/65.]

WAC 308-76-405 Motor Vehicle Fuel Importer Use Tax Act--Tax imposed--Rate. (Reference: RCW 82-.37.030.) In consideration of the use of the highways of this state, every motor carrier shall pay a tax per gallon, equal to the current rate imposed by the motor vehicle fuel tax law of this state, on all motor vehicle fuel used by it in operating or propelling any commercial motor vehicle on the public highways of this state, determined as follows:

The amount of motor vehicle fuel considered as used in the operations of any motor carrier within the state shall be the percentage of the total amount of such motor vehicle fuel used in its entire operations within and without the state that the total number of miles operated within this state bears to the total number of miles operated within and without this state. [MVFIUTA Regulation B, effective 8/15/65; MVFIUTA Regulation A, effective 9/1/63.]

WAC 308-76-410 Motor Vehicle Fuel Importer Use Tax Act--Report of carriers. (Reference: RCW 82.37-.040.) (1) Every motor carrier subject to this tax may at any time file with the director a report upon forms furnished by the director, showing the amount of gasoline or other motor vehicle fuel used by such motor carrier in its operations within this state. The voluntary report must cover operations for a full calendar month or months by such motor carrier. The amount of fuel used is determined by dividing the total miles operated within Washington by the average miles per gallon of said vehicles.

(2) Motor carriers operating commercial motor vehicles interstate, who voluntarily file the report, are required to report the entire operations of those vehicles which operate both within and outside the boundaries of the state of Washington. Motor carriers who operate any of their commercial motor vehicles entirely within the boundaries of Washington, or entirely outside the boundaries of Washington, are not to include such vehicles in the report.

(3) Under this act, the department does have the authority to grant carriers the privilege of basing their reports on an estimated or arbitrary average miles per gallon. However, consideration for granting the privilege of using an arbitrary average miles per gallon shall be given by the department only upon receipt of written request from the user. [MVFIUTA Regulation C, effective 8/15/65; MVFIUTA Regulation B, effective 9/1/63.]

WAC 308-76-415 Motor Vehicle Fuel Importer Use Tax Act--Computation and collection of tax--Credit for fuel purchased in Washington. (Reference: RCW 82.37-.060.) (1) The tax imposed shall be computed at the rate levied under RCW 82.37.030 and paid on the total number of gallons of motor vehicle fuel used by the motor carrier within the state during the taxable period, as represented by the report of the carrier's operations upon the public highways of this state, calculated on the average miles per gallon for those vehicles operated within and outside of this state divided into the total miles operated within this state by said vehicles. Every motor carrier subject to the tax shall be entitled to a credit equivalent to the tax levied under RCW 82.37.030 on all gasoline or other motor vehicle fuel purchased for such vehicle within this state, provided said tax has been paid.

(2) The carrier shall file a schedule of such purchases, which shall be a part of his report, and shall take credit for such tax-paid purchases from the total gallons of motor vehicle fuel consumed in Washington in arriving at the amount of gallons of motor vehicle fuel upon which the tax is to be computed and paid. If the report or the audit for the month or months covered should indicate that the credit allowable to the carrier exceeds the amount of the tax for which the carrier is liable for the same month or months, such excess may be applied as a credit against the carrier's tax liability for any succeeding month or months that a report covers or such excess may be refunded to the motor carrier pursuant to the statutory provision of the act governing same.

Each tax report transaction that declares twenty-three taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for twenty-three gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of twenty-three gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of $1.09 or less will be accepted without penalty or credit. [Order MV 376, § 308-76-415, filed 8/9/76; MVFIUTA Regulation D, effective 8/15/65; MVFIUTA Regulation C, effective 9/1/63.]

WAC 308-76-420 Motor Vehicle Fuel Importer Use Tax Act--Assessment of tax. (Reference: RCW 82.37-.080.) The tax liability determined through audit of the carrier's records and books is the result of the gallons of motor vehicle fuel consumed on Washington public highways exceeding the gallons of tax-paid fuel purchased in this state. [MVFIUTA Regulation E, effective 8/15/65; MVFIUTA Regulation D, effective 9/1/63.]

WAC 308-76-425 Motor Vehicle Fuel Importer Use Tax Act--Exported fuel--Refund procedure. (Reference: RCW 82.37.140.) Every motor carrier subject to the tax shall be entitled to a refund under the following conditions:

(1) The motor carrier's report, or an audit of the carrier's records, must reflect a tax credit which was determined by the amount of tax-paid motor vehicle fuel purchased in Washington in excess of the amount of fuel used in Washington.

(2) The motor carrier must have exported such excess fuel in the fuel supply tank or tanks of commercial motor vehicles and must have used the fuel to operate such vehicles upon the highways of another state or states. Motor vehicle fuel carried from this state in the fuel supply tank or tanks of a commercial motor vehicle is deemed to be exported from this state.

(3) The claim for refund must be filed before the expiration of five years from the last day of the month in which the fuel was used, on claim forms furnished by the department.

(4) Complete records must be maintained to substantiate your claim for refund. If proper records are not kept, refunds will be disallowed. Your operational records shall include a detailed accounting of fuel purchased and/or consumed, and miles traveled in Washington and all other states. As evidence to prove your purchase of motor vehicle fuel in this state, the purchase invoices or delivery tickets must be maintained five years, and to be accepted shall contain the following information:

(a) Name and station address of the seller;

(b) Either stamped cash invoice or credit card imprint invoice;

(c) Date of sale;

(d) Name and address of the purchaser;

(e) Company unit number or motor vehicle license number of the power unit;

(f) The type or kind of fuel sold;

(g) The number of gallons sold; and

(h) The signature of the purchaser.

If you are operating leased equipment, your name as lessee must be shown on the invoice.

(5) The director or his duly appointed representative shall have the right, in order to establish the validity of any claim for refund, to examine the books and records of such claimant. He shall have full authority to determine the adequacy of such records and books and the amount of refund due the claimant. [MVFIUTA Regulation F, effective 8/15/65; MVFIUTA Regulation E, effective 9/1/63.]

WAC 308–76–430 Motor Vehicle Fuel Importer Use Tax Act––Records required. (Reference: RCW 82.37-.150.) (1) Each motor carrier shall make and retain for a maximum of five years or until audited by this department, records of gallons of motor vehicle fuel purchased or received, mileage traveled within and without this state, commercial motor vehicles owned, operated, leased, or operated under any other form of contract, and other pertinent papers that are reasonably necessary to substantiate any tax liability imposed by the act. Each motor carrier shall maintain records as provided herein. A motor carrier who does not elect to file a voluntary report is subject to the declared purpose of the act, and shall nevertheless be governed by the statutory provisions relating to the collection of tax, assessment of tax by audit, records to be maintained, examination of records and unlawful practices.

(2) **Bulk storage fuels.** Where a motor carrier maintains bulk storage fuels, an accounting of fuel withdrawals from bulk storage facilities, determined by the use of meters or other accurate measuring devices and recorded on serially–numbered invoices or other daily record of own use, shall be maintained. A serially–numbered invoice shall be issued or an entry on a daily record of own use shall be made at the time of each fuel disbursement from bulk storage, and shall disclose:

(a) The location of the storage facility from which the fuel is withdrawn;

(b) The date of the disbursement;

(c) The number of gallons withdrawn;

(d) The opening and closing meter readings or other means of determining the quantity withdrawn; and

(e) The unit or equipment number if the fuel is delivered into the fuel supply tank of the carrier's own vehicle, or the purpose of the withdrawal if the fuel is withdrawn for carrier but is not delivered into the carrier's motor vehicle.

(3) **Trip and fuel consumption.**

(a) Every carrier shall maintain a record of all trips made by each commercial motor vehicle in connection with which fuel is used. Such operating record shall set forth in detail the dates and points of beginning and termination of each one–way trip; proper designation of highways upon which operated; total miles traveled; miles traveled in each state; and a complete listing of all purchases of motor vehicle fuel into such vehicles showing quantity, date and point at which received during said trip: *Provided, however*, That the dates and points of beginning and termination of each one–way trip; proper designation of highways upon which operated, need not be maintained in the record for all trips if the department has granted prior approval to a method or system of maintaining records which will determine amount of fuel used. The Washington fleet average miles per gallon shall also be determined. Such operating information shall be compiled on the basis of total operations for the calendar month. The totals for the calendar month(s) shall be set forth on the carrier's reports to the department.

(b) Supporting documents such as bills of lading, time sheets, driver's trip logs, manifests, weight or scale tickets, toll and ferry receipts, speedometer readings, and revenue records shall be retained for audit purposes.

(c) In the event that a carrier is unable to maintain a record to substantiate the amount of total fuel used within Washington, the department, in order to determine the carrier's average miles per gallon of fuel consumption for reporting purposes, may set the rate to be used by such user, but such rate shall be determined according to the type and weight of the vehicle(s) and upon other reasonable vehicle specifications. [MVFIUTA Regulation G, effective 8/15/65; MVFIUTA Regulation F, effective 9/1/63.]

Chapter 308–77 WAC
SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–77–140	Exemption of user from tax reporting. [Order MV–175, § 308–77–140, filed 10/24/73; Order MV–137, § 308–77–140, filed 6/1/72; Order 114 MV, § 308–77–140, filed 11/26/71.] Repealed by 79–08–140 (Order 548 DOL), filed 8/1/79. Statutory Authority: RCW 82.38.260.
308–77–200	Tax refund. [Order 114 MV, § 308–77–200, filed 11/26/71.] Repealed by 79–08–140 (Order 548 DOL), filed 8/1/79. Statutory Authority: RCW 82.38.260.
308–77–210	Claim for refund. [Order MV–137, § 308–77–210, filed 6/1/72; Order 114 MV, § 308–77–210, filed 11/26/71.] Repealed by 79–08–140 (Order 548 DOL), filed 8/1/79. Statutory Authority: RCW 82.38.260.

WAC 308-77-010 Definitions. (1) "Highway" includes a way or place of whatever nature within the exterior boundaries of the state including a way or place within a federal area publicly maintained and open to the use of the public for purposes of vehicular travel notwithstanding private participation in the maintenance of the way or place. It shall be presumed that the way or place is dedicated and accepted as a highway when it is recognized as a part of its maintained highway system by a proper public authority.

A way or place within a national or state forest which is entirely privately constructed or maintained will not be considered a highway, notwithstanding the fact that it may be declared by the public authority to be a part of its road system.

A way or place is not a highway during such times as it is closed by the governmental authority to the use of the public regardless of the purpose for which it is closed. A highway is open to the use of the public if vehicular travel is permitted although subject to traffic controls.

Roads maintained exclusively by the United States within a national park are subject to the control of the Secretary of the Interior. When, in the exercise of that control, a permit and payment of a fee are required for the use of such roads, they are not highways open to the use of the public.

(2) "Special fuel" includes diesel fuel, propane, natural gas and any other combustible liquid or gas by whatever name the liquid or gas may be known or sold for the generation of power to propel a motor vehicle on the highways except fuel that is subject to the tax imposed by the motor vehicle fuel tax law, chapter 82.36 RCW. Four and one-quarter pounds of propane or one hundred cubic feet of natural gas shall be deemed the equivalent of one liquid gallon. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-010, filed 8/1/79; Order 475-DOL, § 308-77-010, filed 12/30/77; Order MV-191, § 308-77-010, filed 3/27/74; Order MV-137, § 308-77-010, filed 6/1/72; Order 114 MV, § 308-77-010, filed 11/26/71.]

WAC 308-77-020 Incidental use. An operation is not considered to be on a highway when a vehicle is operated thereon only for the purpose of moving between two pieces of private property when the vehicle is not operated for a distance exceeding fifteen miles on the highway and the moving is incidental to the primary use of the motor vehicle.

If fuel is used in the operation of a motor vehicle in a continuous trip which is partly on and partly off the highway, the tax applies to all the fuel used including the fuel used in the operation off the highway when the total distance traveled off the highway does not exceed one mile.

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

The user shall maintain adequate accurate records of the operation off the highway including the miles traveled and fuel used to establish to the satisfaction of the department that the user is entitled to exemption for off-highway use of fuel. Claims based on estimates or percentages of miles traveled, hours of operation, fuel used, etc. will not be accepted to support claims for off highway use. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-020, filed 8/1/79; Order 114 MV, § 308-77-020, filed 11/26/71.]

WAC 308-77-030 Special fuel supplier's license. A special fuel supplier's license must be obtained before engaging in the wholesale distribution of untaxed special fuel. Special fuel suppliers are not authorized to sell to retail consumers for any use, taxable or nontaxable, and are not allowed to sell to unlicensed dealers or suppliers or to any other person where the special fuel tax is or should be collected on the sale. Persons dealing in wholesale or retail distribution of special fuel for heating purposes only are not required to be licensed under the Special Fuel Tax Act. [Statutory Authority: RCW 82-.38.260. 79-08-140 (Order 548 DOL), § 308-77-030, filed 8/1/79; Order 114 MV, § 308-77-030, filed 11/26/71.]

WAC 308-77-032 Special fuel dealer's license. A special fuel dealer's license must be obtained before engaging in the retail sale of previously untaxed special fuel, regardless of whether or not the special fuel tax is collected on the sale. A dealer must collect the special fuel tax on all sales of special fuel except those bulk sales to licensed special fuel suppliers, dealers, and users, sales made for heating purposes only, and other sales specifically exempted by the Special Fuel Tax Act or authorized in writing by the department. Persons purchasing special fuel with the special fuel tax included may resell this special fuel without having to obtain a special fuel dealer's license. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-032, filed 8/1/79.]

WAC 308-77-034 Special fuel user's license. A special fuel user's license must be obtained by any person wishing to purchase special fuel without payment of the special fuel tax at the time of purchase. It must also be obtained by any person operating a diesel vehicle with a registered gross vehicle weight of over 10,000 pounds into the state of Washington from another state or province. This includes vehicles bearing Washington license plates. Persons using special fuel for heating purposes only are allowed to purchase special fuel without payment of the special fuel tax without obtaining a special fuel license. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-034, filed 8/1/79.]

WAC 308-77-040 Issuance of license. A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application

for a license and a bond (if required) for each. The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 distillates capable of being used as vehicle fuel as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's principal place of business and a reproduced copy thereof shall be carried in each motor vehicle entering this state from another state or province. A special fuel tax trip permit may be purchased by a user entering this state in lieu of a special fuel license. Any one special fuel tax trip permit cannot be used for more than one entry into the state of Washington. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators of vehicles with a registered gross weight of more than 10,000 pounds will require a special fuel license or a special fuel tax trip permit to enter this state. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–040, filed 8/1/79; Order 475–DOL, § 308–77–040, filed 12/30/77; Order MV–191, § 308–77–040, filed 3/27/74; Order MV–175, § 308–77–040, filed 10/24/73; Order 114 MV, § 308–77–040, filed 11/26/71.]

WAC 308–77–045 Expiration of license. All special fuel licenses will expire on February 15 of the year following the year of issuance. A new license valid for the succeeding year will be automatically mailed to each license holder prior to February 15 providing all reports due for the previous calendar year have been submitted to the department, and the department is satisfied that all special fuel taxes owed by the license holder have been properly remitted. [Statutory Authority: RCW 82-.38.260. 79–08–140 (Order 548 DOL), § 308–77–045, filed 8/1/79.]

WAC 308–77–050 Cancellation or revocation of license. When a special fuel supplier, dealer or user ceases operation in Washington, he shall request cancellation of his license. The original license issued to him and a final tax report shall be forwarded to the department with a remittance of any tax, penalty and interest which may have accrued up to and including the date of cancellation. All copies of the license shall be destroyed. All special fuel authorizations and identification cards issued to the special fuel user shall be returned to the department.

When the license of a special fuel supplier, dealer or user is revoked by the department, the holder shall surrender the original license and all special fuel authorizations and identification cards issued to him. All copies of the license shall be destroyed.

Any attempt to use a license that has been canceled or revoked will be considered a violation of the Special Fuel Tax Act and the supplier, dealer, or user shall be subject to the penalty provisions thereof. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–050, filed 8/1/79; Order 114 MV, § 308–77–050, filed 11/26/71.]

WAC 308–77–060 Special fuel dealers' liability for the tax. A special fuel dealer is required to collect and is liable for the amount of the tax on all gallonage of fuel sold and delivered except:

(1) When delivered into vehicles owned and operated by the United States Government;

(2) When authorization issued by the department has been presented to the dealer by the purchaser which will permit the special fuel dealer to sell and deliver fuel into the fuel tank of a vehicle without collecting the tax from the user;

(3) When delivered into vehicles displaying a certificate authorizing the purchase of fuel free of the tax;

(4) Into bulk storage when the purchaser is the holder of a valid special fuel dealer or user license issued in his name;

(5) Through an unattended keylock pump when the dealer has received authorization from the department permitting tax free sales to a specific purchaser;

(6) Into vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks;

(7) Into the fuel tanks of marine vessels when the purchaser supplies the dealer with the vessel's name and appropriate identification such as his commercial fishing license number, his ship document number or other verifiable identification. For the purpose of administration, foreign vessels will be considered to be operating in accordance with this paragraph upon presentation of the vessel's name and country of registry.

(8) To a new special fuel user who has applied for, but has not yet been issued, a special fuel user's license. At the option of the special fuel dealer the user may be allowed to purchase tax–exempt fuel in this manner for no more than thirty calendar days but he must display a special fuel user's license for any tax–exempt purchases after this period. The dealer shall note "License Applied For" on the sales invoice and shall be responsible for payment of all fuel taxes on fuel sold in this manner if the user does not subsequently receive a license from the department.

If the dealer collects from any user a greater amount of tax than that which is required to be collected, he shall remit the full amount collected to the department

to enable the user to obtain his allowable credit or refund from the state.

The tax is deemed to have been collected at the time of the sale irrespective of when payment for the amount of the invoice including the tax is received by the special fuel dealer. Failure to collect the tax from the purchaser does not relieve the special fuel dealer from his liability to pay to the state the amount of the tax required to be collected except that bad debt losses are deductible under circumstances described in RCW 82.38.070 and rule WAC 308–77–100. Except as provided in items (1), (2) and (3) of this section, a special fuel dealer who sells and delivers fuel into the fuel tank of a motor vehicle shall collect the tax notwithstanding that the user may claim exemption from the tax in his reports to the department for any nontaxable use of the fuel.

A special fuel dealer is required to collect the special fuel tax for all fuel dispensed through a pump equipped with a key–lock meter controlled by the special fuel dealer except as authorized under RCW 82.38.040. A serially numbered invoice covering multiple withdrawals of fuel from a pump with a key–lock meter for a stated period of time not to exceed a calendar month shall be accepted as an invoice issued at the time of sale under rule WAC 308–77–160.

All deliveries of special fuels into the storage facilities of an unlicensed service station (unlicensed special fuel dealer) are taxable regardless of whether the special fuel is delivered by consignment or otherwise. The tax attaches on the delivery.

A special fuel dealer who connects a retail outlet to a bulk plant facility from which fuel is dispensed for other purposes will be held liable for the special fuel tax on all unaccountable inventory losses of fuel from the facility. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–060, filed 8/1/79; Order 475–DOL, § 308–77–060, filed 12/30/77; Order 114 MV, § 308–77–060, filed 11/26/71.]

WAC 308–77–065 Tax liability on leased motor vehicles. The term "leased" in RCW 82.38.050 shall not be deemed to include single trip leases authorized pursuant to WAC 410–16–120. In such cases liability for special fuel tax shall be on the lessor of the motor vehicle. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–065, filed 8/1/79; Order MV–137, § 308–77–065, filed 6/1/72.]

WAC 308–77–070 Exemptions. Special fuel users who are exempt from the special fuel tax when fuel is used in motor vehicles and equipment as provided in RCW 82.38.080 must nonetheless be the holder of a valid special fuel user's license to purchase special fuel from a special fuel dealer into bulk storage without payment of the special fuel tax except as provided in WAC 308–77–060. Purchase of tax–free fuel directly into the fuel supply tank of a vehicle is permitted only when the purchaser is the holder of a valid certificate of authorization issued by the department.

A special fuel user shall submit evidence satisfactory to the department that he is eligible for the authorization. If authorized, the department will issue a certificate of authorization containing the special fuel user's name, address, license number, a description of the motor vehicle or equipment and such other information as the department deems necessary. The certificate shall be carried in the motor vehicle or equipment at all times. The privilege relieving the special fuel user from purchasing fuel, tax included, from bonded special fuel dealers shall be subject to revocation by the department whenever the equipment or a vehicle of any licensee so identified is found to be operated in violation of any of the conditions of this section. Such authorization will not relieve the user of filing tax reports.

The exemption of special mobile equipment as defined in RCW 46.04.552 is to mean only for those miles that are incidentally driven within the confines of a contract while actually engaged in work on said project. Mileage covered when units are moved from one project to another or returned to the base of operation are not tax exempt and must be covered by a special fuel tax license or a special fuel tax trip permit. Also to qualify for tax exemption under the incidental miles provision the user must provide positive means of measuring or determining the distinctive miles between jobs or home base and off–highway and incidental mileage. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–070, filed 8/1/79; Order 475–DOL, § 308–77–070, filed 12/30/77; Order MV–175, § 308–77–070, filed 10/24/73; Order 114 MV, § 308–77–070, filed 11/26/71.]

WAC 308–77–080 Exemption from payment of tax to a designated special fuel dealer. Any special fuel user desiring authorization to purchase fuel without payment of the special fuel tax into a vehicle or from a keylock pump shall submit evidence satisfactory to the department to establish eligibility for the authorization and shall designate the bonded special fuel dealer from whom he intends to purchase special fuel. The user shall furnish a description of his operations detailed sufficiently to demonstrate to the department that in the absence of such authorization an overpayment of fuel tax by the user may be expected to occur consistently. The authorization issued by the department shall contain the name, address and special fuel license number of the special fuel dealer and such other information as the department deems necessary. A copy of the authorization shall be furnished to the designated dealer by the user and shall authorize sales by the designated dealer to the user without collection of tax so long as the authorization remains in full force and effect. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–080, filed 8/1/79; Order 114 MV, § 308–77–080, filed 11/26/71.]

WAC 308–77–090 Computation of tax on mileage basis. In the absence of records only the department may prima facie presume that not less than one gallon of

special fuel was consumed for every four miles traveled (4.00 M.P.G.).

Adjustment of taxable gallons computed in this manner may be made by the department upon audit of the user's account and records if it is determined that the report did not disclose the proper amount of tax due. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–090, filed 8/1/79; Order 475–DOL, § 308–77–090, filed 12/30/77; Order MV–175, § 308–77–090, filed 10/24/73; Order 114 MV, § 308–77–090, filed 11/26/71.]

WAC 308–77–095 Minimum tax payment. Each tax report transaction that declares 23 taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for 23 gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of 23 gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of $1.09 or less will be accepted without penalty or credit. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–095, filed 8/1/79.]

WAC 308–77–100 Credit for bad debt losses of special fuel dealers. The amount of tax reported and paid by a special fuel dealer included in an account found to be worthless and charged off for federal income tax purposes may be taken as a credit against the tax due on a subsequent special fuel tax report of the dealer provided, that the amount claimed shall not exceed the amount of special fuel tax charged on such sale, less the amount of current state retail sales tax on the difference between the purchase price of such sale and the amount of special fuel tax and federal tax charged.

The right to the tax credit arises in the month in which the account is found to be worthless and charged off for federal income tax purposes. The credit may be taken in the report of the dealer for that month or in any subsequent report filed within three years thereafter.

A special fuel dealer using the reserve method to account for bad debts for federal income tax purposes shall not take the credit until after the account is found to be worthless and charged against the reserve.

No tax credit is allowable for any portion of a debt recovered that is retained by or paid to any person as compensation for his services or expenses in collecting the account.

If any account with respect to which credit has been taken is subsequently collected in whole or in part, the special fuel dealer shall apply the amount collected rateably to the charges for the fuel and the tax thereon. If the purchaser is indebted to the dealer with respect to other items also charged off as bad debts, payments made on account thereof shall first be credited to the charges for the fuel and the tax thereon unless the purchaser shall specify otherwise. The tax thus collected shall be included in the return due for the period in which the collection is made and must be remitted to the department within the time prescribed for payment of the tax due for that period. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–100, filed 8/1/79; Order MV–137, § 308–77–100, filed 6/1/72; Order 114 MV, § 308–77–100, filed 11/26/71.]

WAC 308–77–110 Allowance of credit or refund of tax paid. The tax paid either directly to the department or to a special fuel dealer in this state may be applied by the user as a credit against the tax due from him on all fuel used in this state in the month or reporting period in which the fuel, with respect to which the tax was paid, was used.

The amount of credit allowable is the amount of tax shown on the invoices issued by special fuel dealers to the user. To be entitled to the credit, the user shall retain in his records for inspection by the department all invoices given by special fuel dealers showing the amount of tax paid and evidence of payment. Should the user accumulate surplus credits which have not been applied to payment of his tax liability or if he ceases to be a user in this state, he may file a claim for refund as provided in RCW 82.38.180 and 82.38.190. All claims for refund of overpayments shall be accompanied by the invoices obtained by the user from the special fuel dealer. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–110, filed 8/1/79; Order 114 MV, § 308–77–110, filed 11/26/71.]

WAC 308–77–120 Tax reports. Each special fuel dealer and special fuel user is required to file a tax report for each month (or each reporting period if required by the department to make a return and payment of tax for other than monthly periods) on forms prescribed and furnished by the department. A report shall be filed with the department for each calendar month (or reporting period) even though no special fuel was used during or tax is due for the month (or reporting period). Reports are due on the twenty–fifth day of the month following the end of the reporting period. The postmark date shall be accepted as the day of receipt. Tax remittances shall be made payable to the state treasurer.

If tax reporting forms are not available, a special fuel dealer or user may make a written informal report to the department setting forth the name, address, license number, month or reporting period and the number of gallons of fuel sold or used on which the tax is due. This report with remittance will be accepted in lieu of a report on the prescribed form.

Any special fuel user whose vehicle is operated within and without the state and any special fuel user whose vehicle is operated regularly on and off the public highways exclusively within the state shall report his miles traveled and fuel purchases with his special fuel tax report. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–120, filed 8/1/79; Order MV–175, § 308–77–120, filed 10/24/73; Order 114 MV, § 308–77–120, filed 11/26/71.]

WAC 308–77–130 Ten day reports and payments by special fuel dealer. If the bond coverage of a special fuel

dealer required by RCW 82.38.110 should be insufficient for monthly reporting, the department may require reports with remittances to be filed at ten day intervals ending on the tenth, twentieth and last day of each month. The report and remittance shall be filed with the department within four days of the end of the reporting period. The postmark date shall be accepted as the day of receipt.

The special fuel dealer shall summarize the data of the ten day reports on a monthly report as required in WAC 308-77-120. The tax liability shown on the monthly report will be that of the prepaid payments submitted with the ten day reports, and no further payment will be required to accompany the monthly report. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-130, filed 8/1/79; Order 114 MV, § 308-77-130, filed 11/26/71.]

WAC 308-77-150 Records, receipts and invoices. Every special fuel supplier, dealer and user and every person importing, manufacturing, refining, dealing in, transporting or storing special fuel shall maintain a complete record of all sales or other dispositions including special fuel used by them, inventories, purchases, receipts, tank gaugings or meter readings of fuels the use of which is subject to the special fuel tax. Each special fuel user shall obtain from the special fuel dealer an invoice for each delivery of special fuel into the fuel supply tank or tanks of each vehicle operated by him and for each delivery into his bulk storage tank or tanks. The invoices shall include the information specified for sales invoices and shall be filed and identified in a systematic manner so that they may be readily traced into his purchase or expense records and into his reports to the department. Such records, receipts and invoices shall be made available for inspection by the department or its authorized representatives and shall be maintained for a period of not less than three years. A lessor of a vehicle who is a special fuel user shall also maintain records of each trip and the mileages his vehicle is operated by the lessee within and without the state of Washington. A lessor who is a special fuel user must obtain from the lessee, and retain in his files, the original copy of all invoices substantiating claims by the lessor for purchases of fuel upon which the special fuel tax was paid. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-150, filed 8/1/79; Order 114 MV, § 308-77-150, filed 11/26/71.]

WAC 308-77-160 Sales invoices. Special fuel suppliers and dealers shall prepare a serially numbered invoice for each sale of fuel whether the fuel is sold for use in motor vehicles or for other uses. A single invoice covering multiple deliveries of fuel made during a period of time not to exceed a calendar month may constitute an invoice of sale. When repeated sales are made of small quantities of special fuel exempt from the tax under RCW 82.38.080, such as heating oil in hand carried containers, and the customer does not want an invoice, a ledger may be kept with a separate line entry for each sale indicating date, number of gallons, amount of sale, and purpose for which the special fuel is to be used. If the multiple delivery invoice includes tax exempt deliveries either into a bulk storage facility or into fuel supply tanks of motor vehicles with respect to which the special fuel dealer is excused from collecting the tax as provided in rule WAC 308-77-060, and deliveries into fuel tanks of motor vehicles upon which the tax is required to be collected, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallonage upon which the tax is collected and the tax exempt deliveries and gallonage. The original invoice shall be delivered to the purchaser and a copy thereof shall be retained by the special fuel supplier or dealer.

A sales invoice shall contain the following information:

(1) The name and address of the special fuel supplier or special fuel dealer.

(2) The name of the purchaser with respect to:

(a) A charge or credit sale.

(b) A cash sale when the purchaser desires to claim a refund of the special fuel tax.

(c) A cash sale when the quantity of fuel delivered into the fuel supply tank of a motor vehicle is 25 gallons or more.

(3) The special fuel license number of the purchaser, or other authority, as defined within WAC 308-77-060, if the special fuel tax is not collected on the sale.

(4) The date of sale (month, day and year).

(5) The number of gallons of fuel sold, the price per gallon and the total amount of the sale.

(6) The amount of the special fuel tax collected.

The amount of the tax need not be separately stated if the invoice bears the notation that the price includes the special fuel tax. Billing systems for any type of dispenser of special fuel that uses a magnetic or other form of card identification must be approved by the department to assure that prospective refund claimants are provided with sufficient information to support their claims. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-160, filed 8/1/79; Order 114 MV, § 308-77-160, filed 11/26/71.]

WAC 308-77-170 Metric measurement. Any requirement imposed by chapter 82.38 RCW or these rules regarding quantity measurement for inventory sales, purchases, use, or other purpose may, at the option of the licensee, be recorded in SI liters in lieu of United States gallons. Tax reports submitted to the department must show all figures converted to gallons at the rate of 3.785 liters per gallon. [Statutory Authority: RCW 82-.38.260. 79-08-140 (Order 548 DOL), § 308-77-170, filed 8/1/79.]

WAC 308-77-180 Audit assessment conference. In any case of an account under audit where substantial agreement has not been reached between the taxpayer and the field auditor, the taxpayer may request a conference with the field audit supervisor or his designee prior to finalization and submission of the audit report. Such conference is informal in nature, and is intended to

clarify the issues in dispute, resolving them where possible, and in any event effecting agreement as to the facts and figures involved. In those cases where agreement cannot be reached at this level as to the tax interpretations applied, the report will be finalized and submitted to Olympia, from where, following review and approval of the recommendations of the report, an assessment will be issued. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–180, filed 8/1/79.]

WAC 308–77–190 Audit appeal procedure. Any person having been issued a notice of assessment of additional taxes, delinquent taxes, penalties, or interest and desiring to contest such notice may petition the department of licensing for a reassessment by formal hearing or may petition for a reassessment conference in lieu of proceeding directly to a formal hearing. All petitions for reassessment must be in writing and must be received by the department of licensing within thirty days after the receipt of the original notice of assessment. All petitions filed shall set forth the specific reasons why reassessment is sought and the amount of tax, interest, and penalties which the petitioner believes to be due.

Upon receipt of a petition for a reassessment conference, the department will establish the time and place for the conference and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner, for good and compelling reasons, is unable to attend the conference on the date or time scheduled, he may request the department in writing to reschedule the conference. At the conference the department of licensing will be represented by the administrator of the prorate and fuel tax division, the assistant administrator for fuel tax, the field audit supervisor, the field auditor who performed the audit if appropriate, an attorney from the office of the attorney general, or either of them. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person competent to present his case.

Following the conference, the administrator will make such determination as may appear to him just and lawful and in accordance with the Revised Code of Washington and rules, principles, and precedents established by the department of licensing, and shall notify the petitioner in writing of his decision. The determination of the administrator shall be deemed to represent the official position of the prorate and fuel tax division of the department of licensing and shall be binding upon the petitioner unless further appealed.

If the petitioner believes that an error has been made in the determination by the administrator, he may, within ten days after the date of receipt of the determination, appeal in writing and request a formal hearing by a hearing officer. The appeal shall indicate the portions of the determination which the petitioner feels are in error and set forth his reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days notice of the time and place thereof.

The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner of notice thereof.

All petitions and correspondence relating to appeal conferences and hearings will be addressed to Department of Licensing, Administrator, Prorate and Fuel Tax Division, Highways–License Building, Olympia, Washington 98504. [Statutory Authority: RCW 82.38-.260. 79–08–140 (Order 548 DOL), § 308–77–190, filed 8/1/79.]

WAC 308–77–220 Filing of refund claim. A claim may be filed monthly, quarterly, annually or for any period of time within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount is due. The postmark date shall be accepted as the date the claim was filed.

Claims shall be accompanied by invoices issued to the claimant by the seller of the fuel. Claims of individuals or proprietors shall be signed by the claimant. A partnership claim must be signed by any one of the partners. Claims of business firms or corporations shall be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided on the form. A claim should be filed in the same name as that shown on invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, a letter of authorization shall be attached signed by the person to whom the invoice was issued.

The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of refund claimed. The claimant may calculate the tax himself or it will be computed by the department. [Statutory Authority: RCW 82.38.260. 79–08–140 (Order 548 DOL), § 308–77–220, filed 8/1/79; Order 114 MV, § 308–77–220, filed 11/26/71.]

WAC 308–77–230 Invoice requirements for refund purposes. (1) The seller of special fuel is required to issue to each purchaser who claims to be entitled to a refund a separate original invoice for each purchase of fuel. A single original invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as provided in WAC 308–77–160. Each delivery is to be individually listed on the original invoice or on an accompanying statement in accordance with the requirements of the rule for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the original invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which a refund of the tax is claimed and is not claimed.

(2) Each original invoice in support of a claim for refund must show:

(a) Name and address of the seller,

(b) Purchaser's name (invoices showing "cash," "equipment name or number," "boat number," etc. will not qualify),

(c) Complete date of sale (month, day and year),

(d) Kind of fuel delivered,

(e) Number of gallons delivered,

(f) Price per gallon,

(g) Total amount of sale,

(h) Amount of special fuel tax paid. The amount of the tax paid need not be separately stated if the invoice bears the notation that the price includes the tax.

(3) Invoices with alterations, corrections or erasures affecting gallonage, place, date or separately stated tax shall be void and will not be accepted. A claimant who submits an invoice that has been altered that may give the claimant an illegal gain may have the entire claim invalidated and the department may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the original invoice received at time of purchase.

(5) If an original invoice is lost or destroyed, the dealer may issue a copy or duplicate copy entering thereon the invoice number, date of sale, gallons, price and amount and any other essential information that appeared on the initial invoice. The copy shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy to the department for validation.

(6) Only one invoice shall be issued for any one delivery. [Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-230, filed 8/1/79; Order 114 MV, § 308-77-230, filed 11/26/71.]

WAC 308-77-240 Records for refund claims. Claimants shall maintain records which are sufficient to substantiate the accuracy of the claims. Such records shall reflect all special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain and inventories of fuel on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to permit examination by representatives of the department shall constitute a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

Special fuel purchased in small containers (tanks, cans, bottles, etc.) for nonhighway use (boats, tractors, mobile homes, trailers, etc.) and identified thus on purchase invoice will require no further records.

Invoices covering special fuel purchased, tax included, exclusively for use in motor vehicles will not be required in support of nonrefundable use but they shall be retained in the files of the claimant to account for fuel used in motor vehicles.

Where a claim covering the operation of a motor vehicle is entirely over private property and subject to refund, no record will be required other than that necessary to establish the source and number of gallons of special fuel used. [Statutory Authority: RCW 82.38-.260. 79-08-140 (Order 548 DOL), § 308-77-240, filed 8/1/79; Order 114 MV, § 308-77-240, filed 11/26/71.]

WAC 308-77-250 Power take-off use. (1) Tax refund may be claimed for special fuel purchased inclusive of tax which is used in a motor vehicle equipped with a power take-off unit to operate auxiliary equipment provided the fuel used for the power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway, or the fuel used to operate auxiliary equipment by the power take-off is accurately measured by metering device that has been specifically approved by the department, and in certain motor vehicles, when established by the following formula:

(a) For special fuel used in pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered. Pumping of gasoline, or other refined petroleum products or any other product, is a taxable use and does not qualify for a refund. Propane and fuel oil delivery truck operators must maintain records which show the total gallons of propane, or fuel or heating oils pumped by each vehicle for which refund or credit is claimed together with supporting meter readings.

(b) For special fuel used in operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in each truck. Garbage trucks with power take-off units which operate a dump box, hoist or other type of lift do not qualify for a refund. Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles traveled for each vehicle.

(2) Deduction may be claimed on the user's tax report for the gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.

(3) All claims must be accompanied by purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in propane or fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

(4) A schedule of vehicle operations shall support each claim for refund. [Statutory Authority: RCW 82-.38.260. 79-08-140 (Order 548 DOL), § 308-77-250, filed 8/1/79; Order MV 137, § 308-77-250, filed 6/1/72; Order 114 MV, § 308-77-250, filed 11/26/71.]

WAC 308-77-260 Auxiliary engines. Tax refund may be claimed for special fuel purchased inclusive of tax which is used in auxiliary engines mounted on a licensed motor vehicle (ready-mix concrete, refrigeration or air conditioning units, etc.) if the fuel for the auxiliary engine is supplied from a fuel tank other than a fuel

tank which supplies the engine propelling the vehicle or is accurately measured by a metering device that has been specifically approved by the department. Estimates for refundable use will not qualify for refund when separate tanks are used. Claimant shall maintain a detailed record of the gallons of fuel used. Invoices covering the total gallons of fuel used in both taxable and nontaxable tanks must accompany the claim. [Order 114 MV, § 308–77–260, filed 11/26/71.]

WAC 308–77–265 Special fuel lost or destroyed. A refund of special fuel tax previously paid may be claimed by notifying the department in writing as to the full circumstances and the amount of the loss. Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary. [Statutory Authority: RCW 82.38-.260. 79–08–140 (Order 548 DOL), § 308–77–265, filed 8/1/79; Order MV–137, § 308–77–265, filed 6/1/72.]

WAC 308–77–270 Repealer. Effective January 1, 1972 the following sections of the Washington Administrative Code are repealed: WAC 308–76–010 through 308–76–200 and 308–76–500. [Order 114 MV, § 308–77–270, filed 11/26/71, effective 1/1/72.]

WAC 308–77–280 Natural gas, propane--Decal as evidence of payment of annual license fees. (1) All vehicles licensed in Washington as well as all vehicles proportionally registered in Washington which are powered by natural gas or liquefied petroleum gas commonly called propane, shall display at all times a decal issued by the department as evidence that the annual fee prescribed in RCW 82.38.075 has been paid in lieu of the fuel tax imposed by RCW 82.38.030. This decal shall be displayed in a conspicuous place on the exterior of the vehicle on the rear bumper or near the fuel tank inlet.

(2) Persons engaged in converting vehicles to be powered by natural gas or propane may, at the completion of the conversion, fill the vehicle tank once with this fuel without requiring the decal. The converted vehicle must display the decal as herein required before further fuel acquisitions can be made.

(3) Vehicles displaying a valid temporary registration permit which has been issued pending the completion of vehicle registration may be allowed to purchase fuel without displaying a decal. [Statutory Authority: RCW 82.38.260. 81–14–048 (Order DOL 630), § 308–77–280, filed 6/30/81.]

Chapter 308–78 WAC
AIRCRAFT FUEL TAX

WAC

308–78–010 Definitions.
308–78–020 License and bond requirements.
308–78–030 Required reports.
308–78–040 Tax exempt transactions.
308–78–045 Tax exempt use.
308–78–050 Supporting documents for tax exempt transactions.
308–78–060 Tax exempt losses.
308–78–070 Records.
308–78–080 Refunds.

WAC 308–78–010 Definitions. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW or a special fuel under chapter 82.38 RCW, when it is used to propel an aircraft.

(2) "User" means any person other than a distributor who is licensed to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition. [Statutory Authority: RCW 82.42.040. 82–20–093 (Order MV 696), § 308–78–010, filed 10/6/82; Order 69–10–2, § 308–78–010, filed 10/29/69; Rules (part), filed 9/12/67; Emergency Rules (part), filed 7/21/67.]

WAC 308–78–020 License and bond requirements. (1) Every distributor shall be licensed and bonded as is provided in chapter 82.36 RCW.

(2) Any person, other than a distributor, whose major use of aircraft fuel is for a tax exempt use specified in RCW 82.42.020 or 82.42.030, may be issued an aircraft fuel user license as authority to purchase the fuel without payment of the tax imposed by RCW 82.42.020 at time of purchase. Verification by the aeronautics division of the Washington department of transportation of the tax exempt usage will be required. [Statutory Authority: RCW 82.42.040. 82–20–093 (Order MV 696), § 308–78–020, filed 10/6/82; Order 69–10–2, § 308–78–020, filed 10/29/69; Rule A, filed 9/12/67; Emergency Rule A, filed 7/21/67.]

WAC 308–78–030 Required reports. (1) Every licensed distributor and user of aircraft fuel shall submit to the department of licensing, on or before the 25th day of each month, on forms furnished by the department:

(a) A signed statement showing the total number of gallons of aircraft fuel acquired, sold, delivered, and used during the preceding calendar month;

(b) A report of the number of gallons of aircraft fuel resulting in an increase or decrease of stock in bulk and/or mobile storage facilities;

(c) Such other data as necessary to support the various entries on the reports.

(2) A report shall be rendered each month regardless of whether fuel has been received or dispensed during the immediately preceding calendar month. The department may permit a user whose sole use of aircraft fuel is for tax exempt purposes to submit one annual report in lieu of monthly reports.

(3) In addition to the reports required by subsection (1) of this section, every licensed distributor shall submit a report for each March and September showing the total monthly sales receipts, less state and federal taxes collected, from all sales of aviation fuel to licensed users and unlicensed purchasers. These reports shall be due by the 25th of April and October respectively. [Statutory Authority: RCW 82.42.040. 82–20–093 (Order MV 696), § 308–78–030, filed 10/6/82; Order 69–10–2, § 308–78–030, filed 10/29/69; Rule B, filed 9/12/67; Emergency Rule B, filed 7/21/67.]

WAC 308-78-040 Tax exempt transactions. (See WAC 308-78-080—Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

(1) To a buyer at a point outside the state; or

(2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or

(3) To United States or foreign government agencies; or

(4) To aircraft fuel users licensed by the department; or

(5) Directly into the aircraft fuel tanks of equipment operated by air carriers and supplemental air carriers operating under part 121 of the Federal Aviation Regulations, local service air carriers operating scheduled service under either part 121 or 135 of the Federal Aviation Regulations, and foreign flag carriers; or

(6) To another licensed distributor. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-040, filed 10/6/82; Order 69-10-2, § 308-78-040, filed 10/29/69; Rule C, filed 9/12/67; Emergency Rule C, filed 7/21/67.]

WAC 308-78-045 Tax exempt use. Exemption from the aircraft fuel tax may be claimed for the uses specified in RCW 82.42.020 and 82.42.030 subject to the following conditions:

(1) Operation of aircraft by air carriers, supplemental air carriers, and local service commuters shall be exempt from the aircraft fuel tax when such operation is directly related to the transportation of passengers or cargo within the authority granted by federal or state authorities.

(2) Exemption from the aircraft fuel tax for testing and experimental purposes shall be granted only to persons primarily engaged in manufacture or remanufacture of aircraft and only for flight operations of an experimental aircraft or an aircraft being tested following manufacture or repair prior to delivery to a customer. Fuel used in the operation of an aircraft which is necessary to the conduct of a test or experimental flight of another aircraft is also tax exempt.

(3) Exemption from the aircraft fuel tax for aircraft crew training will be granted in accordance with rules promulgated by the aeronautics division of the Washington department of transportation.

(4) Exemption from the aircraft fuel tax for application of pesticides, herbicides or other agricultural chemicals will be allowed only for fuel consumed while the chemicals are being applied and for flight operations attendant thereto. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-050 Supporting documents for tax exempt transactions. (1) The provisions of RCW 82.36-.230 relating to exemptions from motor vehicle fuel tax shall be applicable to the claiming of exemption from aircraft fuel tax. In addition, the department may require the distributor to execute such other certificates as may be particularly appropriate to exemptions from the imposition of the aircraft fuel tax.

(2) The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed. Records must be kept in original form for three years. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-050, filed 10/6/82; Order 69-10-2, § 308-78-050, filed 10/29/69; Rule D, filed 9/12/67; Emergency Rule D, filed 7/21/67.]

WAC 308-78-060 Tax exempt losses. Exemption from the aircraft fuel tax shall be allowed a licensed distributor or user for fuel lost or destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty, or verified leakage of five hundred gallons or more. Proof of loss must be submitted consisting of documentation substantiating the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the claim. Exemption from the tax will not be allowed on losses claimed from evaporation, shrinkage, or unknown causes. [Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-060, filed 10/6/82; Order 69-10-2, § 308-78-060, filed 10/29/69; Rule E, filed 9/12/67; Emergency Rule E, filed 7/21/67.]

WAC 308-78-070 Records. (1) Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each month which reflects inventories, receipts, sales, use, transfers, loss or gain, and other distribution. The stock summary shall be supported by:

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.

(2) Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(a) An imprinted serial number;

(b) The imprinted name of the distributor;

(c) The date of delivery;

(d) The name and address of the purchaser (address not required on credit card deliveries);

(e) The location of the storage facility from which the fuel was withdrawn;

(f) The type or grade of fuel;

(g) The number of gallons;

(h) The price per gallon and the total amount charged;

(i) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.

(3) Own use. Every distributor and user shall maintain a withdrawal record covering this total usage during the month, which contains the same information concerning each withdrawal of aircraft fuel for own use as required in subsections (2)(c), (e), (f), and (g).

(4) Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed. [Statutory Authority: RCW 82.42.040. 82–20–093 (Order MV 696), § 308–78–070, filed 10/6/82; Order 69–10–2, § 308–78–070, filed 10/29/69; Rule F, filed 9/12/67; Emergency Rule F, filed 7/21/67.]

WAC 308–78–080 Refunds. (1) Any person claiming a refund for aircraft fuel tax shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel which has been:

(a) Used for purposes exempted under RCW 82.42-.020 or 82.42.030;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.300. Any aircraft fuel carried from this state in the fuel tank of an aircraft shall not be considered as exported from this state;

(c) Used in equipment, other than aircraft, not licensed to be operated over and along any public highway as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Lost or destroyed under the same conditions as provided for tax exempt losses in WAC 308–78–060.

(3) Claims for refund may be filed at any time but not later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) The department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340. [Statutory Authority: RCW 82.42.040. 82–20–093 (Order MV 696), § 308–78–080, filed 10/6/82; Order 69–10–2, § 308–78–080, filed 10/29/69; Rule G, filed 9/12/67; Emergency Rule G, filed 7/21/67.]

Chapter 308–80 WAC
TRANSPORTERS

WAC

308–80–010 Transporters.
308–80–020 Improper use of transporter license plates.

WAC 308–80–010 Transporters. (1) The term "transporter" applies only to those engaged in the business of delivering vehicles, not owned by said transporter, by driveaway or towaway methods and does not apply to motor freight carriers licensed under chapter 81.80 RCW to haul vehicles on trailers or semitrailers.

(2) The special license plates issued authorize driving or towing unlicensed vehicles in lieu of a temporary permit or license plates required under chapter 46.16 RCW.

(3) The special license plates issued shall be displayed as follows:

(a) On driveaway vehicles a front and rear plate of a set with the same number and letter suffix.

(b) On tractor and semitrailer or trailer combination, one of a set on the front of the towing unit and the other half of a set with the same suffix letter on the rear of the semitrailer or trailer being delivered.

(c) When using a tow bar saddlemount, fullmount or lawful combination thereof: One of a set of plates on the front of the towing unit and one of a set of plates on the rear of each vehicle following. [Order MV 447, § 308–80–010, filed 9/16/77; § 23, filed 11/5/63; § 23, filed 3/23/60.]

WAC 308–80–020 Improper use of transporter license plates. Issuance of transporter license plates under chapter 46.76 RCW does not authorize driving or towing of vehicles on the public highways for the following purposes or in the following manner:

(1) On any vehicle in which a licensee has an ownership or equitable interest, provided a towing unit owned by a licensee to deliver vehicles owned by others shall display a transporter plate in addition to a regular plate for the purpose of identification.

(2) For personal transportation.

(3) By any one other than the licensee or a bona fide employee who is carried on the licensee's payroll records.

(4) Failure to display plates as required under WAC 308–80–010.

This rule shall not be construed to prevent a determination that other uses of such plates are improper. [Order MV 447, § 308–80–020, filed 9/16/77.]

Chapter 308–90 WAC
VESSEL DEALER REGISTRATION

WAC

308–90–010 Promulgation authority.
308–90–020 Organization.
308–90–030 Definitions.
308–90–040 Dealer registration application form.
308–90–050 Branch location—Separate registration.
308–90–060 Display of registration.
308–90–070 Dealer registration numbers.
308–90–080 Registration fee—Renewal.

308–90–090 Change of business location.
308–90–100 Termination of business.
308–90–110 Statement of change in business structure, ownership interest or control.

WAC 308–90–010 Promulgation authority. The director, department of licensing, state of Washington, pursuant to the authority vested in the director by chapter 7, Laws of 1983, does hereby promulgate the following rules and regulations relating to the registration of each dealer of vessels. [Statutory Authority: Chapter 7, Laws of 1983. 83–14–061 (Order 722 DOL), § 308–90–010, filed 7/1/83.]

WAC 308–90–020 Organization. The dealer/manufacturer control division of the vehicle services administration of the department of licensing administers the dealer of vessel registration, chapter 7, Laws of 1983.

The principal location of the dealer/manufacturer control division is on the the first floor, Highways–Licenses Building, 12th and Franklin Street, Olympia, Washington 98504. Additional offices are maintained at the following locations which are open to the public from 8 a.m. to 10 a.m. weekdays or by appointment:

CITY	ADDRESS
Kennewick WA 99336	2500 West Kennewick Avenue
Seattle WA 98103	320 North 85th Street
Spokane WA 99205	528 West Indiana
Tacoma WA 98405	6442 Yakima Avenue South
Vancouver WA 98664	3320 East 4th Plain
Yakima WA 98902	2113 West Lincoln

[Statutory Authority: Chapter 7, Laws of 1983. 83–14–061 (Order 722 DOL), § 308–90–020, filed 7/1/83.]

WAC 308–90–030 Definitions. (1) Words and terms used in these rules have the same meaning as each has under chapter 7, Laws of 1983 unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicate that they be given some other meaning.

(2) "Person" includes every natural person, firm, co–partnership, corporation, association or organization.

(3) "Branch location" means any place of business of a dealer which is physically and geographically separated from the principal place of business and has the appearance of being a separate business. [Statutory Authority: Chapter 7, Laws of 1983. 83–14–061 (Order 722 DOL), § 308–90–030, filed 7/1/83.]

WAC 308–90–040 Dealer registration application form. (1) Any person making application for registration for a dealer under chapter 7, Laws of 1983 shall, on a form provided by the director, provide the following information:

(a) The name, business name and principal place of business of the applicant.

(b) The name and resident address of all owners of ten percent or more of the assets of the firm.

(c) The name and resident address of the managing employee.

(d) The applicant's form and place of organization.

(e) That the applicant's business may be lawfully carried on in accordance with all applicable building codes, zoning and other land use regulations. [Statutory Authority: Chapter 7, Laws of 1983. 83–14–061 (Order 722 DOL), § 308–90–040, filed 7/1/83.]

WAC 308–90–050 Branch location––Separate registration. Any branch location of the dealer shall be registered as a separate dealer under chapter 7, Laws of 1983. [Statutory Authority: Chapter 7, Laws of 1983. 83–14–061 (Order 722 DOL), § 308–90–050, filed 7/1/83.]

WAC 308–90–060 Display of registration. The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration. [Statutory Authority: Chapter 7, Laws of 1983. 83–14–061 (Order 722 DOL), § 308–90–060, filed 7/1/83.]

WAC 308–90–070 Dealer registration numbers. The director shall assign a registration number for each applicant registered as a dealer. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX DA)

(1) The dealer's registration number shall be displayed on all vessels owned by the dealer and:

(a) Used for a business purpose of the dealer, but not for use on loaned vessels or vessels rented or leased on a regular commercial basis;

(b) Held as a demonstration or inventory vessel;

(c) Held for the purpose of testing or making repairs.

(2) Rented, loaned or leased vessels shall be registered separately and display separate registration numbers pursuant to chapter 7, Laws of 1983.

(3) The vessel dealer shall display his/her registration number in three inch block numbers/letters on both sides of the forward one–half of the vessel. The registration number may be permanently fixed to the vessel or to a removable display fixture. The numbers/letters shall be displayed in a single line. [Statutory Authority: Chapter 7, Laws of 1983. 83–14–061 (Order 722 DOL), § 308–90–070, filed 7/1/83.]

WAC 308–90–080 Registration fee––Renewal. (1) Any person desiring to be a dealer must include with the application a registration fee of twenty–five dollars. Every registration issued under the provisions of chapter 7, Laws of 1983 expires on the date one year from the date of issue which date will henceforth be the renewal date. An annual registration renewal fee in the same amount must be paid on or before each renewal date. If an application for renewal is not received by the director on or before the renewal date the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days upon payment of the annual renewal fee then in default. Registrations not renewed within thirty days of the renewal date then in default shall be cancelled. A new registration may be obtained

by satisfying the procedures and qualifications for initial registration.

(2) The director shall issue renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee. The dealer shall affix the decal as a prefix to the dealer registration number then in effect as displayed on the dealer's vessels. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-080, filed 7/1/83.]

WAC 308-90-090 Change of business location. The dealer shall notify the director of any change of business location or mailing address prior to engaging in business at the new location. Notification shall be made by filing a change of address application on a form provided by the director accompanied by the return of the registration issued to the former location or address. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-090, filed 7/1/83.]

WAC 308-90-100 Termination of business. The registration shall be retained at all times by the dealer. When the dealer ceases to do business in the name or at the location set forth on the registration the dealer shall immediately notify the director of the termination and return the registration. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-100, filed 7/1/83.]

WAC 308-90-110 Statement of change in business structure, ownership interest or control. Any person, firm, association, corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, majority stockholders, managing partners, managing employee or trustees, must file within ten days of assuming such function. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-110, filed 7/1/83.]

Chapter 308-91 WAC
RECIPROCITY AND PRORATION

WAC

308-91-010	Proration and reciprocity agreement.
308-91-020	Instructions, procedures and declarations.
308-91-030	Definitions.
308-91-040	General provisions.
308-91-050	Applications for proportional/reciprocity registration.
308-91-060	Mileage and prorate percentage.
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308-91-080	Temporary authorization permit.
308-91-090	Leased and rented vehicles.
308-91-100	Operation of rental vehicles.
308-91-110	Utility trailer rentals—Certified average registration plan.

WAC 308-91-010 Proration and reciprocity agreement. The state of Washington is a member of the uniform vehicle registration proration and reciprocity agreement which is hereafter referred to as the "compact." This agreement provides for the proportional registration of fleets of commercial vehicles operated in two or more jurisdictions that are members of the compact. Other member jurisdictions of the compact are: Alaska, Alberta, Arizona, British Columbia, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah and Wyoming.

The state of Washington has bilateral agreements, which are similar to the compact, with the states of Oklahoma, Texas and Wisconsin. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-010, filed 12/28/83. Formerly chapter 410-16 WAC.]

WAC 308-91-020 Instructions, procedures and declarations. The department will publish and make available to the public upon request such instructions, procedures and declarations necessary to carry out the provisions of this chapter, chapter 46.85 RCW and any current agreements or arrangements to which the department is a party. [Statutory Authority: RCW 46.01-.110. 84-02-019 (Order 739 DOL), § 308-91-020, filed 12/28/83.]

WAC 308-91-030 Definitions. The definitions set forth in this section, chapters 46.04 and 46.85 RCW, apply throughout this chapter.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs issued by jurisdictions of the compact in which the vehicle displaying the plate is proportionally registered.

(2) "Base jurisdiction" means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.85.020(4).

(3) "Base plate" means the vehicle license plate assigned to a vehicle by the base jurisdiction.

(4) "Cab card" means the certificate of license registration issued for a proportionally or reciprocity registered vehicle.

(5) "Compact" means the uniform vehicle registration proration and reciprocity agreement.

(6) "Combination of vehicles" means a power unit used in combination with trailers and/or semi-trailers.

(7) "Declared combined gross vehicle weight" means the total unladen weight of any combination of vehicles plus the maximum load to be carried on that combination of vehicles for which registration fees have been or are to be paid.

(8) "Declared gross vehicle weight" means the total unladen weight of any vehicle plus the maximum load to be carried on that vehicle for which registration fees have been or are to be paid.

(9) "Department" means the department of licensing, state of Washington.

(10) "Interstate operation" means vehicle movement between or through two or more jurisdictions.

(11) "Intrastate operation" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(12) "Latest purchase cost" means the actual purchase cost for a vehicle paid by the current owner, if reasonable, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes. Reasonable purchase cost is considered to be the fair market value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in U.S. dollars.

(13) "Lease" means a written document vesting exclusive possession, control of and responsibility for the operation of the vehicle to the lessee for a specified period of time.

(14) "Leased vehicle" means a vehicle which is leased for a period exceeding thirty days. The rental of a vehicle, or a series of rentals of a vehicle, amounting to more than thirty days is considered to be a leased vehicle.

(15) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends full vehicle license reciprocity because of an agreement, arrangement, declaration or mirror reciprocity as provided for in RCW 46.85.080.

(16) "Rental vehicle" means a vehicle which is licensable under the provisions of chapter 46.16 RCW and rented or offered for rent without driver. Rentals are for a specified period which will not exceed thirty days. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-030, filed 12/28/83.]

WAC 308-91-040 General provisions. (1) Fleet composition. Carriers may separate their commercial vehicles into two or more fleets if such divisions are consistent with their operational practices, by reason of equipment design, or restrictions imposed by member jurisdictions.

(2) Records substantiating the latest purchase cost and year of purchase of each vehicle in the fleet must be retained for the period specified in RCW 46.85.190 and made available to the department upon request.

(3) Filing and compliance dates. Prorate annual renewal applications must be filed with the prorate section of the department on or before December 1 of the year immediately preceding the year in which proportional registration is sought to insure timely issuance of identification for the new registration year. No temporary operating authority will be issued for renewal vehicles if the renewal application is received by the department after the above date. Washington proportional registrations expire at midnight, December 31st of each registration year; however, vehicles undergoing renewal processing and for which renewal fees and taxes have been received by the department prior to the beginning of the registration year, will have until March 1st of such registration year to display current year prorate identification; during the first two months of the registration year, such vehicles will display the identification issued for the previous registration year.

(4) Prorate identification. Washington prorate identification consists of a cab card, which describes the vehicle and period for which the vehicle has been proportionally registered, and a prorate backing plate upon which is affixed a current prorate validation decal. The cab card is to be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, it may be carried in or on the power unit of the combination. Photocopies or other facsimiles of the cab card are invalid. The cab card issued by the department is the only acceptable evidence of proportional registration in this state. The prorate backing plate is mounted on the front of a power unit and on the rear of a trailing unit. The validation decal shall be affixed to the upper left-hand corner square of the prorate backing plate.

(5) Transfer of prorate identification. Washington prorate identification cannot be transferred from one vehicle to another vehicle or from one carrier to another carrier.

(6) Surrender of prorate identification. Upon termination of proportional registration or deletion of a vehicle from a fleet, prorate identification will be disposed of as follows:

(a) Vehicle based in Washington. The cab card and prorate backing plate with validation decal attached must be returned to the prorate section of the department. If vehicle is being deleted from the fleet, identification must accompany the application effecting the deletion. The end of year (December 31st) deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle.

(b) Vehicle based in another jurisdiction. Only the Washington cab card is returned to the prorate section. The prorate backing plate with validation decal attached must be returned to the Prorate Unit of the base jurisdiction licensing agency. If vehicle is being deleted from the fleet, cab card must accompany the application effecting the deletion. The end of year (December 31st) deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-040, filed 12/28/83.]

WAC 308-91-050 Applications for proportional/reciprocity registration. Applicants desiring proportional and/or reciprocity registration in this state must make application to the prorate section of the department in the manner and upon the forms prescribed. Forms will be made available by the department. Incorrect or incomplete applications will be returned without action.

The application for any fleet shall bear the same applicant's name, or be identified therewith, for each jurisdiction in which proportional registration is sought for such fleet.

After an original prorate application has been filed for a fleet with this state, vehicles can only be added, deleted or changes in registered/combined gross vehicle

weight made by filing a proration application supplement – Schedule "C" in the manner prescribed.

In circumstances where immediate operation of vehicles being added to the fleet is essential, a temporary letter of authority may be requested by the applicant for such vehicles, pending processing of the application and issuance of prorate identification by the department, provided that:

(1) Licensing fees and taxes have been paid in full for the fleet's original Washington prorate application; and

(2) The proration application supplement – Schedule "C" adding such vehicles to the prorate fleet is acceptable and on file in the prorate section of the department; and

(3) The applicant's prorate account is considered to be in good standing and on active status.

The temporary letter of authority will permit operation of the vehicles listed thereon for a period of time to be determined by the department but not longer than two months from the effective date of the letter. The temporary letter of authority will be issued by one of the following means as requested by the applicant:

(1) Mail;

(2) Collect facsimile or other electronic transmission for which the requestor pays the transmission fees. [Statutory Authority: RCW 46.01.110. 84–02–019 (Order 739 DOL), § 308–91–050, filed 12/28/83.]

WAC 308–91–060 Mileage and prorate percentage. (1) Vehicles developing mileage experience must travel in two or more jurisdictions during the mileage experience year which is defined as the period July 1 through June 30 of the year immediately preceding the registration year for which proportional registration is being sought. The mileage reported must be the actual miles accumulated by only those vehicles that were part of the prorate fleet during the mileage experience year. If a vehicle was part of the prorate fleet for only a part of the experience year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the mileage experience year. If a carrier has more than one prorate fleet, a separate mileage report must be kept for each fleet.

(2) Vehicles operating only intrastate are not eligible for proportional registration and cannot be considered as part of a prorate fleet. Mileage accumulated by such vehicles cannot be included in the mileage experience year of any prorate fleet.

(3) Mileage computation.

(a) Applications containing either power units and trailing units or power units only: Use miles of prorate fleet power units only.

(b) Applications containing power and trailing units from the same carrier with separate statements for power units and trailing units: Use only miles of prorate fleet power units for power unit statement. Use miles of all applicant's line power units, whether prorated or not, operated interstate in combination with prorated trailers for the trailer statement.

(c) Applications for trailer fleet only: Use miles of power units only, whether prorated or not, which are operated in combination with prorated trailers.

(4) The prorate section of the department will not accept any original or renewal prorate applications which contains one or more of the following:

(a) Estimated mileage that does not realistically reflect proposed operations.

(b) Estimated mileage on renewal applications, unless operations began so late in the previous registration year that an actual mileage experience year is not yet available.

(c) Mileage data, other than estimated mileage, expressed in rounded–off numbers on renewal applications.

(d) Identical mileage data reported for consecutive registration years for the same fleet, except when mileage is estimated.

(5) To compute the prorate percentages, divide the miles for each jurisdiction by the total fleet miles. The results are to be computed to the fourth decimal of the percent and rounded up to the third decimal. Express the percent in two digits before the decimal and three digits after the decimal. The Washington prorate percentage established on an original or renewal application will remain in effect for all supplemental applications filed during the registration year unless adjusted by audit or under the provisions of RCW 46.85.170. [Statutory Authority: RCW 46.01.110. 84–02–019 (Order 739 DOL), § 308–91–060, filed 12/28/83.]

WAC 308–91–070 Quarterly tonnage for proportionally registered vehicles. In order to participate in the quarterly (three months) tonnage program, a carrier must initially make its desire known to the prorate section by attaching a note or letter to the original or renewal proration application stating its desire to participate in the quarterly tonnage program. Participation will then continue as long as the fleet maintains eligibility, the carrier withdraws from the program or the privilege is withdrawn by the department for cause. Quarterly tonnage will expire at midnight on the last day of each calendar quarter – March 31, June 30, September 30, and December 31.

To maintain eligibility to purchase tonnage on a quarterly basis, the following rules must be adhered to:

(1) The fleet must be Washington based, contain a minimum of three power units at all times and have a Washington prorate percentage of sixty percent or more.

(2) Each power unit within the fleet must be licensed for at least 68,000 pounds of combined gross vehicle weight.

(3) Quarterly tonnage is based on the calendar quarters of each registration year and must be renewed each quarter for each power unit in the fleet which has not been permanently removed from the fleet. Removal from the fleet is accomplished by filing, with the prorate section, a proration application supplement – Schedule "C," upon which such vehicle is listed as a deletion. The cab card prorate backing plate and validation decal issued to each vehicle being deleted must accompany the application effecting the deletion.

(4) Quarterly renewal tonnage fees must be paid prior to the beginning of the quarter for which fees are due. New identification will not be available for at least four business days after receipt of payment. No letters of authority will be issued for quarterly tonnage renewals.

Failure to comply with the above requirements will be cause for suspension and/or cancellation of the carrier's quarterly tonnage privileges. Upon cancellation of these privileges, tonnage fees for the remainder of the registration year will be immediately due and payable for all power units in the fleet. [Statutory Authority: RCW 46-.01.110. 84-02-019 (Order 739 DOL), § 308-91-070, filed 12/28/83.]

WAC 308-91-080 Temporary authorization permit. Washington temporary authorization permits (TAPs) are available to carriers who have been prorated with the state of Washington for a minimum of one year; have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years; and who have a history of making prompt payment of fees due, usually within thirty days of the billing date. These permits may be used by qualified carriers to allow immediate operation of vehicles being added to their fleet pending issuance of prorate license identification.

Carriers desiring the privilege of obtaining and using TAPs must make application in writing to the prorate section of the department and indicate their anticipated annual requirements for these permits. Upon approval of the application, the carrier may place an order for ten or more TAPs utilizing order forms to be provided by the department; payment as prescribed in RCW 46.85.130 must accompany the application. TAPs are valid for a period of two months from the date of issue by the carrier. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued by the carrier in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. These permits are not transferable and may be utilized only by the carrier to whom they were issued for use with vehicles being added to their fleet or fleets. Carriers must return all unused TAPs at such time as they cancel or fail to renew their Washington prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may only be used for vehicles being added to a carrier's established fleet. They cannot be used to increase vehicle gross weight on a vehicle or for a vehicle that has already been listed on proration application Schedule "A" or proration application supplement Schedule "C" which has been submitted to the prorate section of the department. Only one permit may be issued for any one vehicle.

(3) TAPs must be filled out with a typewriter. All applicable blanks must be completed with requested data. If an error is made in the issue date; or expiration date; or gross weight; or license plate number; or serial/identification number blanks, void the permit by printing the word VOID in large letters across the face of the permit and return the vehicle copy and prorate copy to the department within one week or with your next proration application supplement, whichever is soonest. Retain the applicant's file copy for five years pending possible audit of account under the provisions of RCW 46.85.190. No refund or credit will be given for voided permits; and, they must be accounted for in the department records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of five years pending possible audit under the provisions of RCW 46.85.190. The third copy is to be attached to a Washington proration application supplement which is used to add the vehicle to the carrier's fleet.

(5) When TAPs have been issued, a proration application supplement Schedule "C," listing such vehicles as additions to the fleet, must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration application supplement Schedule "C" and TAPs should be issued from the same location. Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be cause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.

(6) Other causes for suspension and cancellation of TAP and/or proportional registration privileges are:

(a) Failure to comply with these rules and procedures; or

(b) Failure to complete TAPs in their entirety prior to use; or

(c) Failure to comply with Washington prorate instructions, rules or laws; or

(d) Failure to make timely payment of registration fees, taxes or audit assessments when due (usually within thirty days); or

(e) Failure to maintain accountability of TAPs. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-080, filed 12/28/83.]

WAC 308-91-090 Leased and rented vehicles. (1) Vehicles which are leased or rented for a period in excess of thirty days, or a series of short term leases or rentals amounting to more than thirty days, must be registered in the name of the lessee who must also maintain accurate mileage records. For leases or rentals of thirty days or less, the lessor must maintain an accurate record of miles operated by the lessee in each jurisdiction as well as the miles that the lessor operates the vehicle.

(2) Single trip lease. The requirements for single trip leasing are as follows:

(a) The lessor's vehicles must be prorated in this state or operated under authority of vehicle trip permits.

(b) The duration of the lease agreement is for a single trip and cannot exceed thirty days.

(c) A completed copy of the single trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(d) All mileage accumulated throughout the duration of the single trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports and single trip lease agreement must be maintained by the lessor for a period of four years following the mileage experience year or period upon which the application is based.

(3) The compact provides that the lessee of a vehicle is responsible for its licensing under proportional registration subject to the following exceptions:

(a) Household goods carriers, wherein the agent is the lessor and the company is the lessee, may file and register as dual applicants. Under this procedure, the lessor's fleet is prorated in their name and cab cards are issued in the name of both the lessor and lessee. The application is based on the lessor's vehicles and the mileage accumulated by the lessor under his name and that of the lessee. The application should be registered in the name of the lessee and the lessor.

(b) The lessor of a single trip lease agreement is responsible for licensing and recordkeeping. [Statutory Authority: RCW 46.01.110. 84–02–019 (Order 739 DOL), § 308–91–090, filed 12/28/83.]

WAC 308–91–100 Operation of rental vehicles. In the absence of an agreement or arrangement to the contrary, rental vehicles are not eligible for vehicle license reciprocity in the state of Washington except for the classes of vehicles and circumstances indicated below:

(1) Passenger cars currently and properly registered in another jurisdiction will be granted vehicle license reciprocity in this state if:

(a) The car was rented by the vehicle operator from a location outside of the state of Washington; or

(b) The car was dropped off in Washington by the previous rentor and is being rented for a one–way trip out of Washington.

(2) Trailers and semitrailers with an unladen weight in excess of 1,800 pounds, trucks, truck tractors, and road tractors that are currently and properly registered in reciprocity jurisdictions will be granted vehicle license reciprocity in this state if:

(a) The vehicle is rented from a location within a reciprocity jurisdiction; and

(b) The rentor is also based in a reciprocity jurisdiction; and

(c) A copy of the rental agreement is carried in the rental vehicle or in the vehicle providing the motive power for a combination of vehicles; and

(d) When such vehicle is operated in combination, all vehicles within the combination are properly registered in reciprocity jurisdictions. [Statutory Authority: RCW 46.01.110. 84–02–019 (Order 739 DOL), § 308–91–100, filed 12/28/83.]

WAC 308–91–110 Utility trailer rentals—Certified average registration plan. For the purpose of this rule, utility trailers are defined as factory built trailers of the type designed primarily for personal use such as the hauling of household goods, general cargo and/or personal effects.

Owners of utility trailers engaged in the business of renting such trailers for use in this state may apply to the prorate section of the department for participation in the certified average registration plan. The plan requires the licensing and payment of all applicable fees and taxes on the number of utility trailers equal to the average number of such trailers operated in and/or through the state. The average may be determined in any manner approved by the department and will in any case be equal to or exceed the average number of utility trailers operated in and/or through this state during the preceding year. The trailers registered will consist of a mix of vehicles by age and value which is representative of all vehicles in the fleet.

Annually, on a date to be determined by the department, verifiable data concerning the average number of utility trailers operating in and/or through this state will be filed in certified form with the prorate section of the department. The owner will make the records, upon which its report is based, available to the department upon request at its designated office for audit as to accuracy of records, computations and payments. They will also preserve such records for a period of four years following the preceding year or period upon which the average is based. If the department determines that the applicant under this plan should have registered more trailers in this state under the provisions of this plan, the department may deny any further benefits until the additional trailers have been registered. In any case, the determination of the department concerning the average number of trailers operating in this state during the preceding year shall be final.

Upon compliance with this section, utility rental trailers duly licensed, identified and registered in any state of the United States or the District of Columbia, and belonging to owners who elected to participate in the certified average registration plan and having complied with this regulation, will be permitted to operate in this state on an interstate and intrastate basis. [Statutory Authority: RCW 46.01.110. 84–02–019 (Order 739 DOL), § 308–91–110, filed 12/28/83.]

Chapter 308–93 WAC
VESSEL REGISTRATION AND CERTIFICATES OF TITLE

WAC

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WAC 308-93-010 Definitions. Unless the context clearly provides otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States or Canada.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Commerce" means the transportation of goods, products, commodities, or passengers between specified points for which a fare or shipping cost is levied.

(4) "Commercial fishing" means operating under a currently valid commercial or charter fishing license issued by the department of fisheries.

(5) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(6) "Director" means the director of the department of licensing.

(7) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(8) "Exclusively" means solely and without exception.

(9) "Foreign vessel" means a vessel owned by a resident of another state or a Canadian province registered in accordance with the laws of the state or province in which the owner resides.

(10) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

(11) "Lifeboat" means craft used exclusively for lifesaving purposes.

(12) "Manufacturer's certificate of origin" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(13) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(14) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(15) "Previous ownership document" means the last issued certificate of title and/or registration.

(16) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(17) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(18) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(19) "Secured party" means a lender, seller, or other person in whose favor there is a security interest, including a person to whom accounts, contacts rights, or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

(20) "Tender" means craft used exclusively to furnish transportation from a larger vessel to shore and return.

(21) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters of this state.

(22) "Valid marine document" means a document issued by the United States federal government which declares a vessel of five net tons or larger to be a documented vessel of the United States.

(23) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(24) "Waters of this state" means any waters within the territorial limits of this state. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–010, filed 11/18/83.]

WAC 308–93–020 Registration required. Vessel registration and payment of excise tax is required on any vessel placed upon the waters of this state unless specifically exempted by law. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–020, filed 11/18/83.]

WAC 308–93–030 Vessels subject to excise tax, registration and titling. The following vessels must be registered and titled and pay the excise tax if they are on or using the waters of this state.

All vessels sixteen feet or longer equipped with propulsionary machinery or sails, unless specifically exempted, and the following:

(1) Amphibious vessels (vehicles);

(2) Houseboats;

(3) Inflatable vessels with motors;

(4) Ski type vessels (jet ski, wet bike, etc.) if sixteen feet or longer;

(5) Racing vessels. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–030, filed 11/18/83.]

WAC 308–93–040 Vessels exempted from excise tax but required to be registered and titled. The following vessels must be registered and titled but shall be exempt from the assessment of the excise tax:

(1) Undocumented vessels used exclusively for commercial fishing purposes;

(2) Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof;

(3) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030;

(4) Recreational type public vessels of the United States. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–040, filed 11/18/83.]

WAC 308–93–050 Vessels exempted from registration, taxation and titling. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Military or public vessels of the United States, except recreational–type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States or Canada if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state or a Canadian province if the vessel is registered in accordance with the laws of the state or province in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for vessels registered in this state: *Provided*, That any vessel which is validly registered in another state or a Canadian province and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels propelled solely by oars or paddles;

(6) A ship's lifeboat used solely for lifesaving purposes;

(7) All vessels under sixteen feet in length or whose primary propulsion is human power;

(8) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(9) Vessels of any size powered only by human power;

(10) Vessels which are temporarily in this state undergoing repair or alteration;

(11) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels.

(12) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;

(13) A vessel not using the waters of this state. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 §

46. 83-23-076 (Order 736-DOL), § 308-93-050, filed 11/18/83.]

WAC 308-93-060 Registration period. The registration period will be July 1 of the current year through June 30 of the following year for purposes of implementing chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.

Any vessel registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed by statute will be assessed for the period beginning July 1 through the current registration period in which the vessel is registered: *Provided*, That if the owner can verify that the vessel was acquired or brought into Washington after July 31, the excise tax will be assessed from the date of acquisition or entry into the state.

Vessels being registered in Washington for the first time and assigned a registration period of eleven months or less shall have the annual excise tax reduced by one-twelfth for each full month of the registration period which has passed by the date when the vessel is registered in Washington. The registration and the titling fee will not be abated.

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there will be assessed a registration fee of six dollars for the current registration period and excise tax due from the expiration date of the previous registration: *Provided*, That if the person seeking registration can verify that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-060, filed 11/18/83.]

WAC 308-93-070 Application for title/registration. (1) An application for certificate of title or registration of a vessel shall be completed and shall include:

(a) The names and addresses of all owners of the vessel being registered including a lessor if applicable.

(b) Make, model year and length of vessel.

(c) Type of power (gasoline, diesel, propane, etc.).

(d) Primary use.

(e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, etc.).

(f) Hull type.

(g) Primary vessel construction (fiberglass, wood, aluminum, etc.).

(h) County of moorage.

(i) Coast guard number, if any.

(j) Purchase cost and purchase year of vessel or declared value and year of declaration.

(k) Hull identification number.

(2) Name and address of the legal owner or a statement of fact by the registered owner that the vessel is free of all liens other than those shown on the application.

(3) In the event a vessel is homemade, the owner must complete and sign a declaration of value form. The signature of the registered owner of a homemade vessel must be notarized by a notary public.

(4) The names of all owners will appear on the application for registration and title. The application must be signed by all owners. This signature must be notarized or certified by an authorized registration agent.

(5) The application for certificate of title or registration shall be accompanied by the following where applicable:

(a) A copy of the bill of sale or sales agreement.

(b) Vessel data form.

(c) Declaration of value form.

(d) All proper fees and excise tax.

(e) Previous ownership document properly released.

(f) Excise exemption affidavit.

(g) Proof of sales tax paid.

(h) Proof of personal property tax paid.

(i) Manufacturer's certificate of origin or original factory invoice.

(j) Copy of carpenter certificate.

(k) Copy of any filing pursuant to Article 62A.9 RCW, Uniform Commercial Code-Secured Transactions.

(l) Release of interest form.

(m) Verification of ownership.

(n) Copy of certificate of ownership of vessel issued by United States Coast Guard. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

WAC 308-93-080 Registration certificate. Upon payment of proper fees and excise tax, the department of licensing or its agents shall issue a certificate of registration. The registration document must be signed by at least one of the owner(s) and carried on the vessel for which it is issued at all times when the vessel is physically located on the waters of the state of Washington except as provided under WAC 308-93-100. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-080, filed 11/18/83.]

WAC 308-93-090 Rented or leased vessels. If the vessel is leased and operated in Washington by a Washington resident, it must be titled and registered in Washington.

(1) Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.

(2) If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.

(3) If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the

legal owner. If the vessel is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]

WAC 308-93-100 Retention of registration certificate for leased or rented vessels. The registration certificates for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than seven days may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel shall be carried aboard the vessel at all times during use and shall contain at least:

(1) The vessel number that appears on the registration certificate;

(2) The period of time for which the vessel is leased or rented;

(3) The hull identification number. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-100, filed 11/18/83.]

WAC 308-93-110 Vessels previously registered or titled in another state. If the application for certificate of title or registration is for a vessel previously registered or titled in another state, the application must be accompanied by:

(1) Either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state, or an affidavit of lost title or a release of interest; provided that no release is required if there is no change in ownership, and

(2) An affidavit certifying when and where the vessel was acquired or brought into the state. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-110, filed 11/18/83.]

WAC 308-93-120 Transfer of certificate of title or registration. If a vessel has a current valid Washington vessel registration and the certificate of title is being transferred to reflect a change in ownership, the title fee and a registration transfer fee of one dollar will be charged. If the vessel does not have a valid registration, the registration fee, the title fee and applicable excise tax will be charged. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-120, filed 11/18/83.]

WAC 308-93-130 Exemption for vessels undergoing repair or alteration. Vessels brought into this state exclusively for the purpose of repair or alteration are not subject to registration providing they are not on the waters of this state for any purpose other than repair, alteration or the testing thereof. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-130, filed 11/18/83.]

WAC 308-93-140 Decals--Placement. Upon registration, the applicant will receive a registration document and two decals. One decal shall be affixed to the port side and one decal shall be affixed to the starboard side of the hull or bridge aft of the midship. The decals must be located on the outside of the vessel so that each decal is visible without obstruction from a sideview of the vessel while the vessel is in the water: *Provided*, That vessels sixteen feet and over with propulsionary machinery of less than ten horsepower qualifying as a ship's tender shall display the registration number issued by the coast guard for the registered vessel in block letters not less than three inches high followed by the number "1" of a color contrasting to the background, on the outside of the hull on both port and starboard sides of the forward half of the vessel. The number must be visible without obstruction from a sideview of the tender while the tender is in the water. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-140, filed 11/18/83.]

WAC 308-93-150 1983 property tax credit. Property tax paid for a vessel for the 1983 tax year will be deducted from the 1983 excise tax amount due when a receipt from the treasurer's office is presented at the time of registration, identifying the vessel and the amount paid. If a treasurer's receipt cannot be obtained, a cancelled check may be accepted, provided the cancelled check clearly and distinctly indicates that its purpose was for the payment of 1983 personal property tax for the vessel being registered. Proof of property tax paid must be attached to the application for certificate of title or registration if credit is given. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-150, filed 11/18/83.]

WAC 308-93-160 Excise tax exemptions--Indians. (1) For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States department of the interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States department of the interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States department of the interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-160, filed 11/18/83.]

WAC 308-93-170 Applications to agents--Transmittal to director. Upon receipt by registration agents of the director, including county auditors, of original applications for vessel certificate of title and/or registration accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees to the director. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-170, filed 11/18/83.]

WAC 308-93-180 Time of renewal of registration--Duration. Vessel registrations and decals may be renewed for the subsequent registration year on and after the ninetieth day prior to the end of the current registration year and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-180, filed 11/18/83.]

WAC 308-93-190 Prerequisite to issuance of vessel registration and decals. No decals or vessel registration, whether original issues or duplicates, shall be issued or furnished by the department unless the applicant therefor shall at the same time make satisfactory application for a certificate of title or shall present satisfactory evidence that such a certificate of title covering such vessel has been previously issued. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-190, filed 11/18/83.]

WAC 308-93-200 Assigned certificate of title to be filed by department--Transfer of interest in vessel. Certificates of title when assigned and returned to the department, together with subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vessel designated therein:

(1) If the interest of an owner in a vessel passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of title if available, and an application for a new certificate in the form the department prescribes.

(2) If the interest of the owner is terminated or the vessel is sold under a security agreement by a secured party named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, an application for a new certificate in the form the department prescribes, and an affidavit made by or on behalf of the secured party that the vessel was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) If the secured party succeeds to the interest of the owner and holds the vessel for resale, the secured party need not secure a new certificate of title, but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-200, filed 11/18/83.]

WAC 308-93-210 Procedure when department unsatisfied as to ownership and security interests. If the department is not satisfied as to the ownership of the vessel or that there are no undisclosed security interests in it, the department may register the vessel but shall either:

(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vessel and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of title, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, or in lieu thereof a deposit of cash in like amount. The bond shall be in an amount equal to one and one-half times the value of the vessel as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vessel or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vessel or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vessel. Any

such person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit shall be returned at the end of three years or prior thereto if the vessel is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-210, filed 11/18/83.]

WAC 308-93-220 Director may refuse or cancel certificate. If the director determines at any time that an applicant for certificate of title or for a registration for a vessel is not entitled thereto, the director may refuse to issue such certificate or to register the vessel and the director may, for like reason, after notice, and in the exercise of discretion, cancel the registration already acquired or any outstanding certificate of title. The notice shall be served personally or sent by certified mail, return receipt requested. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-220, filed 11/18/83.]

WAC 308-93-230 Procedure when security interest is granted on vessel. If, after a certificate of title is issued, a security interest is granted on the vessel described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of title last issued covering the vessel, or such other documentation as may be required by the department, which application shall be upon a form provided by the department and shall be accompanied by a fee of one dollar. The department, if satisfied that there should be a reissue of the certificate, shall note such change upon the vessel records and issue to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of title to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of title and transmit it to the owner. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-230, filed 11/18/83.]

WAC 308-93-240 Duplicate for lost, stolen, mutilated, etc., certificates. If a certificate of title or a registration is lost, stolen, mutilated or destroyed, or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department as follows:

An application for a duplicate certificate of title must be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by all owners of record.

The duplicate certificate of title or registration shall contain the legend, "This is a duplicate certificate." It shall be mailed to the first priority secured party named in it or, if none, to the owner.

A person recovering an original certificate of title or registration for which a duplicate has been issued shall promptly surrender the original certificate to the department. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-240, filed 11/18/83.]

WAC 308-93-250 Legal owner not liable for acts of registered owner. The person, firm, copartnership, association or corporation to whom a certificate of title shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for or by or under the authority of such registered owner. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-250, filed 11/18/83.]

WAC 308-93-260 State or director not liable for acts in administering chapter. No suit or action shall ever be commenced or prosecuted against the director of licensing or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess., or chapter 308-93 WAC. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-260, filed 11/18/83.]

WAC 308-93-270 Appeals to superior court from suspension, revocation, cancellation, or refusal of registration or certificate of title. The suspension, revocation, cancellation, or refusal by the director of any registration or certificate of title provided for in chapter 7, Laws of 1983, and chapter 3, Laws of 1983 2nd ex. sess. shall be conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions.

Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-270, filed 11/18/83.]

WAC 308-93-280 Procedure when identification number altered or obliterated. Before the department shall issue a certificate of title, or reissue such a certificate covering any vessel, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vessel shall file an application with the department, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vessel. Upon receipt of such application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vessel, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed upon the vessel in the manner prescribed by the department. Upon receipt by the department of an application for a certificate of title or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vessel in any certificate of registration or certificate of title that may thereafter be issued therefor. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-280, filed 11/18/83.]

WAC 308-93-290 Transfer of ownership, how perfected. A transfer of ownership in a vessel is perfected by compliance with the requirements of this section.

(1) If an owner transfers an interest in a vessel other than by the creation of a security interest, he shall, at the time of the delivery of the vessel, execute an assignment to the transferee and cause the certificate and assignment to be transmitted to the transferee, and shall within fifteen days notify the department.

(2) The transferee of ownership shall within fifteen days after delivery to him of the vessel, execute the application for a new certificate of title in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of title shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under the security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provision of WAC 308-93-230.

(5) If the purchaser or transferee of ownership fails or neglects to transfer such certificate of title and registration within fifteen days after date of delivery of the vessel to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars.

(6) Upon receipt of an application for the reissue of a certificate of title and transfer of registration, accompanied by the endorsed certificate of title and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of title and registration have been complied with, issue new certificates of title and registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the general fund. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-290, filed 11/18/83.]

WAC 308-93-300 Original applications--Renewals--Fees--Preissuance, when. (1) Upon receipt of the application and the proper fee for an original vessel registration, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vessel registration shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vessel was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such registration fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vessel concerned.

(3) Persons expecting to be out of the state during the normal renewal period of a vessel registration may secure renewal of such vessel registration for a period of thirty days prior thereto and have decals preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the

last registration period in which the vessel was registered in Washington and be accompanied by such registration fees and excise tax as may be required. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-300, filed 11/18/83.]

WAC 308-93-310 Loss, defacement, or destruction of decals--Replacement fee. Upon the loss, defacement, or destruction of one or both of the vessel decals issued for any vessel or where one or both have become so illegible or in such condition as to be difficult to distinguish, the owner of the vessel shall make application for new vessel decals upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original decal or decals, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vessel registration applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of registration of the vessel and a one dollar replacement decal. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-310, filed 11/18/83.]

WAC 308-93-320 Registration certificate and decals follow vessel on transfer. In any case of valid sale or transfer of the ownership of any vessel, the right to the certificates properly transferable therewith and to the vessel decals and registration number shall pass to such purchaser or transferee. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-320, filed 11/18/83.]

WAC 308-93-330 Certificate of title--Application. The application accompanied by cash, a draft, money order, or certified bank check for all appropriate fees together with the last preceding certificate or other satisfactory evidence of ownership, shall be forwarded to the director. The certificate of title shall not be required to be renewed annually, or at any other time, except as by law provided. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-330, filed 11/18/83.]

WAC 308-93-340 Commercial fishing vessels. (1) Documented vessels used primarily for commercial fishing purposes shall be exempt from vessel registration requirements.

(2) Undocumented vessels used exclusively for commercial fishing purposes shall not be exempt from vessel registration requirements but shall be exempt from excise tax. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-340, filed 11/18/83.]

WAC 308-93-350 Incorrect endorsements or erasures. (1) If a certificate of title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a certificate of title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-350, filed 11/18/83.]

WAC 308-93-360 Application for title required. An application for certificate of title is required:

(1) Whenever the ownership of a vessel changes;

(2) When there is a legal change of name of the registered or legal owner of a vessel;

(3) When there is a change of name of a business entity owning a vessel;

(4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;

(5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;

(6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;

(7) Whenever a vessel has been reported destroyed and the owner wishes to operate it again on the waters of this state;

(8) Whenever the hull identification number is changed;

(9) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-360, filed 11/18/83.]

WAC 308-93-370 Form required for name and address--Owners in common. If more than one person is shown on the application for title or its addendum as registered owner of the vessel, those persons will be treated as owners in common of the vessel whether or not the names are joined by the word "and" or the word "or." [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-370, filed 11/18/83.]

WAC 308-93-380 Form required for name and address--Ownership in joint tenancy. If more than one person is shown on the title application as registered

owner, and the intention of the parties is to create ownership in joint tenancy, it is necessary to use the following language on the application for certificate of title:

(1) "John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship"; or

(2) "John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship and not as tenants in common" on the reissue title.

The ownership of the vessel in joint tenancy will be indicated on the certificate issued by the department in the following manner: "J.T.W.R.O.S."

A certified copy of the death certificate will be required upon the death of a party named on such a title. An application for title in the name(s) of the remaining party will be required. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-380, filed 11/18/83.]

WAC 308-93-390 Vessels held in trust. (1) The trustee shall be shown on any application for certificate of title as registered owner if a vessel is held in trust for the benefit of another. There is no requirement that the word "trustee" be placed after the name of any such owner.

(2) If the application and subsequently issued title includes the word "trustee" after the name of the registered owner, any signature releasing interest in the vessel by that owner shall include that designation.

(3) Upon the death of the trustee, a co-trustee or successor trustee shall make application for transfer of title into his/her own name. An affidavit that he or she is the successor or co-trustee and a copy of the documents so designating that person shall accompany any such application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-390, filed 11/18/83.]

WAC 308-93-400 Two legal owners. If one of two legal owners shown on a certificate of title has his/her security interest in the vessel satisfied, that interest in the vessel shall be released in the appropriate manner and the appropriate documentation forms forwarded to the remaining legal owner. The remaining legal owner shall either (1) retain that documentation and forward it to the department at the time his/her interest is satisfied along with an application for reissue or (2) the documentation shall be immediately presented to the department with an application for reissue of title to show the remaining secured party as the sole legal owner of the vessel. If the outstanding certificate of title does not show the address of the remaining legal owner, there must be an application for reissue of title in order that the address of the remaining legal owner may be indicated on the outstanding certificate of title. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-400, filed 11/18/83.]

WAC 308-93-410 Refusal by department to release title. The department may refuse to release a vessel title under any one of the following circumstances:

(1) All or a part of the fees for the registration or certificate of title have not been paid; or

(2) All or a part of the fees for the registration or certificate of title have been paid with a check that has not been honored; or

(3) At the discretion of the department when the department has been requested by an interested party to hold the certificate of title pending legal action, or whenever the department deems it inadvisable to release the certificate of title. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-410, filed 11/18/83.]

WAC 308-93-420 Special mailing. The department will mail the title to the legal owner of record. If it is the intent of the legal owner to have the title mailed to someone other than that shown on the title, written authorization, signed by the legal owner, is required. This must be in a form approved by the department. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-420, filed 11/18/83.]

WAC 308-93-430 Release of interest. If the registered and/or legal owners of record cannot release their interest on the title, a release of interest form approved by the department properly signed in accordance with WAC 308-93-470, shall be used as supportive documentation. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-430, filed 11/18/83.]

WAC 308-93-440 Lack of proper release. If the registered or legal owner(s) as shown in the records of the department or the records of the foreign state issuing the last certificate of title and/or registration of a vessel has not released his/her interest in the vessel by endorsement on the certificate or by a release of interest, the following must be attached to an application for Washington certificate of title:

(1) Proper documentation authorized by other sections of this chapter to be used in lieu of a release by the registered or legal owner; or

(2) A bond in accordance with WAC 308-93-210; or

(3) The following, if satisfactory to the department:

(a) An affidavit by the applicant stating the reasons the person is unable to obtain a release of interest from the registered and/or legal owner(s) of record; and

(b) Evidence of ownership of the vessel by the applicant such as, but not limited to, a bill of sale; and

(c) Evidence of attempts to locate the owner(s) of record such as copies of correspondence sent to the last known address of the owner as well as returned receipts showing such correspondence was sent by registered or certified mail, return receipt requested. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-440, filed 11/18/83.]

WAC 308–93–450 Signature of registered owner on application––Exceptions. On an application for an original, reissue, or transfer of certificate of title, the signature of each and every name registered owner is required except:

(1) When the application is for the sole purpose of removing a legal owner of record from the certificate of title when that legal owner's security interest has been satisfied in the vessel;

(2) When authorized supportive documentation is used in lieu of the signature or signatures;

(3) When the legal owner applies for a duplicate title;

(4) When there is a change in the secured party;

(5) When the legal ownership is transferred with an affidavit of repossession. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–450, filed 11/18/83.]

WAC 308–93–460 Releasing interest. (1) In order for a person to release his/her interest in a vessel as registered or legal owner, his/her signature is required on the certificate of title issued by the department, unless authorized supportive documentation is used in lieu of that signature or in lieu of the certificate issued by the department.

(2) If the signatures are not on the certificate of title, all signatures must be certified in accordance with WAC 308–93–470.

(3) If more than one person is shown on the certificate of title issued by the department as registered or legal owner, the signature of each registered and legal owner is required no matter what the form of ownership unless authorized supportive documents are used in lieu of one or more signatures.

(4) A release of interest is not required from one identified as a lessee. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–460, filed 11/18/83.]

WAC 308–93–470 Certification of signature. The signature of every applicant to be shown on the certificate of title as the registered owner and of other signatures, as required, shall be subscribed to and sworn to by that person before a notary public, county auditor, deputy auditor, an authorized agent approved by the director of licensing, an agent appointed by the director of licensing, an employee or appointee of either type or agent, or an employee of the department of licensing authorized by the director to certify to an applicant's signature. Approved identification of the person signing shall be required. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–470, filed 11/18/83.]

WAC 308–93–480 Certification of signature––Departmental employees. The director hereby authorizes the following department employees to certify signatures: Deputy director, the assistant director for vehicle services, the chief officer and assistant of the division primarily responsible for vessel registration and titles, persons assigned to liaison duties between the department and its vehicle license agents, and persons assigned the responsibility of accepting title applications from persons appearing at the department's office. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–480, filed 11/18/83.]

WAC 308–93–490 Sheriff's sale. (1) An application for title for a vessel sold by a sheriff pursuant to Washington state law transfers only the interests of the person(s) shown on the bill of sale, or if the former owner(s) is not shown, only the interests of the registered owner(s) of record, and shall be accompanied by:

(a) The sheriff's bill of sale; and

(b) A copy of the court order directing the sale, if any.

(2) The vessel must be titled in the name of the purchaser shown on the bill of sale. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–490, filed 11/18/83.]

WAC 308–93–500 Name change. On any application for reissue of a certificate of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change shall be attached to the application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–500, filed 11/18/83.]

WAC 308–93–510 Transfer by court order. Any application for certificate of title, where a change of legal or registered owner of a vessel is the result of the order of a court, shall be accompanied by a certified copy of the order or a certification from the clerk of court on a department approved form confirming the court's action. If the last issued certificate of title is not attached to the application, an affidavit of lost or destroyed title or an affidavit explaining the nonavailability of the title document shall also be attached to the application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–510, filed 11/18/83.]

WAC 308–93–520 Owner deceased––Community property agreement. If the prior owner of record of a vessel is deceased and a valid community property agreement exists, the surviving spouse may release the interest of the deceased's estate in the vessel. The following shall be attached to any application for certificate of title:

(1) A copy of the community property agreement;

(2) A certified copy of the death certificate. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83–23–076 (Order 736–DOL), § 308–93–520, filed 11/18/83.]

WAC 308–93–530 Owner incompetent. On any application for certificate of title where the former owner

of record of the vessel has been declared legally incompetent, the incompetent's interest in the vessel shall be released by signature of the court appointed guardian. A certified copy of the court order appointing the guardian shall be attached to the application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-530, filed 11/18/83.]

WAC 308-93-540 Owner bankrupt. On any application for certificate of title where the prior owner's interest has been terminated through bankruptcy proceedings, the interest of the bankrupt in the vessel may be released by his/her trustee. If the release is by his/her trustee, a certified copy of the court order appointing the trustee shall be attached to the application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-540, filed 11/18/83.]

WAC 308-93-550 Owner deceased--Signature of personal representative. On any application for certificate of title where a vessel has been acquired from the estate of a deceased person, the interest of the deceased's estate in the vessel shall be released by the signature of the personal representative. A copy of the court order approving or confirming the personal representative shall be attached to the application. Any unreleased legal owners shall remain as such on the new certificate of title issued by the department. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-550, filed 11/18/83.]

WAC 308-93-560 Owner deceased--Will left. If the prior owner of a vessel is deceased and a will was left, the following documents shall be attached to any application for transfer of title:

(1) If the will is not a nonintervention will:

(a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved forms confirming the court action; or

(b) A certified copy of the decree of distribution.

(2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-560, filed 11/18/83.]

WAC 308-93-570 Owner deceased--No will left. If the prior owner of a vessel is deceased and left no will, a certified copy of the court order authorization to transfer the vessel or a certification from the clerk of court confirming such action must be attached to any application for certificate of title. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-570, filed 11/18/83.]

WAC 308-93-580 Owner deceased--To spouse "in lieu of homestead." If the prior owner of a vessel is deceased and the court awards the vessel to the surviving spouse "in lieu of homestead," a certified copy of the court's order or a certification from the clerk of court on department approved forms confirming such court action must be attached to the application for certificate of title. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-580, filed 11/18/83.]

WAC 308-93-590 Owner deceased--In name of estate. If the owner of record of a vessel is deceased, the vessel may be titled and licensed in the name of the estate of the deceased pending final settlement of the estate. A certified copy of the court order appointing or confirming the personal representative shall be attached to the application for certificate of title. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-590, filed 11/18/83.]

WAC 308-93-600 Owner deceased--Estate not administered. If the prior owner of a vessel is deceased, left no will, and the estate will not be administered, the surviving spouse or any other heir may release the interest of the deceased's estate in the vessel by attaching the following to any application for certificate of title:

(1) Affidavit of inheritance with affidavits of release of interest from other heirs attached thereto;

(2) Certified copy of the death certificate. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-600, filed 11/18/83.]

WAC 308-93-610 Security interest--When perfected. The requirements for perfecting a security interest in a vessel as set forth in chapter 3, Laws of 1983 2nd ex. sess., shall not take effect until certificates of registration and title are actually being issued on or about October 1, 1983. Until such time present methods of perfecting security interests in vessels shall remain effective. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-610, filed 11/18/83.]

WAC 308-93-620 Hull identification number required. No person shall operate a boat on the waters of this state for which registration and titling is required unless such boat has a hull identification number. Hull identification numbers must be carved, burned, stamped, embossed, clearly imprinted, or otherwise permanently affixed to the outboard side of the transom, or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that alteration, removal or replacement would be obvious or evident. No person, firm, association or corporation shall destroy, remove, alter, cover, or deface the hull identification number. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-620, filed 11/18/83.]

WAC 308-93-630 Assignment of hull identification number. Upon application for original registration or

transfer of registration and title or transfer of registration and title of a vessel, the department may assign an appropriate hull identification number to such vessel whenever there is no hull identification number thereon, or when a hull identification number thereon has been destroyed or obliterated and such hull number shall be permanently affixed as prescribed by the department. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-630, filed 11/18/83.]

WAC 308-93-640 Reciprocity. A vessel owned by a resident of another state or a Canadian province which is already covered by a number in full force and effect issued to it pursuant to federal laws or a numbering system of such state or province shall be exempt from registration requirements for a period of sixty consecutive days in any twelve month period but only to the extent a similar reciprocity is granted for vessels registered in the state of Washington. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-640, filed 11/18/83.]

Chapter 308-94 WAC
SNOWMOBILES AND ALL TERRAIN VEHICLES

WAC

308-94-010	Registration of snowmobiles.
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308-94-240	Validating tab—Display.
308-94-250	The all terrain use permit must be carried on vehicle.
308-94-260	Nonresidents.

WAC 308-94-010 Registration of snowmobiles. The provisions of WAC 308-94-010 through 308-94-150 shall apply to the registration of snowmobiles and the administration of the Snowmobile Registration Act. (Chapter 46.10 RCW and chapter 153, Laws of 1972 2nd ex. sess.) [Order MV-159, § 308-94-010, filed 1/2/73; Order 111 MV, § 308-94-010, filed 10/5/71.]

WAC 308-94-020 Appointment of agents. The director hereby appoints all of those agents heretofore appointed as agents of the department of motor vehicles for issuing vehicle licenses, vehicle license number plates, and registration certificates, and certificates of title, pursuant to RCW 46.01.130 as agents for the purpose of administering the Snowmobile Registration Act, (chapter 46.10 RCW and chapter 153, Laws of 1972 2nd ex. sess.), and the provisions of RCW 46.01.130 and 46.01-.140 shall apply to all registrations under said act. [Order MV-159, § 308-94-020, filed 1/2/73; Order 111 MV, § 308-94-020, filed 10/5/71.]

WAC 308-94-030 Application for registration. An application for registration of a snowmobile shall include:

(1) Name and address of applicant;

(2) Make and model year of snowmobile;

(3) Method of propulsion, including but not limited to tracks, wheels or combination thereof;

(4) Proof of payment of sales tax or a bill of sale establishing the price paid for the vehicle; and

(5) Previously issued registration certificate, or a duplicate thereof if the application is for the transfer of registered snowmobile. [Order 111 MV, § 308-94-030, filed 10/5/71.]

WAC 308-94-040 Snowmobile registration year. Effective October 1, 1976, the registration year for snowmobiles will be October 1 through September 30 of the following year. Snowmobile licenses showing an expiration date of August 31, 1976, will be honored as valid licenses through September 30, 1976. [Order MV-355, § 308-94-040, filed 5/10/76; Order MV-159, § 308-94-040, filed 1/2/73; Order 111 MV, § 308-94-040, filed 10/5/71.]

WAC 308-94-050 Registration certificate. The registration certificate shall be the applicant's copy of the original or renewal application for registration. [Order 111 MV, § 308-94-050, filed 10/5/71.]

WAC 308-94-060 Registration for snowmobiles used as all terrain vehicles. Any vehicle registered as a snowmobile which may be converted for all terrain use shall be entitled to be used as an all terrain vehicle if validly and currently registered under the snowmobile act. [Order MV-159, § 308-94-060, filed 1/2/73; Order 111 MV, § 308-94-060, filed 10/5/71.]

WAC 308-94-070 Display of registration number and date (validating) tags. The decals showing the registration number assigned by the department shall be affixed to the right and left sides of the snowmobile or to its front and back. They must be located so that snow, passenger, driver or load will not obscure them.

The date tags indicating the month of expiration of the registration year are to be located in front of the registration numbers no more than two inches from the beginning of the numbers. The date tags indicating the year of expiration of the registration year are to be placed no more than two inches from the last digit of the registration numbers and following the numbers. [Order MV-355, § 308-94-070, filed 5/10/76; Order MV-159,

§ 308–94–070, filed 1/2/73; Order 111 MV, § 308–94–070, filed 10/5/71.]

WAC 308–94–080 Nonresident temporary permit. An application shall include:

(1) Name and address of the applicant;

(2) Plate or registration number if registered in another state; and

(3) Make and year of vehicle. [Order 111 MV, § 308–94–080, filed 10/5/71.]

WAC 308–94–090 Rented snowmobiles. Rented snowmobiles must be separately registered and have displayed the registration number assigned to the snowmobile. A dealer's license plate must not be used on a rented snowmobile. [Order MV–159, § 308–94–090, filed 1/2/73; Order 111 MV, § 308–94–090, filed 10/5/71.]

WAC 308–94–100 Dealer registration. The period of registration for a dealer shall be for one calendar year, from January 1 through December 31. A dealer must renew his registration number no later than the thirty–fifth day following the expiration of his assigned registration number. If a dealer purchases dealer plates, they must be purchased and displayed no later than the thirty–fifth day following the expiration of the dealer registration period. [Order 111 MV, § 308–94–100, filed 10/5/71.]

WAC 308–94–110 Dealer plates—Cost. A snowmobile dealer shall pay two dollars and fifty cents plus the reflectorization fee for each dealer plate that he shall order from the department. [Order MV–159, § 308–94–110, filed 1/2/73; Order 111 MV, § 308–94–110, filed 10/5/71.]

WAC 308–94–160 Registration and titling of all terrain vehicles. That the provisions of WAC 308–94–160 through WAC 308–94–300 shall apply to the registration of all terrain vehicles pursuant to the provisions of chapter 46.09 RCW and chapter 153, Laws of 1972 2nd ex. sess. [Order MV–158, § 308–94–160, filed 1/2/73; Order 112 MV, § 308–94–160, filed 10/5/71.]

WAC 308–94–170 Certifications of title and registration. Certificates of title and registration and applications therefor shall be issued under and pursuant to the same rules, regulations and procedures as the title, registration and application for other classes of vehicles required to be registered under and pursuant to chapter 46.12 RCW and chapter 308–96 WAC which statutes and rules, regulations, and procedures shall be applicable insofar as they are not inconsistent with these rules. [Order 112 MV, § 308–94–170, filed 10/5/71.]

WAC 308–94–180 All terrain vehicle titling not required for vehicles presently titled. No vehicle currently titled shall be required to obtain a new title in order to obtain an all terrain vehicle permit. When a title is to be acquired at the same time as licensing as an all terrain vehicle, the title shall be designated as a "Title purpose only."

The all terrain vehicle may be titled or not titled. Where the all terrain vehicle is not to be titled, the same requirements for titling shall be followed except the application shall be marked "Issue no title." [Order MV–158, § 308–94–180, filed 1/2/73; Order 112 MV, § 308–94–180, filed 10/5/71.]

WAC 308–94–190 Licensing of vehicles titled as all terrain vehicles. The registered owner of a vehicle titled for all terrain use must apply for a new title at any time he wishes to license the vehicle for use on the public roads. [Order MV–158, § 308–94–190, filed 1/2/73; Order 112 MV, § 308–94–190, filed 10/5/71.]

WAC 308–94–200 All terrain vehicle use permit period. (1) The registration year of use permits for all terrain vehicles for which use permits are obtained for the first time after January 1, 1977, will begin at 12:01 a.m. on the day that the use permit is obtained and will end at 12:01 a.m. on the same date of the next succeeding year.

(2) The registration year of use permits obtained prior to January 1, 1977, for all terrain vehicles will be from January 1 through midnight, December 31.

(3) An owner desiring to continue operating an all terrain vehicle shall renew and display the use permit no later than the first day of the month immediately following the month of expiration of the previous year's use permit. [Order MV–355, § 308–94–200, filed 5/10/76; Order MV–158, § 308–94–200, filed 1/2/73; Order 112 MV, § 308–94–200, filed 10/5/71.]

WAC 308–94–210 All terrain vehicle use permit not required—When. No vehicle used exclusively within the exceptions set forth in section 6, chapter 153, Laws of 1972 2nd ex. sess. shall be required to obtain an all terrain vehicle use permit. For the purpose of this rule, it shall be presumed that vehicles being operated under and pursuant to a contract on the land of others, i.e., construction equipment used during construction, golf carts used on a golf course, etc., are used with the permission of the land owners. Owners of all terrain vehicles which may be converted to snowmobiles, or snowmobiles which may be converted to all terrain vehicles shall not be required to obtain all terrain vehicle use permits if the vehicles are currently and validly registered as snowmobiles. [Order MV–158, § 308–94–210, filed 1/2/73; Order 112 MV, § 308–94–210, filed 10/5/71.]

WAC 308–94–220 Display of all terrain vehicle use permit number. An all terrain vehicle shall display use permit numbers in a prominent place on said vehicles. The numbers must be displayed in characters at least one inch in height with a minimum of one–eighth inch stroke in a color contrasted with the background to obtain maximum legibility of the number. The characters must be spaced so that the use permit number is readily legible. The number must be clearly visible from the

front, or rear, or from both sides of the vehicle. It must be placed so as not to be obscured by the driver, passenger, or load. When a highway licensed vehicle is being operated as an all terrain vehicle, the license plate must be displayed in the same manner as required for highway use. [Order MV–158, § 308–94–220, filed 1/2/73; Order 112 MV, § 308–94–220, filed 10/5/71.]

WAC 308–94–230 Surrender of license plates required. The owner of a vehicle which has a license plate or plates assigned must surrender those plates if he applies for an all terrain vehicle use permit unless vehicle registration concurrent with the ATV permit period has been secured. [Order MV–158, § 308–94–230, filed 1/2/73; Order 112 MV, § 308–94–230, filed 10/5/71.]

WAC 308–94–240 Validating tab––Display. The tab issued by the department indicating the month of expiration of the use permit number shall be affixed in front of the number no more than two inches from its beginning. The tab indicating the year of expiration of the permit number shall be affixed following the use permit number no more than two inches from its final digit. [Order MV–355, § 308–94–240, filed 5/10/76; Order MV–158, § 308–94–240, filed 1/2/73; Order 112 MV, § 308–94–240, filed 10/5/71.]

WAC 308–94–250 The all terrain vehicle use permit must be carried on vehicle. The all terrain vehicle use permit must be carried on the person of the operator of an all terrain vehicle at all times. In lieu of the operator's carrying the use permit on his person, the use permit may be carried in a moisture proof protective case attached to the vehicle. The use permit must be made available for inspection by any person having the authority to enforce the provisions of the All Terrain Vehicle Use Permit Act. [Order MV–158, § 308–94–250, filed 1/2/73; Order 112 MV, § 308–94–250, filed 10/5/71.]

WAC 308–94–260 Nonresidents. Nonresidents of the state of Washington may obtain an annual or temporary permit by completing application forms to be provided by the department of motor vehicles. Applications can be made by mail or in person. [Order MV–158, § 308–94–260, filed 1/2/73; Order 112 MV, § 308–94–260, filed 10/5/71.]

Chapter 308–95 WAC
VEHICLE IMPOUND

WAC

308–95–010 Vehicle impound—Notice of right to formal hearing—Hearing request.
308–95–020 Transcripts or abstracts of driving record certified—As prima facie evidence.
308–95–030 Penalties, fines or forfeitures defined.

WAC 308–95–010 Vehicle impound––Notice of right to formal hearing––Hearing request. Whenever a vehicle has been impounded by a law enforcement officer pursuant to RCW 46.20.435, the law enforcement officer shall immediately serve upon the driver of the impounded vehicle a notice which shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain such hearing.

The person upon receiving such notice may, in writing, and within ten days therefrom request a formal hearing: *Provided*, That if such request is not made within the prescribed time the right to a hearing shall be deemed to have been waived.

Upon receipt of a request for a hearing, the department of licensing shall promptly schedule a hearing in the county in which the person making the request resides, or within a reasonable distance from his place of residence, and if such person is a nonresident of this state, the hearing shall be held in Thurston County. The hearing may be set for some other county by agreement between the department and the person requesting the hearing. [Statutory Authority: RCW 46.20.435. 83–12–025 (Order 718–DOL), § 308–95–010, filed 5/25/83.]

WAC 308–95–020 Transcripts or abstracts of driving record certified––As prima facie evidence. Upon receiving a request for a formal hearing, the director of the department shall certify a transcript or abstract of the driving record of the driver. The transcript or abstract shall indicate the status of the driving privilege of the driver at the time the impound occurred and whether the driver was responsible for any penalties, fines or forfeitures owed or due on the day of the impound. Such transcript or abstract may be admitted as evidence in any hearing and shall be prima facie evidence of the status of the driving privilege of the person named therein at the time of the impound and whether there were penalties, fines or forfeitures due and owing by the person named therein at the time the impound occurred.

The scope of the hearings provided by this section shall be limited to determining whether the driver of the vehicle impounded was operating a motor vehicle without a valid driver's license in violation of RCW 46.20-.021 or with a license that had been expired for 90 days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420. The hearing shall determine who was the actual driver of the vehicle at the time of the impounding, the ownership of the vehicle impounded and whether the driver was responsible for any penalties, fines or forfeitures owed or due at the time of the impound. [Statutory Authority: RCW 46-.20.435. 83–12–025 (Order 718–DOL), § 308–95–020, filed 5/25/83.]

WAC 308–95–030 Penalties, fines or forfeitures defined. The term "penalties, fines or forfeitures" as used in RCW 46.20.435 shall mean any penalty, fine or forfeiture imposed by law for violation of a written promise to appear in court as defined in RCW 46.64.025; failure to respond to a notice of traffic infraction or failure to appear at a requested hearing as defined in RCW 46-.63.070; or failure to pay a monetary penalty as defined

in RCW 46.63.110. [Statutory Authority: RCW 46.20-.435. 83-12-025 (Order 718-DOL), § 308-95-030, filed 5/25/83.]

Chapter 308-96A WAC

VEHICLE LICENSES

WAC

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208-96A-270 Staggered licensing—Billing for other than 12 months.
308-96A-275 Staggered licensing—Renewal after first billing.
308-96A-280 Staggered licensing—Excise tax computation.
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308-96A-290 Quarterly tonnage—Refunds excess of twelve months.
308-96A-295 Quarterly tonnage—Display of tabs.
308-96A-300 Quarterly tonnage—Changing assigned registration year.
308-96A-305 Quarterly tonnage—Destroyed vehicles rebuilt.
308-96A-400 Excise tax exemption—Indians.

Reviser's note: Chapter 308-96 WAC entitled, "Vehicle licenses," was repealed by Order MV-328, filed 7/24/75. See title digest disposition of chapter.

WAC 308-96A-005 Terminology. (1) "Director" shall mean the director of the department of motor vehicles unless the director of a different agency is named.

(2) "Department" shall mean the department of motor vehicles unless a different department is specified.

(3) "The state" shall mean the state of Washington.

(4) The terms "licensing" and "registering" are synonymous for the transaction in which both a certificate of registration and license plates and/or current validation tabs are issued to the applicant.

(5) The terms "tonnage," "load license," "gross weight license," and "gross weight fees" are used interchangeably and refer to those additional fees and receipts therefore that are charged owners of motor trucks and truck tractors according to their vehicles' maximum gross weights.

(6) "Capacity fee" is used to refer to the load license for stages and for-hire vehicles.

(7) A "prebill" is the notice to renew a vehicle license that is mailed from Olympia to the registered owner.

(8) The words "staggered licensing" shall mean a system of vehicle licensing wherein vehicle licenses expire at varying times throughout a calendar year.

(9) References to "current year" shall mean the current registration year unless otherwise stated.

(10) The term "registration year" shall mean the effective period of a vehicle license issued by the department. Such year shall commence at 12:01 a.m. on the date of the calendar year designated by the department and shall end at 12:01 a.m. on the same date of the next succeeding calendar year.

(11) "Month of expiration" or "expiration month" is the calendar month during which a registration year ends.

(12) A "fleet" is a group of 25 vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department.

(13) "Exempt vehicles" are those owned, rented or leased by the state, or by any county, city, town, school district or other political subdivision of the state and used exclusively by them.

(14) "Federal exempt vehicles" are those owned or leased with an option to purchase by the United States, used exclusively in its service and displaying a license plate issued by the state.

(15) "International exempt vehicles" are those owned or leased with an option to purchase by the governments of foreign countries or by international bodies to which the United States government is a signatory by treaty and used exclusively in its or their service. [Order MV-355, § 308-96A-005, filed 5/10/76; Order MV-328, § 308-96A-005, filed 7/24/75.]

WAC 308-96A-010 Certificate of registration required. (1) The certificate of registration must be signed by the registered owner and carried in the vehicle for which it is issued. The registration certificate for a trailer may be carried either in the towing vehicle or in a waterproof container on the trailer. A Washington

dealer issued demonstration permit or employee identification card may be used in lieu of a registration certificate for a vehicle that is part of a dealer's inventory. A photocopy of the registration certificate may be carried in a rental or commercial vehicle in lieu of the registration certificate.

(2) The valid certificate of registration or verification thereof for the current year must accompany an application for title except in the case of:

(a) Repossession,

(b) Acquisition by process of law,

(c) Reissue to remove, add or change the name of the secured party,

(d) Duplicate title application, and

(e) Title purpose only title:

(3) The valid gross weight license or photocopy thereof must be carried in the vehicle for which it is issued or, in the case of a trailer, either in the towing vehicle or in a waterproof container on the trailer. [Order MV–355, § 308–96A–010, filed 5/10/76; Order MV–328, § 308–96A–010, filed 7/24/75.]

WAC 308–96A–015 Duplicate certificate of registration. If the current year's certificate of registration is lost, stolen, or destroyed, the registered owner must apply at once for a duplicate. The application must be accompanied by an affidavit of loss and by a record of the licensing agent's verification with either the county which issued the registration or the records section of the department. [Order MV–328, § 308–96A–015, filed 7/24/75.]

WAC 308–96A–020 Replacement plates and validation tabs. If a current year's license plate or plates and/or validation tab or tabs are lost, stolen, destroyed or mutilated, the registered owner must apply for replacements in accordance with RCW 46.16.270. The same procedures shall be followed when tabs have been applied to the wrong vehicle plates. Mutilated plates or tabs or the remaining plate or tab of a pair shall be surrendered at the time of application for replacements. [Order MV–328, § 308–96A–020, filed 7/24/75.]

WAC 308–96A–025 No fee where incorrect plates issued. Where incorrect license plates or validation tabs have been issued due to departmental error, they must be returned for cancellation. The licensing agent shall then issue a correct set of plates or tabs and a correct certificate of registration without charge. [Order MV–328, § 308–96A–025, filed 7/24/75.]

WAC 308–96A–030 Annual license renewal—Renewal by mail. To renew by mail, the prebill must be accompanied by the exact amount shown to be due on the prebill, and mailed to a county auditor or other department agent by the date indicated on the prebill. [Order MV–355, § 308–96A–030, filed 5/10/76; Order MV–328, § 308–96A–030, filed 7/24/75.]

WAC 308–96A–035 Manual renewal. (1) If the prebill is used for a renewal and there are no errors, no separate application need be filled out. If errors exist on the prebill or if the registered owner wishes to change "class," "tonnage," etc., or if a prebill was not received, application shall be made on a form furnished by the department.

(2) When the last issued certificate of registration without a prebill is used for renewal, application shall be made on a form supplied by the department, and the applicant shall satisfy the licensing agent as to his/her identity by at least two of the following:

(a) A valid Washington state driver's license;

(b) A valid Washington state identicard;

(c) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(d) An identification card issued by the United States, any state, or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military ID cards) and which contain the signature and/or photograph of the applicant;

(e) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities; or

(f) Such other documentary evidence as in the opinion of the licensing agency clearly establishes the identity of the applicant.

(3) Nothing in this regulation shall be construed as prohibiting a member of the immediate family of the registered owner to effect such manual renewal, if he/she is able to prove his/her identity and relationship to the registered owner. [Order MV–328, § 308–96A–035, filed 7/24/75.]

WAC 308–96A–040 Monthly abatement of excise tax. Vehicles being licensed in Washington for the first time and assigned a registration year with eleven months or less remaining in that registration year shall have the annual excise tax reduced by 1/12 for each full month of the registration year which has passed by the date when the vehicle is licensed in Washington or granted a Washington dealer temporary permit or a department temporary permit. [Order MV–355, § 308–96A–040, filed 5/10/76; Order MV–328, § 308–96A–040, filed 7/24/75.]

WAC 308–96A–045 Veteran's free license. (1) The loss of use of a limb or both eyes in a military campaign or war entitles a veteran to one free automobile license per year. A letter from the veterans administration certifying the disability must be attached to the initial application. All applications for free veterans' licenses must be made to the department in Olympia.

(2) Applicable tonnage fees will be paid for by the veteran.

(3) If the veteran replaces the automobile during a registration year in which one free license has been received, the replacement motor vehicle is subject to fees and excise tax for the balance of the replaced vehicle's registration year remaining at the time of acquisition of

the replacement. If the replacement vehicle is being licensed for the first time in this state, the registration year will begin at 12:01 a.m. of the day on which application for license is made and will end at 12:01 a.m. on the same date of the next succeeding calendar year. If the replacement vehicle has a registration year previously assigned by the department, that registration year will remain unchanged.

(4) If the veteran sells the automobile, the new owner is liable for the license fee and the excise tax for a full registration year beginning with the date of delivery of the vehicle to the new owner. [Order MV-355, § 308-96A-045, filed 5/10/76; Order MV-328, § 308-96A-045, filed 7/24/75.]

WAC 308-96A-050 Members of the armed forces--Excise tax exemption for nonresidents. (1) Military personnel stationed in Washington on extended active duty may operate their personal vehicles with the current license plates of their "official home of record" or with current Washington plates. Military personnel are not required to pay Washington excise tax unless Washington is their official home of record or they have registered to vote in Washington. A properly completed "Nonresident military affidavit" on a form supplied by the department must be submitted with each application for the excise tax exemption. Washington residents in the military are not exempt from excise tax.

(2) The spouse of a nonresident military person who is stationed away from his or her home state has the same licensing privilege as a nonresident military person stationed in Washington as long as the vehicle is registered to the military person or to the military person and spouse, regardless of the spouse's employment or residence.

(3) If the nonresident military person sells the vehicle, the new owner is liable for the payment of excise tax and license fees for a new registration year that will begin with the date of delivery of the vehicle to the new owner. [Order MV-355, § 308-96A-050, filed 5/10/76; Order MV-328, § 308-96A-050, filed 7/24/75.]

WAC 308-96A-055 Nonresident military temporary license. A nonresident member of the armed forces who wishes to obtain "home of record" license plates for a motor vehicle which has been or is being purchased, may apply for a 45-day permit in order to operate the vehicle in Washington before the out-of-state plates arrive. It is not renewable and must be surrendered to the Washington state patrol or the department as soon as the new license plates arrive, at which time the vehicle must be inspected to verify that it bears license plates from the owner's home of record. [Order MV-328, § 308-96A-055, filed 7/24/75.]

WAC 308-96A-060 License plates not transferrable--Exceptions. (1) When the ownership of a licensed vehicle is transferred, the license plates remain with the vehicle pursuant to RCW 46.16.290.

(2) Exceptions in which license plates may be retained and transferred to a replacement vehicle are:

(a) Exempt vehicles (see RCW 46.16.290),

(b) Ham radio operator call number plates (see RCW 46.16.330),

(c) Special plates for foreign consuls (see RCW 46.16.590),

(d) Personalized plates (see RCW 46.16.595),

(e) If there is no replacement vehicle, the plates must be turned in to the department.

(3) Horseless carriage plates and restored vehicle plates may be transferred with the vehicle or retained and transferred to a replacement vehicle. [Order MV-328, § 308-96A-060, filed 7/24/75.]

WAC 308-96A-065 Personalized license plates. (1) The registered owner of a vehicle other than a for hire vehicle or diesel truck may apply for plates with any acceptable and unassigned combination of two to six letters, numbers, or both pursuant to RCW 46.16.565 thru 46.16.600.

(2) When a vehicle with personalized plates is sold, transferred or destroyed, the owner may retain the plates for transfer to a replacement vehicle or surrender the plates to the department, relinquishing priority to the letter and/or number combination.

(3) When the owner of a personalized plate fails to renew the license within 90 days following the renewal deadline for the current year or fails to have the license transferred to a replacement vehicle within 90 days, the plates will be cancelled and surrendered to the department. Personalized plates that have been cancelled will not be reissued until they have been in the department's possession for 90 days. [Order MV-328, § 308-96A-065, filed 7/24/75.]

WAC 308-96A-070 Ham radio operator call number plates. Anyone having an amateur radio operator's license issued by the Federal Communications Commission is entitled to apply for license plates bearing the individual's official call number. Application must be made directly to the department in Olympia and must be accompanied by a copy of the F.C.C. license. When the F.C.C. license expires every five years, the applicant must send a copy of its renewal to the department in order to retain the plates. Only one set of plates carrying call letters may be held by an amateur radio operator at any one time. [Order MV-328, § 308-96A-070, filed 7/24/75.]

WAC 308-96A-075 Antique cars--Use limitations. Vehicles with horseless carriage or restored vehicle plates are permitted to operate over and along the public highways of the state of Washington only under the following conditions:

(1) To drive to and from meetings of organizations whose members are owners of vehicles more than thirty years old;

(2) To drive to, from and during organized community events which are featuring horseless carriages or restored vehicles;

(3) To drive for the purpose of testing the vehicle or driving others for pleasure without compensation: *Provided*, That no vehicle manufactured after 1931 may be operated more than ten miles from the place where it is stored when being operated pursuant to this subsection. [Order MV-328, § 308-96A-075, filed 7/24/75.]

WAC 308-96A-100 Licensing according to use instead of vehicle type. Where a certain type of vehicle is to be used for a purpose other than the normal use for that type of vehicle, the vehicle may be licensed according to that use:

(1) Passenger cars used to transport commodities, merchandise, produce, freight or animals must be licensed as trucks. Tonnage licenses must be purchased and other required fees paid.

(2) Trucks used as passenger cars may be licensed as passenger cars if the following conditions are met:

(a) Empty scale weight is less than 5,000 pounds according to the certified weight slip,

(b) Seats have been permanently installed in or in place of the bed of the truck,

(c) Seat belts have been installed in the front seat,

(d) The vehicle has been inspected and approved for this change of class by an authorized member of the state patrol,

(e) The truck schedule is used to determine excise tax, and

(f) Truck license plates have been surrendered.

(3) Vehicles classed as trucks by their manufacturers but designed to facilitate passenger use may be licensed either as passenger or commercial vehicles depending on their use. The excise tax will be taken from the truck schedule.

(4) Station wagons may be licensed as passenger cars, trucks, private buses, stages, or for-hire vehicles, depending on use. Excise tax must be taken from the passenger schedules.

(5) A jeep or similar vehicle may be licensed as a passenger car or a commercial vehicle depending upon its use. [Order MV-328, § 308-96A-100, filed 7/24/75.]

WAC 308-96A-105 Motor homes. (1) A motor home must be licensed with passenger plates. Facilities for human habitation referred to in the definition of a motor home shall mean the permanent installation of at least a stove, a bed, or a sink. The installation must be within an area covered by a waterproof roof and sides, all of which are constructed from rigid material.

(2) When a vehicle is reconstructed or converted to a motor home, the applicant must obtain a state patrol inspection. The inspector will confirm the permanent installation of at least a stove, a bed, or a sink and will confirm the rigid roof and sides. It is not necessary to confirm the permanency of installation of a former slide-in camper. It is the owner's responsibility to kept the camper installed whenever the unit is operated under passenger plates.

(3) Vehicles that are not listed in the excise tax schedule must be appraised by a county assessor to establish the basis for determining excise tax. [Order MV-328, § 308-96A-105, filed 7/24/75.]

WAC 308-96A-110 Private bus. A vehicle may be licensed as a private bus without a load license if it carries passengers without compensation and is:

(1) Used by a hotel, resort or lodge to transport guests;

(2) Used by a parking service to transport parking customers to and from a transportation terminal or other destination;

(3) Used by its owner to transport an athletic team, an educational group, members of a religious organization, a show troupe or similar organization;

(4) Used by its owner to transport family, guests or employees;

(5) Used solely for the transportation of students, teachers or staff members for school activities, operated under contract to a school district, used for no other purpose and not owned or leased by the district; or

(6) Used as a school bus by a private school. [Order MV-328, § 308-96A-110, filed 7/24/75.]

WAC 308-96A-115 Personal use trailers. (1) One or two wheeled trailers under 2,000 pounds gross weight are eligible for the reduced basic license fee as well as the tonnage exemption when used by their owners for personal and not commercial purposes. The standard basic license fee must be charged for all rental trailers, regardless of gross weight.

(2) To be eligible for the reduced fee, a trailer's scale weight while empty must not exceed 1,300 pounds. If the scale weight is over 1,300 pounds and the gross weight will in fact never exceed 2,000, the applicant for the reduced fee license must sign an affidavit stating the maximum gross weight of the loaded trailer. [Order MV-328, § 308-96A-115, filed 7/24/75.]

WAC 308-96A-120 Campers. Campers may be licensed separately from the commercially licensed trucks which carry them, or the whole unit may be licensed as a motor home with passenger plates, provided that the truck is not used with the camper detached. When the truck and camper are licensed separately, the weight of the camper shall not be included as a part of the gross weight of the vehicle. [Order MV-328, § 308-96A-120, filed 7/24/75.]

WAC 308-96A-125 "Drive yourself" or "U-drive" vehicles. Vehicles rented without drivers or chauffeurs are not for-hire vehicles, and may not be licensed as such. [Order MV-328, § 308-96A-125, filed 7/24/75.]

WAC 308-96A-130 Hearses and ambulances. Hearses and ambulances are not for-hire vehicles, and must be licensed as passenger vehicles. However, there is a separate excise tax schedule for hearses and ambulances. [Order MV-328, § 308-96A-130, filed 7/24/75.]

WAC 308-96A-135 Fixed load vehicles. (1) Vehicles designed primarily for highway use with permanently attached structures such as well-drilling machinery, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, specialized underwater exploration support equipment or similar machine or structure may be licensed as fixed load vehicles. Fixed load vehicles must for excise tax purposes. The county assessor's certificate of appraisal must be attached to the application for license. If the vehicle carries weight or commodities in addition to this fixed load, it must be licensed for the gross weight, including the weight of the structure.

(2) Owners of vehicles designed primarily for off highway use and taxed as personal property are not required to pay excise taxes but must pay all other applicable fees when applying for a license or permit.

(3) A vehicle carrying a variable load such as a concrete mixer of the "ready mix" type, in which the concrete is mixed while the vehicle is making delivery, may not be licensed as a fixed load. [Order MV-328, § 308-96A-135, filed 7/24/75.]

WAC 308-96A-140 Special construction equipment. Vehicles defined as "special mobile equipment" (RCW 46.04.552) or "special highway construction equipment" (RCW 46.16.010) must be licensed or carry intransit permits when they travel upon public roadways from one project to another or between a project and their base of operations. Only within the confines of a contract project are these vehicles exempt from the licensing requirement. A special permit from the highway department is also required for oversize or overweight equipment. [Order MV-328, § 308-96A-140, filed 7/24/75.]

WAC 308-96A-145 Cab and chassis. A truck may be licensed as a cab and chassis. When the body or special equipment has been installed, the owner must apply for a reissue of title and registration to show the new series and body type. An inspection slip, a new weight slip and additional excise tax covering the additional value of the vehicle must accompany the application. [Order MV-328, § 308-96A-145, filed 7/24/75.]

WAC 308-96A-150 Farm vehicles. For licensing purposes there are three categories of farm vehicles:

(1) Farm tractors and implements, designed for exclusive farm use, with no possible commercial application, do not need to be licensed. They may be moved on the public highway for the sole purpose of getting from one field to another.

(2) Farm vehicles eligible for farm exempt decals. The decal is good for the duration of the vehicle's use as a "farm vehicle" but is not transferable. Farm vehicles as defined in RCW 46.04.181 are eligible for farm exempt decals if they are:

(a) Designed or used primarily in agricultural pursuits on farms;

(b) Used for transporting machinery, equipment, implements, farm products, supplies or farm labor;

(c) Operated on public highways only for the purpose of going from farm to farm; and

(d) Never operated beyond a radius of 15 miles from where they are principally used or garaged.

(3) Regularly licensed farm vehicles may be eligible for the 50 percent reduced farm tonnage rate. [Order MV-328, § 308-96A-150, filed 7/24/75.]

WAC 308-96A-155 Change of class. (1) Whenever a vehicle is physically altered or its use is changed so that a different type of license plate is required, the registered owner must return the originally issued license plates to a licensing agent and apply for a "change of class." New license plates will be issued. The registration year established for the vehicle will remain unchanged. [Order MV-355, § 308-96A-155, filed 5/10/76; Order MV-328, § 308-96A-155, filed 7/24/75.]

WAC 308-96A-160 Change of class--Sale of exempt vehicle. When a vehicle which has been licensed previously as exempt is sold or transferred, the exempt plates must be removed. The plates may either be surrendered to the department or retained by the exempt agency for use on a replacement vehicle. [Order MV-328, § 308-96A-160, filed 7/24/75.]

WAC 308-96A-165 Change of class--Purchase of previously nonexempt vehicle by state, county, or city department. When a government department purchases a vehicle which has previously been licensed as a privately owned vehicle, the license plates must be surrendered to the department and a set of exempt plates issued. Application for change of class must be made along with transfer of title. [Order MV-328, § 308-96A-165, filed 7/24/75.]

WAC 308-96A-170 Change of class--Exempt agencies returning leased vehicles. When vehicles leased by a government agency and licensed with exempt plates are returned to the lessor, the lessor must apply for a change of class before using the vehicle or leasing it to a nonexempt lessee. Regular plates will be issued. If the vehicle has not been previously licensed in this state under regular plates, the registration year will be established as if the vehicle were being licensed for the first time and appropriate fees paid accordingly. If the vehicle had previously been assigned a registration year prior to its being operated under exempt plates, a new registration year will be assigned dating from the date of the application. A full year's renewal fee and excise tax will be charged. [Order MV-355, § 308-96A-170, filed 5/10/76; Order MV-328, § 308-96A-170, filed 7/24/75.]

WAC 308-96A-200 Computing capacity fee. The capacity fee for a stage or for-hire vehicle, except taxicabs, with a seating capacity more than six is determined by its empty scale weight plus an average load factor. The load factor is computed by multiplying 150

pounds by 50 percent of the total number of seats excluding the driver's seat. [Order MV-328, § 308-96A-200, filed 7/24/75.]

WAC 308-96A-205 Increasing tonnage. (1) A vehicle owner may increase tonnage for the remainder of the year or, if the vehicle is eligible for quarterly tonnage, for one quarter only.

(2) An applicant who wishes to increase the tonnage must surrender the current tonnage license or duplicate copy thereof.

(3) If the tonnage license has been lost, an application for a duplicate and an affidavit of loss must accompany the application for increased tonnage. The application for duplicate license must be filed with the agent who issued the original tonnage license or verified with that agent or the department in Olympia.

(4) Credit for fees already paid will be based on the fee that has been paid for the original gross weight for the remainder of the year or quarter.

(5) When the owner of an annual license is increasing the tonnage for one quarter only, the original license must still accompany the application. When the quarterly tonnage license expires, the owner may purchase another quarterly tonnage license or a tonnage license for the balance of the year. Any unused credit showing on the quarterly tonnage license will be applied to such license.

(6) A tonnage license cannot be transferred from one vehicle to another vehicle owned by the same owner in order to place additional tonnage on the second vehicle. An exception is made for a separate trailer tonnage license. The owner may transfer all of the trailer tonnage as an addition to tonnage on a towing unit, but this tonnage cannot then be retransferred to the trailer. [Order MV-328, § 308-96A-205, filed 7/24/75.]

WAC 308-96A-210 Transfer of tonnage license--No refunds or retention. (1) Tonnage licenses may be transferred from a former owner to a new owner and from a vehicle to a replacement vehicle.

(2) No refunds are given for a tonnage license or any portion of one not transferred.

(3) When transferring a tonnage license, the full amount must be used or is deemed to be used. An owner cannot transfer part of a tonnage license and retain the balance for possible future use. [Order MV-328, § 308-96A-210, filed 7/24/75.]

WAC 308-96A-215 Transfer of tonnage license--From person to person. At the time of transferring title, a tonnage license may be transferred from old to new owner. The previous owner must sign the "agreement to transfer load or seat license." Under no circumstances may a tonnage or capacity license be transferred to anyone other than the vehicle's new owner or at any time except with the transfer of title. [Order MV-328, § 308-96A-215, filed 7/24/75.]

WAC 308-96A-220 Transfer of tonnage license--To replacement vehicle. (1) The tonnage or capacity license may be transferred to a replacement vehicle using a different fuel or of a different class.

(2) Tonnage may be transferred from one vehicle to two or more vehicles or from two or more vehicles to one vehicle if the latter are in fact obtained to replace the former.

(3) Tonnage may be transferred to a replacement vehicle from a presently licensed, but out-of-commission vehicle belonging to the owner. If the inoperable vehicle is returned to service, new tonnage must be purchased.

(4) In order to qualify as a replacement, a vehicle must be:

(a) A presently unlicensed vehicle belonging to the owner;

(b) A vehicle purchased for replacement which has either not been previously licensed or has had its tonnage license retained by its original owner; or

(c) A vehicle purchased for replacement which has been previously licensed and has had its tonnage license released by its previous owner.

(5) The tonnage or capacity license for a vehicle which is sold, destroyed or reclassified so that it no longer requires tonnage may be retained by the owner for transfer to a replacement vehicle obtained during the effective period of the current tonnage license. [Order MV-328, § 308-96A-220, filed 7/24/75.]

WAC 308-96A-225 Transfer of tonnage license--To a farmer. When a commercial vehicle is transferred to a farmer and the previous owner releases the tonnage license, the farmer will be credited with the gross load as shown on the tonnage license. No refund may be made on the difference between commercial and farm fees. If increased tonnage is desired, it may be purchased by the farmer in accordance with the farm fee schedule. [Order MV-328, § 308-96A-225, filed 7/24/75.]

WAC 308-96A-230 Transfer of tonnage license--From a farmer. When a vehicle owned and licensed by a farmer is sold to a person who is not a farmer and the load license is transferred with the vehicle, the purchaser must pay the difference between farm and commercial fees. If the purchaser desires to reduce or increase the tonnage, the commercial rate will be applied. [Order MV-328, § 308-96A-230, filed 7/24/75.]

WAC 308-96A-235 Transfer of tonnage license--Involuntary transfer. Tonnage does not automatically transfer when a vehicle is involuntarily transferred by process of law including but not limited to repossession or sheriff's sale. The previous registered owner has the option of releasing the tonnage to go with the vehicle or of retaining it for transfer to a replacement vehicle. [Order MV-328, § 308-96A-235, filed 7/24/75.]

WAC 308-96A-240 Transfer of tonnage license--Vehicle transferred to another state. When a currently licensed vehicle with tonnage is transferred to another state and licensed there, the tonnage may be transferred

to a vehicle obtained to replace it in Washington. [Order MV-328, § 308-96A-240, filed 7/24/75.]

WAC 308-96A-260 Staggered licensing--Assignment of registration year first time licensed. Vehicles licensed for the first time in this state after January 1, 1977, will have registration years assigned as follows:

(1) Fleet vehicles, prorated vehicles, vehicles that are eligible for and whose owners desire to purchase quarterly or monthly tonnage including trailers to be towed by such vehicles, and federal and international exempt vehicles will have a registration year beginning with January 1 of the year during which the vehicle is first registered and ending at midnight of December 31 of that same year.

(2) For hire vehicles will have a registration year beginning with July 1 of the current year and ending at midnight of June 30 of the next succeeding calendar year.

(3) Snowmobiles will have a registration year beginning with October 1 and ending at midnight September 30 of the next succeeding calendar year.

(4) Exempt vehicles and vehicles issued horseless carriage or restored vehicle plates are not required to have their licenses renewed so will not have a registration year assigned. This does not apply to federal exempt and to international exempt vehicles.

(5) The registration year for dealer and manufacturer license plates will be February 1 through January 31.

(6) The registration year for transporter license plates will be January 1 through December 31.

(7) All other vehicles, including those issued amateur radio operator plates, personalized plates, and ATV use permits will have a registration year beginning at 12:01 a.m. on the day that the vehicle is first licensed and ending at 12:01 a.m. on the same date of the next succeeding year: *Provided*, That a license purchased on February 29 will have a renewal date of February 28.

(8) In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall extend through the end of the next business day. [Order MV-355, § 308-96A-260, filed 5/10/76.]

WAC 308-96A-265 Staggered licensing--Conversion of vehicles currently licensed. Vehicles licensed in this state as of midnight, December 31, 1976, will be converted to staggered licensing as follows:

(1) Owners of fleet vehicles; prorated vehicles; federal exempt vehicles; vehicles subject to quarterly or monthly tonnage licenses, including trailers being towed by such vehicles; vehicles with use classes shown on department records as circus, fixed load, converter gear, house dolly, towing or log; and nonpowered vehicles with use classes of farm, commercial, or mobile home will be billed by the department for twelve months of licensing to expire December 31, 1977.

(2) Owners of for hire vehicles will be billed for six months of licensing to expire June 30, 1977, at one-half the annual excise tax and basic fee.

(3) Owners of vehicles with amateur radio operator plates or personalized plates will be billed for twelve months of licensing to expire during the month of December, 1977, with the day of the month set according to formula. The formula will be:

(a) If the plate ends with a number, multiply the number by three to determine the day of the month that the license expires. If the last digit is zero, the next to last number multiplied by three will determine the day of expiration. If the last two digits are both zeros, the number preceding the two zeros will be multiplied by three to determine the date of expiration. If all three digits are zero, the expiration day will be the last day of the month.

(b)If the plate ends with a letter, this table will be used:

Last Alpha	Day of Month License Expires
B,C,D	6
E	9
F,G,H	12
I,J,K	15
L,M	18
N	21
O,P,Q,R	24
S,T	27
U,V,W,X,Y,Z	31

(4) Owners of snowmobiles will be billed prior to September 1, 1977, for twelve months of licensing to expire September 30, 1978.

(5) Owners of all terrain vehicles will be billed for twelve months of ATV use permit to expire December 31, 1977.

(6) Owners of other vehicles will be billed for a period of time varying from seven months to eighteen months, depending on the registration year assigned to the vehicle. The expiration month will be determined as follows:

(a) If the last number on a plate is zero, the expiration month will be November.

(b) On all other plates, the next to last number will determine the month of expiration as follows:

Next to Last Number	Month
1	JANUARY
2	FEBRUARY
3	MARCH
4	APRIL
5	MAY
6	JUNE
7	JULY
8	AUGUST
9	SEPTEMBER
0	OCTOBER

The day within the month that the registration expires will be determined by multiplying the last number by three. If the last digit is zero, the next to last number multiplied by three will determine the day of expiration.

If the last two digits are both zeros, the number preceding the two zeros will be multiplied by three to determine the date of expiration. If all three digits are zero, the expiration day will be the last day of the month. [Order MV-355, § 308-96A-265, filed 5/10/76.]

WAC 308-96A-270 Staggered licensing--Billing for other than 12 months. An owner billed for less than twelve months of licensing will be billed for a proportionate amount of the annual fees due. Such amount will be determined by multiplying the applicable twelve months' excise tax, license and tonnage fees by a fraction. The fraction will use the number of months billed as a numerator and the number twelve as denominator.

An owner billed for more than twelve months of licensing will be billed for a full year's excise tax and license and tonnage fees applicable to the vehicle being licensed plus a fraction of those fees for the ensuing year determined by using the number of months in excess of twelve as a numerator and twelve as a denominator. The excise tax for the ensuing year will be computed according to the excise tax schedule for that year as supplied by the department of revenue.

An owner billed for more than twelve months will be billed for only one filing fee under RCW 46.01.140 and for only one study fee under RCW 46.16.061. An owner billed for less than twelve months will not be eligible for any reduction in the filing fee under RCW 46.01.140 or the special study fee under RCW 46.16.061.

The number of months billed will be determined by the month of expiration of the registration year according to the following table:

Month of Expiration	Number of Months Billed
January	13
February	14
March	15
April	16
May	17
June	18
July	7
August	8
September	9
October	10
November	11
December	12

[Order MV-355, § 308-96A-270, filed 5/10/76.]

WAC 308-96A-275 Staggered licensing--Renewal after first billing. Regardless of the number of months for which a vehicle is first billed, all subsequent renewals will be for a period of twelve months beginning with the expiration date of the previous license. [Order MV-355, § 308-96A-275, filed 5/10/76.]

WAC 308-96A-280 Staggered licensing--Excise tax computation. (1) When the registration year of a vehicle subject to excise tax includes portions of more than one calendar year, computation of the excise tax will take into account the excise tax schedule for the ensuing calendar year as supplied by the department of revenue.

(2) The excise tax will be computed by multiplying the current calendar year's excise tax for the vehicle by a fraction. The numerator of the fraction will be the total number of months remaining in the current calendar year counting the month during which the registration begins as the first month. The denominator will be twelve. To the resulting amount will be added that portion of the excise tax that is applicable to the vehicle for the immediately following calendar year. This portion will be determined by multiplying the calendar year's excise tax by a fraction. The numerator of the fraction will be the number of months in the calendar year from January to but not including the month of expiration. The denominator will be twelve.

(3) The excise tax for a vehicle will be determined by reference to the tax schedule as prepared by the department of revenue. [Order MV-355, § 308-96A-280, filed 5/10/76.]

WAC 308-96A-285 Quarterly tonnage. (1) Tonnage for vehicles having a declared gross weight in excess of twenty thousand pounds may be purchased for quarterly periods ending on March 31st, June 30th, September 30th, and December 31st at one-fourth of the usual annual tonnage fee: *Provided*, That the fee for the quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full calendar month of the quarter that shall have elapsed at the time the vehicle is licensed.

(2) Purchasers of monthly or quarterly tonnage intending to continue to operate their vehicles are required by law to renew tonnage licenses prior to their expiration. [Order MV-355, § 308-96A-285, filed 5/10/76.]

WAC 308-96A-290 Quarterly tonnage--Refunds excess of twelve months. (1) An owner who purchases a vehicle license for more than twelve months and that vehicle is subsequently destroyed or removed from the state and licensed in another jurisdiction shall be deemed to have licensed that vehicle in error for that period of time licensed in excess of twelve months. Such an owner may file an application for refund for that portion of the fees paid for those months in excess of twelve.

(2) An application for such refund must be on a form supplied by the department. The Washington plates assigned to the vehicle must be returned to the department with the application. If the vehicle has been destroyed, documented proof of the date of destruction must accompany the application. If the vehicle has been licensed in another jurisdiction, documented proof of such licensing and the date it took place must accompany the application. [Order MV-355, § 308-96A-290, filed 5/10/76.]

WAC 308-96A-295 Quarterly tonnage--Display of tabs. The department shall issue license plates, tabs, or emblems to identify the year of expiration and the month of expiration. They may be displayed as soon as

they are purchased. They must be displayed from the day of the expiration of the preceding registration year. If tabs are issued, they shall be displayed on the license plate in the following manner:

(1) Motorcycle and camper plates shall have the tabs displayed in the upper right corner.

(2) Plates with the state identification at the bottom of the plate shall shall have the month tab displayed in the lower left corner and the year tab in the lower right corner.

(3) Plates with the state identification at the top of the plate shall have the month tab displayed immediately following the final "N" in Washington. The year tab shall be displayed to the immediate right of the month tab in the upper right corner. [Order MV-355, § 308-96A-295, filed 5/10/76.]

WAC 308-96A-300 Quarterly tonnage--Changing assigned registration year. (1) Whenever a registration year is established for a vehicle, that year will remain with the vehicle regardless of the date on which a renewal application may be made and as long as it is not licensed in another jurisdiction in the interim. The owner of a vehicle which remains unlicensed for more than twelve months after the expiration date assigned to the vehicle will have a new registration year assigned dating from the date of the renewal application.

(2) Notwithstanding any other regulation, beginning July 1, 1977, the department, at its discretion may extend or diminish the registration period for any vehicle if the owner of 5 or more registered vehicles requests that the registration period be the same for all vehicles: *Provided*, That such extension or diminishment will not contribute to an imbalance of vehicles falling due within a given month. [Order MV-355, § 308-96A-300, filed 5/10/76.]

WAC 308-96A-305 Quarterly tonnage--Destroyed vehicles rebuilt. Vehicles reported destroyed and subsequently being relicensed by a new owner, assembled vehicles and home made vehicles will be assigned new license plates and a new registration year. Regardless of the status of the prior registration, a vehicle in this category will be considered as being licensed for the first time in this state and fees will be paid accordingly. [Order MV-355, § 308-96A-305, filed 5/10/76.]

WAC 308-96A-400 Excise tax exemption--Indians. (1) For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(3) Motor vehicles owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary. [Statutory Authority: RCW 82.44.020 and 82.44.060. 83-08-052 (Order 714-DOL), § 308-96A-400, filed 4/1/83.]

Chapter 308-97 WAC
VEHICLE LICENSE INTERSTATE AND INTRANSIT PERMITS

WAC

308-97-010	Definitions.
308-97-060	Duration, weight limit and converter gear.
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308-97-230	Appointment of vehicle trip permit agents.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-97-050	"Gross weight" defined. [Order 471-DOL, § 308-97-050, filed 12/30/77; Order MV-369, § 308-97-050, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-080	"Interstate operation" defined. [Order MV-369, § 308-97-080, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

308-97-100	Prerequisites and conditions for interstate permits issued under RCW 46.16.160. [Order MV-369, § 308-97-100, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-150	Prerequisites and conditions for intransit permits issued pursuant to RCW 46.16.160. [Order MV-369, § 308-97-150, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-200	Fees—Both interstate and intransit permits. [Order MV-369, § 308-97-200, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-210	Intransit permits. [Order 471-DOL, § 308-97-210, filed 12/30/77; Order MV-369, § 308-97-210, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-250	Issuance of permit books to authorized users. [Order MV-369, § 308-97-250, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-270	Use of permit books restricted. [Order 472-DOL, § 308-97-270, filed 12/30/77.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-290	Misuse of permits by authorized user. [Order MV-369, § 308-97-290, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-330	Payment of permit fees. [Order MV-369, § 308-97-330, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-370	Maintenance of records by authorized permit users. [Order MV-369, § 308-97-370, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-410	Director may decline to issue permit books. [Order MV-369, § 308-97-410, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

WAC 308-97-010 Definitions. Words and terms used under these rules shall have the same meaning as each has under Title 46 RCW unless otherwise specifically provided in these rules, or unless the context in which they are used in these rules clearly indicates they be given some other meaning. [Order MV-369, § 308-97-010, filed 6/24/76.]

WAC 308-97-060 Duration, weight limit and converter gear. A trip permit is valid for:

(1) Three consecutive calendar days beginning with the first day of operation on Washington highways; and

(2) For the maximum legal weight of the vehicle as provided under RCW 46.44.041, 46.44.042 and 46.44.050;

(3) A converter gear actually being utilized to convert a semi-trailer to a full trailer is considered to be an integral part of the trailer. A converter gear being towed that is not supporting a semi-trailer is considered to be a separate vehicle for the purpose of trip permits. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-060, filed 7/24/81.]

WAC 308-97-090 Completing trip permits. The vehicle operator or designee shall use permanent ink or typewriter to fill in the required information on a trip permit.

Located at the top of the trip permit are blocks containing months of the year and blocks of numbers indicating days of the month. The blocks containing the appropriate month(s) and three consecutive days for which the permit is to be used shall be blotted out (obliterated) with permanent ink. The dates so indicated will be the period for which the permit shall be valid. All blanks on the permit indicate required information or signature and must be completed prior to operation of the vehicle on Washington highways. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-090, filed 7/24/81.]

WAC 308-97-125 Display of trip permits. The vehicle copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, and small trucks: Affix permit to the inside lower left corner of the rear window.

(2) Trucks, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailers, converter gears, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

NOTE: If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location which is visible from outside the vehicle and does not obstruct the operator's view.

[Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-125, filed 7/24/81.]

WAC 308-97-175 Bulk purchase of trip permits. Trip permits may be purchased in bulk from the Prorate and Fuel Tax Division, Highways-Licenses Bldg., Olympia, WA 98504. Orders must be accompanied by a money order, cashier's or certified check in an amount equal to ten dollars for each permit ordered. The permits may be picked-up in Olympia or will be shipped with delivery charges collect. Street address must be provided for all shipments. [Statutory Authority: RCW 46.16-.160. 81-16-010 (Order DOL 634), § 308-97-175, filed 7/24/81.]

WAC 308-97-205 Design of trip permit. The department shall design the trip permit and insure that an adequate supply of the permits is maintained to meet the needs of the public. Other forms of the permit may be prescribed by the department for issuance via electronic transmission by agents of the department authorized to provide this service to the public. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-205, filed 7/24/81.]

WAC 308-97-230 Appointment of vehicle trip permit agents. The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle trip permits to the public.

(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle trip permits under the provisions of RCW 46.16.160 shall make application to the department on forms to be furnished by the department.

(2) Before appointment of any agent, other than a governmental agency or a governmental agency sub-agent, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter and RCW 46.16.160; to timely account and pay all permit fees; to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee; and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, and payment of any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the monetary value of vehicle trip permits issued to such agent as determined by the department.

(3) The filing fee collected for each permit by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits: *Provided*, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle trip permits may be requested by the permit applicant to be received via collect facsimile or other electronic transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle trip permits via collect facsimile or other electronic transmission has been so requested, such agent may collect from the requestor, upon delivery of such facsimile or other electronic transmission, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle trip permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the administrative fee and excise tax of such permit(s).

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven-day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has failed to comply with, or has violated any of the provisions of RCW 46.16.160, chapter 308-97 WAC, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle trip permits then outstanding. [Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-230, filed 7/24/81. Statutory Authority: RCW 46.01.110. 80-13-001 (Order DOL 591), § 308-97-230, filed 9/4/80.]

Chapter 308-99 WAC
VEHICLE RECIPROCITY

WAC

308-99-010 Applications.
308-99-020 Definitions.
308-99-030 Basic policy defined.
308-99-040 Restrictions and conditions.

WAC 308-99-010 Applications. In the absence of a written agreement between the state of Washington and another jurisdiction these rules shall apply to the operation of vehicles which are not licensed or registered in this state. [Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-010, filed 9/9/83. Formerly WAC 410-20-010.]

WAC 308-99-020 Definitions. (1) For the purposes of vehicle license registration, a resident is a person who

(a) Owns a vehicle which is licensable under the provisions of chapter 46.16 RCW and which is physically present in the state of Washington in excess of six months in any one continuous twelve month period; or

(b) Resides in this state for a period in excess of six months in any one continuous twelve month period; or

(c) Becomes a registered voter in this state; or

(d) Places children in a public school without paying nonresident tuition fees; or

(e) Receives benefits under one of the Washington public assistance programs; or

(f) Declares himself to be a resident for the purpose of obtaining a state license or tuition fees at resident rates; or

(g) Is permanently employed in this state.

(2) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public

Health Service, and members of foreign military organizations assigned to this state on official duty.

(3) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country. [Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-020, filed 9/9/83. Formerly WAC 410-20-020.]

WAC 308-99-030 Basic policy defined. Chapter 46.85 RCW authorizes the department of licensing to enter into agreements with other jurisdictions providing for the granting of mutual benefits, privileges, and exemption from payment of vehicle license and registration fees to owners of vehicles properly licensed or registered in one jurisdiction while being operated in Washington. Chapter 46.85 RCW further provides that in the absence of an agreement, vehicles properly licensed or registered in another jurisdiction shall receive, when operated in this state, the same benefits, privileges and exemptions granted by that jurisdiction to properly registered Washington vehicles.

It is the purpose of these rules to define this policy in terms of specific applications and to describe restrictions and conditions to the operation of vehicles in this state which are licensed in other jurisdictions. [Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-030, filed 9/9/83. Formerly WAC 410-20-030.]

WAC 308-99-040 Restrictions and conditions. A vehicle properly licensed or registered in another jurisdiction may be operated in Washington without further registration requirements subject to the following conditions and restrictions:

(1) Nonresident tourists: Length of stay cannot exceed six months in any one continuous twelve month period.

(2) Nonresident students: The student must be in full-time attendance at an institution of higher learning accredited by the Northwest Association of Schools and Colleges and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the institution in the vehicle which readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(3) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at his official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(4) Foreign tourists: Tourists from foreign countries are permitted to operate a vehicle which is currently licensed in their country of residence for up to one year from the date of entry of the vehicle into the United States.

(5) Temporary employment: Nonresident persons engaged in employment of a temporary nature may operate a vehicle in this state which is currently licensed in another jurisdiction for a period not to exceed six months. Proof of the temporary nature of the employment may be required.

(6) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(7) Salesmen: Nonresident salesmen based at a location outside Washington are permitted to operate vehicles not to exceed 12,000 pounds registered gross vehicle weight licensed in another jurisdiction in this state without registration.

(8) Business vehicle: A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of 12,000 pounds, which is properly base licensed in another jurisdiction, and used for business purposes in this state is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington, or when such vehicle is in the overnight custody of a Washington resident.

(9) Nonresident employed in Washington: May operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.

(10) New resident: New Washington residents shall be allowed sixty days from the date of establishing residency to procure Washington registration for their vehicle. [Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-040, filed 9/9/83. Formerly WAC 410-20-040.]

Chapter 308-100 WAC
DRIVERS' LICENSES--SPECIAL PROVISIONS

WAC

308-100-010	Vehicles requiring endorsement for their operation.
308-100-020	Combination motor vehicles requiring an endorsement for their operation.
308-100-030	Motor vehicles which may be operated pursuant to the endorsement.
308-100-040	Examination requirement for endorsements.
308-100-050	Fees.
308-100-060	Waiver applications and forms.
308-100-080	Definition of terms.
308-100-090	Instruction permits—Motorcycles.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-100-070 Effective date for endorsement requirements. [Order 1, § 308-100-070, filed 1/5/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

WAC 308-100-010 Vehicles requiring endorsement for their operation. The director of the department of licensing hereby finds that all motor trucks having three axles; truck-tractors having three axles; for-hire vehicles having three or more axles or designed to carry nine or more passengers; crew busses having three or more axles or designed to carry nine or more passengers; state, private and civic organization busses having three or more axles or designed to carry nine or more passengers; school busses; auto stages designed to carry nine or more passengers; and private carrier busses, require special operating skills by the drivers of those vehicles. All persons driving such vehicles must secure from the department of licensing an endorsement on their driver's license designated as INTERMEDIATE. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

WAC 308-100-020 Combination motor vehicles requiring an endorsement for their operation. The director of the department of licensing hereby finds that all motor trucks and truck-tractors operated in combination with any semi-trailers or trailers, when such trailers are in excess of 5,000 pounds gross weight, require special operating skills by the drivers of those combination vehicles. All persons driving such combination vehicles must secure from the department of licensing an endorsement on their driver's licenses designated as COMBINATION. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-020, filed 1/19/82; Order 106 MV, § 308-100-020, filed 8/17/71; Order 1, § 308-100-020, filed 1/5/68.]

WAC 308-100-030 Motor vehicles which may be operated pursuant to the endorsement. A driver having an endorsement designated as COMBINATION on his driver's license is authorized thereby to drive any motor vehicle, other than a motorcycle, in the state of Washington. A driver having an endorsement designated as INTERMEDIATE on his driver's license is thereby authorized to drive any motor vehicle, other than a motorcycle and those combination vehicles requiring the endorsement. [Order 1, § 308-100-030, filed 1/5/68.]

WAC 308-100-040 Examination requirement for endorsements. Persons receiving an endorsement by virtue of a waiver will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the type of vehicle for which they are seeking endorsement.

Persons who receive an endorsement, without a waiver, will be required to pass a comprehensive written examination testing their knowledge of motor vehicle laws, rules of the road, and of the type of vehicle for which they are seeking endorsement. They will also be required to demonstrate successfully their operating abilities for the type of vehicle for which they seek endorsement. [Order 1, § 308-100-040, filed 1/5/68.]

WAC 308-100-050 Fees. The basic fee for the obtaining of an endorsement shall be five dollars or such lesser sum as the director may from time to time require. The examination fee for any person seeking an endorsement, without a waiver, shall be three dollars, which is in addition to the basic five dollar fee. These fees are in addition to the regular drivers' licensing fees. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-050, filed 1/19/82; Order 691101, § 308-100-050, filed 11/26/69; Order 1, § 308-100-050, filed 1/5/68.]

WAC 308-100-060 Waiver applications and forms. An application for a waiver from examination must be submitted on forms supplied by the department of licensing. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-060, filed 1/19/82; Order 691101, § 308-100-060, filed 11/26/69; Order 1, § 308-100-060, filed 1/5/68.]

WAC 308-100-080 Definition of terms. The terms, "truck-tractor," "school bus," "for-hire vehicles," "auto stage," and "private carrier bus," as used in these rules will have the same meaning ascribed to them as are contained in chapter 46.04 RCW. The term "motor truck" shall have the same meaning as ascribed to it by RCW 46.04.310, but, for the purpose of these rules, shall in no event be construed to include fire fighting equipment owned by the United States Government, the state, any county, municipality, fire district, or other political subdivision of the state of Washington. The term "trailer," shall have the meaning ascribed to it by RCW 46.04.620, except, for the purpose of these rules it shall not be deemed to include travel trailers being towed for other than commercial purposes. [Order 106 MV, § 308-100-080, filed 8/17/71; Order 691101, § 308-100-080, filed 11/26/69; Order 1, § 308-100-080, filed 1/5/68.]

WAC 308-100-090 Instruction permits--Motorcycles. Any licensed driver may, upon filing an appropriate application along with the required fee, receive a motorcycle instruction permit. Such instruction permit shall entitle the holder thereof to operate a motorcycle upon the public highways only under the direct visual supervision of a person who has a motorcycle endorsement upon his license. In no event shall such instruction permit be construed to authorize any person other than the permit holder to ride upon a motorcycle while it is being operated under an instruction permit. [Order 108 MV, § 308-100-090, filed 9/14/71.]

Chapter 308-102 WAC

ADMINISTRATION OF THE FINANCIAL RESPONSIBILITY ACT--PROCEDURES

WAC

308-102-010 Order fixing amount of security.
308-102-011 Amount of security—How determined.
308-102-012 Amount of security—Effect of comparative negligence.
308-102-020 Suspension notices.
308-102-040 Hearing—Procedural rules.
308-102-090 Agreements for payment of damages—Default notice.
308-102-100 Request for document review or interview—Effect, timeliness.
308-102-110 Conduct of document review or interview—Referee.
308-102-120 Financial responsibility document review or interview.
308-102-125 Discovery.
308-102-130 Document review.
308-102-140 Interview.
308-102-150 Issues to be determined.
308-102-160 Determination of possibility of judgment.
308-102-170 Notice that interview or document review may be requested.
308-102-180 Correspondence address.
308-102-190 Document review or interview—Decision.
308-102-200 Request for formal hearing.
308-102-210 Formal hearing—Time and place.
308-102-220 Formal hearing—Notice of proceeding.
308-102-230 Hearing officer.
308-102-240 Financial responsibility—Formal hearing.
308-102-250 Issues to be determined—Formal hearing.
308-102-260 Hearing officer—Duties.
308-102-270 Hearing officer—Powers.
308-102-280 Formal hearing.
308-102-290 Formal hearings—Findings, conclusions and decisions.
308-102-295 Formal hearings—Habitual traffic offenders.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-102-013 Amount of security—Exemption because of age of damaged vehicle. [Order 467-DOL, § 308-102-013, filed 12/30/77; Order 228, § 308-102-013, filed 12/31/74.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

308-102-030 Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-030, filed 8/17/71; Emergency Order 102-MVX, § 308-102-030, filed 4/2/71; Emergency Order 103-MVX, § 308-102-030, filed 6/4/71; Order 101-MV, § 308-102-030, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71. See later adoption, Order 103-MV, § 308-102-0301, filed 8/17/71.

308-102-0301 Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-0301, filed 8/17/71, Formerly § 308-102-030, filed 3/8/71, See chapter digest for disposition of § 308-102-030.] Repealed by Order MV-302, filed 3/31/75.

308-102-035 Financial responsibility hearing committee established. [Order 103-MV, § 308-102-035, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

308-102-045 Hearing procedures. [Order 103-MV, § 308-102-045, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

308-102-050 Hearing—Issues. [Order 101-MV, § 308-102-050, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.

308-102-055 Issues to be determined by hearing committee. [Order 103-MV, § 308-102-055, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

308-102-060 Hearing officer—Powers. [Order 101-MV, § 308-102-060, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.

308-102-065 Notice that hearing may be requested. [Order 103-MV, § 308-102-065, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

308-102-070 Correspondence address. [Order 103-MV, § 308-102-070, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

308-102-075 Hearing committee—Powers. [Order 103-MV, § 308-102-075, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

308-102-080 Hearing for person suspended prior to May 26, 1971. [Order 103-MV, § 308-102-080, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

WAC 308-102-010 Order fixing amount of security. Whenever under the Financial Responsibility Act, the department fixes the amount of the security required of any person it shall forthwith notify him of the amount so required by mailing to him at his address as shown by department records, a notice of security stating the amount of the security required, the date by which the security must be posted, which shall be not less than twenty nor more than sixty days following the date of mailing, and which notice shall contain instructions pertaining to the filing of proof of financial responsibility. [Order 103-MV, § 308-102-010, filed 8/17/71; Order 101-MV, § 308-102-010, filed 3/8/71.]

WAC 308-102-011 Amount of security--How determined. The department shall determine the amount of security deposit required of any person upon the basis of reports or other information submitted, such reports to be in a form provided by the department which must be completed by the parties who sustain a loss, or their successors in interest, and must provide sufficiently specific information for the department to enter its decision concerning the amount of security with reasonable certainty: *Provided*, That, failure to respond to a request for specific information within a reasonable time will allow the department to conclude that no claim is being pursued. [Order 228, § 308-102-011, filed 12/31/74.]

WAC 308-102-012 Amount of security--Effect of comparative negligence. The department may determine the percentage of negligence attributable to any person claiming injury or damage in twenty-five percentile units and then may reduce the amount of security in proportion to that percentage: *Provided*, That the department shall not require security if the person claiming injury or damage is ninety percent or more negligent. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-012, filed 1/19/82; Order 228, § 308-102-012, filed 12/31/74.]

WAC 308-102-020 Suspension notices. At the time the department mails a notice of security, it shall also mail an order of suspension to the person to whom notice is mailed. Said order shall effect the suspension of the driving privilege of the person required to post security which shall be not less than twenty and not more than sixty days from the date of mailing. The grounds stated in said order shall be: "Failure to deposit the security

requirements and to file proof of financial responsibility." In the event the person so notified posts the security and files proof of financial responsibility for the future within the time allowed for such purposes, no suspension shall be effected. The department may extend the effective date of the suspension where it appears the person suspended has made a bona fide attempt to file proof of financial responsibility for the future within the time permitted and will in all probability be able to do so within thirty days. [Order 103-MV, § 308-102-020, filed 8/17/71; Order 101-MV, § 308-102-020, filed 3/8/71.]

WAC 308-102-040 Hearing--Procedural rules. Any hearing conducted under the financial responsibility act shall be held in accordance with the rules published in chapter 1-08 WAC insofar as those rules are consistent with the rules adopted herein. [Order 101-MV, § 308-102-040, filed 3/8/71.]

WAC 308-102-090 Agreements for payment of damages--Default notice. The department shall accept a notice of default on a payment agreement that was entered in lieu of the security deposit requirements as being effective only if that notice is received within thirty days of the date of the final scheduled payment or within three years of the date that the agreement was entered, whichever comes first. [Order MV-172, § 308-102-090, filed 7/16/73.]

WAC 308-102-100 Request for document review or interview--Effect, timeliness. Any person, (hereinafter referred to as licensee), notified of the requirement of depositing security and suspension for failure to deposit security under the financial responsibility law, chapter 46.29 RCW, may within fifteen days of the date of the notice of suspension of his driver's license or nonresident privilege to drive request either an interview or document review before a department of licensing referee. The request may be oral or written, but if made orally, such request must be confirmed by the licensee in writing within five days following such request.

Upon receipt of a timely request for interview or document review, the order of suspension shall be stayed pending the outcome of the document review or interview.

If the licensee does not request a document review or interview within the time specified above, said licensee shall have waived his right to any further administrative remedies, including the formal hearing, and the order of suspension shall become effective. [Order 466-DOL, § 308-102-100, filed 12/30/77; Order MV-302, § 308-102-100, filed 3/31/75.]

WAC 308-102-110 Conduct of document review or interview--Referee. The interview or document review shall be conducted by a referee of the department of licensing who shall be delegated the authority to conduct such document reviews or interviews by the director. [Order 466-DOL, § 308-102-110, filed 12/30/77; Order MV-302, § 308-102-110, filed 3/31/75.]

WAC 308-102-120 Financial responsibility document review or interview. All interviews or document reviews arising under and pursuant to the financial responsibility law, chapter 46.29 RCW, and any rules or regulations adopted pursuant thereto shall be held by a referee whose conclusions shall be subject to review by the department. [Order MV-302, § 308-102-120, filed 3/31/75.]

WAC 308-102-125 Discovery. The financial responsibility files concerning the licensee, except an individual's motor vehicle collision report, unless confidentiality of such report is waived by that individual, the investigating officer's report of the accident, and any affidavits filed by, for and/or on behalf of the individual(s) claiming the loss shall be open and available for inspection, at the department of licensing in Olympia, by the licensee or his attorney at any time prior to the document review or interview. Copies of relevant documents shall, upon request, be provided to the licensee or his attorney at the actual cost to the department. [Order 466-DOL, § 308-102-125, filed 12/30/77; Order MV-302, § 308-102-125, filed 3/31/75.]

WAC 308-102-130 Document review. Document review shall be held before a referee who, in making the decision shall consider any of the following:

(1) Affidavits filed by, for, and/or on behalf of the licensee, and/or by, for and/or on behalf of the individual(s) claiming the loss.

(2) The financial responsibility files concerning the licensee.

(3) The investigating officer's report of the accident.

(4) Court records of any conviction or bail forfeiture of a traffic violation arising out of the accident.

(5) Any other evidence relevant to the issues to be determined. [Order MV-302, § 308-102-130, filed 3/31/75.]

WAC 308-102-140 Interview. The interview shall be held before a referee who, in making the decision, shall consider any of the following:

(1) Oral testimony or argument offered by, for, or on behalf of the licensee.

(2) Affidavits from the individuals claiming the loss and/or from a representative of any insurance carrier that has a subrogated interest therein.

(3) Investigating officer's reports of the accident in question.

(4) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question.

(5) The financial responsibility files concerning the licensee.

(6) Affidavits or witness testimony of the licensee.

(7) Any other evidence relevant to the issues to be determined. [Order 466-DOL, § 308-102-140, filed 12/30/77; Order MV-302, § 308-102-140, filed 3/31/75.]

WAC 308-102-150 Issues to be determined. Only the following issues shall be considered at any document review or interview held on request of the licensee:

(1) Whether the licensee was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state.

(2) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount of $300 or more.

(3) Whether there is a reasonable possibility of a judgment being entered against the licensee in the amount required by the order of the department fixing such security.

(4) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the licensee.

(5) Whether the licensee is entitled to an exception to the requirement of security pursuant to RCW 46.29.080. [Order 467-DOL, § 308-102-150, filed 12/30/77; Order MV-302, § 308-102-150, filed 3/31/75.]

WAC 308-102-160 Determination of possibility of judgment. The department may presume that there is a reasonable possibility of a judgment being entered against the licensee if:

(1) The licensee was convicted of or forfeited bail for a traffic violation arising out of the accident, or

(2) A law enforcement officer investigating the accident completed a report which specified that a violation of a rule of the road contributed to the accident regardless of whether a citation was issued, or

(3) The licensee was negligent, having committed an act which a reasonably careful and prudent person would not have done under the same or similar circumstances, or failed to act in a way which a reasonably careful and prudent person would have acted under the same or similar circumstances, and such act or omission was a proximate cause of the accident. [Order MV-302, § 308-102-160, filed 3/31/75.]

WAC 308-102-170 Notice that interview or document review may be requested. The department at the time that it issues its order of suspension to the licensee, shall send notice of the right to request document review or interview in substantially the following form:

NOTICE OF RIGHT TO INTERVIEW OR DOCUMENT REVIEW

If you feel that the requirements as to security or suspension should not apply for any reason, you may request either a document review or interview before a representative of the Department of Licensing. Such request MUST be postmarked within fifteen days of the date of notice. Failure to request an interview or document review by _____ will be deemed to be a waiver of your right to this and a hearing to contest the order of suspension.

[Order 466-DOL, § 308-102-170, filed 12/30/77; Order MV-302, § 308-102-170, filed 3/31/75.]

WAC 308-102-180 Correspondence address. All correspondence shall be addressed to the Department of Licensing, Financial Responsibility Division, Highways-Licenses Building, Olympia 98504. [Order 466-DOL, § 308-102-180, filed 12/30/77; Order MV-302, § 308-102-180, filed 3/31/75.]

WAC 308-102-190 Document review or interview--Decision. Upon conclusion of a document review or interview the department referee shall make findings on the matter under consideration and shall properly submit the recommendations to the department. After a review of the referee's report and any attachments thereto together with the files and records maintained by the department pertaining to the accident in question and any documents submitted by the licensee, the department shall notify the licensee of the decision and said licensee's right to request a formal administrative hearing in writing by registered or certified mail sent to the last address of record. A copy of the referee's findings shall be sent to the licensee with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing. [Order MV-302, § 308-102-190, filed 3/31/75.]

WAC 308-102-200 Request for formal hearing. Any licensee who is aggrieved by the interview or document review decision of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be received at the office of the department of licensing within fifteen days following the mailing of the decision of the department to the licensee. Failure to make timely request for a formal hearing to the department shall result in a waiver of the licensee's right to such hearing and the decision of the department shall become final. At the time it sends the notice of the decision, the department shall send a request for administrative hearing in substantially the following form:

REQUEST FOR ADMINISTRATIVE HEARING

Within fifteen days of this letter you may request a hearing by the department in the matter of the suspension of your driving privilege.

[Order 466-DOL, § 308-102-200, filed 12/30/77; Order MV-302, § 308-102-200, filed 3/31/75.]

WAC 308-102-210 Formal hearing--Time and place. If a timely request for a formal hearing is made, the department shall notify the licensee of the time and place of such hearing in writing, and mail such notice to the last address of record, at least twenty days in advance of the hearing date. The hearing shall be held within a reasonable distance of the county wherein the licensee resides or, if the licensee is a nonresident of Washington, in the county where the accident occurred. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-210, filed 1/19/82; Order MV-302, § 308-102-210, filed 3/31/75.]

WAC 308-102-220 Formal hearing--Notice of proceeding. The notice shall include a statement of the legal authority and jurisdiction under which the hearing is held, a reference to the particular sections of the statutes and rules involved and a short and plain statement of the matters asserted. [Order MV-302, § 308-102-220, filed 3/31/75.]

WAC 308-102-230 Hearing officer. The formal hearing shall be held before a hearing officer as appointed by the director who shall be delegated to conduct such hearings. Such hearing officer may be authorized by the director to make final determinations regarding the issuance, denial, or suspension or revocation of a driver's license or a nonresident's privilege to drive. [Order MV-302, § 308-102-230, filed 3/31/75.]

WAC 308-102-240 Financial responsibility--Formal hearing. If the hearing officer is authorized by the director to make final determinations, the decision shall be final. If the hearing officer is not authorized to make final decisions the results shall be subject to review by the director or his designated representative. The director or his designated representative upon review of the records, the evidence, and the findings of the hearing officer shall promptly render his decision sustaining, modifying, or reversing the order. [Order MV-302, § 308-102-240, filed 3/31/75.]

WAC 308-102-250 Issues to be determined--Formal hearing. Only the following issues shall be considered at any formal hearing held on request of the licensee:

(1) Whether the licensee was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state.

(2) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount of $300 or more.

(3) Whether there is a reasonable possibility of a judgment being entered against the licensee in the amount required by the order of the department fixing such security.

(4) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the licensee.

(5) Whether the licensee is entitled to an exception to the requirement of security pursuant to RCW 46.29.080. [Order 467-DOL, § 308-102-250, filed 12/30/77; Order MV-302, § 308-102-250, filed 3/31/75.]

WAC 308-102-260 Hearing officer--Duties. The hearing officer, in making his/her decision at the formal hearing, shall consider:

(1) Sworn oral testimony offered by the licensee.

(2) Sworn oral testimony offered by witnesses on behalf of the licensee.

(3) Sworn oral testimony offered by the individual(s) who sustained the loss.

(4) Sworn oral testimony offered by witnesses on behalf of the individual(s) who sustained the loss or offered by the representative of the insurance carrier who has a subrogated interest therein.

(5) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question.

(6) Traffic collision reports completed by a police officer who investigated the accident, all reports and other information submitted to the department by the individual(s) who sustained the loss or the insurance carrier who has a subrogated interest therein, records and documents in the possession of the department of which it desires to avail itself, repair estimates, repair and medical bills, towing bills and any other reasonable accounting of a loss proximately arising from an accident or photocopies thereof.

(7) Any other evidence related to the issues before the hearing which have probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-260, filed 1/19/82; Order 466-DOL, § 308-102-260, filed 12/30/77; Order MV-302, § 308-102-260, filed 3/31/75.]

WAC 308-102-270 Hearing officer--Powers. The hearing officer appointed by the director shall have the power to administer oaths and affirmations, subpoena witnesses, examine witnesses, receive evidence, enter rulings as to the admissibility of evidence and offers of proof, regulate the course of the hearing, dispose of procedural requests or similar matters, and take any action authorized by these rules. [Order MV-302, § 308-102-270, filed 3/31/75.]

WAC 308-102-280 Formal hearing. At every formal hearing, the licensee may be represented by counsel and may present evidence and testimony on his own behalf and may cross-examine opposing witnesses. The record of the hearing shall be transcribed or recorded on a mechanical recording device. [Order MV-302, § 308-102-280, filed 3/31/75.]

WAC 308-102-290 Formal hearings--Findings, conclusions and decisions. At the conclusion of the formal hearing, the hearing officer shall, as soon as practical, make and enter findings of fact, conclusions of law and an order. They shall either affirm, rescind or modify the terms of the previous departmental order concerning the deposit of security or suspension. If the hearing officer is not authorized to make final determinations, the director or his/her authorized representative(s) shall review the recommendations together with the transcript or recording of the hearing and all evidence of record, and shall enter a final order which affirms, rescinds or modifies the departmental order of suspension. Copies of the findings of fact, conclusions of law and order so entered shall be sent to the licensee.

If the order of the department is affirmed, the department shall suspend the driver's license or nonresident driving privilege of the licensee, but the order of

suspension shall carry an effective date of thirty days after the date of mailing, during which time the licensee may comply with the terms of the order.

If the order of the department is reversed, the department shall cancel its previous order.

If the order of the department is modified, the department shall nonetheless suspend the driver's license or nonresident driving privilege of the licensee, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the licensee may comply with the terms of the order. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-290, filed 1/19/82; Order MV-349, § 308-102-290, filed 1/28/76; Order MV-302, § 308-102-290, filed 3/31/75.]

WAC 308-102-295 Formal hearings--Habitual traffic offenders. At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1): *Provided, however*, That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

(1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been advised or his or her right to be represented by counsel and or his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the driver was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked. [Statutory Authority: RCW 46.01.110. 82-21-002 (Order 697-DOL), § 308-102-295, filed 10/7/82.]

Chapter 308-104 WAC
DRIVERS' LICENSES

WAC

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Reviser's note: A part of Order MV-172, filed 7/16/73 had been codified as WAC 308-102-090 and entitled "Agreements for payment of damages—Default notice." The remaining sections are codified within this chapter.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-104-020 Point system. [Order 2, § 308-104-020, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

308-104-030 Effect of point accumulation. [Order 2, § 308-104-030, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.

308-104-055 Convictions—Suspension terms. [Order MV-172, § 308-104-055, filed 7/16/73.] Repealed by Order MV-222, filed 10/29/74.

WAC 308-104-010 Vision test. All applicants for a driver's license or renewal shall be required to take a vision test administered by the department. Any person having less than a 20/40 Snellen vision acuity with both eyes combined either corrected or uncorrected, or having some apparent significant visual limitation, must have an eye examination by an ophthalmologist or optometrist. If an applicant's vision cannot be corrected so that it will be within the 20/40 Snellen range for visual acuity or other vision problems cannot be corrected, then he must submit to a special examination in order to determine if a license or renewal shall be issued and if so what limitations or restrictions should be placed on the driving privilege. [Order 2, § 308-104-010, filed 6/26/68.]

WAC 308-104-015 Alcoholism treatment. Whenever the department suspends the driving privilege of a person, pursuant to RCW 46.20.291, for the reasons set forth in RCW 46.20.031(4), reinstatement shall be contingent upon the department receiving a report confirming that the person has participated for at least sixty days in an alcoholism treatment program meeting the requirements of WAC 275-15-020 (2) or (5). Said report shall be provided by an approved and accredited facility as defined in either WAC 275-15-030 (9) or (10).

The treatment report must be completed by an administrator or alcoholism counselor as defined in WAC 275-15-030, on a form provided by the department.

The department may waive the sixty-day treatment requirement in whole or in part upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-015, filed 1/19/82.]

WAC 308-104-025 Effect of accumulation of traffic offenses. Whenever the official records of the department show that a person has committed at least three traffic offenses within a one-year period, or at least four traffic offenses within a two-year period, the department may require the person to appear for a driver improvement interview, as provided in chapter 46.20 RCW: *Provided*, That when a person has committed fewer traffic offenses than set forth in this section, the department may require the person to appear for a driver improvement interview or suspend the person's driving privilege when such action appears to be in the interest of the safety of other persons on the highways.

For purposes of this section "traffic offense" means a conviction as defined in RCW 46.20.270, or a finding that a traffic infraction has been committed as defined in RCW 46.63.020. [Statutory Authority: RCW 46.01-.110. 82-03-046 (Order 668 DOL), § 308-104-025, filed 1/19/82.]

WAC 308-104-040 Driver's licenses for identification and identicards. No identicard shall be issued, nor shall any Washington state driver's license be issued, unless the applicant therefor shall have satisfied the department regarding his/her identity. In no event shall an applicant be deemed to have satisfied identity requirements of this rule, unless he/she displays or provides the department with at least two of the following:

(1) An expired or expiring driver's license which contains the signature and/or a photograph of the applicant;

(2) A valid Washington state identicard;

(3) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(4) An identification card issued by the United States, any state, or any agency of either of a kind commonly used to identify the members or employees of such government agencies, (including military I.D. cards) and which contain the signature and/or the photograph of the applicant;

(5) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities;

(6) An affidavit of the applicant, or in case the applicant is a minor, an affidavit of his parent or guardian;

(7) Such other documentary evidence as in the opinion of the department clearly establishes the identity of the applicant. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-040, filed 1/19/82; Order 468-DOL, § 308-104-040, filed 12/30/77; Order 691101, § 308-104-040, filed 11/26/69.]

WAC 308-104-045 Identicards. The department shall issue identicards containing a picture to nondrivers. Nondrivers shall be defined as any person who has not been issued a driver's license within the last four years immediately preceding: *Provided*, That the nondriver is currently residing in the state of Washington and has a current Washington address: *And provided, further*, That any individual who has been issued a driver's license within the last four years immediately preceding may qualify as a nondriver by surrendering the the driver's license and privilege to drive to the department for this express purpose. Any individual who surrenders the driver's license and privilege to drive to the department for the express purpose of qualifying as a nondriver shall forfeit said privilege to drive in this state together with all fees and license examination results.

The department shall not issue a driver's license to any individual holding an identicard unless and until that individual shall surrender said identicard to the department and the individual shall have met all other requirements of Title 46 RCW, as they pertain to an original driver's license applicant: *Provided*, That the department shall not issue a driver's license to any individual ineligible to be licensed pursuant to RCW 46.20-.031 under any circumstances. [Statutory Authority: RCW 46.20.117 and 46.20.119. 78-04-041 (Order 488-DOL), § 308-104-045, filed 3/20/78; Order MV 303, § 308-104-045, filed 2/13/75.]

WAC 308-104-050 Waiver of driver education requirement--When granted. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless:

(1) The parent, guardian, or other person having the care, custody and control of the applicant certifies that the applicant is[:]

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of driver control, the administrator of driver improvement, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-050, filed 1/19/82; Order 468-DOL, § 308-104-050, filed 12/30/77; Order MV-131, § 308-104-050, filed 4/26/72.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems

ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–104–056 Convictions––Revocation and suspension terms. The department shall suspend or revoke the driver's license or nonresident driving privilege of every person who is convicted of a violation requiring such suspension or revocation, except the violation of driving while revoked, the term of which shall commence on the date of conviction: *Provided*, That the term of such suspension or revocation shall commence thirty days from the date of conviction if said person had, on the date of such conviction, a valid driver's license which was not then surrendered to the court or, if said person shall have declared at the time of conviction his intent to petition for an occupational license and the court shall have stayed the effect of such mandatory suspension or revocation not more than thirty days: *Provided further*, That the term of such suspension or revocation shall commence fifteen days from the date the department receives notice, if the court fails to transmit an abstract of conviction to the department within thirty days of such conviction: *Provided further*, That the term of such suspension or revocation shall commence on the date that the department receives notice of such conviction if, at the time of the receipt of the notice, the said person's driver's license or nonresident driving privilege is suspended or revoked for any reason by past action of the department. [Order MV–222, § 308–104–056, filed 10/29/74.]

WAC 308–104–057 Convictions––Driving while revoked––Terms. The department shall not reinstate or issue a new license for an additional period of one year to any person who is convicted of the violation of driving while revoked, the term of which shall commence from and after the date such person would otherwise have been entitled to apply for reinstatement at the conclusion of all current mandatory suspension or revocation terms invoked due to a conviction, including driving while suspended or revoked, and refusing to submit to the chemical test of the breath. [Order MV–222, § 308–104–057, filed 10/29/74.]

WAC 308–104–058 Convictions––Court recommendations. The department shall suspend or revoke the license or permit to drive or any nonresident driving privilege of any person convicted of the violation named in RCW 46.61.502 or the violation named in RCW 46-.61.504, notwithstanding a court's recommendation to the contrary pursuant to RCW 46.61.515 (5)(a), when the department's record shows any one of the following:

(1) The person has within the five years immediately preceding the current conviction:

(a) A previous conviction of driving while under the influence of intoxicating liquor or drugs;

(b) A previous conviction of being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs;

(c) A previous license or permit to drive revocation or nonresident's driving privilege revocation imposed, pursuant to RCW 46.20.308, for refusal to submit to a chemical test or tests to determine alcoholic content of blood;

(d) Been previously placed in a deferred prosecution program for either the offense of driving while under the influence of intoxicating liquor or drugs or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

(2) The person was at the time of the arrest for the offense within the terms of a driver improvement probation imposed, pursuant to RCW 46.20.335. [Statutory Authority: RCW 46.01.110. 82–03–046 (Order 668 DOL), § 308–104–058, filed 1/19/82.]

WAC 308–104–060 Implied consent––Revocation terms. The department shall revoke the driver's license or nonresident's driving privilege of every person upon receipt of a sworn report of a law enforcement officer that the subject refused to submit to the chemical test of his breath incident to an arrest in which the arresting officer had grounds to believe that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor, the term of which shall commence thirty days from the date of the issuance of such order: *Provided*, That any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending or during the pendency of any subsequent appeal to superior court: *Provided further*, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal. [Order MV–222, § 308–104–060, filed 10/29/74; Order MV–172, § 308–104–060, filed 7/16/73.]

WAC 308–104–070 Concurrent suspension terms. The department shall suspend or revoke the driver's license or nonresident driving privilege of every person who is convicted of more than one offense requiring such suspension or revocation arising from the same incident for one term which will be the longest of the terms of suspension or revocation. [Order MV–172, § 308–104–070, filed 7/16/73.]

WAC 308–104–080 Reinstatement fee––When required. The driver's license or nonresident's driving privilege of any person that has been suspended or revoked for any reason shall not be reinstated until such person shall pay the reinstatement fee of ten dollars; except, that such reinstatement fee shall not be required when the imposition of the suspension or revocation was invalid or void or when the suspension or revocation was imposed because the subject was incompetent to operate a vehicle due to a physical or mental disability, because the subject had failed to attend a driver improvement interview, because the subject's filing of proof of financial responsibility for the future had canceled or terminated, or because the subject was refused a license due

to a suspension in another jurisdiction. [Order MV-172, § 308-104-080, filed 7/16/73.]

WAC 308-104-090 Reinstatement fee--Where paid and accepted. The reinstatement fee shall be paid by the subject and shall be accepted by the department at the driver's license examining station only at such time as he shall have complied with all other requirements for the reinstatement of his driver's license or nonresident's driving privilege; except, that the department may accept the payment of the reinstatement fee through its central state office at any time. [Order MV-172, § 308-104-090, filed 7/16/73.]

WAC 308-104-100 Occupational driver's license--Person eligible. The department shall issue an occupational driver's license to any person who has had his/her driver's license suspended or revoked because of a conviction or bail forfeiture for any offense relating to motor vehicles, other than negligent homicide, provided, (1) the person is eligible pursuant to the provisions of RCW 46.20.380 and 46.20.391, (2) the person had an unexpired Washington driver's license on the date of conviction for said offense, (3) the person did not have his/her resident driver's license suspended or revoked for any reason on the date of conviction for said offense, (4) the person had not been required on the date of conviction to surrender his/her Washington driver's license to the department for failure to maintain the filing of proof of financial responsibility for the future for said offense, or (5) the person has not within a one-year period been convicted of the violation named in RCW 46.61.502 or the violation named in RCW 46.61.504 regardless of the court's recommendation pursuant to RCW 46.61.515 (5)(a). [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-100, filed 1/19/82; Order MV 349, § 308-104-100, filed 1/28/76.]

WAC 308-104-110 Occupational license--Eligibility--Driving while suspended. The department may issue an occupational driver's license during the term of an extended suspension following a conviction of driving while suspended or during the additional period of one year following a conviction of driving while revoked; provided, the petitioner was eligible for the issuance of an occupational license during the original suspension or revocation term, but did not petition for and receive an occupational driver's license during any part of that original term. [Order MV 349, § 308-104-110, filed 1/28/76.]

WAC 308-104-120 Extra-territorial convictions--Hearing. Any person notified of the suspension of his driver's license pursuant to RCW 46.20.300 may within 15 days of the mailing date indicated on the notice of suspension/revocation request an administrative hearing before a hearing officer appointed by the director who shall conduct such hearings.

Upon receipt of a timely request for a hearing, the department shall convene the hearing as provided in RCW 46.20.329 and 46.20.332 considering only the following issues:

(1) Whether the licensee was convicted in another state of an offense which, if committed in this state, would be grounds for the suspension or revocation of the driver's license or nonresident driving privilege.

(2) Whether the statute under which the licensee was convicted in the other state provides for the suspension of the licensee's privilege to drive in that state.

The department need not show that the evidence upon which the licensee was convicted would have been sufficient to convict in this state, but need only show that the violation with which he was charged would have been grounds for suspension or revocation in this state. [Order MV 349, § 308-104-120, filed 1/28/76.]

WAC 308-104-130 Convictions--Driving records. The department shall consider the information transmitted on the abstract of conviction as being accurate for the purposes of recording information on the defendant's driving record and initiating suspension/revocation action. The defendant shall be deemed to have been convicted of the traffic law violation(s) if any of the following appears on the abstract:

(1) The payment of a fine.

(2) An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court.

(3) A plea of guilty by the defendant.

(4) A finding of guilt.

For the purposes of maintaining the driving record, initiating suspension/revocation action, and requiring the filing of proof of financial responsibility, the conviction shall be deemed final if any one of the above elements is present regardless of whether the imposition of sentence is deferred or penalty suspended. The department will not amend or modify the driving record of any suspension/revocation action if the court subsequently dismisses the charge at the conclusion of a successful deferral or probation period.

The forfeiture of bail shall be conclusive evidence of a conviction unless the court vacates that forfeiture. A vacation of bail forfeiture shall be effective only if that vacation is entered within sixty days of the date of that forfeiture and the case is scheduled by the court for a hearing on the merits. Any transmittal of the vacation of a forfeiture of bail must specify that these two elements exist.

The payment of a fine on a traffic violation charge shall be conclusive evidence of a conviction unless the court subsequently reimburses the defendant for all fines, costs, and other penalties imposed.

A plea of guilty shall be conclusive evidence of the conviction unless the defendant withdraws the plea of guilty during the proceedings, the defendant appeals the judgment within ten days or the court sets aside the judgment and orders a new trial within ten days.

A finding of guilt shall be conclusive evidence of the conviction unless the court approves a motion for a new trial within ten days or the defendant appeals the conviction to a higher court within ten days of the conviction.

If a court defers a finding after hearing the evidence, the department shall not consider the defendant as having been convicted until a final disposition is entered by that court, except when the defendant entered a guilty plea which was not withdrawn, or when the court imposed a penalty or sanction which could only be imposed upon a determination that the defendant was guilty.

A reporting error by the court which materially alters the original record of a conviction for a mandatory offense must be reported to the department in writing accompanied by a copy of the docket, or other permanent court record. [Order MV 349, § 308–104–130, filed 1/28/76.]

WAC 308–104–140 Driving record abstracts––Firefighters and law enforcement officers. The director of the department of licensing shall prescribe the text of the statement which the chief of the officers' or firefighters' department is authorized to provide under chapter 140, Laws of 1977 ex. sess. Said statement shall be notarized and shall be attached to the accident report submitted to the department of licensing. [Order 469–DOL, § 308–104–140, filed 12/30/77.]

WAC 308–104–150 Address requests––Terms and fees. The department may respond to written requests for addresses of persons whose driving records are maintained by said department. The individual or agency requesting the address must supply the department with the full name and the driver's license number or date of birth of each person whose address is requested. The department may deny address information to any person or agency when it has reason to believe that releasing such information could result in harm to the safety or well–being of the person whose address has been requested.

The department shall collect in advance a fee of two dollars for each address requested in a single listing up to and including ten addresses, and fifteen cents for each additional address on that single listing: *Provided*, That the addresses will be provided all governmental agencies without charge. [Statutory Authority: RCW 46.01.110. 82–03–046 (Order 668 DOL), § 308–104–150, filed 1/19/82.]

WAC 308–104–160 Nonmoving violation defined. A "nonmoving violation" as used in RCW 46.65.020 shall mean any violation or traffic infraction in Title 46 RCW, other than those included in the following list:

(1) Driving while under the influence of intoxicants or drugs
(2) Reckless driving
(3) Hit and run (occupied vehicle)
(4) Negligent homicide
(5) Driving while driving privilege suspended or revoked
(6) Eluding police vehicle
(7) Racing
(8) Embracing
(9) Manslaughter
(10) Speed too fast for conditions
(11) Speed 1 to 14 MPH excess
(12) Speed 15 to 29 MPH excess
(13) Speed over 29 MPH excess
(14) Failure to stop
(15) Disobey road sign
(16) Improper lane change
(17) Improper lane travel
(18) Prohibited turn
(19) Unnecessary noise
(20) Negligent driving
(21) Wrong way on one–way street
(22) Driving over center line
(23) Drive wrong side of road
(24) Straddling centerline
(25) Failure to yield right of way
(26) Disobey signalman
(27) Disobey school patrol
(28) Driving without lights
(29) Failure to dim lights
(30) Following too closely
(31) Improper turn
(32) Failure to signal or improper signal
(33) Passing stopped school bus
(34) Driving on shoulder or sidewalk
(35) Violating license restriction(s)
(36) Carrying passenger improperly
(37) In physical control of vehicle while under the influence of alcohol or drugs
(38) Failure to use due care
(39) Crossing fire hose
(40) Carry passengers outside vehicle
(41) Improper backing
(42) Obstructed vision or control
(43) Following emergency equipment
(44) Crossing divider
(45) Inattention
(46) Improper mirrors
(47) Illegal vehicle equipment
(48) Handle bars over height
(49) Illegal lights
(50) Defective equipment (lights, brakes, tires, steering, windshield wipers)
(51) Violation, RCW 46.20.336
(52) No goggles, windshield or face shield
(53) Improper overtaking or passing
(54) Hit and run (unattended vehicle)
(55) Impeding traffic
(56) More persons than provided for on motorcycle
(57) Operating moped on freeway
(58) Wearing earphones. [Statutory Authority: RCW 46.01.110. 82–21–002 (Order 697–DOL), § 308–104–160, filed 10/7/82; 82–03–046 (Order 668 DOL), § 308–104–160, filed 1/19/82.]

WAC 308–104–170 Alcoholism treatment program. (1) For the purposes of Title 46 RCW, a person shall be deemed to have undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services if he or she has been under said program for at least sixty days: *Provided*, That the department may accept a shorter treatment term upon a showing that the full sixty days of

treatment would not be in the best interests of the person's recovery progress.

(2) The term "program approved by the department of social and health services," as used in Title 46 RCW, shall mean an alcoholism treatment program meeting the requirements of WAC 275-15-020(5). [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-170, filed 1/19/82.]

WAC 308-104-180 Stay of habitual traffic offender revocation. When a person's driving privilege has been revoked as the result of a hearing pursuant to chapter 46.65 RCW, the department shall stay the effective date of the revocation only:

(1) When, not more than thirty days after the effective date of the revocation, there is a showing of good cause; or

(2) When the department receives from a superior court an order to stay the effective date of the revocation.

Provided, That in either case above, the person must give and maintain proof of financial responsibility as provided in chapter 46.29 RCW, and pay a ten dollar reinstatement fee as provided in RCW 46.20.311. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-180, filed 1/19/82.]

Chapter 308-115 WAC
MIDWIFERY

WAC

308-115-050 Definitions.
308-115-060 Application for licensing examination.
308-115-070 Release of examination results.
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308-115-090 Purpose of accreditation of midwifery educational programs.
308-115-100 Philosophy, purpose and objectives of an accredited midwifery educational program.
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308-115-150 Students.
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308-115-180 Application for accreditation.
308-115-190 School survey visits.
308-115-200 Appeal of department of licensing decisions.
308-115-210 Closure of an accredited school of midwifery.
308-115-405 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-115-010 Examinations for license to practice midwifery. [Order PL 269, § 308-115-010, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-020 Assignment of examination numbers to applicants. [Order PL 269, § 308-115-020, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-030 Minimum passing score. [Order PL 269, § 308-115-030, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-040 Midwives—Examination fee. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-115-040, filed 9/25/80; Order PL 269, § 308-115-040, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.

308-115-400 Fees. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-400, filed 9/21/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-115-405.

WAC 308-115-050 Definitions. (1) Preceptor. A preceptor is an obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

(2) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in nonbirth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.

(3) Survey visit is an information gathering and observational visit intended to provide the basis for the director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.

(4) Nursing education as used in these rules means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills.

(5) Practical midwifery experience as used in these rules means performance in midwifery functions, prior to obtaining a license, that is verified by affidavit, testimony or other sworn documentation.

(6) Health care provider as used in these rules means any licensed physician who is engaged in active clinical obstetrical practice.

(7) Academic director as used in these rules means the individual who is responsible for planning, organizing and implementing all aspects of the curriculum of a midwifery education program. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-050, filed 9/21/82.]

WAC 308-115-060 Application for licensing examination. (1) All applicants shall file a completed, notarized application, with the application fee specified in WAC 308-115-400, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the department of licensing, division of professional licensing.

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon notification of eligibility, the examination fee specified in WAC 308-115-400 must be submitted. Only applicants so notified will be admitted to the examination.

(4) No fees submitted and processed by the department will be subject to refund.

(5) All applicants shall take the current state licensing examination for midwives.

(6) The minimum passing score on the licensing examination is 75 percent. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–060, filed 9/21/82.]

WAC 308–115–070 Release of examination results. (1) Applicants shall be notified of examination results. All notices shall be by mail.

(2) Applicants who pass shall receive the results of the examination and instructions for obtaining a license to practice as a midwife.

(3) Applicants who fail shall receive notice of their eligibility to be reexamined, and of the procedure for applying for reexamination.

(4) Each accredited school of midwifery shall receive a statistical report of the test results of applicants who graduated from that school.

(5) Results of the examination will not be released to anyone except as provided above unless release is authorized by the applicant in writing.

(6) The applicant's examination results will be maintained by the department. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–070, filed 9/21/82.]

WAC 308–115–080 Failures. (1) An applicant who has failed the examination may be reexamined if he/she

(a) Applies to the department at least 30 days prior to the next scheduled examination, and

(b) Pays any required fee as specified in WAC 308–115–400.

(2) If an applicant fails his/her first examination, no additional fee will be required if the candidate is reexamined within one year. Applicants shall pay an examination fee determined by the director for examinations taken after the first reexamination.

(3) Applicants who fail the second retest shall be required to submit evidence to the director of completion of an individualized program of study prior to being permitted to be reexamined. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–080, filed 9/21/82.]

WAC 308–115–090 Purpose of accreditation of midwifery educational programs. The director provides for accreditation of midwifery educational programs for the following reasons:

(1) To ensure that only qualified midwives will be licensed to practice in the state of Washington.

(2) To ensure the safe practice of midwifery by setting minimum standards for midwifery educational programs that prepare persons for licensure as midwives.

(3) To ensure that each midwifery educational program has flexibility to develop and implement its program of study and that it is based on minimum standards for accredited schools of midwifery provided herein.

(4) To ensure that standards for each accredited midwifery program promote self evaluation.

(5) To assure the graduates of accredited schools of their eligibility for taking the licensing examination for midwives. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–090, filed 9/21/82.]

WAC 308–115–100 Philosophy, purpose and objectives of an accredited midwifery educational program. The philosophy, purpose and objectives of an accredited midwifery educational program shall be stated clearly and shall be in written form. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–100, filed 9/21/82.]

WAC 308–115–110 Advisory body. Each institution that offers a midwifery educational program shall appoint an advisory body composed of health professionals, midwives and public members. The group should have a minimum of five members and should meet regularly. Functions of the advisory body shall include but not be limited to the following:

(1) Promoting communication between the community and the school;

(2) Making recommendations on the curriculum, student selection and faculty;

(3) Informing the school about needs in midwifery education and practices; and

(4) Being informed about the school's finances.

In institutions whose advisory bodies are provided for by statute, or rule as in the case of public community colleges, universities and vocational–technical institutes, it can be presumed that the advisory body provided for meets these requirements. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–110, filed 9/21/82.]

WAC 308–115–120 Learning sites. (1) Learning sites utilized by accredited midwifery educational programs shall:

(a) Include a variety of sites in addition to the school that may be used for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals and health centers.

(b) Provide learning experiences of sufficient number and variety that students can achieve the course/curriculum objectives and requirements of the statute.

(2) Written agreements shall be maintained between the school and any supervising clinicians and faculty. Such agreements shall be reviewed periodically by the parties and shall state the responsibilities and privileges of each party. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–120, filed 9/21/82.]

WAC 308–115–130 Staffing and teacher qualifications. (1) The academic director shall be a midwife licensed under chapter 18.50 RCW or a CRN (nurse midwife) licensed under chapter 18.88 RCW and shall have not less than three years of experience in midwifery

clinical practice, or no less than three years experience as a midwifery educator.

(2) The core midwifery/obstetric faculty shall be only licensed midwives, CRNs (nurse midwives), licensed physicians or licensed osteopathic physicians and shall be currently licensed in Washington.

(3) The supporting faculty shall hold a degree in the subject area to be taught.

(4) The clinical faculty shall hold a current license in the area of clinical practice to be taught and shall have professional experience and shall demonstrate expertise in that subject area.

(5) Preceptors shall hold a current license in the state where they practice and shall be currently, legally engaged in active clinical obstetric practice. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–130, filed 9/21/82.]

WAC 308–115–140 Curriculum. (1) The basic curriculum shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years, and each student must undertake the care of not less than fifty women in each of the prenatal, intapartum and early postpartum periods while enrolled in the school from which the student graduates.

(2) Each school must ensure that the students receive instructions in the following instruction area:

(a) Instruction in basic sciences (including biology, physiology, microbiology, anatomy with emphasis on female reproductive anatomy, genetics and embryology) normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, breast feeding, neonatology, epidemiology, community care, and medicolegal aspects of midwifery.

(b) Instruction in basic nursing skills and clinical skills, including but not limited to vital signs, perineal prep, enema, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture, administration of intravenous fluids, infant and adult resuscitation, and charting.

(c) Clinical practice in midwifery which includes care of women in the prenatal, intrapartal and early postpartum periods, in compliance with RCW 18.50.040.

(3) Provision shall be made for systematic, periodic evaluation of the curriculum.

(4) Any proposed major curriculum revision shall be presented to the director at least three months prior to implementation. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–140, filed 9/21/82.]

WAC 308–115–150 Students. (1) Written policies and procedures for selection, admission, promotion, graduation and withdrawal of students shall be available.

(2) Courses completed prior to enrollment in the midwifery school should have been completed within ten years of enrollment and must be documented by official transcript in order for reduction of basic requirements to be considered.

(3) Students who seek admission by transfer from another midwifery educational program shall meet the equivalent of the school's current standards for those regularly enrolled.

(4) Each school shall maintain a comprehensive system of student records. [Statutory Authority: RCW 18-.50.135. 82–19–079 (Order PL 406), § 308–115–150, filed 9/21/82.]

WAC 308–115–160 Student midwife permit. (1) A permit may be issued to any individual who has:

(a) Successfully completed an accredited midwifery program as specified in RCW 18.50.040 (2)(a) and (b); and

(b) Undertaken the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods as required by RCW 18.50.040 (2)(c) and by these rules; and

(c) Satisfactorily completed the licensing examination required by RCW 18.50.060; and

(d) Filed a completed application for student midwife permit accompanied by a nonrefundable fee as specified in WAC 308–115–400.

(2) The student midwife permit authorizes the individuals to practice and observe fifty women in the intrapartum period under the supervision of a licensed midwife, licensed physicians or CRN (nurse midwife). [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–160, filed 9/21/82.]

WAC 308–115–170 Reports to the director of department of licensing by accredited midwifery educational programs. (1) An annual report on the program and its progress for the period July 1 to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

(a) Change in the administrator or academic director.

(b) Organizational change.

(c) Changes in extended learning sites.

The information submitted to the department of licensing shall include the reason for the proposed change.

(3) The director may require submission of additional reports. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–170, filed 9/21/82.]

WAC 308–115–180 Application for accreditation. Applicants for accreditation as midwifery educational programs shall:

(1) Apply for accreditation using a form provided by the director.

(2) Comply with the department's accreditation procedures and obtain accreditation before its first class graduates, in order for these graduates to be eligible to take the state licensing examination. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–180, filed 9/21/82.]

WAC 308–115–190 School survey visits. The director's designee shall make survey visits to midwifery educational programs:

(1) At least annually during the first three years of operation, and

(2) At least every two years after the new school's first three years of operation or more often at the discretion of the director. [Statutory Authority: RCW 18-.50.135. 82–19–079 (Order PL 406), § 308–115–190, filed 9/21/82.]

WAC 308–115–200 Appeal of department of licensing decisions. A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–200, filed 9/21/82.]

WAC 308–115–210 Closure of an accredited school of midwifery. (1) When an organization decides to discontinue its school of midwifery, written notification of the planned closure should be sent to the department.

(2) A school in the process of closing shall remain accredited until the students who are enrolled at the time the department receives the notice of planned closure have been graduated, provided that the minimum standards are maintained by the school.

(3) When a closing midwifery school's last students graduate, its accreditation shall terminate.

(4) A closing midwifery school shall provide for safe storage of vital school records and should confer with the director concerning the matter. [Statutory Authority: RCW 18.50.135. 82–19–079 (Order PL 406), § 308–115–210, filed 9/21/82.]

WAC 308–115–405 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Initial application	$125.00
Examination or reexam	150.00
Renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Verification	10.00

[Statutory Authority: 1983 c 168 § 12. 83–17–031 (Order PL 442), § 308–115–405, filed 8/10/83. Formerly WAC 308–115–400.]

Chapter 308–116 WAC
PRACTICAL NURSES

WAC
308–116–325 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–116–005 Definitions. [Order PL 189, § 308–116–005, filed 5/23/75; Order PL–131, § 308–116–005, filed 9/1/72.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78-.050. Later promulgation, see WAC 308–117–010.

308–116–010 Functions of a licensed practical nurse. [Order PL–131, § 308–116–010, filed 9/1/72; § 308–116–010, filed 8/3/66; Rule A (part), filed 8/30/63.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308–117–020.

308–116–020 Organization of a course in practical nursing. [Order PL 189, § 308–116–020, filed 5/23/75; Order PL–131, § 308–116–020, filed 9/1/72; § 308–116–020, filed 8/3/66; Rule B, filed 8/30/63.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308–116–024 Faculty. [Order PL 251, § 308–116–024, filed 6/7/76; Order PL 189, § 308–116–024, filed 5/23/75.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308–116–030 Length of the course. [§ 308–116–030, filed 8/3/66; Rule C (part), filed 8/30/63; Rules (part), filed 3/23/60.] Repealed by Order PL–131, filed 9/1/72.

308–116–031 Curriculum. [Order PL–131, § 308–116–031, filed 9/1/72.] Repealed by Order PL 189, filed 5/23/75.

308–116–034 Classroom teaching facilities. [Order PL 189, § 308–116–034, filed 5/23/75.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308–116–038 Curriculum. [Order PL 189, § 308–116–038, filed 5/23/75.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308–116–040 Course content. [Order PL 189, § 308–116–040, filed 5/23/75; Order PL–131, § 308–116–040, filed 9/1/72; § 308–116–040, filed 8/3/66; Rule C (part), filed 5/14/65, 8/30/63.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308–116–050 Physical facilities for classroom teaching. [Order PL–131, § 308–116–050, filed 9/1/72; § 308–116–050, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

308–116–052 Clinical practice areas. [Order PL 189, § 308–116–052, filed 5/23/75.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308–117–180.

308–116–058 Selection of students and the student program. [Order PL 189, § 308–116–058, filed 5/23/75.] Repealed by 84–01–061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308–116–060 Hospital orientation period. [Order PL–131, § 308–116–060, filed 9/1/72; § 308–116–060, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

308–116–070 Clinical practice areas. [Order PL–131, § 308–116–070, filed 9/1/72; § 308–116–070, filed 8/3/66; Rule

C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

308-116-080 Periods of duty on hospital wards. [§ 308-116-080, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL-131, filed 9/1/72.

308-116-082 Records and brochures. [Order PL 189, § 308-116-082, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308-116-090 Supervision of student practical nurse. [Order PL-131, § 308-116-090, filed 9/1/72; § 308-116-090, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

308-116-092 State board licensing examination. [Order PL 189, § 308-116-092, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308-116-098 Readmissions, transfers, withdrawals. [Order PL 189, § 308-116-098, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-170.

308-116-100 Faculty. [Order PL-131, § 308-116-100, filed 9/1/72; § 308-116-100, filed 8/3/66; Rule D, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

308-116-102 Approval of program in practical nursing. [Order PL 189, § 308-116-102, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308-116-110 Selection of students and the student program. [Order PL-131, § 308-116-110, filed 9/1/72; § 308-116-110, filed 8/3/66; Rule E, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

308-116-120 Tentative approval and approval of a course in practical nursing. [§ 308-116-120, filed 8/3/66; Rule F, filed 8/30/63.] Repealed by Order PL-131, filed 9/1/72.

308-116-121 Approval of a program in practical nursing. [Order PL-131, § 308-116-121, filed 9/1/72.] Repealed by Order PL 189, filed 5/23/75.

308-116-130 Records and brochures. [Order PL-131, § 308-116-130, filed 9/1/72; § 308-116-130, filed 8/3/66; Rule G, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

308-116-150 Short night school classes. [Rule 1, filed 3/23/60.] Deleted by Rules, filed 8/3/66.

308-116-160 Correspondence courses. [§ 308-116-160, filed 8/3/66; Rule 2, filed 3/23/60.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308-116-170 Professional nurse training—Present equivalency clause. [§ 308-116-170, filed 8/3/66; Rule 3, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.

308-116-180 State board examinations. [Order PL-131, § 308-116-180, filed 9/1/72; § 308-116-180, filed 8/3/66; Rule 5, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.

308-116-190 Certificate of moral character for candidates qualifying under equivalency clause or interstate registration. [Rule 6, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.

308-116-200 Procedure regarding approval of new courses. [Rule 7, filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.

308-116-230 Advisory committee to board of practical nurse examiners. [Rule 8, filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.

308-116-240 Minimum age of applicants to write state board examination. [Rule 9, filed 3/23/60.] Deleted by Rules, filed 8/3/66.

308-116-250 Candidates who have not completed the course when examination is given. [Rule 10, filed 3/23/60.] Deleted by Rules, filed 8/3/66.

308-116-260 Readmissions, transfers, withdrawals. [Order PL-131, § 308-116-260, filed 9/1/72; § 308-116-260, filed 8/3/66; Rule 11, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.

308-116-270 Classwork or practical experience gained by applicant previous to enrollment in course in practical nursing. [§ 308-116-270, filed 8/3/66; Rule 12, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.

308-116-280 Renewal of licenses. [Order 208, § 308-116-280, filed 11/5/75; Order 138, § 308-116-280, filed 12/5/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-100.

308-116-290 Examinations. [Order 139, § 308-116-290, filed 12/5/72.] Repealed by Order PL 189, filed 5/23/75.

308-116-295 Licensure qualifications and procedures. [Statutory Authority: RCW 18.78.150. 83-05-033 (Order PL 427), § 308-116-295, filed 2/10/83; 78-10-049 (Order PL-290), § 308-116-295, filed 9/21/78; Order PL 189, § 308-116-295, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-030.

308-116-300 Certification of licensure. [Order 139, § 308-116-300, filed 12/5/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.

308-116-310 Licensed practical nurses—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-116-310, filed 9/25/80; Order 208, § 308-116-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-116-325.

WAC 308-116-325 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and exam	$ 35.00
License renewal	10.00
Late renewal penalty	10.00
Reexamination	35.00
Endorsement—Reciprocity	35.00
Duplicate license	5.00
Verification	10.00
Application penalty	10.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-116-325, filed 8/10/83. Formerly WAC 308-116-310.]

Chapter 308-117 WAC
PRACTICAL NURSES

WAC

308-117-010 Definitions.
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308-117-030 Licensure qualifications.
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308-117-050 Release of results of examination.
308-117-060 Filing of application for licensing examination.
308-117-070 Failures—Repeat examination.
308-117-080 Licensure of graduates of foreign schools of nursing.
308-117-090 Licensure by interstate endorsement.
308-117-100 Renewal of licenses.
308-117-110 Establishment of new practical nursing program.
308-117-120 Survey visits.
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308-117-140 Termination of a suspension.
308-117-150 Student records.
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308–117–170 Readmissions, transfers.
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308–117–190 Structure for curriculum implementation.
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308–117–300 Curriculum content.
308–117–400 Standards/competencies.

WAC 308–117–010 Definitions. (1) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(2) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(3) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(4) "Behavioral objectives" means the measurable outcomes of specific content.

(5) "Minimum standards of competency" means the functions that are expected of the beginning level licensed practical nurse.

(6) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(7) "Beginning practitioner" means a newly licensed practical nurse beginning to function in the practical nurse role.

(8) "Client" means the person who receives the services of the practical nurse.

(9) "Standards" means the overall behavior which is the desired outcome.

(10) "Competencies" means the tasks necessary to perform the standards.

(11) "Client advocate" means a supporter of client rights and choices. [Statutory Authority: RCW 18.78-.050. 84–01–061 (Order PL 452), § 308–117–010, filed 12/19/83. Formerly WAC 308–116–005.]

WAC 308–117–020 Functions of a licensed practical nurse. A licensed practical nurse is one who has met the requirements of the Washington LPN Act, chapter 18-.78 RCW. The licensed practical nurse recognizes and is able to meet the basic needs of the client, and gives nursing care under the direction and supervision of the registered nurse or licensed physician to clients in routine nursing situations. In more complex situations the licensed practical nurse functions as an assistant to the registered nurse and carries out selected aspects of the designated nursing regimen.

A routine nursing situation is one that is relatively free of scientific complexity. The clinical and behavioral state of the client is relatively stable and requires abilities based upon a comparatively fixed and limited body of knowledge.

In complex situations, the licensed practical nurse facilitates client care by meeting specific nursing requirements to assist the registered nurse in the performance of nursing care.

The functions of the licensed practical nurse makes practical nursing a distinct occupation within the profession of nursing. The licensed practical nurse has specific roles in nursing in direct relation to the length, scope and depth of his or her formal education and experience. In the basic program of practical nursing education, the emphasis is on direct client care.

With additional preparation, through continuing education and practice, the licensed practical nurse prepares to assume progressively more complex nursing responsibilities. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–020, filed 12/19/83. Formerly WAC 308–116–010.]

WAC 308–117–030 Licensure qualifications. (1) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 308–117–300, or its equivalent as determined by the board.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–030, filed 12/19/83. Formerly WAC 308–116–295.]

WAC 308–117–040 Licensing examination and passing score. (1) The current series of the National Council of State Board of Nursing Practical Nurse Examination (NCLEX) shall be the official examination for practical nurse licensure.

(2) The NCLEX will consist of two tests with a minimum passing standard score of 350 for the total examination.

(3) Examinations shall be conducted twice a year, in April and October.

(4) The executive secretary of the board shall negotiate with the National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–040, filed 12/19/83.]

WAC 308–117–050 Release of results of examination. (1) Applicants shall be notified regarding the examination results by mail only.

(2) Applicants who pass shall receive a license to practice as a licensed practical nurse provided all other requirements are met.

(3) Applicants who fail shall receive a letter of notification regarding their eligibility to retake the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each practical nursing program in Washington shall receive a statistical report of the examination results of applicants from that school and a report of state and national statistics.

(5) Scores of the examination will not be released to anyone except as provided above unless release is authorized by the applicant in writing.

(6) The applicant's examination results will be maintained in his/her application file in the division of professional licensing, department of licensing. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-050, filed 12/19/83.]

WAC 308-117-060 Filing of application for licensing examination. (1) All applicants shall file with the Washington state board of practical nursing a completed notarized application, with the required fee prior to February 15, for the April examination and August 15, for the October examination. The fee is not refundable.

(2) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(3) Applicants shall request the school of nursing to send an official transcript directly to the board of practical nursing. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(4) Applicants shall also file an examination application, along with the required fee, directly with the testing service.

(5) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-060, filed 12/19/83.]

WAC 308-117-070 Failures--Repeat examination. (1) The application form to retake the examination and the required fees shall be filed with the board on or before February 15 for the April examination and August 15 for the October examination. The fees are not refundable.

(2) Applicants who fail the examination will be permitted to retake the examination three times within the two-year period from the date of first taking the examination.

(3) Applicants who fail to pass the examination within the time period specified in (2) above shall be required to follow remedial measures as specified by the board before being scheduled to retake the examination. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-070, filed 12/19/83.]

WAC 308-117-080 Licensure of graduates of foreign schools of nursing. (1) Applicants who received their nursing education outside the United States and its territories shall meet the following requirements for licensing:

(a) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

(b) All other requirements of the statute and regulations shall be met.

(c) File with the board of practical nursing a completed notarized license application with the required fee prior to February 15 for the April examination and prior to August 15 for the October examination. The fees are not refundable.

(d) Submit one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(e) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(f) File an examination application, along with the required fee, directly with the testing service.

(g) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-080, filed 12/19/83.]

WAC 308-117-090 Licensure by interstate endorsement. (1) A license to practice as a licensed practical nurse in Washington may be issued without examination provided the applicant meets all the following requirements:

(a) The applicant has graduated and holds a credential from a state board approved program preparing candidates for licensure as a practical nurse or its equivalent as determined by the board.

(i) The applicant has fulfilled the minimum requirements prevailing for state board approved practical nursing programs in Washington at the time of the applicant's graduation.

(ii) Applicants shall present a minimum score of 350 on the state board test pool examination or NCLEX, except those applicants who were licensed after October 1, 1973 but before October 1, 1982, shall present a minimum score of 400 on the state board test pool examination.

(b) The applicant holds a valid current license to practice as a practical nurse in another state or territory.

(c) The applicant shall:

(i) Submit a completed application with the required fee. The fee is not refundable.

(ii) Request the nursing education program to send directly to the board of practical nursing an official

transcript verifying graduation from an approved practical nursing program. The transcript shall provide sufficient documentation to verify that statutory requirements are met. [Statutory Authority: RCW 18-.78.050. 84–01–061 (Order PL 452), § 308–117–090, filed 12/19/83.]

WAC 308–117–100 Renewal of licenses. (1) Individuals making applications for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Individuals making application for initial license with the state of Washington under the interstate endorsement regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(3) Issuance of license – Licensed practical nurses who complete the renewal application accurately, are practicing nursing in compliance with the law, and pay the renewal fee shall be issued a license to practice. Should the licensee fail to renew his or her license prior to the expiration date, the individual is subject to the penalty fee and all back fees as stated in RCW 18.78.090.

(4) Illegal practice – Any person practicing as a licensed practical nurse during the time that his/her license has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violators under the provisions of RCW 18.78-.170. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–100, filed 12/19/83. Formerly WAC 308–116–280.]

WAC 308–117–110 Establishment of new practical nursing program. (1) Application. An organization desiring to establish a board approved practical nursing program shall submit an application in the form requested by the board. The organization shall submit the proposed curriculum plans which shall include the statements of philosophy, purpose and objectives, the conceptual framework and the arrangements for learning opportunities through which students are expected to achieve the curriculum objectives. The organization shall submit the plan at least four weeks prior to a scheduled board meeting at which the plan is to be reviewed. This review shall take place three months prior to the scheduled opening date of the program.

The nurse administrator of the program and other administrative officers of the organization shall meet with the board to present the formal application and clarify and amplify materials included in the written report.

(2) The board shall either grant or withhold initial approval of the proposed nursing program.

(3) Schools receiving initial approval shall:

(a) Submit course outlines and objectives to the board for review and approval at least three months prior to offering the course;

(b) Submit progress reports as requested by the board. Survey visits shall be scheduled as deemed necessary by the board during the period of initial approval.

(4) At least three months prior to graduation of the first class, a school shall be surveyed to assess its eligibility for full approval. [Statutory Authority: RCW 18-.78.050. 84–01–061 (Order PL 452), § 308–117–110, filed 12/19/83.]

WAC 308–117–120 Survey visits. (1) The board of practical nursing, through its authorized representative, shall survey each practical nursing program in the state at least once every four years. More frequent visits may occur as deemed necessary by the board or at the request of the school.

(2) The survey visit to the program shall be scheduled on dates mutually acceptable to the board and to the program.

(3) The board shall require a self–evaluation report by the nurse administrator and the faculty of the program, based on the rules and regulations for approval of programs and in accordance with guidelines and forms provided by the board.

(4) Copies of the self–evaluation report shall be submitted to the board at least one month prior to the scheduled visit.

(5) In schools where combined nursing programs exist, one self–evaluation addressing both program requirements may be submitted in lieu of a separate report. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–120, filed 12/19/83.]

WAC 308–117–130 Board action following survey visits. (1) Whenever a matter directly concerning a practical nursing program is being considered by the board, any board member who is associated with the program shall not participate in the deliberation or decision–making action of the board.

(2) Each program shall be evaluated in terms of its conformance to the curriculum standards.

(3) The board shall give written notice to the educational institution and the nurse administrator of the practical nursing program regarding its decision on the program's approval status.

(4) Continuing full approval shall be granted a practical nursing program that meets the requirements of the law and the rules and regulations of the board. Full approval may carry recommendations for improvement and for correcting deficiencies.

(5) If the board determines that an approved practical nursing program is not maintaining the curriculum standards required for approval, the board shall give written notice specifying the deficiencies and shall designate the period of time in which the deficiencies must be corrected. The program's approval shall be suspended if a program fails to correct the deficiencies within the specified period of time. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–130, filed 12/19/83.]

WAC 308–117–140 Termination of a suspension. A program of practical nursing may petition to the board for restoration of approval by submitting evidence that it

is in compliance with the minimum standards. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-140, filed 12/19/83.]

WAC 308-117-150 Student records. The school shall maintain records with regard to each student that contain the following:

(1) Evidence of satisfactory completion of 10th grade or its equivalent.

(2) Transcript of practical nursing program and interpretation of credit or unit. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-150, filed 12/19/83.]

WAC 308-117-160 Statement of completion of the course. The school shall submit a statement of completion to the boards of practical nursing for each graduate making application for the state licensing examination on forms provided. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-160, filed 12/19/83.]

WAC 308-117-170 Readmissions, transfers. The educational institution shall have written policies regarding readmissions and acceptance of transfer students which insure that such students have met the same curriculum objectives required of regularly enrolled practical nursing students. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-170, filed 12/19/83. Formerly WAC 308-116-098.]

WAC 308-117-180 Clinical practice areas. (1) Clinical learning opportunities shall be selected so that they enable the student to observe and practice safe nursing care and provide experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care to clients in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness, rehabilitation and support in death. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy and objectives of the program.

(2) There shall be sufficient experienced and supervisory personnel in clinical practice areas to safeguard the client's well-being and the interests of students so that curriculum objective can be attained.

(3) The manner in which experiences in each clinical area contribute to achievement of the identified student terminal objectives shall be documented and maintained on file.

(4) The students' curriculum objectives shall not be sacrificed in order to provide nursing service for clients.

(5) Facilities utilized as clinical practice areas shall be licensed and/or accredited by the appropriate agency.

(6) When a practical nursing program plans to add a new clinical practice area for student experience, it shall notify the board and submit the objectives to be gained from the experiences 60 days prior to the scheduled use. The new clinical practice area must meet all the requirements of this rule. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-180, filed 12/19/83. Formerly WAC 308-116-052.]

WAC 308-117-190 Structure for curriculum implementation. (1) The curriculum shall be designed to prepare students for licensure as practical nurses.

(2) The basic curriculum shall be not less than nine months or 40 weeks.

(3) The time requirements for all clinical practice areas shall be sufficient for students to achieve the curriculum objectives.

(4) The number of hours of class and clinical practice opportunities and distribution of these shall be in direct ratio to the amount of time necessary for the student at that particular stage of development to accomplish the objectives of the course.

(5) Throughout the program the total hours of class and required clinical practice opportunities shall not exceed 40 hours per week. [Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-190, filed 12/19/83.]

WAC 308-117-200 Curriculum in an approved practical nursing program. (1) In order to insure that the curriculum is well defined the statements of philosophy, purpose, objectives and conceptual framework of the curriculum must be carefully formulated, reviewed and revised periodically and must be consistent with the philosophy and goals of the controlling institution.

(2) The philosophy of the nursing curriculum must express the nursing faculty's beliefs about education, learning, nursing, nursing education and practical nursing as an integral part of nursing.

(3) The curriculum shall be consistent with the program philosophy, objectives and conceptual framework and with the law governing the practice of practical nursing.

(4) The philosophy and objectives must be communicated to the students and to staff involved with students in clinical areas to ensure achievement of the objectives.

(5) The ratio between nursing and non-nursing classes shall be based on a well developed rationale which supports the program philosophy, purpose and terminal objectives.

(6) The behavioral objectives must be realistic, attainable and measurable, based on the goal of preparing practitioners who function within the accepted role of the licensed practical nurse.

(7) Learning opportunities and instructional approaches shall facilitate the achievement of curriculum objectives.

(8) The school shall have flexibility to develop and implement the curriculum as it determines will best achieve the program philosophy and objectives.

(9) The manner in which the theoretical and practical studies contribute to the achievement of the students' terminal objectives must be documented, maintained and be available for review upon request by the board of practical nursing.

(10) The curriculum shall provide concurrent theoretical instruction and practical application in the care of selected individuals at all developmental levels with different degrees of wellness–illness and various types of incapacities.

(11) Any plan for major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be submitted to the board for approval 60 days prior to implementation.

(12) A school offering practical nursing programs at more than one educational site must have the same curricular philosophy and terminal objectives at each site.

(13) The curriculum shall be evaluated on a regular basis to ensure that graduates will demonstrate the knowledge and practical application consistent with that expected of a beginning licensed practical nurse.

(14) The curriculum shall encompass broad areas of learning. Nursing content based on scientific principles shall be consistent with the practical nursing role and shall facilitate the application of nursing concepts to the care of the client. [Statutory Authority: RCW 18.78-.050. 84–01–061 (Order PL 452), § 308–117–200, filed 12/19/83.]

WAC 308–117–300 Curriculum content. Content of the curriculum shall include:

(1) Concepts of social, behavioral, and related foundation subjects.

(a) Normal growth and development.

(b) Psychology – social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(c) Personal and vocational relationships.

(2) Biological and related foundation subjects.

(a) Anatomy and physiology.

(b) Microbiology – elementary concepts.

(c) Chemistry and physics – elementary concepts.

(d) Nutrition and diet therapy.

(e) Pharmacology and applied mathematics.

(3) Principles and practice of practical nursing consistent with the practical nursing role of the beginning practitioner.

(a) Nursing ethics, nursing history and trends, vocational and legal aspects of nursing.

(b) Fundamentals of nursing.

(c) Medical and surgical nursing.

(d) Parent/child nursing with only an assisting role in the care of clients during labor and delivery and those with abnormal complications.

(e) Geriatric nursing.

(f) Mental health nursing.

(g) All nursing courses shall include components of restorative, rehabilitative and supportive care.

(h) Laboratory and clinical practice in the functions of the practical nurse including but not limited to administration of medications, common medical surgical techniques and related client teaching.

(i) Concepts of client care management. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–300, filed 12/19/83.]

WAC 308–117–400 Standards/competencies. Minimum standards of competency expected of beginning licensed practical nurses include the following:

(1) STANDARD I – The practical nurse assists in implementing the nursing process. The nursing process is defined as a systematic approach to nursing care which has the goal of facilitating an optimal level of functioning for the client, recognizing cultural and religious diversity.

The components of the nursing process are assessing, planning, implementing and evaluating. Written and verbal communication is essential to the nursing process.

COMPETENCIES:

(a) Assessment – makes observations, gathers data and assists in identification of needs and problems relevant to the client.

(i) Makes basic observations of clients' safety and comfort needs.

(ii) Identifies physical discomfort and environmental threats to client safety.

(iii) Identifies basic physiological, emotional, sociological, cultural, economic, and spiritual needs.

(iv) Collects specific data as directed.

(v) Identifies major deviation from normal.

(vi) Selects data from established sources relevant to client's needs or problems.

(vii) Collaborates in organizing data.

(viii) Assists in formulating the list of clients' needs or problems.

(ix) Identifies major short and long term needs of clients.

(b) Planning – contributes to the development of approaches to meet the needs of clients and families.

(i) Develops client care plans, utilizing a standardized nursing care plan.

(ii) Assists in setting priorities for nursing care.

(iii) Participates in client care conferences.

(c) Implementation – carries out planned approaches to client care.

(i) Carries out nursing actions developed in care plan to ensure safe and effective nursing care.

(ii) Performs common therapeutic nursing techniques.

(d) Evaluation – Utilizing a standard plan for nursing care, appraises the effectiveness of client care.

(i) Collaborates in data collection relevant to outcome of care.

(ii) Assists in comparing outcome of care to formulated objective.

(iii) Assists with adjustments in care.

(iv) Reports outcome of care given.

(2) STANDARD II. The practical nurse uses communication skills effectively in order to function as a member of the nursing team. Communication is defined as a process by which information is exchanged between individuals through a common system of symbols, signs, or behaviors that serves as both a means of gathering information and of influencing the behavior and feelings of others.

COMPETENCIES:

(a) Applies beginning skills in verbal, non–verbal and written communication, recognizing and respecting cultural diversity and respecting the spiritual beliefs of individual clients.

(i) Uses common medical terminology and abbreviations.

(ii) Interprets common medical terminology and abbreviations.

(iii) Reports pertinent client communications regarding his/her physical and psycho–social welfare.

(iv) Develops a working relationship with the client, family, and health team members.

(v) Interviews clients to collect specific data with or without a structured tool.

(vi) Identifies possible communication blocks.

(vii) Recognizes that communication can be facilitated by certain responses.

(viii) Interacts appropriately in a one–to–one relationship and in a group setting.

(ix) Modifies own communication pattern.

(x) Documents observations and actions correctly in the chart.

(3) STANDARD III. In a structured setting the practical nurse demonstrates responsibility for own actions by using common techniques of problem solving and decision making to plan and organize own assignment. Problem solving and decision making include utilization of available resources to secure a desired result.

COMPETENCIES:

(a) Participates in self–assessment.

(i) Identifies own strengths and weaknesses.

(ii) Maintains personal health.

(iii) Maintains appropriate appearance.

(iv) Seeks assistance as needed.

(v) Requests recommendations for improvements.

(vi) Incorporates new and appropriate behaviors in nursing action.

(vii) Evaluates completion of assigned duties.

(b) Seeks learning opportunities that will foster growth.

(i) Plans goals for self improvement of performance with help of a supervisor.

(ii) Seeks opportunities for personal vocational growth.

(iii) Utilizes new knowledge and skills.

(iv) Participates in staff development.

(v) Demonstrates knowledge of professional organization and other contributers to past and present nursing advancement.

(c) Applies knowledge of ethical and legal principles and responsibilities pertinent to self, clients, and others.

(i) Identifies scope and limitations of own role.

(ii) Functions within the law regulating the practice of practical nursing.

(iii) Demonstrates ethical practice in providing client care.

(iv) Respects and maintains the client's privacy interests.

(d) Practices conservation of available resources.

(i) Demonstrates an understanding of hospital and client costs by economical use of supplies and equipment.

(ii) Participates in nursing audit.

(e) Follows employer rules and regulations.

(i) Functions according to the job description, recognizing employer/employee expectations.

(ii) Explains employer rules and regulations as they apply to client and family.

(4) STANDARD IV. The practical nurse assists in the health teaching of clients recognizing individual differences. Health teaching is defined as facilitating learning and instructing clients and significant others in preventive and therapeutic measures.

COMPETENCIES:

(a) Health teaching – assists in the development of teaching plans for the individual client.

(i) Identifies major health education needs and problems of clients.

(ii) Communicates observation of health and learning needs.

(iii) Assists in individualizing the teaching plan to include others when appropriate.

(b) Implements teaching of basic health information according to the appropriate teaching plan.

(c) Communicates client's request for information to appropriate team member.

(d) Documents client teaching on the appropriate records.

(5) STANDARD V. The practical nurse demonstrates an understanding of own role in the health care delivery system. Health care delivery systems are defined as the voluntary and governmental organizations and institutions at international, national, state, and local levels that influence health policy and encompass comprehensive services.

COMPETENCIES:

(a) Functions as a practical nurse within the health care delivery system. (See chapter 18.78 RCW.)

(i) Functions within the role of the practical nurse.

(ii) Identifies the basic functions of members of the health care delivery team.

(b) Recognizes functions of health care delivery systems.

(i) Identifies supportive services in client care settings.

(ii) Identifies community resources.

(iii) Identifies the need for assistance from other agencies.

(iv) Demonstrates ability to obtain information about health care agencies.

(c) Acts as client advocate in health maintenance and clinical care.

(i) Recognizes the rights of individuals to control their own health needs and make decisions about health services.

(ii) Provides client education concerning health care delivery systems.

(6) STANDARD VI. The practical nurse recognizes the need for change in a structured health care setting and demonstrates willingness to participate in effecting change. Change is defined as a systematic process which

includes careful assessment and acceptance of responsibility for own actions, resulting in a significant alteration.

COMPETENCIES:

(a) Recognizes need to adjust functions to comply with the accepted practical nurse role and assists in assessing effectiveness of current nursing practices in a given health care delivery system.

(i) Recognizes problems and the need for change in current nursing practice.

(ii) Communicates needs for further change through appropriate channels.

(iii) Identifies personal factors which influence response to change. Adapts own behavior.

(v) Accepts potential risks with instituting change. [Statutory Authority: RCW 18.78.050. 84–01–061 (Order PL 452), § 308–117–400, filed 12/19/83.]

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REGISTERED NURSES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–120–010 Definitions. [Order 5, § 308–120–010, filed 5/1/68; Interpretative Rule (part), effective 1/8/62.] Repealed by Order PL–124, filed 5/26/72.

308–120–012 Responsibilities—Employer, school of nursing, and nursing aide. [Order 5, § 308–120–012, filed 5/1/68; Interpretative Rule (part), effective 1/8/62.] Repealed by Order PL–124, filed 5/26/72.

308–120–015 Interpretation of terms appearing in RCW 18.88.280 (Professional nurse practice act). [Order 5, § 308–120–015, filed 5/1/68; Rules (part), filed 1/8/63.] Repealed by Order PL–124, filed 5/26/72.

308–120–020 Policy regarding psychiatric nursing requirement of graduates of out–of–state schools of nursing. [Rules (part), filed 1/8/63; Rule I, filed 3/13/61.] Repealed by Order 120–70–1, filed 8/19/70.

308–120–021 Reciprocity, declaration of policy. [Order 120–70–1, § 308–120–021, filed 8/19/70.] Repealed by Order PL–124, filed 5/26/72.

308–120–025 Applications by foreign nurses. [Order 120–70–1, § 308–120–025, filed 8/19/70; Order 5, § 308–120–025, filed 5/1/68; Rule II, filed 3/13/61.] Repealed by Order PL–124, filed 5/26/72.

308–120–030 Policy regarding licensing of graduates of U. S. naval hospital corps schools. [Rule III, filed 3/13/61.] Repealed by Order PL–124, filed 5/26/72.

308–120–040 Policy regarding qualification for hospitals used for clinical facilities. [Order 5, § 308–120–040, filed 5/1/68; Rules, filed 1/20/66.] Repealed by Order PL–124, filed 5/26/72.

308–120–050 Accreditation of a school of professional nursing. [Order 5, § 308–120–050, filed 5/1/68.] Repealed by Order PL–124, filed 5/26/72.

308–120–060 High school equivalency. [Order 5, § 308–120–060, filed 5/1/68.] Repealed by Order PL–124, filed 5/26/72.

308–120–070 Examinations. [Order PL–109, § 308–120–070, filed 6/4/71; Order 5, § 308–120–070, filed 5/1/68.] Repealed by Order PL–124, filed 5/26/72.

308–120–080 Documents which indicate authorization to practice professional nursing in Washington. [Order 5, § 308–120–080, filed 5/1/68.] Repealed by Order PL–124, filed 5/26/72.

308–120–110 Reciprocity, declaration of policy. [Order PL–124, § 308–120–110, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.

308–120–115 Applications by foreign nurses. [Order PL–124, § 308–120–115, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.

308–120–120 Policy regarding licensing of graduates of U.S. naval hospital corps schools. [Order PL–124, § 308–120–120, filed 5/26/72.] Repealed by 80–04–072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.

308–120–130 Minimum standards for accredited schools of nursing. [Order PL–124, § 308–120–130, filed 5/26/72.] Repealed by 80–04–072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.

308-120-140 Procedures for accreditation of schools of nursing. [Order PL-124, § 308-120-140, filed 5/26/72.] Repealed by 80-04-072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.

308-120-150 High school equivalency. [Order PL-124, § 308-120-150, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.

308-120-160 Licensure qualifications and requirements—Examinations. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-160, filed 5/2/78; Order PL 196, § 308-120-160, filed 7/25/75; Order PL 153, § 308-120-160, filed 11/26/73; Order PL 124, § 308-120-160, filed 5/26/72.] Repealed by 81-04-007 (Order PL 370), filed 1/27/81. Statutory Authority: RCW 18.88.080.

308-120-18001 Temporary retirement. [Order PL 153, § 308-120-18001, filed 11/26/73.] Repealed by Order PL 252, filed 7/9/76. Later promulgation, see WAC 308-120-185.

308-120-190 Advanced registered nurse application requirements. [Order PL 258, § 308-120-190, filed 12/7/76; Order PL 252, § 308-120-190, filed 7/9/76; Order PL 182, § 308-120-190, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

308-120-191 Advanced registered nurse program of study criteria. [Order PL 252, § 308-120-191, filed 7/9/76.] Repealed by Order PL 270, filed 6/16/77.

308-120-192 Alternative satisfaction of program of study requirement. [Order PL 258, § 308-120-192, filed 12/7/76.] Repealed by Order PL 270, filed 6/16/77.

308-120-200 Advanced registered nurse authorized practice. [Order PL 182, § 308-120-200, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

308-120-210 Specialized registered nurse application requirements. [Order PL 252, § 308-120-210, filed 7/9/76; Order PL 182, § 308-120-210, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

308-120-220 Specialized registered nurse authorized practice. [Order PL 182, § 308-120-220, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

308-120-230 ARN/SRN registration. [Order PL 182, § 308-120-230, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

308-120-240 ARN/SRN renewal. [Order PL 258, § 308-120-240, filed 12/7/76; Order PL 182, § 308-120-240, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

308-120-250 ARN/SRN violations. [Order PL 182, § 308-120-250, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.

308-120-260 Registered nurse—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-120-260, filed 9/25/80. Statutory Authority: RCW 18.88.160 and 43.24.085. 79-11-087 (Order PL 291), § 308-120-260, filed 10/24/79. Statutory Authority: RCW 43.24.085. 78-10-050 (Order PL-291), § 308-120-260, filed 9/21/78; Order PL 216, § 308-120-260, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-120-275.

308-120-310 Certification programs approved by the board. [Order PL 270, § 308-120-310, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.

308-120-320 Scope of practice of certified registered nurse. [Order PL 270, § 308-120-320, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.

308-120-330 ARN/SRN registration expiration. [Order PL 270, § 308-120-330, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.

308-120-340 CRN approved associations and/or certifying boards. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-340, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.

308-120-350 CRN certification program. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-350, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.

WAC 308-120-100 Definitions. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "Initial approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(8) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(9) "Nursing student" is a person currently enrolled in an approved school of nursing.

(10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing.

(a) "Direction and supervision" – the nursing aide may function only under the "direction and supervision" of the licensed registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he shall not perform duties or functions beyond her/his educational nursing preparation, as determined by the school in which she/he is enrolled. Supervision and direction shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities – employer, school of nursing, and nursing aide:"

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) School of nursing. It is the responsibility of the school of nursing to furnish the prospective employer of the nursing aide with written evidence of the student's educational preparation. Evidence of the student's educational preparation should include types of patients for whom she/he is prepared to care, specific procedures which she/he can perform, and additional nursing functions which she/he is prepared to do.

(iii) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC 308–120–210 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88-.280" – the terms "direction and supervision," "auxiliary services," and "minor nursing services" are defined as follows:

(a) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation. [Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–100, filed 1/27/81; 80–04–072 (Order PL 339), § 308–120–100, filed 3/27/80; Order PL–124, § 308–120–100, filed 5/26/72.]

WAC 308–120–161 Qualification/eligibility to write the licensing examination. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to write the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate holds a degree/diploma from the approved school of nursing;

(c) All other requirements are met.

(3) An interim permit (WAC 308–120–170(2)) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved schools of nursing after filing of a completed application, payment of the application fee, and official notification from the school certifying that the individual has successfully completed all requirements for the diploma/degree. The results of the licensing examination will not be released until the candidate's official transcript is on file with the board. [Statutory Authority: RCW 18.88.080. 82–01–012 (Order PL 387), § 308–120–161, filed 12/7/81; 81–04–007 (Order PL 370), § 308–120–161, filed 1/27/81.]

WAC 308–120–162 Filing of application for licensing examination. (1) All applicants shall file with the Washington state board of nursing a completed notarized application, with the required fee prior to May 1, for the July examination and December 1 for the February examination.

(2) Applicants shall request the school of nursing to send an official transcript directly to the board of nursing.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(4) Applicant[s] who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–162, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–162, filed 1/27/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–120–163 Licensing examination. (1) The current series of the National Council of the State Board of Nursing Registered Nurse Examination (NCLEX) shall be the official examination for registered nurse license.

(2) The NCLEX will consist of four two–hour tests with a minimum passing standard score of 1600 for the total examination.

(3) Examinations shall be conducted twice a year, in February and July.

(4) The executive secretary of the board shall negotiate with The National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18-.88.140. 82–22–091 (Order PL 410), § 308–120–163, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–163, filed 1/27/81.]

WAC 308–120–164 Release of results of examination. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each school of nursing in Washington shall receive a statistical report of the examination results of candidates from that school.

(5) Scores of the examination will not be released to anyone except as provided above unless release is authorized by the candidate in writing.

(6) The candidate's examination results will be maintained in his/her application file in the division of professional licensing, department of licensing. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88-.140. 82–22–091 (Order PL 410), § 308–120–164, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–164, filed 1/27/81.]

WAC 308–120–165 Failures--Repeat examination. (1) The application forms to rewrite the examination and fees shall be filed on or before May 1 for the July examination and December 1 for the February examination.

(2) Candidates who fail[ed] the examination will be permitted to rewrite the examination three times within the two–year period from the month of first writing.

(3) If the candidate fails the first examination, the state will require no additional fee from the candidate who takes the next scheduled examination.

(4) Candidates who fail to pass the examination within the time period specified in (2) above shall be required to complete a program of study approved by the board. Upon successful completion of the approved program, the candidate shall be required to write the entire examination. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–165, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–165, filed 1/27/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–120–166 Applicants previously licensed in a foreign country. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

(i) The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Registered Nurse Examination (NCLEX) as provided in WAC 308–120–163: *Provided*, That those persons meeting the requirements of WAC 308–120–168(2) are exempt from this requirement.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) File with the board of nursing a completed notarized license application with the required fee prior to May 1 for the July examination and prior to December 1 for the February examination.

(b) Request the school of nursing to submit an official transcript directly to the division of professional licensing.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) Request the licensing agency in the country of original license to submit evidence of licensure.

(e) Submit a notarized copy of the certificate issued by the CGFNS.

(f) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board

or the CGFNS send notarized copies in lieu of the originals. [Statutory Authority: RCW 18.88.030(2), 18.88-.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–166, filed 11/3/82. Statutory Authority: RCW 18-.88.080. 81–04–007 (Order PL 370), § 308–120–166, filed 1/27/81.]

WAC 308–120–168 Licensure by interstate endorsement. (1) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

(a) The applicant has graduated and holds a degree/diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(i) Applicants who were licensed prior to January 1, 1953 shall have scored at least 75% on the state board examination in the state of original licensure.

(ii) Applicants licensed after January 1, 1953 but before June 1, 1982 shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants licensed after July 1, 1982 shall have passed with a minimum standard score of 1600 for the total examination.

(b) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(c) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

(d) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(2) Applicants from countries outside the United States who were granted a license in another U.S. jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(c) The applicant shall submit to the board:

(i) A complete notarized application. The nonrefundable fee must be filed with the application.

(ii) Verification of original licensure obtained in the U.S. jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state board or territory of original U.S. licensure.

(iv) Verification of current nursing practice for three years prior to application for Washington licensure.

(d) The applicant shall meet all requirements of chapter 18.88 RCW and regulations of the board. [Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–168, filed 1/27/81.]

WAC 308–120–170 Documents which indicate authorization to practice registered nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) License. A license is issued upon completion of all requirements for licensure – confers the right to use the title registered nurse and the use of its abbreviation, R.N.

(2) Interim permit. An interim permit may be issued to a graduate from an approved nursing school who has met all qualifications, has filed an application for examination and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued, when the candidate receives first notice of failure, or within one year from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse." The title "interim permit nurse" or "graduate nurse" may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 308–120–185).

(4) Certified registered nurse (CRN) recognition document. A CRN recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308–120–300. Only persons holding this recognition document shall have the right to use the title "certified registered nurse" or the abbreviation "CRN." This document authorizes the CRN to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) CRN prescriptive authorization document. A CRN prescriptive authorization document may be issued to any person who meets the requirements of the board as contained in WAC 308–120–410. This document authorizes the CRN to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license. [Statutory Authority: RCW 18-.88.080. 81–10–026 (Order PL 377), § 308–120–170, filed 4/28/81; Order PL 196, § 308–120–170, filed 7/25/75; Order PL–124, § 308–120–170, filed 5/26/72.]

WAC 308-120-180 Renewal of licenses. (1) The license renewal date shall coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to next birth anniversary date.

(3) The late payment penalty provision will be applied as follows:

(a) Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force.

(4) Effective January 1, 1985, individuals making application for license renewal must submit, in addition to the required fee, evidence to show compliance with the continuing education requirements of WAC 308-120-600 through 308-120-608. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-180, filed 12/2/83; Order PL 216, § 308-120-180, filed 11/5/75; Order PL-134, § 308-120-180, filed 10/13/72.]

WAC 308-120-185 Return to active status from temporary retirement. After January 1, 1974, persons on nonpracticing status for three years or more who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. Nonpracticing means the individual has been on the inactive list for a period of three years or more and does not hold a current license to practice in Washington or in any other United States jurisdiction. [Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-185, filed 1/27/81; 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-185, filed 5/2/78; Order PL 258, § 308-120-185, filed 12/7/76. Formerly WAC 308-120-18001.]

WAC 308-120-186 Criteria for approved refresher course. (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in RCW 18.88.030.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) There shall be an adequate number of qualified faculty to develop and implement the program and achieve the stated objectives. The maximum faculty/student ratio in the clinical area shall be 1 to 12. Exceptions shall be justified to and approved by the board.

(3) Course content.

(a) The course content, length, methods of instruction and learning experiences shall be consistent with the philosophy and objectives of the course. Outlines and descriptions of all learning experiences shall be available in writing.

(b) The course content shall include, but not be limited to, a minimum of eighty hours of theory in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Professional nursing today including legal expectations;

(B) Basic communications and observational practices needed for identification, reporting, and recording patient needs; and

(C) Basic physical, biological and social sciences necessary for practice; and

(iv) Review and updating of basic nursing knowledge necessary for assisting people with:

(A) Maintenance of physical and mental health throughout life span;

(B) Medical/surgical problems;

(C) Behavioral problems;

(D) Problems of development and aging.

(c) The course shall include a minimum of one hundred hours of clinical practice in the areas listed in subsection (b) above. Exceptions shall be justified to and approved by the board.

(d) Examinations shall be given to measure knowledge of content.

(e) Methods shall be used to measure the student's achievement of the stated clinical objectives.

(4) The course shall be periodically evaluated by faculty and students.

(5) Admission requirements.

(a) Requirements for admission shall be available in writing.

(b) All students shall hold a current valid limited educational license approved by the Washington state board of nursing.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) A letter certifying completion of the course shall be sent to the Washington state board of nursing office.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board. [Statutory Authority: RCW 18.88.080. 79-06-025 (Order PL-305), § 308-120-186, filed 5/15/79.]

WAC 308-120-270 Provision for continuity of drug therapy for residents. When a resident of a long term care facility has the opportunity for an unscheduled therapeutic leave that would be precluded by the lack of an available pharmacist to dispense drugs prescribed by an authorized practitioner, a registered nurse designated by the facility and its consultant or staff pharmacist and who agrees to such designation, may provide the resident or a responsible person with up to a 72-hour supply of a prescribed drug or drugs for use during that leave from the resident's previously dispensed package of such drugs. The drugs shall only be provided in accordance with protocols developed by the pharmaceutical services committee and shall be available for inspection. These protocols shall include the following:

(1) Criteria as to what constitutes an unscheduled therapeutic leave requiring the provision of drugs by the registered nurse;

(2) Procedures for repackaging and labeling the limited supply of previously dispensed drugs by the designated registered nurse that comply with all state and federal laws concerning the packaging and labeling of drugs;

(3) Provision to assure that none of the medication provided to the resident or responsible person may be returned to the resident's previously dispensed package of such drug or to the facility's stock.

(4) Assurance that the RN informs the resident or responsible person of:

(a) The name, strength and quantity of drug provided,

(b) The proper administration of the drug,

(c) Potential adverse responses to the drug, and

(d) What actions to take should adverse responses occur.

(5) Provision for documenting by the RN in the resident's health record:

(a) Date and time of unscheduled leave,

(b) Name, strength and quantity of drug provided,

(c) Name of person to whom the drug was given and by whom it was given, and

(d) Confirmation that information described in (2) above was provided.

See WAC 360-13-100 for related regulations regarding this practice. [Statutory Authority: RCW 18.88.080. 83-12-026 (Order PL 436), § 308-120-270, filed 5/25/83.]

WAC 308-120-275 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application fee	$ 35.00
Application penalty	10.00
License renewal	15.00
Late renewal penalty	15.00
Endorsement—Reciprocity	35.00
Duplicate license	5.00
Second—Subsequent retake	35.00
Verification	10.00
CRN Application	25.00
CRN Renewal	20.00
CRN Prescriptive application	30.00
CRN Prescriptive renewal	20.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-120-275, filed 8/10/83. Formerly WAC 308-120-260.]

WAC 308-120-300 Certified registered nurse. A certified registered nurse shall:

(1) Hold a current license to practice as a registered nurse in Washington, and

(2) Have been granted a certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-300, filed 11/3/82; Order PL 270, § 308-120-300, filed 6/16/77.]

WAC 308-120-305 Use of nomenclature. Any person who qualifies under WAC 308-120-300 and whose application for certified registered nurse designation has been approved by the board shall be designated as a certified registered nurse and shall have the right to use the title "certified registered nurse" and the abbreviation "CRN." No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is a certified registered nurse. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-305, filed 11/3/82; Order PL 270, § 308-120-305, filed 6/16/77.]

WAC 308-120-315 Certification and certification program. (1) Certification is a voluntary form of credentialling, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement which shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

(b) A formal program of study requirement in the area of certification which shall:

(i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) Include theoretical and clinical content directed to the objectives;

(iii) Until July 1, 1984, be acceptable to the board and shall include clinical practice in the area of certification or two years of current practice in the area of certification; and

(iv) After July 1, 1984, be equivalent to at least one academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(i) Measure the theoretical and clinical content denoted in the scope of practice;

(ii) Be developed in accordance with generally accepted standards of validity and reliability; and

(iii) Be open only to registered nurses who have successfully completed the program of study referred to in (2)(b) of this rule. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-315, filed 11/3/82.]

WAC 308-120-325 Board approval of certification programs. (1) A certification program being considered for approval shall submit documentation showing that it meets the requirements of WAC 308-120-315(2).

(2) The board shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 308-120-315(2).

(3) The board shall notify the certification program of pending review and may request that the program submit further information regarding its continued compliance with the provisions of WAC 308-120-315(2). [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-325, filed 11/3/82.]

WAC 308-120-335 Application requirements for CRN. A registered nurse applicant for designation as a CRN shall:

(1) Meet the requirements of WAC 308-120-300.

(2) Submit a completed application on a form furnished by the board.

(3) Submit evidence of certification by a certification program approved by the board.

(4) Submit a nonrefundable fee as specified in WAC 308-120-260. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-335, filed 11/3/82.]

WAC 308-120-345 Renewal of CRN designation. CRN designation shall be renewed every two years on the renewal date of the CRN's registered nurse license. The applicant shall:

(1) Maintain a current registered nurse license in Washington.

(2) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the board:

(a) Formal academic study;

(b) Continuing education offerings;

(c) Other learning activities.

(3) Submit a nonrefundable fee as specified. [Statutory Authority: RCW 18.88.030 and 18.88.080. 83-04-051 (Order PL 424), § 308-120-345, filed 2/1/83.]

WAC 308-120-355 Termination of certification by the certification program. The CRN shall immediately notify the board of termination of her/his certification from the certification program which was approved by the board. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-355, filed 11/3/82.]

WAC 308-120-360 Termination of CRN designation by the board. CRN designation may be terminated by the board when the CRN has:

(1) Practiced outside the scope of practice denoted for the area of certification, or

(2) Been found in violation of any provision of RCW 18.88.230. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-360, filed 11/3/82.]

WAC 308-120-365 CRN recognition at effective date. Any registered nurse recognized as a CRN on the effective date of this rule shall continue to be so designated and shall be eligible for renewal of the CRN designation under the provisions of these rules. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88-.140. 82-22-091 (Order PL 410), § 308-120-365, filed 11/3/82.]

WAC 308-120-400 CRN prescriptive authorization. (1) A registered nurse licensed under chapter 18.88 RCW when authorized by the board of nursing may prescribe drugs pursuant to applicable state and federal laws. [Statutory Authority: RCW 18.88.080. 83-16-065 (Order PL 441), § 308-120-400, filed 8/2/83. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18-.88.140. 82-22-091 (Order PL 410), § 308-120-400, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-400, filed 8/17/79.]

WAC 308-120-410 Application requirements for CRN prescriptive authority. A registered nurse who applies for authorization to prescribe drugs shall:

(1) Be currently designated as a certified registered nurse in Washington;

(2) Have been engaged in clinical practice for one year, either as a requirement of the certification program approved by the board, or practice subsequent to CRN designation;

(3) Provide evidence of completion of thirty contact hours of education in pharmacology and clinical management of drug therapy related to the applicant's scope of practice and which are:

(a) Obtained within a four–year time period immediately prior to the date of application for prescriptive authority. Eight of the thirty contact hours must have been obtained during the year immediately preceding the application.

(b) Derived from the following:

(i) Study within the CRN area of certification;

(ii) Study other than (i) above approved by the board; and

(4) Submit a completed, notarized application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308–120–260. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–410, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–410, filed 1/27/81; 79–09–038 (Order PL–310), § 308–120–410, filed 8/17/79.]

WAC 308–120–420 Authorized prescriptions by the CRN. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall be signed by the prescriber with the initials "CRN" and the prescriber's identification number assigned by the board.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.88.280(16).

(4) Any CRN with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration and the pharmacy board. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–420, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81–04–007 (Order PL 370), § 308–120–420, filed 1/27/81; 79–09–038 (Order PL–310), § 308–120–420, filed 8/17/79.]

WAC 308–120–430 Termination of prescriptive authorization. Prescriptive authorization may be terminated by the board when the CRN has:

(1) Not maintained current designation as a CRN in the area of certification; or

(2) Prescribed outside the CRN scope of practice or for other than therapeutic purposes; or

(3) Violated provisions of RCW 18.88.230. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–430, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79–09–038 (Order PL–310), § 308–120–430, filed 8/17/79.]

WAC 308–120–440 Prescriptive authorization period. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the applicant's second birthday following initial authorization.

(3) Subsequent renewal periods shall expire on the applicant's birthday every two years.

(4) Authorization shall be renewed after the applicant meets the requirements of WAC 308–120–450. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–440, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79–09–038 (Order PL–310), § 308–120–440, filed 8/17/79.]

WAC 308–120–450 Renewal. CRN prescriptive authorization shall be renewed every two years. For renewal of prescriptive authorization, the applicant shall:

(1) Maintain current CRN designation.

(2) Provide documentation of eight contact hours of continuing education during the renewal period in pharmacology and clinical management of drug therapy related to applicant's area of certification. This continuing education requirement shall be in addition to that required for renewal of CRN designation. Continuing education shall be derived from any combination of the following, approved by the board:

(a) Formal academic study;

(b) Continuing education offerings;

(c) Other learning activities.

(3) Submit a completed and notarized renewal application with nonrefundable fee. As specified in WAC 308–120–260. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82–22–091 (Order PL 410), § 308–120–450, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79–09–038 (Order PL–310), § 308–120–450, filed 8/17/79.]

WAC 308–120–505 Philosophy governing approval of schools of nursing. While the board herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered nurses to meet current and future nursing needs of the public. The board believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose and objectives.

The board further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self–evaluation which may lead to program development and improvement. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–505, filed 3/27/80.]

WAC 308–120–506 Purposes of board approval of schools of nursing. The board approves schools of nursing for the following purposes:

(1) To insure the safe practice of nursing by setting minimum standards for schools of nursing preparing persons for licensure as registered nurses,

(2) To provide the public and prospective students with a list of schools of nursing that meet the minimum standards,

(3) To safeguard the educational preparation of the students,

(4) To assure the graduates of approved schools of their eligibility for admission to the licensing examination for registered nurses, and

(5) To facilitate interstate endorsement of graduates from board approved schools of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-506, filed 3/27/80.]

WAC 308-120-507 Purpose, philosophy and objectives for approved schools of nursing. (1) The purpose, philosophy and objectives of the school shall be stated clearly and shall be available in written form. They shall be consistent with the definition of nursing practice as outlined in RCW 18.88.030.

(2) The school shall have a statement of philosophy that is consistent with the philosophy of the college or university.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective and psychomotor capabilities of the graduate.

(4) The philosophy and objectives shall be used by the faculty in planning, implementing and evaluating the total program. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-507, filed 3/27/80.]

WAC 308-120-508 Organization and administration for approved schools of nursing. (1) Accreditation of colleges and universities and of extended learning sites:

(a) Colleges and universities which sponsor a school of nursing shall be accredited by their appropriate accrediting bodies.

(b) Extended learning sites shall be accredited or approved by the appropriate body.

(2) There shall be adequate financial support to provide stability for the development and continuation of the school of nursing.

(3) School of nursing organization and administration:

(a) Administration of the school of nursing shall be the responsibility of a nurse administrator.

(b) There shall be an organizational chart showing lines of authority, formal communication and cooperative relationships among the school of nursing and the educational, administrative and support service units of the college or university.

(c) Administrative policies shall be stated clearly and be available in written form.

(d) Administrative records shall be maintained and shall include general school records, faculty vitae, minutes of faculty and committee meetings, and reports to the college or university.

(e) The nurse administrator of the school of nursing shall be responsible for preparing budget recommendations and for budget administration.

(f) Allocation of the school budget shall reflect the purpose, philosophy and objectives of the school.

(g) A current school bulletin shall be available and shall provide an accurate description of the school of nursing and its program. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-508, filed 3/27/80.]

WAC 308-120-509 Resources, facilities and services for approved schools of nursing. (1) Classrooms, laboratories and conference rooms shall be available and shall be adequate in size, number and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number and type to provide faculty with opportunity for uninterrupted work and privacy for conferences with students. Offices shall have adequate space for clerical staff, records, files and other equipment.

(3) Extended learning sites:

(a) A variety of sites may be utilized for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and nursing homes.

(b) Extended learning sites shall provide learning experiences of sufficient number and variety for student achievement of the course/curriculum objectives.

(c) Written agreement shall be maintained between the school and the extended learning sites. Such agreement shall be reviewed periodically and shall state the responsibilities and privileges of each party, which shall include a termination clause.

(d) Extended learning sites shall be approved by the board for their educational use.

(4) Library facilities shall be provided for use by the faculty and students. Physical arrangement, usefulness, scope and currency of books, periodicals, and hours shall be appropriate for the purpose of the school and the number of faculty and students.

(5) Secretarial and support services shall be adequate to meet the needs of the nursing school. [Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-509, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-509, filed 3/27/80.]

WAC 308-120-510 Nurse administrator for approved school of nursing. (1) Nurse administrators shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A baccalaureate degree in nursing and a master's degree with a major in nursing from an accredited college or university.

(c) A minimum of five years of professional experience as a registered nurse which includes two years teaching in an approved school of nursing.

Exceptions shall be justified to and approved by the board of nursing.

(2) Nurse administrators are responsible for the following functions:

(a) Create and maintain an environment conducive to teaching and learning.

(b) Serve as liaison with the central administration and other units of the college or university.

(c) Organize and administer the nursing program.

(d) Provide educational leadership for the faculty and students of the school.

(e) Facilitate recruitment, selection and development of qualified faculty.

(f) Recommend faculty for appointment, promotion, tenure and retention.

(g) Facilitate program evaluation and development.

(h) Plan and administer the budget.

(i) Facilitate arrangements for all necessary resources and services.

(j) Facilitate peer and student evaluation of teaching effectiveness.

(k) Facilitate development of long range goals and objectives for the nursing program.

(l) Facilitate the recruitment, selection and retention of students.

(m) Assure that the minimum rules/regulations of the state board of nursing are effectively implemented.

(3) The nurse administrator shall have sufficient time provided for carrying out administrative responsibilities. Instructional responsibilities of the nurse administrator shall be consistent with the scope of the administrative responsibility. [Statutory Authority: RCW 18.88.080. 81–10–026 (Order PL 377), § 308–120–510, filed 4/28/81; 80–04–072 (Order PL 339), § 308–120–510, filed 3/27/80.]

WAC 308–120–511 Faculty for approved schools of nursing. (1) Faculty shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) After January 1, 1983, all newly appointed faculty shall have had a minimum of one year of professional experience as a registered nurse.

(c) The baccalaureate degree in nursing shall be the minimum requirement for faculty appointment until January 1, 1985. After January 1, 1985, in addition to the baccalaureate degree in nursing, all newly appointed faculty shall be required to hold a master's degree with a major in nursing from an accredited college or university.

Exceptions shall be justified to and approved by the board of nursing.

(2) Principal functions of the faculty shall include but not be limited to:

(a) Develop, implement and evaluate the philosophy and objectives of the program;

(b) Construct, implement, evaluate and revise the curriculum;

(c) Develop and evaluate policies and standards for the selection, admission, promotion and graduation of nursing students within the framework of the policies of the college or university;

(d) Evaluate student achievement in terms of course and program objectives, assign grades for courses according to policies, and recommend successful candidates for the degree or diploma;

(e) Develop, implement and evaluate statements of policy necessary for the operation of the program, and participate in appropriate activities of the college or university;

(f) Participate in academic advising of students;

(g) Provide for peer and student evaluation of teaching effectiveness;

(h) Participate in periodic review of the total nursing program; and

(i) Participate in the overall faculty activities of the college or university, e.g., governance, interdepartmental teaching and research.

(3) A nursing faculty organization, with delineated policies and procedures, shall be established in harmony with the policies of the college or university.

(a) All faculty shall participate in the activities of the faculty organization in ways consistent with their position and responsibilities.

(b) Committees shall be established as necessary to carry out the functions of the faculty effectively. The purposes and membership of each committee shall be defined clearly.

(c) Meetings shall be held on a regular basis.

(d) Minutes, including faculty action, shall be recorded in writing and kept on file for ready reference.

(4) Faculty/student ratio.

(a) Faculty shall be provided in adequate number and kind to meet the purposes and objectives of the program.

(b) Twelve students is the maximum for which a faculty member shall be responsible at any one time in the clinical area. A lower ratio may apply to students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(i) The preparation and expertise of the faculty member;

(ii) The objectives to be achieved;

(iii) The level of students;

(iv) The number, type[,] and conditions of patients;

(v) The number, type, location and physical layout of clinical facilities;

(vi) The number of clinical facilities being used for a particular course.

Exceptions shall be justified to and approved by the board of nursing. [Statutory Authority: RCW 18.88.080. 81–10–026 (Order PL 377), § 308–120–511, filed 4/28/81; 80–04–072 (Order PL 339), § 308–120–511, filed 3/27/80.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–120–512 Curriculum for approved schools of nursing. (1) The basic curriculum shall not be less than two academic years.

(2) The length, organization, content, instructional methods and placement of courses shall be consistent

with the philosophy and objectives of the school and of the college or university.

(3) The curriculum shall reflect faculty–wide participation in its planning, implementation and evaluation.

(4) The curriculum shall include:

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined or presented as separate courses;

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology, and anthropology, which may be integrated, combined or presented as separate courses;

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing which may be integrated, combined or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing;

(d) History trends, and legal and ethical issues pertaining to the nursing profession which may be integrated, combined or presented as separate courses. Baccalaureate programs shall include study of research principles;

(e) Opportunities for the student to learn assessment of needs, planning, implementation and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership;

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness and rehabilitation. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy and objectives of the program; and

(g) Opportunities for the student to participate in cooperative action in health care directed toward improvement of health services.

(5) Provision shall be made for a systematic and periodic evaluation of the curriculum by faculty and students.

(6) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the board at least three months prior to implementation and in accordance with procedures outlined by the board. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–512, filed 3/27/80.]

WAC 308–120–513 Students in approved schools of nursing. (1) Policies and procedures for selection, admission, promotion, graduation, withdrawal and dismissal shall be consistent with the policies of the college or university, and shall be available in written form.

(2) Students who seek admission by transfer from another approved school of nursing, or readmission for completion of the program, shall meet the equivalent of the school's current standards required of those regularly enrolled.

(3) A comprehensive system of student records shall be maintained and shall include:

(a) Application for admission which shall include, but not be limited to the following: Completed application form, official transcript of completion of high school or equivalent GED, and/or college work. A physical examination and report on health status is highly recommended.

(b) Performance evaluation reports, which shall be completed at systematic intervals in keeping with the objectives of the program.

(c) Course and clinical experience records. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–513, filed 3/27/80.]

WAC 308–120–514 Program evaluation by approved schools of nursing. There shall be a systematic, ongoing, written plan for evaluation of the program, with evidence of its implementation, that is directed toward the improvement of the program. The plan shall include, but not be limited to:

(1) Purpose, philosophy and objectives

(2) Organization and administration

(3) Resources, facilities and services

(4) Faculty

(5) Curriculum

(6) Students

(7) Evaluation of student achievement and performance, including performance on the state board test pool examinations

(8) Follow–up studies on performance of graduates. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–514, filed 3/27/80.]

WAC 308–120–515 Reports to the board of nursing by approved schools of nursing. (1) An annual report concerning the program and progress of the school for the period July 1, to June 30 shall be submitted by each school on forms supplied by the board.

(2) Written notification shall be sent to the board regarding major changes related to, but not limited to, the following:

(a) Change in the nurse administrator,

(b) Organizational change,

(c) Changes in the program of study,

(d) Changes in extended learning sites.

The information submitted to the board shall include the rationale for the proposed change with comparison to the present situation.

(3) The board may require such additional reports as it deems necessary. [Statutory Authority: RCW 18.88-.080. 80–04–072 (Order PL 339), § 308–120–515, filed 3/27/80.]

WAC 308–120–516 Survey visits. (1) The board of nursing, through its authorized representative, shall survey each school of nursing in the state at least every four years. More frequent visits may occur as deemed necessary by the board or at the request of the school.

(2) The survey visit to the program shall be scheduled on dates mutually acceptable to the board and to the school.

(3) The board shall require a comprehensive self–evaluation report by the nurse administrator and the faculty of the school of nursing based on the rules and regulations for approval of schools and in accordance with guidelines and forms provided by the board.

(4) Four copies of the self–evaluation report shall be submitted to the board at least one month prior to the scheduled visit.

(5) The self–evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the board's survey report for that year if a national accreditation survey is scheduled for that year.

(6) The authorized representative of the board shall prepare a report of the survey visit to be submitted to the board. The school shall receive a copy of the report. If the school is in disagreement with any portion of the report, it may furnish written materials regarding its disagreement to be presented to the board for its consideration. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–516, filed 3/27/80.]

WAC 308–120–517 Board action following survey visits. (1) Whenever a matter directly concerning a school of nursing is being considered by the board, any board member who is associated with the school of nursing shall not participate in the deliberation or decision–making action of the board.

(2) Each school shall be evaluated in terms of its total program.

(3) The board shall give written notice to the college or university and the nurse administrator of the school of nursing regarding its decision on the school's approval status.

(4) Full approval shall be granted a school of nursing that meets the requirements of the law and the rules and regulations of the board. Full approval may carry recommendations for continued improvements.

(5) Conditional approval shall be granted a school that has failed to meet the minimum standards contained in the law and the rules and regulations of the board. Conditions that must be met within a designated time period shall be specified in writing.

(a) A conditionally approved school shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

(i) Restoration of full approval;

(ii) Continuation of conditional approval for a specified period of time; or

(iii) Removal of approval.

(6) Approval shall be removed if a school of nursing fails to meet conditions stipulated by the board. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–517, filed 3/27/80.]

WAC 308–120–518 Restoration of approval. A school of nursing may petition the board for restoration of approval by submitting evidence that it is in compliance with the minimum standards for schools of nursing. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–518, filed 3/27/80.]

WAC 308–120–519 Appeal of board decisions. A school of nursing deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provision of chapter 18.88 RCW and the Washington State Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–519, filed 3/27/80.]

WAC 308–120–520 Consultation services. Consultation will be provided by the board at the request of a school of nursing. A request for consultation shall be in writing and shall include the purpose and objectives for the visit. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–520, filed 3/27/80.]

WAC 308–120–521 Closure of an approved school of nursing. (1) When an organization has decided to discontinue its school of nursing, it should immediately send written notification of its plans to the board.

(2) A school in the process of closing shall remain approved until the enrolled students have been graduated, provided that the minimum standards are maintained.

(3) Upon graduating its last students, board approval of the school of nursing shall be terminated.

(4) An organization closing a school of nursing shall provide for safe storage of vital school records and shall confer with the board concerning the matter. [Statutory Authority: RCW 18.88.080. 80–04–072 (Order PL 339), § 308–120–521, filed 3/27/80.]

WAC 308–120–522 Establishment of a new school of nursing. (1) Application.

(a) An organization desiring to establish a board approved school of nursing shall submit an application in the form requested by the board. It is recommended that the organization seek consultation from the board in the initial planning of the program.

(b) The organization shall submit a statement that addresses the need for the program and the size and type of the program proposed in the relation to the nursing needs of the geographical area to be served. The statement also shall include information on the potential students, the potential impact on other schools of nursing in the geographic area, the availability of learning experiences, anticipated human and material resources, community support, relationship of school to parent organization, purposes and accreditation status of the sponsoring organization, and tentative time table for initiating the program.

(c) Supplementary information may be sought by the board through a site visit.

(d) If the board's review of the statement and any supplementary information provided results in approval of the plan, the organization shall be notified that program development may proceed.

(2) Program development.

(a) At least one year in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a tentative program. The tentative program plan shall include:

(i) Purpose, philosophy and objectives;

(ii) Organization and administration;

(iii) Budget;

(iv) Resources, facilities and services;

(v) Provisions for faculty, including qualifications, functions, organization and faculty/student ratio;

(vi) Curriculum, including course descriptions;

(vii) Policies and procedures for student selection: admission; progression; withdrawal and graduation; and record system;

(viii) Sample form of written agreements between the school and extended learning sites;

(ix) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the board a written report of the tentative program plan at least five weeks prior to a scheduled board meeting at which the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) The nurse administrator of the program and other administrative officers of the organization shall meet with the board to present the formal application and clarify and amplify materials included in the written report.

(d) The board shall either grant or withhold initial approval of the proposed nursing program.

(e) Schools receiving initial approval shall:

(i) Submit course outlines to the board for review and approval at least three months prior to offering the course, and

(ii) Submit progress reports as requested by the board.

(f) Survey visits shall be scheduled as deemed necessary by the board during the period of initial approval.

(3) At least four months prior to graduation of the first class, a school shall be surveyed to assess its eligibility for full approval. (See WAC 308-120-216 and 308-120-217 regarding survey visits and board action following survey visits.) [Statutory Authority: RCW 18-.88.080. 80-04-072 (Order PL 339), § 308-120-522, filed 3/27/80.]

WAC 308-120-600 Purpose. (1) Continuing education is designed to assist licensees in maintaining competence, expanding competence, and/or acquiring new competencies in one or more of the areas of nursing practice defined in RCW 18.88.030.

(2) Continuing education is that which is beyond the basic preparation for initial licensure in nursing and is related to the practice of nursing. Continuing education includes planned, organized, and systematic educational experience with measurable outcomes.

(3) Competence is the ability of the licensed nurse to perform skillfully and proficiently the functions within the role of the licensee. The role encompasses the possession and interrelation of essential knowledge, judgment, attitudes, values, skills, and abilities, which are varied and range in complexity. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-600, filed 12/2/83.]

WAC 308-120-601 Scope. All nurses who have been licensed under chapter 18.88 RCW who wish to renew or to reinstate a license must comply with the continuing education regulations. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-601, filed 12/2/83.]

WAC 308-120-602 General requirements. (1) Implementation. Effective January 1, 1985, the requirement for license renewal and for reinstatement of a license shall include completion of fifteen contact hours of continuing nursing education per year. Continuing education programs taken by the licensee prior to July 1, 1983, shall not be accepted by the board as contributing to the continuing nursing education requirement for licensure renewal.

(2) Individuals who are licensed by examination or by endorsement shall be required to meet the requirements for continuing education on their second birthdate after initial licensure in this state.

(3) Continuing education contact hours required for renewal of CRN recognition shall be included in the total number of contact hours for licensure renewal.

(4) Continuing education contact hours required for renewal of prescriptive authority shall not be included in the total number of credits required for licensure renewal.

(5) Carry-over of continuing education credit from one reporting period to another shall not be allowed.

(6) The board will accept any continuing education that reasonably falls within one or more of the following areas:

(a) Nursing practice areas and health care problems;

(b) Course work required for baccalaureate and advanced nursing degrees;

(c) Biological, physical, sociocultural and behavioral sciences;

(d) Legal and ethical aspects of health care;

(e) Management/administration of health care personnel and patient care; and

(f) Teaching/learning process of health care personnel and patients. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-602, filed 12/2/83.]

WAC 308-120-603 License renewal requirements. In addition to the renewal requirements in WAC 308-120-180, the licensee shall:

(a) Certify, on forms provided, that the minimum continuing education contact hours have been met.

(b) Be prepared to validate that the continuing nursing education requirement has been fulfilled. The board shall periodically conduct an audit of the continuing education records of a random sample of licensees. [Statutory Authority: RCW 18.88.080. 83–24–048 (Order PL 449), § 308–120–603, filed 12/2/83.]

WAC 308–120–604 Acceptable continuing education. The following will be accepted for meeting the education requirements identified in WAC 308–120–602.

(1) Academic study. Courses or programs offered for academic credit and in an accredited school, university, or college.

(2) Conference. An offering design that serves a varying number of persons representing a number of organizations or groups gathered to hear viewpoints or a central theme.

(3) Course. An offering with a definite enrollment, meeting at specified times for a predetermined length of time for study of a limited area of subject matter, and under the direction of a teacher.

(4) Correspondence courses. A method of providing for the systematic exchange of information through the mail for the purpose of instruction.

(5) In–service education. A planned program provided by the employing agency for the purpose of maintaining currency of nursing knowledge and skills.

(6) Self–directed learning (sometimes called independent study). A learning activity in which the learner takes the initiative and responsibility for the learning process. Self–directed learning may be either self–designed or other–designed. Examples of self–designed programs include informal investigation of a specific nursing problem, self–guided focused reading, independent learning projects and journal clubs. Examples of other–designed learning activities include self–contained learning packages, and auto–tutorial programs.

(7) Seminar. An offering design in which a small group meets for reports and discussion under expert leadership or resource persons.

(8) Staff development. A planned program of study using resources both in and outside the employing agency for the purpose of maintaining, expanding, or acquiring new knowledge and/or skills. In–service education can be considered a part of staff development.

(9) Symposium. An offering design in which two or more specialists present information or different points of views on a particular subject.

(10) Workshop. An offering design that brings together individuals with a common interest and/or background to engage actively in educational experience in order to solve common problems and to gain new knowledge and/or skills.

(11) Refresher course. A course of study which provides a review of basic preparation for current nursing practice.

(12) Journal club. A group of professionals who meet regularly to review and to discuss current topics from the health care literature. [Statutory Authority: RCW 18.88.080. 83–24–048 (Order PL 449), § 308–120–604, filed 12/2/83.]

WAC 308–120–605 Unacceptable continuing education. The following will not be accepted for meeting the education requirements identified in WAC 308–120–602.

(1) Orientation program. A means by which the staff members are introduced to the philosophy, goals, policies, procedures, role expectations, and physical facilities in a specific work setting. Orientation occurs at the time of initial employment and at other times when changes occur in roles and functions within an agency.

(2) Membership in an organization;

(3) Employment work experience; and

(4) Consultation. [Statutory Authority: RCW 18.88-.080. 83–24–048 (Order PL 449), § 308–120–605, filed 12/2/83.]

WAC 308–120–606 Validation of educational programs. RCW 18.88.190 states that the board shall validate all educational programs established as provided herein. This means that the board shall confirm through a periodic audit of a random sample of licensees, that the continuing education evidence provided by the licensee meets the rules and regulations set forth in WAC 308–120–602. Contact hours earned through:

(1) Formal continuing education offerings, to be accepted by the board, must be offered by an accredited college or university or must be approved by at least one or more of the following types of local, state, or national organizations:

(a) Professional associations (e.g., nursing, medical, pharmacy, social work, education, etc.);

(b) Specialty associations, local, state, or national (e.g., critical care, school health, neurology, etc.);

(c) Boards of nursing.

(2) Staff development programs. The licensee must be able to document the following information:

(a) Title and brief description of the content area studied;

(b) Objectives that identify specific learning outcome;

(c) Evaluation methods utilized in determining mastery of the objectives;

(d) Proof of completion.

(3) Self–directed learning. A maximum of five contact hours may be granted for either (a) or (b):

(a) The licensee must be able to document the following criteria for self–directed study:

(i) Reasons for undertaking study;

(ii) Title and brief description of the content area studied;

(iii) Methods of identification of learning needs;

(iv) Objectives that identify specific learning outcome;

(v) Methods utilized in implementing the study;

(vi) Description of learning experiences and resources used;

(vii) Evaluation methods utilized in determining mastery of the objectives;

(viii) The number of hours taken for completion of the study and the duration of the study.

(b) The licensee must document the following criteria for journal club study:

(i) Title and brief description of content area studied;

(ii) Identify specific learning outcomes;

(iii) The number of hours taken for completion of the study.

(4) The following documents must be kept by the licensee for audit purposes:

(a) Transcripts, or

(b) Certificates of attendance or completion; or

(c) Grade reports; or

(d) Documentation for self-directed study; or

(e) Documentation for journal club study.

(5) All records must be kept for two years following the end of the reporting period. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-606, filed 12/2/83.]

WAC 308-120-607 Contact hour. One contact hour equals fifty minutes of actual organized instruction, or two hours of planned and supervised clinical practice which is designed to meet educational objectives or three hours of self-directed learning or journal club study. One academic semester hour equals fifteen contact hours; one academic quarter hour equals ten contact hours. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-607, filed 12/2/83.]

WAC 308-120-608 Waivers. The board may grant a waiver of the continuing education requirement or an extension of time within which to fulfill this requirement. A request for waiver must be submitted by the licensee prior to renewal date.

(1) The request for a waiver must be accompanied by a statement indicating the reason for noncompliance. If the noncompliance is due to a disability, a certificate signed by a licensed health practitioner must be submitted.

(2) Waivers of the continuing education requirements may be granted by the board for a period of time not to exceed twelve months. If the cause of the noncompliance continues beyond the period of the waiver, the licensee must request an extension of the waiver.

(3) The board may, as a condition of the waiver granted, require the licensee to make up a portion or all of the continuing education requirements waived. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-608, filed 12/2/83.]

Chapter 308-121 WAC
NURSING ASSISTANTS

WAC

308-121-010	Nursing assistants employed in nursing homes on June 7, 1979 or within one year prior to this date—Requirements for obtaining certificate of completion of a nursing assistant training program.
308-121-020	Nursing assistant certificate examination.
308-121-030	Nursing assistant training program curriculum.
308-121-040	Nursing assistant training programs conducted by nursing homes.
308-121-050	Nursing assistants trained in programs not specified in WAC 308-121-030 and 308-121-040.
308-121-060	Issuing certificates of completion.

WAC 308-121-010 Nursing assistants employed in nursing homes on June 7, 1979 or within one year prior to this date--Requirements for obtaining certificate of completion of a nursing assistant training program. (1) Any individual who was employed on June 7, 1979 or within one year prior to this date by a nursing home to assist in the care of patients under the direction and supervision of a registered nurse or licensed practical nurse may obtain a certificate of completion by meeting one of the following requirements:

(a) Completion of a training program comparable to the curriculum defined in WAC 308-121-030 within three years prior to the effective date of these rules which curriculum is submitted to and approved by the board; or

(b) Evidence of at least 2,000 hours employment as a person providing services defined for a nursing assistant in a nursing home:

(i) Within three years prior to June 7, 1979; and

(ii) With documentation of staff development attended as required by state and federal regulations for the most recent year of employment; or

(c) Passage of a written or practical examination as defined in WAC 308-121-020.

(2) A roster of nursing assistants issued certificates shall:

(a) Be verified by the nursing home staff development designee defined in WAC 248-14-245; and

(b) Be submitted to the board on forms provided by the board within thirty days of completion. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-010, filed 9/11/79.]

WAC 308-121-020 Nursing assistant certificate examination. (1) A certificate of completion for an individual employed on June 7, 1979 or within one year prior to this date by a nursing home to assist in the care of patients under the direction and supervision of a registered nurse or licensed practical nurse may be obtained by passing a written or practical examination. The nursing assistant has the option of choosing one or both of the following:

(a) A written examination which shall:

(i) Be developed and approved by the board;

(ii) Be comprised of questions on the major areas of the curriculum as defined in WAC 308-121-030;

(iii) Have 70% as the passing score in each major area of the curriculum;

(iv) Be in writing but which may be read to the nursing assistant, and the answers given in writing or orally by the nursing assistant; and

(v) Be conducted under examination conditions approved by the board.

(b) A practical examination which shall:

(i) Be developed and approved by the board;

(ii) Measure the competencies of the nursing assistant as defined in WAC 308-121-030 on forms provided by the board;

(iii) Have a passing score of satisfactory in all areas;

(iv) Be conducted by an RN and the results attested to by the nursing home staff development designee defined in WAC 248-14-245; and

(v) Be conducted under exam conditions approved by the board.

(2) Failure to pass the examinations:

(a) After first failure of either the written or practical examination the nursing assistant shall:

(i) Obtain documented retraining in the area of failure; and

(ii) Repeat the examination in the area of failure;

(b) After second failure of either the written or practical examination the nursing assistant shall complete a training program as defined in WAC 308-121-030. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-020, filed 9/11/79.]

WAC 308-121-030 Nursing assistant training program curriculum. (1) Board approval of the curriculum as defined herein is required for all nursing assistant training programs.

(a) Evidence that the curriculum as defined herein is included in the nursing assistant training programs shall be submitted to the board on forms provided by the board.

(b) For programs conducted in schools and colleges beginning during the months of September, October, and November 1979, board approval may be obtained after the program has begun but in all cases shall be obtained prior to completion.

(c) Changes related to the curriculum shall be submitted to the board for approval thirty days prior to their implementation.

(d) Every two years the board shall review with the superintendent of public instruction and the state board for community college education the curricula of nursing assistant training programs conducted by publicly supported schools within the agencies' respective jurisdiction. Upon completion of the review, the board shall approve or disapprove each program.

(2) Curriculum requirements for nursing assistant training program:

(a) The minimum number of contact hours required is 25 in classroom and 50 in clinical practice under the supervision of a registered nurse;

(b) Classroom instruction shall include but not be limited to content areas with minimum hours as listed and clinical practice shall focus on the objectives as listed. Exceptions shall be justified to and approved by the board; and

(c) Specific references shall be made to federal and state laws and regulations affecting nursing assistant practice in nursing homes.

(3) Classroom instruction shall stress total care of the resident and consist of:

(a) Role responsibility – 3 hours:

(i) Ethical;

(ii) Legal;

(iii) Member of the health care team; and

(iv) Resident's rights and responsibilities.

(b) Safety concepts – 4 hours:

(i) Medical aseptic technique including isolation;

(ii) Environment;

(iii) Body mechanics;

(iv) Transfer and ambulation;

(v) Restraints and other protective devices;

(vi) Fire and disaster; and

(vii) Food service.

(c) Communications – 4 hours:

(i) Psychosocial needs:

(A) Verbal and nonverbal communications;

(B) Modifications for the handicapped; and

(C) Overview of programs supporting treatments for mental and physical limitations;

(ii) Medical and nursing terminology; and

(iii) Recording and reporting.

(d) Hygiene and restorative nursing care – 5 hours:

(i) Personal hygiene;

(ii) Activities of daily living;

(iii) Nutrition;

(iv) Excretory system;

(v) Bladder and bowel retraining; and

(vi) Preventive maintenance and rehabilitative measures.

(e) Growth and development – 5 hours:

(i) Basic needs;

(ii) Developmental needs;

(iii) Cultural factors;

(iv) Process of aging including sexuality; and

(v) Death and dying.

(f) Monitoring body functions – 4 hours:

(i) Vital signs;

(ii) Height and weight;

(iii) Intake and output; and

(iv) Specimen collection and testing.

(4) Objectives of the supervised clinical practice shall describe in measurable terms the competencies of the graduate which include the following:

(a) Incorporation of role responsibilities by:

(i) Utilizing ethical/legal concepts in relation to self, health team members, residents and significant others;

(ii) Maintaining confidentiality of information;

(iii) Identifying administrative lines and reporting problems to the appropriate person;

(iv) Identifying range and limitation of nursing assistant functions:

(v) Accepting responsibility for own actions;

(vi) Demonstrating promptness and dependability;

(vii) Seeking assistance when unsure about appropriate action;

(viii) Participating as a member of the health care team which includes the development and updating of resident care plans; and

(ix) Utilizing the concept of the "Patient's bill of rights and responsibilities" in resident relationships.

(b) Demonstration of knowledge of safety concepts by:

(i) Utilizing principles of medical asepsis and isolation techniques;

(ii) Providing adequate ventilation, warmth, light and quiet measures:

(iii) Utilizing measures that relieve pain and/or promote rest and sleep;

(iv) Maintaining equipment and resident space clean and orderly;

(v) Identifying and utilizing measures for accident prevention;

(vi) Applying principles of body mechanics to self;

(vii) Applying principles of body mechanics in transfers and ambulation of residents;

(viii) Demonstrating proper application and release of restraints and other protective devices and care of residents in protective devices;

(ix) Demonstrating knowledge of fire and disaster procedures; and

(x) Applying principles of health and sanitation in the service of food.

(c) Demonstration of appropriate communication skills by:

(i) Listening and responding to verbal and nonverbal communication;

(ii) Recognizing that one's own behavior influences resident's behavior;

(iii) Seeking assistance in understanding resident's behavior;

(iv) Making adjustments for physical or mental limitations;

(v) Using terminology accepted in employing nursing home to record and report observations and pertinent information;

(vi) Recording and reporting observations, activities and communications accurately; and

(vii) Reading and documenting implementation of nursing orders.

(d) Demonstration of knowledge of hygiene and restorative nursing care by:

(i) Providing personal hygiene measures appropriately;

(ii) Utilizing measures that promote good skin care including the use of anti-pressure procedures and devices;

(iii) Carrying out preventive maintenance and rehabilitative measures such as therapeutic ambulation, exercise, range of motion and bed positioning in daily care;

(iv) Recognizing and allowing opportunity for self-care according to resident's capability;

(v) Assisting in the provision of adequate nutrition including fluid intake and progressive self feeding;

(vi) Identifying and monitoring special dietary needs;

(vii) Following correct procedures to aid adequate elimination from bladder and bowel;

(viii) Demonstrating an understanding of the concepts of bladder and bowel retraining; and

(ix) Making adjustments for physical or mental limitations.

(e) Demonstration of knowledge of growth and development concepts by:

(i) Identifying common basic human needs;

(ii) Assisting in the provision for religious needs;

(iii) Recognizing the resident's family as an influence on behavior and care;

(iv) Identifying developmental tasks of aging;

(v) Identifying cultural factors that may influence behavior;

(vi) Describing the body responses, including sexuality, in the normal life cycle;

(vii) Describing responses to loss, dying and death; and

(viii) Demonstrating knowledge of post-mortem care.

(f) Demonstration of accurate monitoring of body functions in:

(i) Taking vital signs, height and weight and measuring intake and output;

(ii) Collecting specimens such as sputum, urine, and stool, and testing where appropriate; and

(iii) Recognizing and reporting deviations from normal limits. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-030, filed 9/11/79.]

WAC 308-121-040 Nursing assistant training programs conducted by nursing homes. (1) Board approval required for noncurriculum matters in nursing assistant training programs conducted by nursing homes.

(a) All nursing homes shall apply to the board for approval before conducting a training program leading to certification. Application forms shall be provided by the board.

(b) Evidence that the requirements for the curriculum as defined in WAC 308-121-030 and the noncurriculum matters as defined herein have been met shall be submitted to the board on forms provided upon request at least ninety days prior to the first day of class.

(c) The nursing home shall be notified of the board action regarding approval or disapproval with deficiencies noted within sixty days of receipt of request for board approval

(d) Board approval must be obtained before the training program begins.

(e) Changes related to the following requirements in an approved program shall be submitted to the board for approval prior to their implementation.

(f) Every two years the board shall review the nursing assistant training programs conducted by nursing homes. Upon completion of the review, the board shall approve or disapprove each program.

(2) Requirements for noncurriculum matters for nursing assistant training programs conducted by nursing homes:

(a) Philosophy, objectives.

(i) The philosophy of the program shall be in writing and shall clearly indicate the belief of the nursing home about education, training and its responsibility to trainees.

(ii) The objectives of the program shall be clearly stated and shall identify in measurable terms the competencies of its trainees completing the program.

(b) Organization.

(i) The program shall be conducted by a licensed nursing home.

(ii) The nursing home conducting the training program shall have an organizational chart showing lines of authority and cooperative relationships of the program with administration, other departments and agencies.

(iii) Where clinical facilities are used outside the nursing home conducting the program, a letter of agreement identifying the responsibilities of the training program and the clinical facility signed by the program director and administrator respectively, shall be kept on file with the nursing home conducting the program.

(c) Facilities and resources.

(i) Physical facilities for teaching shall be provided to meet the needs of the program, the number of trainees and the instructional staff.

(ii) Resources for planned learning experiences shall provide quality and variety to meet the objectives of the program.

(iii) Clinical facilities used for trainees shall meet the requirements contained in WAC 248–14–240 and 248–14–260 as now existing or hereafter amended.

(d) Instructional staff.

(i) The program director shall be a registered nurse licensed by the state of Washington with a minimum of two years of nursing practice within the last five years.

(ii) All nurses on the instructional staff shall be currently licensed in the state of Washington.

(iii) The instructional staff nurses may delegate to other licensed nursing staff selected elements of clinical practice, however, they shall be available on site for supervisory consultation.

(iv) Other instructional staff may include qualified specialists teaching in their area of expertise.

(v) Instructional staff responsibilities shall include:

(A) Creating and maintaining an environment conducive to teaching and learning;

(B) Assisting in the development and implementation of program policies and approved curriculum;

(C) Facilitating teaching and program evaluation and revision.

(vi) Instruction staff/trainee ratio shall have ten as the maximum number of trainees in the clinical practice area for which an instructor shall be responsible at any one time. Exceptions shall be justified to and approved by the board.

(e) Curriculum. The curriculum shall include but not be limited to the content and objectives as listed in WAC 308–121–030.

(f) Trainees.

(i) Requirements for admission: Trainees must be able to communicate in English.

(ii) Requirements for completion: Trainees complete the program when the competencies as listed in WAC 308–121–030 are satisfactorily demonstrated to the instructional staff and verified by the program director.

(g) Records and reports.

(i) The nursing home conducting the program shall provide for the safe maintenance of records for a ten–year period which include:

(A) Program director and instructional staff qualifications;

(B) Course outline and schedule;

(C) Dates of employment, enrollment, class attendance and completion of program;

(D) Teaching methodology including the number of classroom hours and hours in supervised clinical practice;

(E) Evaluation tool for trainee performance based on the competencies defined in WAC 308–121–030;

(F) Documentation of board approval of program; and

(G) A copy of the certificate of completion.

(ii) A roster of nursing assistants issued certificates of completion verified by the program director shall be submitted to the board on forms provided by the board within thirty days of issuance. [Statutory Authority: 1979 c 114 § 6. 79–10–030 (Order PL–313), § 308–121–040, filed 9/11/79.]

WAC 308–121–050 Nursing assistants trained in programs not specified in WAC 308–121–030 and 308–121–040. (1) Any nursing assistant who has completed a nursing assistant training program not specified in WAC 308–121–030 and 308–121–040 may be issued a certificate of completion by a nursing home when the following conditions are met:

(a) The curriculum of the training program has been verified as comparable to the curriculum defined in WAC 308–121–030 by the nursing home staff development designee defined in WAC 248–14–245; and

(b) The verification has been submitted to and approved by the board on forms provided by the board.

(2) These programs may include but shall not be limited to:

(a) Programs conducted or in progress from June 7, 1979 to the effective date of this rule;

(b) Basic nursing courses completed since 1976 in schools of nursing approved pursuant to chapters 18.88 and 18.78 RCW;

(c) Programs conducted in other states; and

(d) Apprenticeship programs approved under chapter 49.04 RCW. [Statutory Authority: 1979 c 114 § 6. 79–10–030 (Order PL–313), § 308–121–050, filed 9/11/79.]

WAC 308–121–060 Issuing certificates of completion. (1) Any nursing assistant employed by a nursing home who has satisfactorily completed a nursing assistant training program or the equivalent as provided in these rules shall be issued a certificate of completion.

(2) A copy of the certificate of completion shall be maintained in the employing nursing home. [Statutory Authority: 1979 c 114 § 6. 79–10–030 (Order PL–313), § 308–121–060, filed 9/11/79.]

Chapter 308–122 WAC
LICENSING OF PSYCHOLOGISTS AND REGISTERED SANITARIANS

WAC

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308–122–020	Registered sanitarians—Fees.
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308–122–275 Fees.
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308–122–360 Psychologists—Certificates of qualification.
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308–122–400 Psychologists—Psychological functions.
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308–122–430 Psychologists—Procedure for additional areas of function.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–122–040 Application for registration—Process. [Statutory Authority: RCW 18.90.020(2). 80–02–114 (Order PL 334, Resolution 1/80), § 308–122–040, filed 1/28/80.] Repealed by 81–01–082 (Order PL 364), filed 12/17/80. Statutory Authority: RCW 18.90.020(2).

308–122–050 Registered sanitarians—Written examination. [Statutory Authority: RCW 18.90.020(2). 80–02–114 (Order PL 334, Resolution 1/80), § 308–122–050, filed 1/28/80.] Repealed by 81–01–082 (Order PL 364), filed 12/17/80. Statutory Authority: RCW 18.90.020(2).

308–122–300 Psychologists—License renewal fee. [Order PL 163, § 308–122–300, filed 3/18/74.] Repealed by Order PL 277, filed 11/5/75. Later promulgation, see WAC 308–122–460.

308–122–460 Psychologist—Fees. [Statutory Authority: RCW 43-.24.085. 80–14–022 (Order 356), § 308–122–460, filed 9/25/80; Order PL 227, § 308–122–460, filed 11/5/75.] Repealed by 83–17–031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308–122–275.

WAC 308–122–010 Registered sanitarians—License renewal fee. The license renewal fee for registered sanitarians is established as fifteen dollars. Registered sanitarians whose certificate has lapsed by operation of RCW 18.90.040, shall submit a new application, including any documentary evidence not previously submitted, and a fee of fifty dollars therewith, together with an amount equal to fifteen dollars for each complete calendar year during which their certificate had lapsed. [Order PL 254, § 308–122–010, filed 8/17/76; Order PL 204, § 308–122–010, filed 11/5/75; Order PL 165, § 308–122–010, filed 4/2/74.]

WAC 308–122–020 Registered sanitarians—Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	$ 75.00
Application–reciprocity	50.00
Reexamination	50.00
License renewal	20.00
Renewal penalty	10.00
Duplicate license	5.00

[Statutory Authority: RCW 43.24.085. 80–14–022 (Order 356), § 308–122–020, filed 9/25/80; Order PL 204, § 308–122–020, filed 11/5/75.]

WAC 308–122–030 Renewal of licenses. (1) Effective with the renewal period beginning July 1, 1977, the annual license renewal date for sanitarians will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1977. Licensed sanitarians desiring to renew their license will be required to pay a fee of fifteen dollars plus one–twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their birth anniversary date next following June 30, 1978.

(b) On and after July 1, 1977, all new or initial sanitarian licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee within sixty days of license expiration date will be subject to the late payment penalty fee as set forth in WAC 308–122–020. Further, licensees who fail to pay the license renewal fee within ninety days of license expiration date will be subject to the requirements as set forth in WAC 308–122–010. [Order PL 262, § 308–122–030, filed 1/13/77.]

WAC 308–122–200 Psychologists—Education prerequisite to licensing. (1) To meet the education requirement imposed by the statute, an applicant must possess a doctoral degree from a training institution approved by the board in which at least forty semester hours, or sixty quarter–hours, of graduate courses were passed successfully, and were clearly identified by title and course content as being primarily psychological in nature, as determined by the board. Part of the standards for issuance of said degree [must] [should] require the submission of an original dissertation which must be psychological in nature, as determined by the board.

(2) The following guidelines define the "academic core" of study that should have been completed by each applicant:

(a) Programs accredited by the American Psychological Association are recognized as one way of meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional training.

(b) Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

(c) The program must be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures must show intent to educate and train professional psychologists.

(d) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(e) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(f) There must be an organized sequence of study planned by those responsible for the training program to provide an appropriate, integrated, experience applicable to the professional practice of psychology.

(g) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(h) There must be an identifiable body of students, selected on the basis of high ability and appropriate educational preparation.

(i) Programs must include practicum, internship, field or laboratory experience appropriate to the practice of psychology.

(j) The curriculum should encompass a minimum (or equivalent) of three academic years of full-time graduate study. The doctoral program should involve at least one continuous year of full-time residency at the university at which the degree is granted. Instruction should include scientific and professional ethics and standards, history and systems: Research design and methodology; statistics and pyschometrics. The core program should also require each student to obtain an academic background of the following content areas (typically six or more semester hours):

(i) Biological bases of behavior: e.g., physiological psychology, comparative, neuropsychology, sensation and perception, psychopharmacology.

(ii) Cognitive-affective bases of behavior: e.g., learning, thinking, motivation, emotions.

(iii) Social bases of behavior: e.g., social, psychology, group processes, organizational and systems theory.

(iv) Individual differences: e.g., personality theory, human development, abnormal psychology.

(3) If the major emphasis is in an applied area such as clinical, counseling, school or other pertinent areas, the program must include a set of coordinated practicum and internship experiences which total at least two semesters in the practicum setting, and additionally a "one-year" internship." A minimum of 300 hours of practicum, including 100 hours of scheduled individual supervision, should precede the internship.

(4) The psychological services offered in the internship program in "Standards for providers of psychological services" published by the American Psychological Association may be used as a framework for the internship program. The board also recognizes other quality internship programs. [Statutory Authority: Chapters 18-.83 and 34.04 RCW. 78-12-046 (Order PL 293), § 308-122-200, filed 11/27/78; Order PL-245, § 308-122-200, filed 4/15/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-122-210 Psychologists--Experience prerequisite to licensing. (1) The law requires that the applicant have at least one year experience practicing psychology under qualified supervision after receipt of a doctoral degree. In view of APA standards of ethical practice that a psychologist should not practice beyond the area of his of her competence, such supervision must be appropriate to the area of professional activity in which the candidate intends to function. Consequently, applicants should obtain appropriate training, experience and supervision in areas of professional functioning.

(2) To be considered qualifying experience, the applicant must have worked under the direct supervision of a licensed psychologist or other professional deemed appropriate by the board. The board considers supervision to include an ongoing awareness of all aspects of the activities of the person being supervised within the operative setting. There should be a minimum of one hour of individual supervision for every twenty hours of practice. The amount and intensity of supervision should be appropriate to the applicant's level of training and experience. The majority of supervised hours should be in the area(s) of intended psychological work. For example:

(a) In the clinical and counseling areas, supervision should include;

(i) Selection of cases

(ii) Assessment

(iii) Treatment plan

(iv) Ongoing treatment

(v) Termination.

(b) With respect to teaching, supervision should include:

(i) Discussion of course outline(s)

(ii) Discussion of teaching and evaluation methods

(iii) Direct observation and/or review of taped class lectures and discussions.

(c) Regarding school psychology, supervision should include;

(i) Application of appropriate rules and regulations as promulgated by the office of the Superintendent of Public Instruction.

(ii) Assessment procedures

(iii) Psychological reporting

(iv) Consultation

(v) Follow through.

[(3)] The following is a non-exclusive list of examples of activities which the board ordinarily will not consider as meeting the experience requirement of the statute:

(a) Functioning as an autonomous provider of psychological services[;][.]

(b) Independent individual or group private practice.

[(4)] A year of experience is considered to consist of a minimum of 1500 supervised clock hours. Postdoctoral experience may commence as soon as all requirements

for the doctoral degree have been completed. [Statutory Authority: Chapters 18.83 and 34.04 RCW. 78-12-046 (Order PL 293), § 308-122-210, filed 11/27/78; Order PL-245, § 308-122-210, filed 4/15/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-122-220 Psychologists--Written examination. Written examination requirements: The written examination that is used in the state of Washington is the examination of professional practice of psychology. The examination consists of objective multiple choice questions covering the major areas of psychology. Each form of the examination contains between 150 and 200 items in the areas listed below:

(1) Background information, including physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.

(2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.

(3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.

(4) Behavior modification including learning and applications.

(5) Other specialties including management consulting, industrial and human engineering, social psychology, t-groups, counseling and guidance, communication systems analysis.

(6) Professional conduct and ethics including interdisciplinary relations and knowledge of professional affairs.

The cutoff score which the Washington state board of examiners uses is 75% of the raw score, or the national mean of all first time doctorates, whichever is the lowest. [Statutory Authority: RCW 18.83.050. 82-18-073 (Order PL 404), § 308-122-220, filed 9/1/82; 80-07-010 (Order PL 346), § 308-122-220, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-220, filed 7/9/79; Order PL-245, § 308-122-220, filed 4/15/76.]

WAC 308-122-225 Psychology examination--Application submittal date. To be eligible to take any particular written examination, an applicant for licensure must file his or her application with the department of licensing not less than sixty days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in April and October of each year. [Statutory Authority: RCW 18.83.030, 18.83.050 and 18.83.060. 79-08-008 (Order PL-308), § 308-122-225, filed 7/9/79.]

WAC 308-122-230 Psychologists--Oral examination. Oral examination: The oral exam covers the same core issues for all candidates ranging through four major foci:

(1) Professional judgment in areas of stated competence;

(2) Knowledge of state laws pertaining to psychologist and psychological ethics;

(3) Knowledge and skills in area of stated competence. The candidate must be able to articulate and relate conceptual rationale and methodological interventions;

(4) Adequacy of candidate's professional training, supervision and experience. [Statutory Authority: RCW 18.83.050. 79-08-009 (Order PL-309), § 308-122-230, filed 7/9/79; Order PL-245, § 308-122-230, filed 4/15/76.]

WAC 308-122-275 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application—Written exam	$ 70.00
Application—Oral exam	60.00
Retake written	70.00
Retake oral	60.00
Initial license or renewal	30.00
Duplicate license	5.00
Certificate of qualification	30.00
Verification	15.00
Late renewal penalty	30.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-122-275, filed 8/10/83. Formerly WAC 308-122-460.]

WAC 308-122-350 Psychologists--Renewal of licenses. (1) The annual license renewal date for psychologists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date. [Order PL 227, § 308-122-350, filed 11/5/75; Order PL 177, § 308-122-350, filed 10/15/74.]

WAC 308-122-360 Psychologists--Certificates of qualification. Procedures by which the Washington state board of psychologist examiners approves certificates of qualification are primarily based upon RCW 18.83.105 that states: "The board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of doctor of philosophy or its equivalent in psychology from an accredited educational institution."

Procedures and rules established by the board are as follows. [Order PL 202, § 308–122–360, filed 10/1/75.]

WAC 308–122–370 Psychologists––Title. Applicants receiving the certificates of qualification shall hold the title of "psychological assistant," unless the board approves the applicant's petition to work without immediate supervision in which case the applicant shall hold the title of "psychological affiliate." [Order PL 202, § 308–122–370, filed 10/1/75.]

WAC 308–122–380 Psychologists––Educational requirements. The applicant shall have received at least a master's degree in psychology or a degree considered equivalent by the board. The applicant must have completed an adequate major in psychology from a regular graduate program of an accredited institution, as evaluated by the board. [Order PL 202, § 308–122–380, filed 10/1/75.]

WAC 308–122–390 Psychologists––Experience and training requirements. The applicant shall have completed at least three years of full time experience or its equivalent satisfactory to the board. All of the supervisors of the experience time shall be listed on the application form as references. The applicant shall have completed a minimum of one year's experience practicing psychology under qualified and appropriate supervision, after receiving the graduate degree. It is the candidate's responsibility to describe the way in which he or she meets these supervision requirements. Ordinarily this description will delineate the nature and objectives of his supervision, the ways in which the activities supervised met these objectives, and the specifics of time, place, frequency, and type of contact (e.g. observation, audio–tapes, video–tapes, co–counseling).

While the board does not prescribe exact supervision requirements, it does subscribe to certain principles and guidelines regarding effective supervision. Effective supervision is viewed as that which is planned and systematic, psychological in nature, intensive in depth of analysis; and involving direct or taped observation and critique on a regular basis. [Order PL 202, § 308–122–390, filed 10/1/75.]

WAC 308–122–400 Psychologists––Psychological functions. Applicants for certificates of qualification shall receive the certificates in specific areas of competence. Certificates shall indicate the general title "psychological assistant" or "psychological affiliate" along with a specific function. The specific functions may include:

(1) Intellectual and/or personality assessment. (e.g. psychometrist or neuropsychological technician.)

(2) Educational–vocational counseling. (e.g. educational counselor, high school or college counselor, vocational counselor or rehabilitation counselor.)

(3) Mental health counseling. (e.g. alcohol and drug counselor, behavior modification counselor, or group counseling co–leader.)

(4) Educational development and learning. (e.g. counseling and evaluation of education related problems.)

(5) Research.

(6) Industrial/organizational development. (e.g. personnel technician, group process co–leader, organizational development staff member.)

Specific functions other than those listed above may be suggested by applicants and subsequently determined and approved by the board. [Order PL 202, § 308–122–400, filed 10/1/75.]

WAC 308–122–410 Psychologists––Written examination. The applicant must satisfactorily pass the written examination developed by the professional testing service of the American Association of State Psychology Boards. The cutting score for the written examination shall be 75% of the raw score. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year. [Statutory Authority: RCW 18.83.050. 80–07–010 (Order PL 346), § 308–122–410, filed 6/9/80; 79–08–009 (Order PL–309), § 308–122–410, filed 7/9/79; Order PL 202, § 308–122–410, filed 10/1/75.]

WAC 308–122–420 Psychologists––Oral examination. Each oral examination conducted by the board shall include questioning in the following areas:

(1) Professional judgment in the applicant's specialty areas; and

(2) Knowledge of current laws regulating the practice of psychology; and

(3) Knowledge and awareness of ethical issues and problems in the applicant's specialty areas and for psychologists in general; and

(4) Knowledge and skills in areas in which the applicant considers himself/herself competent to offer psychological services; and

(5) Applicant's past supervision and career plans; and

(6) Applicant's plans for professional development and continued supervision.

In the event that an applicant fails in the initial oral examination he or she may be rescheduled for another oral examination before the board. [Order PL 202, § 308–122–420, filed 10/1/75.]

WAC 308–122–430 Psychologists––Procedure for additional areas of function. A person receiving a certificate of qualification may apply for certification in an additional area of function by updating his/her application form and references, submitting the required fee and by taking an oral examination in the new area following the procedures outlined above. [Order PL 202, § 308–122–430, filed 10/1/75.]

WAC 308–122–440 Psychologists––Continued supervision of persons receiving certificates of qualification. (1) The law states that the holder of a certificate of

qualification must perform psychological functions "under the periodic direct supervision of a psychologist licensed by the board." The board's interpretation of this statement is that the psychological assistant is certified *in tandem* with a licensed psychologist and not in his or her own right. That is, the board will evaluate simultaneously the professional capabilities of the applicant and the qualifications of the licensed psychologist to supervise the assistant in the specific professional functions outlined by the assistant. The board's approval of an association between a psychological assistant and a licensed psychologist is done purely on an examination of the professional qualifications of the two parties concerned and on the execution of an agreement between the two of them as proposed supervisor and supervisee. The board in no way involves itself with the specific work conditions, fees, salaries, and related factors except insofar as they have a bearing on the quality of the professional relationship or services offered to the public.

(2) The applicant must indicate on the application form, in detail, his or her areas of intended practice. After initial screening (evaluation of the person's education, experience and supervision) and passing the national written examination, the applicant shall furnish the board with a plan for continued supervision which will include detailed information regarding the supervisor which indicates an agreement to supervise. The board will use this information in conjunction with the oral examination to assess the supervision plans.

(3) Minimum supervision shall entail discussion of the assistant's work through regularly scheduled contacts with the supervisor at appropriate intervals. Whenever possible, supervision should consist of occasional direct observation or review of taped case material. The supervisor shall be responsible for preparing evaluative reports of the assistant's performance, which will be forwarded to the division of professional licensing on a periodic basis.

(4) When a licensed psychologist assumes the responsibility of supervision, he or she shares the professional and ethical responsibility for the nature and quality of all of the psychological services as the assistant may provide. Failure to provide supervision when such a relationship is claimed may result in appropriate action against the license of the supervisor.

(5) Interruption or termination of a supervisory relationship shall be promptly communicated to the division of professional licensing.

(6) In every case where psychological testing is done and a report is written based on that testing by a psychological assistant, the supervising licensed psychologist will countersign the report indicating his approval.

(7) An applicant or holder of a certificate may apply to the board for authority to work without immediate supervision in particular areas of function. In these cases the board may require further evidence of proficiency. Even though the immediate supervision requirement is waived for the psychological affiliate, periodic supervisory consultation as deemed appropriate by the board is required. Evidence of supervisory consultation must be submitted to the division of professional licensing with the annual license fee. [Order PL 202, § 308-122-440, filed 10/1/75.]

WAC 308-122-450 Psychologists--Representations to clients. (1) Each client of the psychological assistant or psychological affiliate must be informed of the nature of the assistant's or affiliate's professional status, the function in which he or she is certified, and the fact that said assistant is under the supervision of a licensed psychologist.

(2) Only psychological affiliates may advertise their services (e.g. representations of themselves in telephone directories and announcements and on business cards). In doing so, the affiliate must list the functions for which he or she is certified and state his or her academic degree. [Order PL 202, § 308-122-450, filed 10/1/75.]

WAC 308-122-500 Continuing education--Purpose and scope. The ultimate aim of continuing education is to ensure the highest quality of professional work. Continuing psychology education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in psychology as applied to the work settings. The objectives are to improve and increase the ability of the psychologist to deliver the highest possible quality of psychological work and to keep the professional psychologist abreast of current developments in a rapidly changing field. All psychologists, licensed pursuant to chapter 18.83 RCW, will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal. [Order PL 276, § 308-122-500, filed 11/16/77.]

WAC 308-122-505 Continuing education--General requirements. The Washington state board of psychology examiners (hereafter referred to as the board) requires one hundred fifty credit hours of continuing psychological education (hereafter referred to as CPE) every three years. One clock hour of acceptable CPE activity equals one credit hour. Currently licensed psychologists will be divided into three groups, by birthdate, for ease in implementing CPE. Group I, those with birthdates falling in the months of January, February, March or April, will have 1 year to show evidence of 50 hours, Group II, those with birthdates falling in the months of May, June, July or August, will have 2 years to show evidence of 100 hours, and Group III, those with birthdates falling in the months of September, October, November or December, will have 3 years to show evidence of 150 hours. Groups 1 and 2 may distribute their hours in any of the categories without minimum or maximum category limitations. After implementation phase, all licensees will be on the 3 year cycle. All new psychologists licensed after the effective date will have 3 years to show evidence of 150 hours. [Order PL 276, § 308-122-505, filed 11/16/77.]

WAC 308-122-510 Continuing education--Categories of creditable activities. The following are categories of creditable CPE activities approved by the board:

(1) Category I – Educational activities.

(2) Category II – Educational activities.

(3) Category III– Teaching, supervision, and training of psychologists, psychology students or allied services.

(4) Category IV– Books, papers, publications, and exhibits.

(5) Self–programed, nonsupervised and creative activities, i.e., self–instruction, specialty board examination preparation or other meritorious learning experiences. [Order PL 276, § 308–122–510, filed 11/16/77.]

WAC 308–122–515 Continuing education requirements. (1) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour CPE requirement.

(2) A minimum of 30 hours must be earned in Category I and it is further required that a minimum of 25 credit hours be earned in each of 2 other categories.

(3) A maximum of ninety credit hours may be earned in Category I. A maximum of seventy–five credit hours may be earned in Category II. A maximum of forty–five credit hours may be earned in each of Categories III, IV, and V.

(4) The maximum credit hours allowed in each category and the minimum number of three categories required in the above have as their purpose encouraging a reasonable broad and rounded scope of CPE, while at the same time enabling specialized areas of interest to be pursued more extensively than other areas.

(5) Any reported credit hours that are in excess of the requirements set forth, will not serve to credit or off–set the required CPE requirements for any succeeding three year cycle.

(6) Professionals offering CPE courses must meet the training and the full qualifications of their respective professions. For example; a psychologist should either be licensed or have a core of basic psychological courses, in residency, culminated in a Ph.D. or equivalent degree; a psychiatrist should have an MD, appropriate psychiatric residency; a social worker should have appropriate educational qualifications and be eligible for membership in ACSW. All professionals shall have demonstrated an expertise in the areas in which they are instructing.

(7) Audited courses are acceptable if evidence of completion is recorded on a transcript or a validating letter from the instructor is available at the time of CPE review. [Order PL 276, § 308–122–515, filed 11/16/77.]

WAC 308–122–520 Definition of categories of creditable CPE. (1) Category I—Educational activities. A maximum of ninety credit hours may be earned in this category, a minimum of 30 hours must be earned. Recognized as appropriate under this category are:

(a) Courses, seminars, workshops and post–doctoral institutes offered by educational institutions chartered by a state and recognized (accredited) by a regional association of school, colleges and universities and which offer graduate level courses. Attendance shall be in the home state in which the institution is accredited/chartered. Exceptions may be made for courses offered by educational institutions chartered/accredited in contiguous states or provinces to Washington.

(b) Courses (including correspondence courses), seminars, workshops and post–doctoral institutes sponsored by the National Academy of Professional Psychologists, the American Psychological Association, regional psychological associations, the Washington State Psychological Association and its divisions, and other states' psychological associations which have CPE programs or requirements, agencies with American Psychological Association approved internship programs and other nationally recognized behavioral science organizations, e.g., courses, workshops etc. offered by NASW, NTL, APGA and AGPA. Simple attendance at professional association conventions or meetings is not creditable under Category I (See Category V).

NOTE: All activities in this and all other categories, must be directly relevant to maintaining or increasing professional competence in psychology.

(2) Category II—Educational activities. A maximum of seventy–five credit hours may be earned in this category. Creditable CPE activities include:

(a) Courses (including correspondence courses), practica, seminars, experiential or didactic workshops offered by institutions or organizations not meeting requirements of Category I.

(b) Obtaining consultative training from a licensed professional or institute (other than that which is required in ones employment).

(c) Organized forms of CPE which include in–service and in–house seminars, lectures, professional journal and book study groups, as well as privately organized regularly scheduled seminars.

(3) Category III—Teaching, supervision, and training of psychologists, psychology students or allied services. A maximum of 45 credit hours may be earned in this category. Creditable CPE activities include instruction and/or supervision of psychologists, psychology students, institutional staff, or other professionals or students from an institution with a formal teaching or training program, if the institution has approved the instruction and/or supervision.

(a) CPE credit for a specific course taught can be given one time only (usually the first time it is taught, unless there is substantial revision). The number of hours credited is based on the number of class contact hours, up to a maximum of 30 hours.

(b) CPE credit for supervision may be earned, up to a maximum of 30 hours.

(4) Category IV—Books, papers, publications, and exhibits. A maximum of 45 credit hours may be earned in this category with specific credit hour allowances listed as follows: Credit may be earned only during the three year period in which the presentation or publication was made or published.

(a) Twenty–five credit hours may be claimed for each publication and for each chapter of a book that is authored and published. Publications must be in a scientific or professional psychological, or allied field journal. Editing is not acceptable for credit in any category.

(b) Ten credit hours may be claimed for each scientific or professional paper or program presentation given at a meeting and for each exhibit shown. All must be presented at a meeting of psychological or allied professional disciplines and must be of scientific or professional nature. Credit may be claimed only once for presentation of the same materials or program and should be claimed as of the date of presentation or publication. Presentations to lay audiences are not credited under this or any other CPE category.

(5) Category V—Self-programmed, nonsupervised and creative activities. A maximum of 45 credit hours may be earned in this category. Credit may be earned only for activities pursued during the three year period prior to the date of current relicensure application. All activities in this category must be primarily psychological in nature and closely related to maintaining and increasing psychological competence. Activities which increase personal scope such as golfing, sailing, potter, cooking, etc., are not acceptable for CPE credit in this, or any other category. Personal therapy is also not acceptable.

Examples of acceptable Category V activities include:

(a) Self-instruction – Credit hours may be earned for reading of scientific, professional and clinical journals, books and professional/scientific tapes.

(b) Attendance at or participation in professional meetings or conventions of national, regional or state psychological associations or other behavioral science conventions – A maximum of 5 CPE credit hours can be earned for attendance at each convention or meeting, up to a maximum total of 15 hours in any one year and 45 hours in 3 years. [Order PL 276, § 308-122-520, filed 11/16/77.]

WAC 308-122-525 Continuing education--Special considerations. In lieu (total or partial) of one hundred fifty hours of CPE the board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a CPE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the CPE credit hour requirements of the board.

(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary CPE program may submit to the board evidence of completion of that other state's or country's CPE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without CPE requirements, or who are not legally required to meet those CPE requirements, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's CPE requirements.

(4) The board may also accept evidence of diplomate award by the American Board of Examiners in Professional Psychology (ABPP) in lieu of one hundred fifty hours of CPE for that three year period in which the diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established. [Order PL 276, § 308-122-525, filed 11/16/77.]

WAC 308-122-530 Continuing education--Enforcement. Failure to meet above CPE requirements within each three year time period will result in nonrenewal of license. The licensee may petition the board for a hearing. License renewal will be based on decision of the board. [Order PL 276, § 308-122-530, filed 11/16/77.]

WAC 308-122-535 Continuing education--Exemptions. In the event a licensee fails to meet requirements because of illness or retirement (with no further provision of psychological services to consumers) or failure to renew, or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant a time extension. In the case of permanent retirement or illness, the board may grant indefinite waiver of CPE as a requirement for relicensure, provided an affidavit is received indicating the psychologist is not providing psychological services to consumers. If such permanent illness or retirement status is changed (reversed) or consumer psychological services are resumed, it is incumbent upon the licensed psychologist to immediately notify the board and meet CPE requirements for relicensure. CPE credit hours will be prorated for the portion of that three year period involving resumption of such services. [Order PL 276, § 308-122-535, filed 11/16/77.]

WAC 308-122-540 Continuing education--Program or course approval. (1) The board will accept any CPE that reasonably falls within the above categories and requirements. The board relies upon each individual psychologist's integrity with the intent and spirit of the CPE requirements.

(2) CPE program sponsors or institutes should not apply for, nor expect to receive, prior or current board approval for Category I status, except as required by WAC 308-122-515 and 308-122-520. The CPE category in which credit hours may be claimed will be determined by the definitions as shown in WAC 308-122-520.

(3) The number of creditable hours may be determined by counting the actual contact hours of instruction or, in the case of workshops, the formal hours of the workshop.

NOTE: The board relies upon the integrity of program sponsors to present CPE that constitutes a professional and/or scientific learning experience of quality and pertinent to psychology. [Order PL 276, § 308-122-540, filed 11/16/77.]

WAC 308-122-545 Continuing education--Certification of compliance. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hours CPE requirement on a form supplied by the board.

(2) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate, compliance with the one hundred fifty hours CPE requirement. Therefore, it is the responsibility of each licensee to maintain records, certificates, or the other evidence of CPE compliance. [Order PL 276, § 308-122-545, filed 11/16/77.]

Chapter 308-124 WAC
REAL ESTATE BROKERS AND SALESMEN

WAC

308-124-001 Promulgation—Authority.
308-124-005 Organization.
308-124-007 Meetings.
308-124-021 Definitions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124-010 Credit and character report. [Order RE 107, § 308-124-010, filed 7/20/73; Order RE-101, § 308-124-010, filed 2/17/71; Rule 1, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-020 Application for license—Credit and character report. [Rule 2, filed 3/24/60.] Repealed by Order RE-101, filed 2/17/71.

308-124-030 Applicant for license previously licensed in another state. [Rule 3, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-040 Corporate or copartnership applicants for licenses—Proof required. [Order RE 107, § 308-124-040, filed 7/20/73; Rule 4, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-050 Corporate or copartnership applications for temporary salesman's permit—Proof required. [Rule 5, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-060 Renewal of licenses—Exemption of servicemen. [Rules (part), filed 12/21/66; Rule 6, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-065 Salesman second renewal requirements. [Order RE-105, § 308-124-065, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.

308-124-070 Successful applicants must apply for license. [Order RE 110, § 308-124-070, filed 3/27/74; Rule 7, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-080 Notice required of intention to take examination. [Order RE 107, § 308-124-080, filed 7/20/73; Order RE-105, § 308-124-080, filed 9/1/72; Order 5, § 308-124-080, filed 5/13/69; Rules (part), filed 6/28/67; Rule 8, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-085 Credit and character report—Temporary permit. [Order RE 107, § 308-124-085, filed 7/20/73.] Repealed by Order RE 114, filed 7/2/75.

308-124-087 No temporary permit issued after examination failure. [Order RE 112, § 308-124-087, filed 1/23/75.] Repealed by Order RE 120, filed 9/20/77.

308-124-090 Unsuccessful broker applicants—Loss of waiver privilege. [Order RE 107, § 308-124-090, filed 7/20/73; Order 09-11-70, § 308-124-090, filed 9/14/70; Rule 9, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-100 Prevention of the same or deceptively similar real estate firm names. [Rule 10, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-110 Real estate office in same building as residence requirements. [Order RE-102, § 308-124-110, filed 10/28/71; Rule 11, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-120 Payment of earned commissions to salesmen or associate brokers by broker. [Rule 12, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-130 Subdivision advertising—Filing with director. [Order RE 110, § 308-124-130, filed 3/27/74; Rule 13, filed 6/28/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-140 Summary revocation of licenses. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-150 Application for license—Fingerprinting. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-170 Discriminatory acts—Prohibition. [Order 4, § 308-124-170, filed 4/16/68.] Repealed by Order RE 116, filed 4/30/76.

308-124-180 Branch offices operating under another name. [Order 5, § 308-124-180, filed 5/13/69.] Repealed by Order RE 116, filed 4/30/76.

308-124-190 License fees—Expiration—Renewal. [Order RE-102, § 308-124-190, filed 10/28/71.] Repealed by Order RE 114, filed 7/2/75.

308-124-200 Fee brokers prohibited. [Order RE-105, § 308-124-200, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.

308-124-210 Notification of adverse court action. [Order RE 108, § 308-124-210, filed 9/26/73.] Repealed by Order RE 114, filed 7/2/75.

WAC 308-124-001 Promulgation--Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by 18.85.040 RCW, does hereby promulgate the following rules and regulations relating to the licensing of real estate brokers, associate real estate brokers and real estate salesmen, and the registration of land development representatives. [Order RE 120, § 308-124-001, filed 9/20/77; Order RE 114, § 308-124-001, filed 7/2/75 (Repealed and amended by Order RE 114, filed 7/2/75); Order RE 107, § 308-124-001, filed 7/20/73; Promulgation to Rules 1-6 (WAC 308-124-010 through 308-124-060), filed 3/24/60.]

WAC 308-124-005 Organization. The principal location of the Real Estate Division is on the Sixth Floor, Highways-Licenses Building, 12th and Franklin Street, Olympia, Washington 98504. The division maintains a Seattle office at 320 North 85th Street, Seattle, Washington 98103. The division maintains a Spokane office at East 11530 Sprague Avenue, Spokane, Washington 99206.

The real estate division of the business and professions administration of the department of licensing administers the Washington real estate license law, chapter 18-.85 RCW. The real estate commission, composed of the director of the department of licensing and six commission members, appointed by the governor from the real estate industry, prepares or reviews and approves examination questions for license applicants, holds real estate

education conferences, advises the director as to the issuance of rules and regulations governing the activities of real estate brokers and salesmen and performs such other duties and functions as prescribed by chapter 18-.85 RCW. Submissions and requests for information regarding real estate licenses, the real estate commission, or the real estate division, may be sent in writing to the Administrator, Real Estate Division, Department of Licensing, P.O. Box 247, Olympia, Washington 98504. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.]

WAC 308-124-007 Meetings. The real estate commission meets quarterly or at the call of the director. Individuals desiring to be informed as to date, time and place and agenda of the meeting must make a written request to the administrator of the real estate division. [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.]

WAC 308-124-021 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 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) "Designated broker" is the natural person designated by a corporation or partnership to act as a broker on behalf of the corporation or partnership. The designated broker must be an officer of the corporation or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(3) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(4) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(5) "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

(6) "Administrator" is the person appointed by the director of the department of licensing to administer the real estate division of the department of licensing. [Statutory Authority: RCW 18.85.040. 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.]

Chapter 308-124A WAC
REAL ESTATE--LICENSING AND EXAMINATION

WAC

308-124A-010 Credit and character report.
308-124A-020 Application for a license—Fingerprinting.
308-124A-025 Notice required of intention to take examination.
308-124A-030 Successful applicants must apply for license.
308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege.
308-124A-100 Applicant for license previously licensed in another state.
308-124A-110 Application for real estate examination, licensed in foreign state.
308-124A-120 Application for license by employing broker.
308-124A-130 Salesperson, associate brokers—Termination of services.
308-124A-200 Corporate or copartnership applicants for licenses—Proof required.
308-124A-210 Corporate or copartnership application for land development representative—Proof required.
308-124A-410 Application for broker license examination—Two years sales experience.
308-124A-420 Application for broker license examination, other qualification or related experience.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124A-310 Salesman second renewal requirements. [Order RE 114, § 308-124A-310, filed 7/2/75.] Repealed by 81-05-016 (Order RE 128), filed 2/10/81. Statutory Authority: RCW 18.85.040.

308-124A-400 License fees—Expiration—Renewal. [Order RE 114, § 308-124A-400, filed 7/2/75.] Repealed by Order RE 120, filed 9/20/77.

WAC 308-124A-010 Credit and character report. (1) Any person making application for registration as a land development representative pursuant to chapter 18-.85 RCW, must as an integral part of the application, supply the director with satisfactory proof of applicant's identification, character and credit rating. Proof of credit and character rating shall be obtained and attested by the employing broker upon a form to be provided by the real estate division.

(2) Any person making application for a real estate broker's license must as an integral part of the application, supply the director with satisfactory proof of applicant's character and credit rating. Such proof shall be obtained and provided by a recognized credit reporting agency (credit bureau) in a form approved by the real estate division. [Statutory Authority: RCW 18.85.040. 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.]

WAC 308-124A-020 Application for a license--Fingerprinting. All persons must submit fingerprint identification, on a form provided by the real estate division when making application for:

(1) A real estate salesperson license;

(2) An individual broker license;

(3) A corporation or partnership broker license; or

(4) A land development representative registration.

The applicant is not required to submit a new fingerprint form if he or she has filed a fingerprint form with

the real estate division within one calendar year preceding the application. [Statutory Authority: RCW 18.85-.040. 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.]

WAC 308-124A-025 Notice required of intention to take examination. Any person desiring to take an examination for a real estate broker or real estate salesperson license must file a completed application together with the correct fee and supporting documents with the real estate division of the department of licensing[.] The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for eligibility for any specific examination is available to the applicant upon request. An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the real estate division. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-025, filed 2/10/81; Order RE 114, § 308-124A-025, filed 7/2/75.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-124A-030 Successful applicants must apply for license. (1) Examination results are valid for one year only. Any person who has passed the examination for real estate broker or real estate salesperson licensure must become licensed within one year from the date of such examination. Failure to comply with this provision will necessitate the taking and passing of another examination prior to licensure. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.]

WAC 308-124A-040 Unsuccessful broker applicants--Loss of waiver privilege. Whenever any applicant for a broker's license receives a waiver from the requirement of two years of actual experience as a full time real estate salesman based upon approval of alternative qualifications, but subsequently fails to pass the broker's examination, the applicant shall lose the privilege of the waiver and must satisfy the requirement as provided in RCW 18.85.090. However, the director may again waive this requirement, upon the recommendation of the real estate commission. The commission's recommendation shall be based upon the applicant's affirmative showing that it is reasonably likely that the applicant will pass the next examination, including in such showing circumstances accounting for the failure to pass the earlier examination. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124A-040, filed 8/13/82; Order RE 114, § 308-124A-040, filed 7/2/75.]

WAC 308-124A-100 Applicant for license previously licensed in another state. Any person making an application for examination who has previously been licensed in another state shall, evidence by a letter from an administrative officer of the real estate agency of such other state that the applicant's relationship with such state is and has been in good standing. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-100, filed 2/10/81; Order RE 114, § 308-124A-100, filed 7/2/75.]

WAC 308-124A-110 Application for real estate examination, licensed in foreign state. Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in another state, territory of the United States or province of the Dominion of Canada and has maintained his or her license in good standing may become licensed as a Washington resident real estate broker, associate broker or salesperson after passing an examination on Washington law and real estate practices if he or she meets the minimum requirements established by RCW 18.85.090, 18.85.095, and/or 18.85.120 whichever is (are) applicable. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-110, filed 2/10/81.]

WAC 308-124A-120 Application for license by employing broker. A person who desires to be licensed as a real estate salesperson or associate broker shall make application on a form furnished by the director and signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. [Statutory Authority: RCW 18-.85.040. 81-05-016 (Order RE 128), § 308-124A-120, filed 2/10/81.]

WAC 308-124A-130 Salesperson, associate brokers--Termination of services. A person licensed as salesperson or associate broker may perform duties and activities as licensed only under the direction and supervision of a licensed individual broker or designated broker and as a representative of such broker. This relationship may be terminated unilaterally by either the broker or salesperson or associate broker. Notice of such termination shall be given by the broker to the director without delay and such notice shall be accompanied by and include the surrender of the salesperson's or associate broker's license. The broker may not condition his or her surrender of license to the director upon performance of any act by the salesperson or associate broker. Notice of termination shall be provided by signature of the broker, or a person authorized by the broker to sign for the broker, on the surrendered license of the salesperson or associate broker. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-130, filed 2/10/81.]

WAC 308-124A-200 Corporate or copartnership applicants for licenses--Proof required. The minimum

qualifications for a corporation or partnership to receive a broker's license are:

(1) An officer in the corporation or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating, WAC 308–124A–010 and fingerprint identification, WAC 308–124C–020 of the designated broker, officers, and principal owners of the corporation directly involved in the company's Washington real estate activity and, in the case of a partnership, the general partners and all principal owners.

(3) If the applicant is a corporation, it shall furnish a list of its officers, directors, and principal owners, and their addresses. If the applicant is a partnership, it shall furnish a list of the members of the partnership and their addresses.

(4) If the applicant is a corporation, it shall furnish a copy of its articles of incorporation and current annual report. If the applicant is a partnership, it shall furnish a copy of its partnership agreement.

(5) If a corporation applies for licensure as an incorporated associate broker, the name of the incorporated associate broker as licensed to do business shall be the name of the natural person who is the designated broker for the corporation, and only one person may be licensed to each incorporated associate broker and that person shall be the corporation's designated broker. [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.]

WAC 308–124A–210 Corporate or copartnership application for land development representative––Proof required. WAC 308–124A–010 shall apply to corporations and copartnerships to the extent that the officer of such corporation or the partner who is designated as broker of such corporation or copartnership, under RCW 18.85.170(1) and 18.85.170(2), shall be required to furnish the proof required as to the character and credit rating of any applicant for land development representative registration. [Order RE 120, § 308–124A–210, filed 9/20/77; Order RE 114, § 308–124A–210, filed 7/2/75.]

WAC 308–124A–410 Application for broker license examination––Two years sales experience. To qualify for two years of actual experience as a full time real estate salesperson applicants for a real estate broker license examination shall provide evidence of either:

(1) A minimum of forty hours per week spent in real estate sales activity for the period; or

(2) A major source of income from real estate sales activity continuously for the period. [Statutory Authority: RCW 18.85.040. 81–05–016 (Order RE 128), § 308–124A–410, filed 2/10/81.]

WAC 308–124A–420 Application for broker license examination, other qualification or related experience. Applications for a real estate broker license examination by persons who do not possess two years of actual experience as a full time real estate salesperson as required by RCW 18.85.090 which show other and similar qualifications, or qualification by reason of practical experience in a business allied with or related to real estate (alternative qualifications or experience) shall be submitted to the administrator of the Real Estate Division, P.O. Box 247, Olympia, Washington 98504. 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 appropriate documentation, and a letter from each of five persons 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 two years of full time sales experience:

(1) Post–secondary education with major study in real estate together with one year experience as a real estate salesperson or one year experience under the provisions of subsections (2) – (7) below.

(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 responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

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

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

(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 suggested in these guidelines shall be within the last seven years prior to the date of application. [Statutory Authority: RCW 18.85.040. 81–05–016 (Order RE 128), § 308–124A–420, filed 2/10/81.]

Chapter 308–124B WAC
REAL ESTATE––BROKER'S OFFICE

WAC

308–124B–010 Prevention of the same or deceptively similar real estate firm names.
308–124B–030 Franchise advertising.
308–124B–040 Branch offices operating under another name.
308–124B–100 Office identification.
308–124B–110 Display of licenses.
308–124B–120 Change of office location.
308–124B–130 Deceptive names prohibited.
308–124B–140 Multiple business usage of office.

WAC 308-124B-010 Prevention of the same or deceptively similar real estate firm names. The director may prevent a real estate firm from using the same name or a name deceptively similar to that of another currently licensed, operating real estate firm if he or she determines that the interests of the public are thereby endangered. However, 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. 82-17-039 (Order 130), § 308-124B-010, filed 8/13/82; Order RE 114, § 308-124B-010, filed 7/2/75.]

WAC 308-124B-030 Franchise advertising. Each broker using the name of a franchise service or other service in the advertising, display signs or directory listings shall prominently display the name of the real estate firm as it appears on the Washington real estate license of such licensee. [Order RE 114, § 308-124B-030, filed 7/2/75.]

WAC 308-124B-040 Branch offices operating under another name. It shall not be a violation of RCW 18.85-.190 if a broker establishes one or more branch offices under a name or names different from that of the main office if the name or names are approved by the director, so long as each branch office is clearly identified as a branch or division of the main office. No broker may establish branch offices under more than three names. Both the name of the branch office and of the main office must clearly appear on the sign identifying the branch office, and in any advertisement or on any letterhead of any stationery or any forms, or signs used by the real estate firm on which either the name of the main or branch offices appears. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-040, filed 2/10/81; Order RE 114, § 308-124B-040, filed 7/2/75.]

WAC 308-124B-100 Office identification. Any main or branch office of the real estate broker shall be identified by displaying the name, visible to the public, of the broker (firm name) as licensed at the address appearing on the office license. [Order RE 114, § 308-124B-100, filed 7/2/75.]

WAC 308-124B-110 Display of licenses. Licenses of the real estate broker, all associate real estate brokers, branch managers, salespersons and land development representatives shall be displayed prominently in the office located at the address appearing on the individual license. [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.]

WAC 308-124B-120 Change of office location. The real estate broker shall notify the director of the change of location and mailing address of the broker's office by promptly filing a change of address application with the administrator together with the return of all licenses and payment of the correct fees. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-120, filed 2/10/81; Order RE 114, § 308-124B-120, filed 7/2/75.]

WAC 308-124B-130 Deceptive names prohibited. A real estate broker shall not be issued a license nor advertise in any manner using names or trade styles which imply that the real estate firm is a nonprofit organization, research organization, public bureau or public group. [Order RE 114, § 308-124B-130, filed 7/2/75.]

WAC 308-124B-140 Multiple business usage of office. (1) A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, compatible business activity. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

(2) Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and no deception of the public as to the separate identities of the brokerage business firms results. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-140, filed 8/13/82.]

Chapter 308-124C WAC
REAL ESTATE--RECORDS AND RESPONSIBILITIES

WAC

308-124C-010 Licensee's responsibilities.
308-124C-020 Required records.
308-124C-030 Accuracy and accessibility of records.
308-124C-040 Suit or complaint notification.

WAC 308-124C-010 Licensee's responsibilities. (1) The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though another person or persons may be assigned by the broker the duties of preparation, custody or recording.

(2) It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.85 RCW. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.]

WAC 308-124C-020 Required records. The minimum real estate records the real estate broker shall be required to keep are as follows:

(1) Bank trust account records:

(a) Duplicate receipt book or cash receipts journal recording all receipts;

(b) Prenumbered checks with check register, cash disbursements journal or check stubs;

(c) Validated duplicate bank deposit slips;

(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) above, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor;

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

(2) Other records:

(a) A transaction folder containing all agreements, 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;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm. [Statutory Authority: RCW 18.85.040. 82–17–039 (Order 130), § 308–124C–020, filed 8/13/82; Order RE 114, § 308–124C–020, filed 7/2/75.]

WAC 308–124C–030 Accuracy and accessibility of records. All required real estate records shall be accurate, posted and kept up to date. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three–year retention period.

In the case of a corporate brokerage firm, the responsibility imposed by this section shall apply to both the corporation and the natural person designated and licensed to act as broker for the corporation. Prior to issuing a new license indicating a change of designated broker for a corporate licensee, the licensee must submit evidence that the requirements have been satisfied. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities;

(2) An audit performed at the request of, and at the expense of, the licensee by the audit staff of the real estate division. The incoming designated broker shall not be deemed responsible for any discrepancy identified during such an audit. [Statutory Authority: RCW 18-.85.040. 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.]

WAC 308–124C–040 Suit or complaint notification. Every licensee shall, within twenty days after service or knowledge thereof, notify the administrator of the real estate division of any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the licensee is named as a defendant; and in which the subject matter, thereof, involves any real estate or business activity of the defendants therein named in which any of the grounds enumerated in RCW 18.85.230 are in issue. [Order RE 114, § 308–124C–040, filed 7/2/75.]

Chapter 308–124D WAC
REAL ESTATE—OPERATIONAL PROCEDURES

WAC

308–124D–010 Checks—Payee requirements.
308–124D–020 Negotiating agreements and closing.
308–124D–030 Expeditious performance.
308–124D–100 Payment of earned commissions.

WAC 308–124D–010 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 broker 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 broker shall retain a copy of the written agreement. [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.]

WAC 308–124D–020 Negotiating agreements and closing. The real estate licensee shall be responsible for negotiating the agreement between seller and purchaser as follows:

(1) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(2) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(3) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(4) A legible copy of the agreement to purchase shall be retained in each participating real estate broker's files.

(5) Sales transactions may be closed in the office of the real estate broker if so provided in the agreement, provided that no escrow, service, closing or any other fee except sales commission is charged to the purchaser or seller by the broker. An escrow agent's certificate of registration is required to close real estate transactions for compensation.

(6) The real estate broker 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 acts as broker, 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 broker shall retain a

copy of all closing statements of the respective buyers or sellers wherein the licensee acts as broker for all transactions even though funds are not handled by the broker and closing is done elsewhere for inspection by any authorized representative of the director.

(7) The closing statements of all real estate or business opportunity transactions in which a real estate broker 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.

(8) The net proceeds of sale on all real estate transactions closed by the real estate broker are to be paid direct to the seller unless otherwise provided by written agreement.

(9) Where an agreement for the sale of real estate has been negotiated involving the services of more than one broker, and funds are to be deposited by the purchaser prior to the closing of the transaction, the broker first receiving such funds shall retain custody thereof and be accountable therefor, until such fund are distributed in accordance with written instructions signed by all parties to the transaction. [Order RE 120, § 308-124D-020, filed 9/20/77; Order RE 114, § 308-124D-020, filed 7/2/75.]

WAC 308-124D-030 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 18.85.230(26). [Order RE 114, § 308-124D-030, filed 7/2/75.]

WAC 308-124D-100 Payment of earned commissions. The broker shall immediately pay to a salesperson, associate broker or branch manager the commissions they have earned not later than the time at which the transaction is closed, completed or terminated and the broker receives the commission funds except that:

(1) Reasonable time may be allowed for checks received by the broker to clear;

(2) A salesperson, associate broker or branch manager and a broker may have a written agreement providing for payment at another date;

(3) Whenever a broker is out of the area for a short length of time, payment shall be made immediately upon the broker's return, but in no event shall payment be delayed longer than seven days;

(4) Rental or installment commissions received on a monthly basis may be paid once a month. However, under no circumstances shall a broker pledge, encumber, borrow on, or take advancement on commissions due or to be due salespersons, associate brokers or branch managers without written approval of the salespersons, associate brokers or branch managers to whom the commissions are owed. [Statutory Authority: RCW 18.85-.040. 82-17-039 (Order 130), § 308-124D-100, filed 8/13/82; Order RE 114, § 308-124D-100, filed 7/2/75.]

Chapter 308-124E WAC
REAL ESTATE--TRUST ACCOUNT PROCEDURES

WAC

308-124E-011 Administration of funds held in trust.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124E-010 Administration of trust accounts. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124E-010, filed 2/10/81; Order RE 114, § 308-124E-010, filed 7/2/75.] Repealed by 82-17-039 (Order 130), filed 8/13/82. Statutory Authority: RCW 18-85-040.

WAC 308-124E-011 Administration of funds held in trust. Any real estate broker who receives funds or moneys from any principal or any party to a real estate transaction, property management agreement, or collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a Washington state banking institution approved by the banking division, department of general administration, state of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts shall be noninterest-bearing demand deposit accounts, except as follows:

(a) Interest-bearing trust bank accounts containing funds pertaining to an individual real estate or business opportunity transaction may be established by the broker if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) 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 broker may be established by the broker when directed by written management agreement or directive signed by the owner: *Provided*, That all interest or earnings shall accrue to the owner.

(c) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner (landlord), if the broker is by written agreement designated as "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

(2) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the real estate division, department of licensing.

(3) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate or signature of another person authorized to act on the broker's behalf.

(4) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except

(a) 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

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, contracts or mortgages owned exclusively by the real estate broker or the broker's real estate firm.

(5) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(6) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint or attached deposit receipt, identifying the source of funds and transaction to which it applies.

(7) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered (e.g., "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit"). 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.

(8) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients (the sum of credit balances of all individual clients' ledger sheets).

(9) The 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.

(10) All disbursements of trust funds shall be made by check, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction. 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.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12) A separate check shall be drawn on the real estate trust bank account, payable to the broker 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. Property management activities shall not be considered "transactions" for this purpose. Therefore a single check may be drawn 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.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or 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.

(15) 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) In advance of the closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and the seller; except that

(i) 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

(ii) 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;

(c) 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;

(d) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker;

(e) For bank charges of any nature, including bank services, checks or other items. Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the broker's regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the broker's business bank account; or

(f) Of funds received as a damage or security deposit on a lease or rental contract for property managed by the broker to the landlord 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 (tenant, landlord, or assigns) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute. [Statutory Authority: RCW 18.85-.040. 82-17-039 (Order 130), § 308-124E-011, filed 8/13/82.]

Chapter 308-124F WAC
REAL ESTATE--MISCELLANEOUS PROVISIONS

WAC

308-124F-010 Real estate office in same building as residence requirements.
308-124F-020 Discriminatory acts—Prohibition.
308-124F-030 Misuse of broker's license—Prohibited.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124F-050 Subdivision advertising—Filing with director. [Order RE 114, § 308-124F-050, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

308-124F-200 Summary revocation of licenses. [Order RE 114, § 308-124F-200, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

WAC 308-124F-010 Real estate office in same building as residence requirements. A real estate broker may maintain an office in the building wherein the broker resides provided: (1) The office is separate from any living quarters; (2) the office is identified as a real estate office by a sign at the office entrance that is visible to the public; (3) the office entrance is open to the public and does not lead through any living quarters; (4) the office is in conformance with existing zoning; and (5) the office is accessible to the public by a reasonably locatable street address. [Statutory Authority: RCW 18-.85.040. 81-05-015 (Order RE 129), § 308-124F-010, filed 2/10/81; Order RE 114, § 308-124F-010, filed 7/2/75.]

WAC 308-124F-020 Discriminatory acts--Prohibition. (1) Real estate licensees shall not:

(a) Refuse to communicate to the owner of a listed property any written offer, concerning the same, made by any person or persons because of race, color, creed, sex, age or national origin.

(b) Refuse to negotiate for the sale or rental of, or otherwise make available or deny, real property to any person because of race, color, creed, sex, age or national origin.

(c) Discriminate against any person in the terms, conditions, privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, age or national origin.

(d) Make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race, color, creed, sex, age or national origin, or an intention to make any such preference, limitation or discrimination.

(e) Represent to any person because of race, color, creed, sex, age or national origin that any real property is not available for inspection, sale or rental when such real property is in fact available.

(f) Induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, age or national origin.

(2) Nothing in this regulation shall be construed to define or restrict the power of any other federal, state or local government agency to pursue such measures as such agency may deem appropriate to ensure that the opportunity to purchase, rent or lease real property is made available to all persons without regard to race, color, creed, sex, age or national origin.

(3) Any real estate licensee who continues to sell any real estate or operates according to a plan of selling which is contrary to this regulation, will be disciplined in the manner provided by the real estate licensing law, chapter 18.85 RCW. [Order RE 114, § 308-124F-020, filed 7/2/75.]

WAC 308-124F-030 Misuse of broker's license--Prohibited. A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management responsibility for all real estate brokerage activities of the business or he does not exercise adequate supervision over the activities of his licensed salespersons, associate brokers or branch managers as required by chapter 18.85 RCW. A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124F-030, filed 8/13/82; Order RE 114, § 308-124F-030, filed 7/2/75.]

Chapter 308-124H WAC

REAL ESTATE COURSES--REGULATION OF REAL ESTATE BROKERS AND SALESMEN

WAC

308-124H-010 Approval of real estate courses to satisfy clock hour requirements.
308-142H-020 Administration.
308-124H-030 Filing of courses.
308-124H-032 Course eligibility.
308-124H-040 Approval of courses.
308-124H-045 Recordkeeping.
308-124H-050 Review applications.
308-124H-055 Broker real estate education requirements.
308-124H-060 Teachers and/or instructors.
308-124H-070 Completion of courses.

WAC 308-124H-010 Approval of real estate courses to satisfy clock hour requirements. RCW 18.85-.090 and 18.85.095 set forth requirements that applicants for real estate broker's license examinations and/or second renewal of real estate salesperson's licenses furnish proof to the director that they have successfully completed a specified number of clock hours of instruction in real estate education. The purposes of this chapter are to set forth the conditions under which an applicant may meet these educational requirements and the conditions which must be met and the procedure which must be followed if an educational course is to gain approval. [Statutory Authority: RCW 18.85.040. 78-11-052 (Order RE 125), § 308-124H-010, filed 10/23/78; Order RE 116, § 308-124H-010, filed 4/30/76.]

WAC 308-124H-020 Administration. (1) Each application from a private school, individual or agency seeking approval or consideration of courses shall designate one person responsible for administration of the real estate school. The school administrator shall file with the real estate administrator evidence showing previous experience in administration of educational institutions, courses or programs, or previous experience in administration of business activities related to education or to the field of real estate in which instruction will be offered. In the case of a public community college, university, or vocational technical school, the head of the real estate department shall be conclusively presumed to meet the foregoing requirements.

(2) Any school, individual or agency requesting approval or consideration of courses shall not apply to itself, either as part of its name or in any manner, the designation of "college" or "university" unless it, in fact, meets the standards and qualifications of and has been approved by the state agency having jurisdiction.

(3) No person operating a school or acting as an instructor in an approved school shall in any way whatsoever use the school or course, directly or indirectly, to recruit real estate sales staff. Schools shall not use the trade name of any real estate brokerage firm, or any part thereof, nor shall classes be conducted in the offices of any real estate brokerage firm. The intent of this subparagraph is to ensure that no real estate broker or brokerage firm shall gain an unfair advantage over his or her colleagues by conducting a school for salespeople.

(4) Real estate educational courses offered by national institutions with uniform scope and quality of representation may be approved regardless of the course location and instructors used. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124H-020, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-020, filed 2/10/81; Order RE 116, § 308-124H-020, filed 4/30/76.]

WAC 308-124H-030 Filing of courses. Each proprietary school, individual, association or agency seeking approval of courses, shall apply to the administrator on a prescribed form. Courses shall meet the following requirements:

(1) Each course shall include at least one text book that is in general circulation or other instructional materials approved by the commission.

(2) Each course must add to the practical knowledge of the real estate practitioner.

(3) Each course must be supervised or under the direction of at least one natural person who meets the qualifications of WAC 308-124H-060.

(4) Each course must deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, deposit receipts and earnest money agreements. General sales motivation courses will not qualify.

(5) Each course must require a comprehensive examination or examinations and a final grade.

(6) Each course must require a minimum of thirty hours of classroom work for the student; a classroom hour is a period of fifty minutes of actual classroom or workshop instruction. The time allotted for examinations shall not be applicable toward the minimum hours of course study. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124H-030, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-030, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-030, filed 10/23/78; Order RE 116, § 308-124H-030, filed 4/30/76.]

WAC 308-124H-032 Course eligibility. No courses shall be eligible for consideration for approval if the course has an unreasonable difference in fee structure or is otherwise not available to all real estate licensees on the same terms and conditions. [Statutory Authority: RCW 18.85.040. 79-07-063 (Order RE 127), § 308-124H-032, filed 6/27/79.]

WAC 308-124H-040 Approval of courses. Each proprietary school, individual, association or agency seeking approval of a course or courses shall be required to file an application, on forms provided by the director, with the real estate administrator at least thirty days prior to the date of a regular meeting of the real estate commission. Applications which are completed and filed in a timely manner will be reviewed by the commission for recommendation to the director for consideration of

approval or disapproval. The commission may recommend approval of courses solely for the broker requirement or solely for the second renewal requirement.

The director, with the advice of the real estate commission, may deny a course of instruction which, in the opinion of the director, does not meet the requirements of this chapter or meet the needs of the majority of licensees.

Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Any changes in course content, material[,] or[,] the directors or ownership of schools must be submitted to the administrator within twenty days from date of such change for referral to the director and real estate commission for consideration of continued approval.

Any change in qualified course instructors, or instruction location must be submitted to the administrator prior to implementing such change, for approval by the director.

Approval may be withdrawn if the course is not conducted in accordance with this chapter or the school, or its owners, managers or employees, directly or indirectly, solicits 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. [Statutory Authority: RCW 18.85.040. 81–05–015 (Order RE 129), § 308–124H–040, filed 2/10/81; 79–07–063 (Order RE 127), § 308–124H–040, filed 6/27/79; 78–11–052 (Order RE 125), § 308–124H–040, filed 10/23/78; Order RE 116, § 308–124H–040, filed 4/30/76.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–124H–045 Recordkeeping. Upon approval of a course or courses, each proprietary school, individual, association or agency shall, for a period of six years, establish and maintain for each student a complete, accurate and detailed record which shall include the student's attendance, total number of hours of instruction undertaken, and completed areas of study in real estate subjects prescribed by these regulations.

Upon request, a copy of these records shall be made available to the director or student for purposes of determining whether the student has satisfied the provisions of RCW 18.85.090 and/or 18.85.095.

It shall be the responsibility of the proprietary school, individual, association or agency to furnish each student with a grade report or transcript showing name of course, final grade, number of clock hours earned, and beginning and ending dates of each course attended. [Statutory Authority: RCW 18.85.040. 81–05–015 (Order RE 129), § 308–124H–045, filed 2/10/81; 78–11–052 (Order RE 125), § 308–124H–045, filed 10/23/78.]

WAC 308–124H–050 Review applications. All approved courses shall be submitted to the director for review biennially for continued approval. The school shall make application on a form provided by the director. The application must be submitted not later than thirty days prior to the expiration of two years after the effective date of approval, which date will henceforth be the review date. Approval of any course not submitted for review prior to thirty days before the biennial review date shall be cancelled. A cancelled course may be submitted for reapproval by making application as a new course.

Review applications shall be submitted to the real estate commission for recommendation at the next scheduled commission meeting after thirty days from receipt of such application by the director. Approval of a course remains in effect until the review application is acted upon by the commission and director. Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Courses which have received approval on or before January 1, 1981 will be assigned an annual review date by the director. [Statutory Authority: RCW 18.85.040. 81–05–015 (Order RE 129), § 308–124H–050, filed 2/10/81; 78–11–052 (Order RE 125), § 308–124H–050, filed 10/23/78; Order RE 116, § 308–124H–050, filed 4/30/76.]

WAC 308–124H–055 Broker real estate education requirements. After April 1, 1979, applications for the broker's examination will be required to have ninety clock hours of real estate education which shall be in addition to the thirty clock hours for salesperson renewal. [Statutory Authority: RCW 18.85.040. 78–11–052 (Order RE 125), § 308–124H–055, filed 10/23/78.]

WAC 308–124H–060 Teachers and/or instructors. Each course of instruction herein being considered for approval shall be under the supervision of a qualified teacher or instructor who shall be present in the classroom at all sessions: *Provided*, That if the instructional methods include use of pre–recorded audio and visual instructional materials, presentation shall be under the supervision of a monitor who shall be present in the classroom at all sessions and a qualified teacher or instructor who shall at the minimum be available by telephone to respond to specific questions from students during the time the school is open for instructional purposes.

Each teacher or instructor shall be competent in the field of real estate they propose to teach and in techniques of instruction. Competency shall be evidenced by the following experience or education:

(1) Two years of experience in the area of real estate which that person proposes to teach, or completion of equivalent courses of study in that area of real estate, if approved by the director; and

(2) One year of teaching experience approved by the director or at least eight hours in training in teaching techniques approved by the director.

(3) This amendment shall take effect on January 1, 1983. [Statutory Authority: RCW 18.85.040. 82–17–039 (Order 130), § 308–124H–060, filed 8/13/82; 81–05–015 (Order RE 129), § 308–124H–060, filed

2/10/81; 78-11-052 (Order RE 125), § 308-124H-060, filed 10/23/78; Order RE 118, § 308-124H-060, filed 7/6/76; Order RE 116, § 308-124H-060, filed 4/30/76.]

WAC 308-124H-070 Completion of courses. (1) To satisfy the requirement of having received clock hours of instruction in real estate, an applicant must submit proof of satisfactory completion of courses which have been approved pursuant to WAC 308-124H-010 through 308-124H-060.

(2) The student shall not receive clock hour credits for any course which is a duplication of material of a course that the student has previously taken and successfully completed.

(3) It is the responsibility of each student to furnish the real estate division with a copy of the student's grade report or transcript. [Statutory Authority: RCW 18.85-.040. 78-11-052 (Order RE 125), § 308-124H-070, filed 10/23/78; Order RE 116, § 308-124H-070, filed 4/30/76.]

Chapter 308-126A WAC
LAND DEVELOPMENT REGISTRATION-- JURISDICTION

WAC

308-126A-010 Definitions.
308-126A-020 Exemption.
308-126A-030 Waiver.
308-126A-040 Office of interstate land sales registration.

WAC 308-126A-010 Definitions. (1) The terms and definitions used in the act have the same meaning given therein when used in these rules.

(2) "Act" means Lands Sales Development Act of 1973, chapter 58.19 RCW.

(3) "Advertising" means any oral or implied representation, pamphlet, circular, form letter, fact sheet, sign; radio, television or telephone presentation; newspaper or magazine advertisement; visitation, vacation or dinner promotion; certificate, sales manual, portfolio, kit, lecture, or other communication intended for direct or indirect influence of prospective purchasers.

(4) "Application for registration" means written information and documents, including a statement of record, a property report, and advertising material arranged and submitted according to the format prescribed by the director for filing.

(5) "Bold type" means letters which are all capitalized and underlined, or letters larger than the majority of the letters on a page.

(6) "Common promotional plan" includes those lots, parcels, units or interests in land offered in a manner which gives purchasers a choice among two or more of such parcels, units or interests. This definition shall not include a multiple listing service for real estate brokers offering unrelated properties in their regular course of business, unless such plan is adopted for the purpose of evasion of the act.

(7) "OILSR" means the office of interstate land sales registration, conducting registration of land under the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701-1720 (1968).

(8) "Property report" means a public offering statement containing full disclosure of pertinent information concerning developed lands, filed pursuant to RCW 58.19.070.

(9) "Statement of record" means that part of the application for registration filed pursuant to RCW 58.19.060.

(10) "Material change" means any circumstance occurring since registration or a fact not disclosed at registration or an unfulfilled promise which could adversely affect a lot purchaser. [Order RE 123, § 308-126A-010, filed 12/13/77.]

WAC 308-126A-020 Exemption. (1) In determining a claim of exemption, the number of lots, units, or interests which are part of a common promotional plan shall be included with respect to the development.

(2) The method of disposition shall not be considered to be adopted for the purpose of evasion of the act if, in offering nine lots among a larger number:

(a) The developer designates the specific lots to be offered; and

(b) The lots are legally platted; and

(c) There is or will be an adequate county-approved potable water supply available to each lot offered; or information about the lack of water will appear in bold type on the face of each earnest money agreement and real estate contract concerning such lots; and

(d) Each lot offered has been approved for installation of an on-site waste disposal system or each lot can have access to an approved waste disposal system; or

(i) The developer will agree to make the sale of any lot conditional upon the ability of a purchaser to obtain county approval for such an on-site waste disposal system, and the condition will appear in bold type on each earnest money agreement; or

(ii) Information about the inability to obtain an on-site waste disposal permit will appear in bold type on the face of each earnest money agreement and real estate contract concerning these lots;

(e) The lots are not known to be subject to landslide or avalanche; and

(f) Each lot has an easement or access to the public right of way. [Order RE 123, § 308-126A-020, filed 12/13/77.]

WAC 308-126A-030 Waiver. The director may waive the provisions of the act for a development of twenty-five or fewer lots, parcels, units, or interests if it is determined that the plan of promotion and disposition is primarily directed to persons in the local community in which the development is situated.

(1) The lots in a development shall include those lots which were unsold in March 1, 1974 and those lots acquired thereafter.

(2) The local community shall be presumed to include the persons reached by the daily and weekly newspapers published nearest to the location of the development.

(3) The director shall not waive the provisions of the act for a development unless:

(a) Improvements advertised or promised as a part of the development are either completed or financially assured of completion by escrow, bond, or other means approved by the director;

(b) There are

(i) No blanket encumbrances on the development as confirmed by a qualified title opinion prepared within twenty days of date of application, or

(ii) If a blanket encumbrance does exist on the development, such encumbrance contains an unconditional provision for partial deed releases without payment of additional money by a lot purchaser or an alternative plan complies with the requirements of RCW 58.19.180. Any such plan must be reviewed and approved by the director;

(c) The lots are legally platted;

(d) There is or will be an adequate county-approved potable water supply available to each homesite or building lot advertised;

(e) Each lot has been approved for installation of an on-site waste disposal system or each lot can have access to an approved waste disposal system; or, if not, the developer will agree to make the sale of any lot conditional upon the purchaser's ability to obtain county approval for an on-site waste disposal system;

(f) No contract or agreement with a purchaser provides for any unusual contract feature which could result in cost to the purchaser, unless the unusual features are plainly evident;

(g) The lots are not known by the developer or a county official to be subject to flood, landslide, or avalanche;

(h) There is no county or state zoning, health, or environmental regulation which prohibits the use for which any lot in the development is offered;

(i) Each lot in the development has an easement or access to a public right of way;

(j) The developer has not within the past ten years been convicted of a crime involving land disposition or been found to have violated any provision of chapter 19-.86 RCW involving land disposition; and

(k) The developer complies with chapter 252, Laws of 1977 ex. sess., which requires safeguards if lot purchasers are required to pay money in addition to the purchase price for construction, completing, or maintaining improvements. [Order RE 123, § 308-126A-030, filed 12/13/77.]

WAC 308-126A-040 Office of interstate land sales registration. (1) Any development registered under the interstate land sales full disclosure act shall, at the developer's request, be registered under the act if the developer complies with all of the following requirements:

(a) Files with the director a copy of the federal statement of record and property report and copies of all papers, documents, exhibits, and certificates filed with and received from the federal government in regard to current federal registration;

(b) Files with the director an affidavit that copies of all papers, documents, and exhibits upon which the federal government relied in granting the current federal registration have been submitted to the director. The affidavit shall also state the effective date of the federal filing;

(c) Complies with RCW 58.19.180 of the act, dealing with blanket encumbrances;

(d) Complies with chapter 252, Laws of 1977 ex. sess., which requires safeguards if lot purchasers are required to pay money in addition to the purchase price for constructing, completing, or maintaining improvements;

(e) Completes the applicable sections in the statement of record application form, submitting any documents required by those sections.

(2) State registration under this provision of the act shall only be valid and current so long as:

(a) The developer's federal registration is valid and current; and

(b) The director is promptly advised of any change in the developer's federal registration and is promptly provided with copies of all papers, documents, exhibits and certificates relating to the development which the developer has filed with or received from the federal government subsequent to the date on which the federal registration was granted.

(3) An OILSR accepted registration shall be considered as not current and valid where the developer is in violation of the federal rules or the facts concerning a development are inconsistent with the disclosure in the OILSR registration and such registration has not been amended. Such violation or inconsistency might include a material change, amenities not as stated, or false or misleading advertising. [Order RE 123, § 308-126A-040, filed 12/13/77.]

Chapter 308-126B WAC
LAND DEVELOPMENT REGISTRATION--REGISTRATION

WAC

308-126B-010 Address of director.
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308-126B-030 Statement of record and property report—Contents and filing.
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308-126B-050 Statements and reports—Effective dates.
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308-126B-110 Consolidated registration.
308-126B-120 Withdrawal.
308-126B-130 Reports—Registration.
308-126B-140 Termination of developer's business.

WAC 308-126B-010 Address of director. The official address of the director for delivery and receipt of all

mail, telegrams, information, filings, registration, fees, and other material required by the act or these rules is:

Land Development Registration and Administration
Real Estate Division
P.O. Box 247
Olympia, Washington 98504.

[Order RE 123, § 308-126B-010, filed 12/13/77.]

WAC 308-126B-020 Documents. (1) The application for registration shall be typewritten or in legible handwriting. One side of the paper only shall be used except for exhibits. Exhibits or documents shall be reduced or folded to a size not to exceed 8 1/2 by 13 inches. All papers filed shall become part of the public record.

(2) The use of true copies of original documents is permitted. The original signatures must be submitted where signatures are required on the face of the statement of record. [Order RE 123, § 308-126B-020, filed 12/13/77.]

WAC 308-126B-030 Statement of record and property report--Contents and filing. (1) A developer shall make application for a registration of nonexempt developed land and the application shall include a statement of record and a property report completed in the form prescribed by the director.

(2) The statement of record and property report shall be filed at the official address of the director.

(3) Two additional copies of the final, accepted property report shall be filed with the director.

(4) The registration fee shall accompany an application for registration, and shall be paid by check or money order, payable to the Washington state treasurer. [Order RE 123, § 308-126B-030, filed 12/13/77.]

WAC 308-126B-040 Statements and reports--Proper form. An application for registration shall include a correct fee, pertinent information, documents, and exhibits, with all material in the application for registration assembled in the manner prescribed by the director. For those developments not registered with OILSR, the application will include the following:

(1) If an environmental impact statement is required by the appropriate governmental authorities, an application for registration shall not be accepted as complete unless an environmental impact statement which has been accepted by the appropriate governmental authorities is included.

(2) No application for registration will be considered to be complete until a final recorded plat for the development is included.

(3) The developer shall be responsible for submitting separate signed statements from each of the developers and developers' directors, general partners, officers, trustees and each person including limited partners, having an ownership interest of five percent or more of the development being registered, stating whether the person:

(a) Has had a civil suit filed against him or her by a purchaser of land in the past five years.

(b) In the last ten years has been subject to bankruptcy or foreclosure proceedings as an individual or as an officer or director of a corporation.

(c) Has been subject to any injunction or administrative order of judgment restraining a false or misleading promotional plan involving land dispositions entered under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of the provisions of RCW 19.86.020 (the Consumer Protection Act) within the past ten years.

(d) Has been convicted of a crime involving land dispositions or any aspect of land sales business in this state, the United States, or any other state or foreign country within the past ten years.

(e) Has been convicted of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud or any similar offense in any court of competent jurisdiction within the past ten years. [Order RE 123, § 308-126B-040, filed 12/13/77.]

WAC 308-126B-050 Statements and reports--Effective dates. (1) Upon a determination that an application for registration is complete, the director shall issue a notice of filing to the applicant. If the application is not complete, the director shall issue a notice of improper form to the applicant.

(2) The effective date of registration shall not be later than thirty days for an in-state offering and sixty days for an out-of-state offering after the mailing date of issuance of notice of filing unless:

(a) The applicant has consented in writing to suspension of the effective date after a notice of deficiencies has been issued; or

(b) The department has entered an order of rejection with notice of specific deficiencies; or

(c) An amendment to the registration is received prior to the date on which the registration becomes effective. Application for registration shall then be considered to have been filed when the amendment was received. If the amendment is prepared with the consent of or pursuant to order of the department, the amendment shall be considered as filed as of the original notice of filing date: *Provided*, That the director shall always have ten business days to consider any amendment. [Order RE 123, § 308-126B-050, filed 12/13/77.]

WAC 308-126B-060 Mortgages, liens, or other encumbrances. (1) A blanket encumbrance shall either contain adequate partial release clauses in the encumbering instrument, to assure that the blanket encumbrance will be removed prior to the time at which the developer is contractually obligated to deliver title to the purchaser or the developer shall adopt one of the alternatives in (2) or (3) below. Adequate partial release clauses must satisfy the following requirements:

(a) Any partial release clauses must be recorded; and

(b) Terms of the release clause shall provide that the purchaser shall obtain legal title in the form of a deed or

other interest contracted for upon the purchaser's compliance with the terms and conditions of the contract or agreement of sale, whether or not the obligation secured by the encumbrance instrument has been fulfilled; and

(c) The rights of the holder of the blanket encumbrance shall be subordinate to the rights of purchasers at all times prior to the execution of a release by the holder of a blanket encumbrance.

(2) If the developer elects to maintain an escrow depository as described in RCW 58.19.180(1) of the act, the director shall determine the adequacy of the escrow account. All such escrow accounts shall be subject to the following provisions:

(a) All funds including, but not limited to, deposits or payments made by the purchaser under a contract shall be kept and maintained in an account separate and apart from the owner's personal or business accounts.

(b) The account shall be established in a state-regulated depositing company.

(c) The developer shall submit quarterly statements concerning escrow accounts to the director.

(d) The developer shall not have a proprietary interest of more than ten percent in the company which acts as the development escrow depository.

(e) Any contract for lot purchases shall reflect on its face the name and address of the escrow depository to which the purchaser's payments are to be made.

(f) No person other than the designated escrow depository shall be authorized to receive payment without prior approval from the director.

(g) Each escrow account established for the benefit of a purchaser shall be maintained by the escrow agent until:

(i) An unconditional release is obtained from the lien of the blanket encumbrance; or

(ii) There is a forfeiture of the interest of the purchaser or developer or a legal determination as to the disposition of escrowed moneys; or

(iii) The developer orders a return of escrowed moneys to the purchaser.

(h) If an escrow agent terminates an escrow account for reasons other than those given above, ninety days notice shall be given to the purchaser, lender, developer and the director. Purchasers shall make lot purchase payments directly to the developer's lender until new provisions meeting the requirements of RCW 58.19.180 are accepted by the director.

(3) If the encumbering instrument does not contain adequate partial release clauses, and if the developer elects to convey the purchaser's interest in the development property in trust as permitted in RCW 58.19.180, the director shall determine the adequacy of the trust agreement, provided all such trust agreements shall be subject to the following provisions:

(a) When the purchaser makes initial payment upon any agreement to purchase, the developer shall convey the developer's interest in the development in trust and shall direct the purchaser to make payments directly to a state-regulated trustee;

(b) The trustee shall not appoint the trustor-developer its agent or collector of purchaser payments, without prior written approval from the director;

(c) The trust agreement from the developer to the trustee shall be recorded in the county or counties where the development is situated;

(d) The developer shall submit quarterly reports concerning the trust to the director. [Order RE 123, § 308-126B-060, filed 12/13/77.]

WAC 308-126B-070 Instruments of sale. Applicants who have not registered with OILSR have the burden of an affirmative showing of compliance with the following requirements:

(1) An instrument evidencing sale or disposition of an interest in a development shall be executed in a recordable form in accordance with the laws of the state where the land is located.

(2) Each contract, agreement or other evidence of disposition shall contain a notice printed on its face in bold type that if the purchaser did not receive a copy of the property report forty-eight hours in advance of the time the purchaser signs the contract, then the purchaser has the power to revoke, in writing, the contract within forty-eight hours of the signing of the contract and that the period of forty-eight hours shall not include a Saturday, Sunday or legal holiday.

(3) Any instrument employed in the disposition of developed lands that contains a provision for the unconditional refund of the purchase price of a lot in whole or part beyond thirty days from the date of the first payment by the purchaser of the lot shall be deemed a substantial risk which must be disclosed unless:

(a) Provisions have been made for the deposit of any moneys received from prospective purchaser by the seller in a neutral escrow account, in trust for the purchaser for the entire period during which such funds are subject to being returned to the purchaser; or

(b) Other satisfactory assurances demonstrate that the registrant will be in a position to refund in accordance with the terms of the agreement.

(4) If at the time the developer has contracted to deliver title, the developer cannot provide to a purchaser a policy of title insurance showing good title, the contract must allow the purchaser to rescind for any lack of good title which has been caused by the actions of the developer.

(5) If the developer has failed to provide for a grace period of at least sixty days before default or cancellation, the property report must disclose the possible consequences in bold type.

(6) If the developer has failed to provide for recording the sales instrument, the property report must disclose the possible consequences in bold type. [Order RE 123 § 308-126B-070, filed 12/13/77.]

WAC 308-126B-080 Improvements. (1) If a lot owner is required to pay any money in addition to the purchase price of the lot for constructing, completing, or maintaining any development improvements, the money shall be collected by one of the following:

(a) A governmental agency;

(b) An association comprised solely of persons who have purchased lots in the development, or their assignees; or

(c) A person who is not affiliated with the developer, in trust, and on terms acceptable to the director. The treasurer of a lot owner's association who is a lot owner not related to the developer or a business associate of the developer, or related to a business associate of the developer may serve as trustee provided the treasurer reports to all the lot owners at least annually the balances, receipt, payment, and location of all money collected.

(2) The property report shall be amended to show any newly instituted or changed collection of purchasers' payments for constructing, completing, or maintaining improvements.

(3) Where construction of a promised improvement in a development has not been completed, the property report shall disclose the possible consequences in bold type. An uncompleted improvement does not constitute as great a risk if the improvement is assured by a bond, an irrevocable bank letter of credit, or similar undertaking deposited with a public authority and acceptable to the director, or by adequate reserves established and maintained in an escrow account. In determining adequacy of the disclosure of the risk factor, the department will be guided by the facts and circumstances of each individual case. [Order RE 123, § 308–126B–080, filed 12/13/77.]

WAC 308–126B–090 Notice of deficiency––Rejection. (1) If the director has reasonable grounds to believe that a registration, amended statement of record, amended property report or consolidated statement of record is incomplete, materially misleading or inaccurate, a notice of deficiency or an order of rejection with respect to the application shall be issued by the director within thirty days after the date of notice of filing for an in–state application and sixty days for an out–of–state application.

(2) A notice of deficiency shall specify the reasons that the director considers that the application does not satisfy the requirements of RCW 58.19.060 – 58.19.080 of the act.

(3) If the developer does not consent in writing to suspension of the effective date for registration while the specified deficiencies are corrected, an order of rejection shall take effect.

(4) If the developer wishes a hearing on the deficiencies specified in an order of rejection, a written request for a hearing must be made within twenty days after the order is mailed. [Order RE 123, § 308–126B–090, filed 12/13/77.]

WAC 308–126B–100 Amendments. (1) An amendment to an effective statement of record or to a property report shall be filed with the director if any material change occurs. An amendment shall be filed within fifteen days of the date on which the developer knows or should have known that there has been a material change.

(2) A property report is not effective as a current public offering statement for the purpose of completing a sale of a lot as required by RCW 58.19.050 if it has not been amended to reflect a material change in the development.

(3) Any change which would result in the property report or the statement of record not reflecting the true facts of the development offering is considered as a material change. Generally, the following will be regarded as material changes. The listing is not all–inclusive and should be used as a guide only. If a developer questions whether or not a change is material, it should be submitted for consideration:

(a) Changes in title to developer's land. This change may require a new registration;

(b) Changes in money handling provisions when purchaser's money is collected for constructing, completing or maintaining improvements of the development;

(c) Filing of a lawsuit, statement of charges, injunction or judgment which could adversely affect the development;

(d) Failure to maintain promised progress on improvements;

(e) Change in responsibility for utilities;

(f) Changes resulting from lot splits or realignment of lot lines;

(g) Discovery of hazards, such as adverse geologic conditions;

(h) Substantial changes in taxes and assessments, or new control by districts having the power to tax or levy assessments;

(i) A blanket encumbrance placed on the development.

(4) A material change shall be specifically described and shall be supported by such documentation as would be required in connection with an initial filing. Any such amendments shall be accompanied by:

(a) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that part and page of the statement of record or property report which is being amended; and

(b) All pages of the statement of record or property report which have been amended, retyped in the approved format, reflecting the amendments.

(5) Where it appears during registration that a material change is likely to occur, the developer may be required to report concerning the material change.

(6) After the director accepts an amendment to a property report, all property reports subsequently issued to a prospective purchaser shall include the amendment. [Order RE 123, § 308–126B–100, filed 12/13/77.]

WAC 308–126B–110 Consolidated registration. (1) If, in connection with lots or units previously registered, the developer intends to offer additional lots or units as part of a common promotional plan, either a new or consolidated application for registration shall be filed. The developer shall answer specifically each question in the statement of record and submit a new property report. The developer shall not incorporate by reference

answers to questions in the previous filing, except that supporting documentation may be incorporated by reference where it applies to both the original registration and to the additional lots or units offered. In all other respects, the consolidated registration shall conform to the requirements of an initial registration filed in accordance with these rules.

(2) An initial registration or consolidated registration of lots or units in a development under this act shall include lots or units in the development which are repossessed by the developer whether or not they are specifically enumerated in the registration: *Provided*, That

(a) The repossessed lots or units are in a development included in the same promotional plan;

(b) The total number of repossessed lots or units, together with the unsold lots in the registered development, does not exceed the number of lots registered in the development.

(3) Consolidation filing fees are to be based on the lots or units added to the development by the consolidation. [Order RE 123, § 308-126B-110, filed 12/13/77.]

WAC 308-126B-120 Withdrawal. (1) Request for withdrawal of a registration may be made by letter prior to or after registration. The director may enter an order of withdrawal or prescribe certain conditions or prerequisites to be met in connection therewith. The entry of such an order shall not preclude the issuance of cease and desist orders or other orders provided herein.

(2) No refund of fees will be made unless an application for registration or for a waiver of registration is withdrawn before an examination of the application is begun. [Order RE 123, § 308-126B-120, filed 12/13/77.]

WAC 308-126B-130 Reports--Registration. (1) Quarterly reports. Each developer shall submit on or before the 10th day of each calendar quarter the following information on a form supplied by the director:

(a) A record of all persons who agree to purchase a lot and those persons who subsequently withdraw or attempt to withdraw from the agreement either by formal notification to the developer, by failure to make payments, by claim of rescission or otherwise; and

(b) Copies of statements obtained from escrow agents; and

(c) Copies of receipts of bond premiums paid during the quarter; and

(d) Information concerning progress toward completion of an improvement or amenity; and

(e) Reports of any material change in a development.

(2) The director may require such other reports as may be deemed necessary for the protection of purchasers and for carrying out the intent of this act and these rules.

(3) Final reports. Every developer who has sold all lots in a development or who is no longer subject to the Land Development Act shall file a final report with the director. The final report shall include the reason for termination of the obligation to report and an affidavit of the date of termination. [Order RE 123, § 308-126B-130, filed 12/13/77.]

WAC 308-126B-140 Termination of developer's business. The obligations imposed under these regulations shall continue in the event of death, incompetency, bankruptcy or other interruption or termination of the developer's business. [Order RE 123, § 308-126B-140, filed 12/13/77.]

Chapter 308-126C WAC
LAND DEVELOPMENT REGISTRATION--ADMINISTRATION

WAC

308-126C-010 Declaratory rulings—Advisory opinion.
308-126C-020 Officers to administer oaths and affirmations.
308-126C-030 Officers to issue subpoenas and institute discovery.
308-126C-040 Service of process.
308-126C-050 Hearings.
308-126C-060 Posting of notice of order.
308-126C-070 Advertising.
308-126C-080 Advertising presumptions.
308-126C-090 Promotional activities.
308-126C-100 Reports—Advertising and promotion.
308-126C-110 Rules effect.

WAC 308-126C-010 Declaratory rulings--Advisory opinion. (1) The director, upon request by an interested person, may issue a declaratory ruling on the applicability of the act or a rule if the person submits to the director the following:

(a) A clear and concise statement of the facts; and

(b) If the interested person desires, a brief or a reference to legal authorities relied upon for determination of the applicability of the act or a rule to the statement of facts.

(2) The director, upon determination that a declaratory ruling should be issued, shall notify the person of the time in which the director will issue the ruling.

(3) A declaratory ruling shall repeat the facts, the legal authority on which the department relies for its ruling, if any, and the ruling it makes. The director may not retroactively change the ruling, but the director may prospectively change a ruling.

(4) An advisory opinion may be issued on a hypothetical fact situation, but such an opinion shall not be binding on the director. [Order RE 123, § 308-126C-010, filed 12/13/77.]

WAC 308-126C-020 Officers to administer oaths and affirmations. The following officers are designated to administer oaths and affirmations during any investigation or proceeding under the act:

(1) Director of the department of licensing.

(2) Administrator, real estate division.

(3) Chief, land development registration and administration.

(4) Deputy chief, land development registration and administration.

(5) Presiding officer of a hearing. [Order RE 123, § 308-126C-020, filed 12/13/77.]

WAC 308-126C-030 Officers to issue subpoenas and institute discovery. (1) The following officers of the department are designated to issue orders to cease, desist and refrain; issue registrations, stipulations for waiver of registration, rejection of registration, suspension of property report; subpoena witnesses, issue subpoenas duces tecum, and institute discovery proceedings in any investigation or proceeding under the act:

(a) Director of the department of licensing;

(b) Administrator, real estate division;

(c) Chief, land development registration and administration;

(d) Deputy chief, land development registration and administration.

(2) Nothing in this rule shall be construed to abrogate chapter 34.04 RCW. [Order RE 123, § 308-126C-030, filed 12/13/77.]

WAC 308-126C-040 Service of process. (1) In addition to the methods of service provided for in any other provision of law, the director may serve a registered developer by sending a copy of the process and of the pleading by certified mail to the developer or its agent at its last known address.

(2) The developer shall make an irrevocable appointment of the director to receive service of any lawful process in any noncriminal proceeding arising under the act against the developer or its personal representative. Notice that such process has been received by the director shall be sent to the developer by certified mail at the developer's last known address. The director shall also attempt to notify the developer at its last known telephone number. [Order RE 123, § 308-126C-040, filed 12/13/77.]

WAC 308-126C-050 Hearings. (1) Notice of a hearing shall be sent to interested parties at their last known address, not less than twenty days before the date of the hearing. A hearing shall be scheduled within a reasonable time.

(2) A hearing shall be open to the public and shall be conducted in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

(3) A hearing shall be conducted by a hearing officer who shall be appointed by the director. [Order RE 123, § 308-126C-050, filed 12/13/77.]

WAC 308-126C-060 Posting of notice of order. (1) Whenever an order has been issued under the act and statutory rules thereto, the director shall, if deemed necessary for the protection of purchasers, require the posting of a sign or signs in a prominent place or places where prospective purchasers are taken to sign purchase contracts. These signs will indicate that the development or a section thereof is covered by a departmental order and offers made by the developer during the effect of the order may be unlawful. Appropriate signs will be supplied by the director and posted by the developers. The developer will be responsible for keeping the signs properly posted. Failure to do so will be a violation of these regulations and it will subject the developer to the penalties of the act. The developer shall forward to the director a photograph of the posted sign within ten days after it has been posted.

(2) The director may, where the developer makes a sales presentation or conducts a promotional activity at a location away from the development, require the posting of signs at such locations. [Order RE 123, § 308-126C-060, filed 12/13/77.]

WAC 308-126C-070 Advertising. (1) General rules:

(a) No person shall publish in this state any advertisement concerning a development subject to the registration requirements of this chapter after the director finds that the advertisement contains any statements that are false, misleading, or deceptive and so notifies the person in writing. Such notification may be given summarily without notice or hearing.

(i) At any time after the issuance of a notification under this section the person desiring to use the advertisement may in writing request the order to be rescinded.

(ii) Upon receipt of such written request, the matter shall be set down for hearing to commence within fourteen days after such receipt unless the person making the request consents to a later date.

(iii) After a hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the director shall determine whether to affirm and to continue or to rescind such an order and shall have all the powers granted under such act.

(b) The director may require that any material used by a developer or its agent to induce prospective purchasers to visit the developed land contain certain additional pertinent information. The information may include, but is not limited to, terms and conditions of the offers and the nature and extent of the developer's participation in the campaign. The director may require reasonable assurances that promises made by a developer or its agents can be met.

(c) Advertising shall not contain asterisks or any other reference symbol as a means of contradicting or changing any previously made statement or as a means of obscuring a material fact or facts.

(2) Portrayal of development.

(a) Advertising shall not use artists' sketches to portray proposed improvements or nonexistent scenes without a caption indicating that such portrayal is an artist's sketch and that the improvements are proposed or the scenes do not exist.

(b) Advertising which uses statements, photographs or sketches portraying use to which advertised land can be put by the purchaser must set forth qualified cost estimates for preparing the land for the advertised use and state that the cost is not included in the purchase price.

(c) Advertising shall not utilize "before and after" pictures unless such pictures portray actual development conditions of the interest being offered.

(d) Maps, plates or representations shall indicate the date when the development will be completed. If completion dates are over a period of years, a series of shadings, outlines, or coding may be used to indicate dates of completion.

(e) Photographs or sketches depicting areas not in the development shall have a caption plainly stating the location of the area depicted. No photograph or sketch of an area not in the development shall be used if it may mislead.

(3) Representation of promotional activity:

(a) Advertising shall not use names or trade styles which imply that the developer is a nonprofit organization, research organization, public bureau, or group, when such is not the case.

(b) Advertising and promotion shall not represent that a developer or another acting on behalf of a developer is conducting a survey, contest, poll or other similar inquiry, when in fact it is a market approach in an effort to dispose of property.

(c) Advertising and promotion shall not represent to a prospective purchaser special selection of such person when selection is general.

(d) The advertising and promotion shall not represent that a prospective purchaser has to pay a refundable or nonrefundable temporary membership fee in order to visit, tour or inspect a development for the reason that the development is restricted to members only when in fact such offer is made on a regular basis to persons solicited for purchase.

(e) All advertising calculated to induce any attendance or participation in a land sales presentation, shall state the length of such presentation.

(4) Physical features of development:

(a) The advertising of land without direct road access must disclose the lack of access and describe any alternative method of access.

(b) The existence of a road easement or a road right of way shall not be advertised unless such easement or right of way has been dedicated and recorded in the public records of the county in which the property is located.

(c) Advertising which makes reference to "roads" and "streets" shall make affirmative disclosures as to the nature of unsurfaced roads and streets – i.e., gravel, dirt, etc. All unsurfaced streets and roads reflected on maps used in connection with an advertising program will be so designated on the map.

(d) When a community is referred to in advertising, the advertising must include the distance of the development in road miles from the community, together with type or types of unsurfaced roads traversed.

(e) Advertising shall not use such terms as "minutes away," "short distance," "only miles" and "near" and terms of similar import to indicate distances unless the actual distance in road miles is used in conjunction with such terms, together with type or types of unsurfaced roads traversed and any ferries or toll bridges.

(f) Advertising shall not contain statements, photographs or sketches relating to sports, leisure or recreational facilities located outside the development, or other conveniences which are not presently in existence, unless it unmistakably states that such facilities are not on the land or not completed and the distance thereto in road miles and type of unsurfaced road. When such facilities are not complete, the advertisement must disclose a bona fide completion date.

(g) Advertising shall not refer to improvements, facilities, or utilities which are not completed unless their completion is provided for by bonding or other assurance of completion approved by the director or the lack of financial assurance of completion is disclosed. The advertising must disclose the present state of construction of improvements. Improvements, facilities, or utilities may not be advertised if they will not be completed within six months of the date the advertisement is published: *Provided*, That utilities and roadways which are bonded may be advertised, as long as the estimated completion dates are included in all such advertisements.

(h) Advertising shall not contain reference to conditions which require irrigation or other application of water to create or maintain the advertised condition, unless irrigation or other facilities to provide such moisture are presently in existence or the lack of means of water application is disclosed.

(i) Advertising may refer to property as waterfront or tideland only where the property being offered actually fronts on a body of water and

(i) Has full and usable access along the frontage; or

(ii) The nature of the access to the water along the frontage is fully disclosed; and

(iii) The governmental regulations regarding the waterfront or tideland are disclosed.

(j) Advertising which employs the term "canal" or "canals" shall contain a full disclosure of the width and depth of water in such "canal" or "canals."

(k) Advertising which indicates the size of the lot offered shall include the amount of land available for use by the purchaser after all easements except easements for utilities have been deducted. If the property is subject to easements which are unusual in size, then this fact shall also be noted. All maps, plats, representations, or drawings shall show either the dimensions of the tract or the amount of acreage after deductions of easements.

(5) Inducement:

(a) Advertising shall not contain statements concerning future price increases by the developer which are not specific as to amount and as to the date of the increase. No such price increase may be alluded to unless it is bona fide.

(b) Lots or interests or promotional activities or merchandise shall not be advertised as free if the prospective purchaser is required to give any consideration whatsoever, or when any lot, lots, interest or interests must be purchased to render the "free" lot, interest, activity or merchandise freely usable.

(c) Advertising shall not refer to predevelopment offers at a lower cost estimate because the land has not yet been developed, segregated or subdivided unless there are bona fide plans of such development, and the higher costs are disclosed and a final subdivision plat for such subsequent development has been recorded.

(d) Advertising and promotion shall not represent a commission, bonus, discount, reward, override, set-off or prizes for referring other purchasers to the developer, where such promise or representation is similarly made to those referred.

(e) Advertising shall not compare land values unless such disclosure indicates who is making the comparison and the comparison is accurate and fair.

(f) Advertising which refers to purchase price of any lot, parcel or unit of land must also include existing assessments or costs to the prospective purchaser.

(g) Advertising shall not indicate a discount on property that merely appears to effect a price reduction from the advertised price. A discount may be given as consideration for quantity purchases, cash, larger payments, or upon any reasonable basis. The regular price must have been the customary disposition price for a reasonable period of time. The purpose of this standard is to eliminate the use of fictitious pricing and illusory discounts.

(h) Land shall not be advertised for "closing costs only" when these costs are substantially higher than appraised value, or when additional land must be purchased at a higher price to render the land usable.

(i) Advertising shall not use the word "appraised," unless the statistics or research material which support such conclusions include, but are not limited to:

(i) Date of the appraisal;

(ii) Appraiser's name, address and telephone number;

(iii) Limiting conditions and other special factors of an appraisal;

(iv) The relationship of the appraiser to the developer including fees paid by the developer for the appraisal.

(6) Investment potential:

(a) Advertising and promotion shall not represent investment value, price value or market value increases unless based on specific and substantial evidence that after deduction of all costs including resale costs, the return over time to lot sellers in the development, or to sellers of equivalent properties in the local market, has been greater than current Washington state demand deposit savings bank interest. If no resales have occurred, the developer may submit local comparable land values showing the development lots are sold at prices equal to or less than other lots sold independently in the local market and that the independent local market value of such lots is increasing.

(b) When any advertisement or promotional meeting includes a reference to land as having investment value or as serving as an inflation hedge, the reference shall be presumed to apply directly to a development named in the same advertisement or promotional meeting.

(c) Advertising which refers to property exchange privileges must state any qualifications and costs concerning such exchange.

(d) Advertising shall not contain the terms "warranty," "guarantee" or "guaranteed refund" unless the refund is unconditional and the terms are disclosed. If the effect of the warranty is to limit an implied warranty, the limitation must be stated.

(e) Advertising may not imply that the developer will resell, assign, set-off, or repurchase the property or any portion thereof being offered at some future time unless the contract used for the advertised offer includes a provision for the resale, assignment, set-off, or repurchase of the property for or on behalf of purchasers wherein the terms of such provisions are fully disclosed.

(f) Advertising shall not represent that the property being offered may be subdivided, segregated or otherwise divided into smaller parcels for disposition unless it indicates all necessary information, including governmental legal requirements and cost of such future activity.

(g) Advertising or promoting which forecasts information as to events or population trends shall be pertinent and directly affect the offering. [Order RE 123, § 308-126C-070, filed 12/13/77.]

WAC 308-126C-080 Advertising presumptions. (1) When homesites or building lots are advertised, the presumption is that:

(a) There is or will be an adequate government approved potable water supply available;

(b) Each lot can be approved for installation of on-site waste disposal system or that each lot can have access to an approved waste disposal system;

(c) The individual homesites or building lots are accessible by automobile over an existing right of way without additional expense to the purchaser;

(d) The land is immediately accessible and usable for such purpose by purchasers without the necessity for draining, filling or other improvement except for reasonable preparation for construction, and that no fact or circumstance exists to prohibit immediate use of the land for such purposes.

(2) The following presumptions are created by the described advertising practices:

(a) When title insurance or attorney's opinion as to title is promised, the developer can and will convey fee simple title free and clear of all liens, encumbrances, and defects except those which are disclosed in writing to the prospective purchaser before signing any agreement;

(b) When a recreational facility, improvement, accommodation or privilege is advertised, it is on the land at the present time and available without restriction to the purchasers of lots;

(c) Advertising published or disseminated or communicated by or in behalf of an owner or entity owning more than one development is being used to offer lands in all developments registered by that owner or entity unless express limitation is evidenced;

(d) Advertising published or disseminated by or on behalf of a developer's sales agent is being used to offer lands in all developments for which the person is a sales agent unless an express limitation is evidenced. [Order RE 123, § 308-126C-080, filed 12/13/77.]

WAC 308-126C-090 Promotional activities. (1) A prospective purchaser who expresses a desire or intent to leave a promotional presentation at any time during or after the presentation may not in any manner be impeded from departing, pressured to remain, or denied

any benefit promised in exchange for attending the presentation, including any transportation.

(2) A false or dummy buyer shall not be used to initiate offerings or a buying climate or for any other purposes.

(3) When contact with a prospective purchaser is made, the developer or agent shall clearly identify himself or herself as a developer or agent.

(4) If no fixed expiration date for the rights afforded on a gift certificate is stated, it may be redeemed by a holder at any time.

(5) When a participant in a visitation, vacation or dinner program listens to or is subject to a promotion, the developer shall supply, prior to participation in a program, a copy of the property report.

(6) Material for a visitation program shall disclose:

(a) The expenses which will be paid in whole or in part by the participant;

(b) That a person visiting will be subjected to sales promotion. [Order RE 123, § 308-126C-090, filed 12/13/77.]

WAC 308-126C-100 Reports--Advertising and promotion. (1) Every developer subject to registration shall submit to the director prior to use any material amendment to advertisements approved at registration or any new advertisement.

(2) Advertising will be approved or rejected by the director within fifteen days after its receipt. Where an order of rejection is not entered within that time, the advertising will be deemed approved unless the developer has consented in writing to a delay.

(3) In reviewing any advertising submitted by the developer, the director shall determine, by examining the form, language, and content of the advertising and supporting data, and any other available information, whether the express and implied representations are true and make a full and fair disclosure as to all developed lands to which the filing relates. If not, the director will enter an order of rejection or take other action provided under the act.

(4) When advertising approved by the director is disapproved in another state or jurisdiction, the advertising may be changed to meet the requirements of that state or jurisdiction without prior approval by the director if:

(a) A copy of the advertising as changed is filed with the director within five days;

(b) A copy of correspondence from the other state or jurisdiction requiring the change is filed with the director within five days.

(5) Promotional activities. The director shall be notified of a visitation, vacation, dinner program or similar group promotional meeting in writing not less than five days before its date. Notice shall consist of the date, hour, place, and length of the meeting and the names of the developer and real estate broker involved. [Order RE 123, § 308-126C-100, filed 12/13/77.]

WAC 308-126C-110 Rules effect. Nothing in these rules shall limit the director's determinations, as these rules are not all-inclusive in evaluating any developer submission to determine whether it is false, deceptive or misleading and fails to make full and fair disclosure within the general intent of the act. [Order RE 123, § 308-126C-110, filed 12/13/77.]

Chapter 308-127 WAC
TIMESHARE

WAC

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WAC 308-127-010 Promulgation--Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in him by the Timeshare Act, chapter 22, Laws of 1983 1st ex. sess., does hereby promulgate the following rules and regulations relating to the registration of timeshare offerings and timeshare salespersons. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-010, filed 12/6/83.]

WAC 308-127-020 Organization. The administrator, real estate division, business and professions administration, department of licensing, administers the Timeshare Act for the director of licensing. Information regarding the regulation of timeshare offerings and timeshare salespersons may be obtained by writing to: Administrator, Real Estate Division, Department of Licensing, P.O. Box 247, Olympia, Washington 98504. Persons desiring to visit the real estate division on matters relating to timeshare offerings and timeshare salespersons may do so at the real estate division offices located on the Sixth Floor, Highways-Licenses Building, 12th and Franklin Streets, Olympia, Washington. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-020, filed 12/6/83.]

WAC 308-127-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Timeshare Act, sec. 1, chapter 22, Laws of 1983 1st ex. sess., 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) "Agency" means the department of licensing in the state of Washington.

(3) "Timeshare project and timeshare property" mean all the properties subject to a timeshare program established by a particular set of timeshare instruments.

(4) "Timeshare program" means the rights and obligations of the timeshare owners, and methods and procedures for occupying and managing the timeshare project, as established by a particular set of timeshare instruments.

(5) "Resale timeshare offering" means a timeshare interval or intervals offered or sold by a person, on his or her own account, who:

(a) Is not the original promoter of the timeshare, or an agent, affiliate, or bulk–sale transferee of an original promoter; and

(b) Is not engaged in the business of selling or offering timeshares; and

(c) Was not an owner of the timeshare property at, or prior to, the time such property was made subject to a timeshare program.

(6) "Start–up timeshare offering" means a timeshare interval or intervals offered or sold by a person who:

(a) Is a promoter of the timeshare; or

(b) First establishes the timeshare program and makes the property subject to the program; or

(c) Is in the business of offering or selling timeshares; or

(d) Was an owner of the timeshare property at the time it was made subject to a timeshare program.

(7) "Limited timeshare offering" means a timeshare interval or intervals offered or sold in which:

(a) None of the owners of interests are owners for the purpose of making a profit from renting, exchanging, or selling the timeshare interests; and none do in fact make a profit from such activities during a three year term subsequent to establishment of the program; and

(b) The establishment of the project is not for the purpose of making a profit on behalf of any person; and

(c) All co–owners had personal knowledge of each other prior to establishment of the program and there is no solicitation of co–owners by means of advertising in public media.

(8) "Public offering statement" means the disclosure document referred to in the Timeshare Act. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83–24–057 (Order 733 DOL), § 308–127–030, filed 12/6/83.]

WAC 308–127–040 Materially adverse change. (1) A materially adverse change means any change in the condition of a promoter or its affiliates which causes or might cause loss or risk of loss to the interests of the timeshare purchasers or prospective purchasers.

A materially adverse change occurs under circumstances which include, but are not limited to, the following:

(a) Any bulk sale of all or a significant portion of the timeshare properties;

(b) Any actual or threatened bankruptcy, receivership, or similar proceeding involving the promoter or its affiliates;

(c) Any lien, encumbrance, or similar circumstance which threatens to affect, or does affect, any of the timeshare properties;

(d) Any sale, lease, substitution of, or addition to the inventory of the timeshare properties by the promoter or its affiliates;

(e) Any amendment or change in the timeshare instruments or the timeshare program;

(f) Any change in the affiliation of the promoter or the association with a timeshare exchange company;

(g) Any change in the promoter's or an affiliate's plan of promotion;

(h) Any change in the status of an escrow, trust, bond, letter of credit, impound or other protective device, being utilized in the timeshare program for purposes of purchaser protection;

(i) Any criminal prosecution, civil lawsuit, or administrative proceeding in which the promoter or its affiliates are parties;

(j) Sell–out of the number of intervals registered to be sold to persons residing in the state of Washington;

(k) Any change in the financial status of the promoter or its affiliates that might adversely affect their ability to pay the timeshare expenses, including reserve accounts, during marketing of the timeshares.

(2) Materially adverse changes shall be reported to the agency for purposes of amending or renewing the registration and the public offering statement at the time they are known or proposed by the promoter or its affiliates. Failure to report such changes within 20 days shall be cause for suspension, revocation, or denial of a registration. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83–24–057 (Order 733 DOL), § 308–127–040, filed 12/6/83.]

WAC 308–127–100 Exemptions from registration. (1) Provided that, the conditions stated are met, the director may exempt from registration the following types of offerings:

(a) Limited offerings are exempt from registration, provided that:

(i) The project contains fewer than ten owners or timeshare intervals for at least three years after its establishment; and

(ii) There is not soliciting of purchasers in the project from among the general public; and

(iii) There appears to be neither hazard to the public or owners nor violation of the nonregistration provisions of the statute; and

(iv) The co–owners of the project provide the agency with advance notice of their "intent to establish a limited timeshare offering." Such notice may be given on a form for this purpose provided by the agency, or otherwise, which shall include information about the names and addresses of all co–owners of the project, the identity and location of the timeshare properties, and a description of the timeshare program, including a copy of all agreements and forms that financially commit the owners to the program.

(b) Resales, by an owner, on the owner's own account, are exempt from registration, provided that:

(i) Within any twelve–month period the owner offers or sells no more than nine resale timeshare intervals in any single timeshare project; or within any twelve–month period, the owner offers or sells no more than fifteen resale timeshare intervals in two or more timeshare projects; and

(ii) The owner of these timeshares is not in the business of marketing timeshares. There shall be a presumption that a person is engaged in the business of marketing timeshares if the person is a corporation, partnership, venture or single proprietorship formed for such purposes and does in fact engage in offering or selling of timeshares; or the person does in fact offer or sell in excess of fifteen intervals in two or more timeshare projects in a given twelve–month period.

(c) Offering resale timeshares for another person's account, by a person actively licensed as a broker under chapter 18.85 RCW, shall be exempt from registration under the Timeshare Act, provided that:

(i) The broker shall act solely in a brokerage capacity; and

(ii) The broker shall provide prospective purchasers with information about the timeshares, as required in the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.; and

(iii) The broker shall assure the transfer of the timeshares; and

(iv) The broker shall not be in a business of marketing as a clearing house for the primary purpose of offering or selling timeshares.

(d) Start–up projects are exempt from registration, provided that the project contains four timeshares or fewer during any given three–year period; and the promoter offers no less than a 25 percent interest to any owner in such a project.

(2) The director may, by written order, exempt any timeshare offering where the director finds that registration is unnecessary for the protection of the public. Exemptions shall not be granted where it appears that project documentation or structuring is inadequate or contrary to industry standards for similar projects, or that the nonregistration provisions of the Timeshare Act are being violated.

(3) Those timeshare projects registered with the agency prior to August 1, 1983, under the provisions of the Land Development Act, and which are currently registered, shall be exempt from registration under the Timeshare Act until the agency notifies the promoter of termination of the Land Development Act registration. Promoters of such projects shall actively work towards transferring registrations to the Timeshare Act, during the period of exemption. Failure to do so shall be cause for cancellation of the exemption. [Statutory Authority: 1983 1st ex.s. c 22 §§ 2 and 26. 83–24–057 (Order 733 DOL), § 308–127–100, filed 12/6/83.]

WAC 308–127–110 Disclosure documents: Projects already registered in foreign jurisdictions. (1) Whenever a timeshare project or a significant portion of a timeshare project's properties are sited in a foreign jurisdiction and there has been a prior registration in that jurisdiction under an enactment specifically addressing the regulation of timeshares, the director may accept in whole or in part the disclosure statement of such foreign jurisdiction for purposes of satisfying the disclosure requirements of the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.

(2) Promoters who wish to utilize a disclosure document accepted by a foreign jurisdiction shall forward a copy of the foreign state's disclosure document to the agency along with the state of Washington registration forms, documents and filing fee ordinarily required of promoters.

(3) If a foreign jurisdiction's disclosure document is incorporated by reference into the state of Washington public offering statement, the state of Washington registration is deficient and void at the moment the foreign jurisdiction's registration expires, or, if for any reason, that jurisdiction's disclosure statement is or becomes deficient. [Statutory Authority: 1983 1st ex.s. c 22 §§ 7 and 26. 83–24–057 (Order 733 DOL), § 308–127–110, filed 12/6/83.]

WAC 308–127–120 Financial information requirements. (1) The agency may require that the financial statements provided for in the Timeshare Act, sec. 4(1), chapter 22, Laws of 1983 1st ex. sess., be prepared and audited by an independent certified public accountant, in a manner which complies with the standards and guidelines established by the American Institute of Certified Public Accountants, under circumstances which include but are not limited to the following:

(a) For promoters of projects where accommodations or facilities are not completed at the time of the taking of a binding purchaser commitment and review of such statements will assist the agency in determining the promoter's ability to perform; or

(b) For promoters of right–to–use projects where a review of such statements will assist the agency in determining the ability of the promoter to provide continued future quiet enjoyment of the timeshare; or

(c) For promoters of projects where the promoter's payment of project expenses and servicing of reserve accounts cannot be assured by means other than reliance upon the promoter's own ability to pay such obligations from the promoter's existing assets. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83–24–057 (Order 733 DOL), § 308–127–120, filed 12/6/83.]

WAC 308–127–130 Disclosure of number of intervals to be sold to persons residing in the state of Washington. The public offering statement shall declare the total number of intervals to be sold to persons residing within the state of Washington. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83–24–057 (Order 733 DOL), § 308–127–130, filed 12/6/83.]

WAC 308–127–140 Expiration and renewal of timeshare offering registration. A timeshare offering registration shall expire one year from the date of issuance of the registration, or at the time the promoter sells the total number of intervals registered to be sold to

persons residing in the state of Washington, whichever event occurs first. In order to continue offering the timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration. [Statutory Authority: 1983 1st ex.s. c 22 §§ 6 and 26. 83-24-057 (Order 733 DOL), § 308-127-140, filed 12/6/83.]

WAC 308-127-150 Application of four dollars per interval fee. If the promoter intends to sell more than four hundred intervals to persons residing in this state, then the promoter shall pay four dollars per additional interval registered to be sold to persons residing in this state. This amount shall be in addition to the fee for initial filing or renewal of registration. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-150, filed 12/6/83.]

WAC 308-127-200 Activities requiring registration as a timeshare salesperson. (1) An individual acts as a timeshare salesperson whenever the individual induces, solicits, or attempts to encourage a person to acquire a timeshare; or the individual is responsible for causing an advertiser to publicize a timershare offer.

(2) Unless exempted under the Timeshare Act, or these rules, a timeshare salesperson shall be registered in the state of Washington whenever:

(a) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located in this state; or

(b) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located outside of this state, and

(i) The offer is made in or from this state, or

(ii) The person receiving the offer is located in this state at the time the offer is received. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-200, filed 12/6/83.]

WAC 308-127-210 Relationship of timeshare promoters and salespersons and real estate brokers and salespersons. (1) A timeshare salesperson shall be registered to a specific timeshare promoter who has one or more timeshare offerings registered in this state. The promoter shall have full responsibility for all activities of the promoter's timeshare salesperson which relate to offering timeshares for sale.

(2) An active real estate broker or salesperson may act as the brokerage agent of one or more timeshare promoters without registering as a timeshare salesperson. However, this exemption from registration as a timeshare salesperson applies only when the exempted person is performing real estate brokerage in compliance with chapter 18.85 RCW. Further, this exemption only pertains to the timeshare salesperson registration requirement. All other provisions of the Timeshare Act apply to real estate brokers and salespersons offering timeshares for sale.

(3) A natural person may be registered as a timeshare salesperson while actively licensed as a real estate broker or salesperson. However, the natural person shall carry out timeshare activities and maintain associated business records in a manner which is separate and apart from his or her activities carried out and records maintained as a real estate broker or salesperson. The term "separate and apart" shall not preclude location of timeshare salesperson and real estate brokerage activities at the same office.

(4) Any individual who is registered as a timeshare salesperson and actively licensed as a real estate broker or salesperson shall disclose in writing to the recipient of a timeshare sales offer whether he or she is acting as the timeshare salesperson of a promoter or a real estate broker or salesperson at the time he or she presents the public offering statement to the prospective purchaser. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-210, filed 12/6/83.]

WAC 308-127-220 Original application, renewal, termination, and fees for a timeshare salesperson registration. (1) An individual shall apply for an original registration as a timeshare salesperson on a form and by procedures prescribed by the agency. The registration which the agency may issue entitles an individual to act as a timeshare salesperson for a specific promoter for a period of one year beginning on the issuance date printed on the registration.

(2) The registration of a timeshare salesperson shall be retained at all times by the timeshare promoter. When a timeshare salesperson ceases to be employed by the promoter to whom the timeshare salesperson is registered, the timeshare salesperson's registration is terminated. Notice of this termination shall be given by the promoter to the director and this notice shall be accompanied by and include the timeshare salesperson's registration. A terminated individual who desires to work for the same or another promoter shall make an original application in order to engage in further timeshare sales activities.

(3) A timeshare salesperson registration shall terminate when the one year period of registration expires unless an application for renewal has been timely received by the agency. Where a registration terminates because of expiration, an individual shall make an original application to engage in further timeshare sales activity.

(4) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request for renewal on or before the expiration of the individual's existing registration and subsequently issues a renewal registration. The effective date of the renewal shall be the anniversary date of the previous registration.

(5) An application for an original registration or a renewal of a registration shall not be complete unless it is accompanied by payment of a fee of twenty-five dollars. Payment of the fee with a check which is subsequently dishonored shall be a deficient application. Upon notification to the promoter by the agency, the promoter shall

return the mistakenly issued registration and cease employing the applicant as a timeshare salesperson. An original registration application shall be required in order to register the individual as a timeshare salesperson. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-220, filed 12/6/83.]

WAC 308-127-300 Impoundment. (1) The agency may require impoundment authorized in the Timeshare Act, sec. 13(1), chapter 22, Laws of 1983 1st ex. sess., under circumstances which include, but are not limited to, the following:

(a) For the registration of any cooperative or right-to-use project whenever adequate assurances of continued quiet enjoyment cannot be provided by means of bonds, escrows, trusts, or other devices; or,

(b) For the registration of any form of timeshare project whenever the timeshare properties and other facilities promised are not yet constructed or otherwise available, and where completion of construction or delivery of accommodations and facilities cannot be assured by bonds, escrows, trusts, or other devices.

(2) Funds subject to impoundment shall be placed in a separate and independent trust account with a bank or depository institution acceptable to the director. A written consent of the depository to act in such capacity shall be filed with the director.

(3) The director will authorized the depository to release to the promoter or an affiliate when appropriate, such amounts of the impounded funds applicable to a specified purpose such as, payment of selling costs or timeshare expenses, purchase of property, or the construction of an improvement, upon a showing that the promoter can satisfy its obligations under the purchaser contracts to furnish purchasers the accommodations, facilities and services promised, or that for other reasons the impoundment is no longer required for the protection of purchasers. An application for an order of the director authorizing the release of the impounded funds to the promoter or an affiliate, shall be verified and contain, the following:

(a) A statement of the promoter, or affiliate where appropriate, that all required proceeds from the sale of timeshares have been placed with the depository in accordance with the terms and conditions of the impoundment agreement; and

(b) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of funds placed with the depository, and any interest earned by these funds; and

(c) The name of each timeshare contract purchaser and the amount impounded for the account of each purchaser; and

(d) Such other information as the director may request in a particular case. [Statutory Authority: 1983 1st ex.s. c 22 §§ 13 and 26. 83-24-057 (Order 733 DOL), § 308-127-300, filed 12/6/83.]

Chapter 308-128A WAC
ESCROW--ORGANIZATION AND ADMINISTRATION

WAC

308-128A-010 Promulgation—Authority.
308-128A-020 Organization.
308-128A-030 Meetings.
308-128A-040 Definitions.

WAC 308-128A-010 Promulgation--Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested by chapter 18.44 RCW, does hereby promulgate the following rules and regulations relating to the certificating of escrow agents and licensing of escrow officers. [Order RE 122, § 308-128A-010, filed 9/21/77.]

WAC 308-128A-020 Organization. The real estate division of the business and professions administration of the department of licensing administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director of the department of licensing and four board members, appointed by the governor, approve examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. Information regarding escrow licenses, the escrow commission or the real estate division may be obtained by writing to the Administrator, Real Estate Division, Department of Licensing, P.O. Box 247, Olympia, Washington 98504.

The principal office of the real estate division is located on the Third Floor, Highways-Licenses Building, Olympia, Washington. The division maintains a Seattle office at the Department of Licensing Examining Station, 320 North 85th Street, Seattle, Washington 98103. [Order RE 122, § 308-128A-020, filed 9/21/77.]

WAC 308-128A-030 Meetings. The escrow commission shall meet at the call of the director. Individuals desiring to be informed as to date, time, place and agenda of the meetings must make a written request to the administrator of the real estate division. [Order RE 122, § 308-128A-030, filed 9/21/77.]

WAC 308-128A-040 Definitions. (1) The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

(2) "Closing" means the transfer of title or execution of a real estate or chattel contract whichever event occurs first.

(3) "Transfer of title" occurs at the time seller acknowledges a deed or executes a bill of sale and such is delivered to the purchaser or recorded.

(4) "Cash deposit" means funds deposited in an account in a recognized Washington state depository which account is maintained separate and apart from the escrow agent's own funds. The funds shall be deposited in such a manner to permit only the director to withdraw

from the principal amount. The escrow agent may withdraw any interest accumulated to the account.

(5) "Securities" means any stock, treasury bill, bond, debenture or collateral-trust certificate. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit. [Statutory Authority: RCW 18.44.320. 79-07-009 (Order RE 126), § 308-128A-040, filed 6/7/79; Order RE 122, § 308-128A-040, filed 9/21/77.]

Chapter 308-128B WAC
ESCROW--LICENSING AND EXAMINATION

WAC

308-128B-010 Credit and character report.
308-128B-020 Fingerprint identification.
308-128B-030 Notice required of intention to take examination.
308-128B-040 License expiration—Renewal.
308-128B-050 Successful applicants must apply for license.
308-128B-060 Inactive escrow officer license.
308-128B-070 Misuse of escrow officer license prohibited.

WAC 308-128B-010 Credit and character report. Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer, shall, as an integral part of the application, supply the director with satisfactory proof of applicant's character and credit rating. Such proof shall be obtained and provided by a recognized credit reporting agency (credit bureau) in a form approved by the real estate division.

Any person making application for an escrow agent certificate of registration shall, as an integral part of the application, supply the director with satisfactory proof of character and credit rating for the natural person making the application, principal officers, designated escrow officer, controlling persons and partners. Such proof shall be obtained and provided by a recognized credit reporting agency (credit bureau) in a form approved by the real estate division. [Order RE 122, § 308-128B-010, filed 9/21/77.]

WAC 308-128B-020 Fingerprint identification. (1) Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer, shall, as an integral part of the application, supply the director with fingerprint identification on a form provided by the real estate division.

(2) Any person making application for an escrow agent certificate of registration, shall, as an integral part of the application, supply the director with fingerprint identification of the natural person making the application, principal officers, designated escrow officer and partners on a form provided by the real estate division. [Order RE 122, § 308-128B-020, filed 9/21/77.]

WAC 308-128B-030 Notice required of intention to take examination. Any person desiring to take an examination for an escrow officer license must file a completed application together with the correct fee, and supporting documents with the office of the director of licensing. The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for notice of eligibility for any specific examination is available upon request. An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the real estate division. [Order RE 122, § 308-128B-030, filed 9/21/77.]

WAC 308-128B-040 License expiration--Renewal. The license of an escrow officer shall expire one year from the date of original issue which date shall be the annual renewal date: *Provided*, That for escrow officer licenses issued prior to September 21, 1977, December 31 shall be the annual renewal date.

If the annual renewal fee is not received by the real estate division within one year of the due date, the escrow officer license shall be cancelled: *Provided*, That a license fee past due on September 21, 1977, shall not be cancelled for one year from that date. The annual renewal date shall remain as previously established. [Order RE 122, § 308-128B-040, filed 9/21/77.]

WAC 308-128B-050 Successful applicants must apply for license. Any person who has passed the examination for escrow officer must apply to become licensed within one year from the date of such examination in order to be eligible for such license. Failure to comply with this provision will necessitate the taking and passing of another examination: *Provided*, That any person who has passed the examination for escrow officer prior to September 21, 1977, must apply to become licensed by September 21, 1978. An application for license must be received by the real estate division within the eligibility period. [Order RE 122, § 308-128B-050, filed 9/21/77.]

WAC 308-128B-060 Inactive escrow officer license. Any escrow officer license, not otherwise revoked or cancelled, shall be placed on an inactive status at any time it is delivered to the director. An inactive license may be renewed over a period of three consecutive years from the date of inactive status on the same terms and conditions as an active license.

On the termination of three consecutive years from the date of inactive status the license shall be cancelled. Any subsequent application will necessitate the taking and passing of another examination. No refund shall be made of the unexpended renewal fee.

Any escrow officer license not on an active status as of September 21, 1977, and for which the renewal fee has not been paid may be placed on an inactive status by making application within one year to the real estate division and payment of the renewal fee then in default. The renewal fee shall include fifty dollars for the period remaining to December 31, 1977, which date shall be the annual renewal date. Such renewed license shall be considered to have been on an inactive status commencing September 21, 1977. [Order RE 122, § 308-128B-060, filed 9/21/77.]

WAC 308-128B-070 Misuse of escrow officer license prohibited. An escrow officer shall not permit the use of his or her license, whether for compensation or not, to enable any person to in fact establish and carry on an escrow agency wherein the escrow officer does not have full management and supervisory responsibilities as required by RCW 18.44.200 and these regulations. [Order RE 122, § 308-128B-070, filed 9/21/77.]

Chapter 308-128C WAC
ESCROW--ESCROW AGENT OFFICE

WAC

308-128C-010 Prevention of the same or deceptively similar escrow agent firm names.
308-128C-020 Office identification.
308-128C-030 Display of licenses.
308-128C-040 Change of office location.
308-128C-050 Deceptive names prohibited.

WAC 308-128C-010 Prevention of the same or deceptively similar escrow agent firm names. The director may prevent an escrow agent from using the same name or a name deceptively similar to that of an escrow agent which is operating under the same name or similar name if he determines that the interests of the public are thereby endangered: *Provided*, That a bona fide franchisee may be licensed using the name of the franchisor in conjunction with an identification as to the firm name or location of the use of the franchise name. [Order RE 122, § 308-128C-010, filed 9/21/77.]

WAC 308-128C-020 Office identification. Any main or branch office of the escrow agent shall be identified by displaying the name, visible to the public, of the escrow agent as licensed at the address appearing on the office license. [Order RE 122, § 308-128C-020, filed 9/21/77.]

WAC 308-128C-030 Display of licenses. Licenses of the designated escrow officer, branch escrow officer and other escrow officers shall be displayed prominently in the office located at the address appearing on the individual license. [Order RE 122, § 308-128C-030, filed 9/21/77.]

WAC 308-128C-040 Change of office location. The escrow agent shall notify the director of any change of location or mailing address of the agent's office prior to engaging in business at the new location or address. Notification shall be made by filing a change of address application with the real estate division, accompanied by all licenses issued to the former address or location, and all applicable fees. [Order RE 122, § 308-128C-040, filed 9/21/77.]

WAC 308-128C-050 Deceptive names prohibited. An escrow agent shall not be issued a certificate nor advertise in any manner using names or trade styles which imply that the agent is a nonprofit organization, research organization, public bureau or public group, or which uses or makes reference to the existence of financial responsibility. [Order RE 122, § 308-128C-050, filed 9/21/77.]

Chapter 308-128D WAC
ESCROW--RECORDS AND RESPONSIBILITIES

WAC

308-128D-010 Designated escrow officer responsibilities.
308-128D-020 Required records.
308-128D-030 Accuracy and accessibility of records.
308-128D-040 Agreements and closings.
308-128D-050 Expeditious performance.
308-128D-060 Disbursement of funds.
308-128D-070 Suit or complaint notification.

WAC 308-128D-010 Designated escrow officer responsibilities. The designated escrow officer shall be responsible for the custody, safety, and correctness of entries of all required escrow records. The escrow officer retains this responsibility even though another person or persons may be assigned by the escrow officer the duties of preparation, custody, recording or disbursing.

The branch escrow officer shall bear responsibilities for the custody, safety and correctness of entries of all transactions at the branch office.

Prior to issuing a new certificate reflecting a change of the designated escrow officer of a registered escrow agent, the agent must submit evidence that the responsibility for preexisting escrows is transferred to the incoming designated escrow officer. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated escrow officer and the incoming designated escrow officer, listing all outstanding trust liabilities and certifying that funds in hand in the trust account maintained by the agent are adequate to meet all such trust liabilities.

(2) An audit, performed at the request of, and at the expense of, the escrow agent by the audit staff of the real estate division. The incoming designated escrow officer shall not be deemed responsible for any discrepancy identified during such audit. [Order RE 122, § 308-128D-010, filed 9/21/77.]

WAC 308-128D-020 Required records. Escrow agents shall be required to keep the following transaction records as a minimum:

(1) Trust account records.

(a) Duplicate receipt book recording all receipts;

(b) Prenumbered checks with check register or check stubs;

(c) Duplicate bank deposit slips, either validated by the bank or bearing the signature of the designated escrow officer and the date of actual deposit;

(d) Client's ledger containing an individual ledger sheet for each transaction;

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

(2) Other records.

(a) A transaction file shall be maintained to contain all agreements, contracts, documents, leases, closing statements and correspondence for each transaction;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the escrow agent. [Order RE 122, § 308–128D–020, filed 9/21/77.]

WAC 308–128D–030 Accuracy and accessibility of records. All records shall be accurate, posted and kept up to date. All records shall be kept at an address where the escrow agent is licensed to maintain an escrow office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of six years: *Provided, however,* That records of transactions closed or completed for two years or more may be stored at a remote location. [Order RE 122, § 308–128D–030, filed 9/21/77.]

WAC 308–128D–040 Agreements and closings. The escrow agent shall be responsible for the effecting and closing of escrow agreements between the principal parties. The agent shall as a minimum:

(1) Prepare an instrument of escrow instructions between each principal and the agent.

(2) Provide the services and perform all acts pursuant to the escrow instructions.

(3) Provide a complete detailed closing statement as it applies to each principal at the time the transaction is closed. The agent shall retain a copy of all closing statements, even though funds are not handled by the agent, in the transaction file. The closing statements shall show:

(a) The date of closing.

(b) The total purchase price.

(c) An itemization of all adjustments, monies or things of value received or paid.

(d) To whom each item is debited and/or credited.

(e) Date each adjustment was made.

(f) Names of payees, makers and assignees of all notes paid, made or assumed.

(g) Pay the net proceeds of sale directly to the seller unless otherwise provided in writing by the seller or a court of competent jurisdiction. [Order RE 122, § 308–128D–040, filed 9/21/77.]

WAC 308–128D–050 Expeditious performance. An escrow agent shall perform all acts required of the agent by agreement as expeditiously as possible and within the time period of the agreement. Intentional or negligent delay in such performance shall be considered in violation of RCW 18.44.260(2). [Order RE 122, § 308–128D–050, filed 9/21/77.]

WAC 308–128D–060 Disbursement of funds. Disbursement of any money or other items in violation of the trust or before the happening of the conditions of the escrow agreement or escrow instructions is a violation of RCW 18.44.260(5).

Funds and other items or documents must be paid and/or disbursed immediately upon closing of the transaction or as specifically agreed to in writing by the principals: *Provided,* That disbursement of funds may be withheld to allow for checks to clear. [Order RE 122, § 308–128D–060, filed 9/21/77.]

WAC 308–128D–070 Suit or complaint notification. Every certificated escrow agent shall, within twenty days after service or knowledge thereof, notify the administrator of the real estate division of any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the agent or employee thereof is named as a defendant; and in which the subject matter involves any escrow business activity of the defendants therein named. [Order RE 122, § 308–128D–070, filed 9/21/77.]

Chapter 308–128E WAC
ESCROW—TRUST ACCOUNT PROCEDURES

WAC

308–128E–010 Administration of trust accounts.

WAC 308–128E–010 Administration of trust accounts. The escrow agent shall be responsible for establishing a trust bank account in a recognized Washington state depository for money received from clients and for keeping trust account records as follows:

(1) The trust bank account shall be a demand deposit account designated as a trust account in the name (firm name) of the escrow agent as certificated.

(2) The designated escrow officer shall sign all trust account checks or assume all responsibility for any person or persons authorized by the escrow officer to sign such checks.

(3) All funds or moneys received for any reason pertaining to an escrow transaction shall be deposited in the escrow agent's trust bank account not later than the first banking day following receipt thereof.

(4) Each deposit made to the trust bank account shall be identified on the duplicate deposit slip to the specific transaction to which it applies.

(5) The trust bank account must be in agreement at all times with the outstanding trust liability. The balance shown in the checkbook must equal the total of the outstanding liability as shown in the client's ledger.

(6) The agent shall prepare a monthly trial balance of the client's ledger, reconciling the ledger with the trust account bank statement and the trust account checkbook.

(7) The debit entries made to a client's ledger sheet must show the date of the check, check number, the amount of the check, the name of payee and the item covered.

(8) The credit entries made to a client's ledger sheet must show the date of deposit, amount of deposit, item covered to include but not limited to earnest money deposit, down payment, partial payment, or final payment.

(9) All disbursements of trust funds shall be made by check, drawn on the trust bank account, identified thereon to a specific transaction. The number of each check, amount, date, payee, items covered and the specific transaction must be shown on all check stubs or check register and agree exactly with the check written. A single check shall not be drawn in payment of multiple transaction accounts.

(10) Voided checks written on the trust bank account shall have the "signature line" removed, be marked void, and be retained.

(11) A separate check shall be drawn on the trust bank account, payable to the real estate broker as licensed, for each commission set forth in the escrow instructions upon the closing of a real estate or business opportunity transaction. Each commission check shall be identified to the specific transaction to which it applies.

(12) No deposits to the trust bank account shall be made of funds received:

(a) Of any kind that belong to the escrow agent, officers or employees including funds to "open" the bank account or to keep the account from being "closed."

(b) That do not pertain to an escrow transaction or not received in connection with an escrow collection account.

(13) No disbursements from the trust bank account shall be made:

(a) For items not pertaining to a specific escrow transaction or escrow collection account.

(b) In advance of the closing of an escrow transaction, or before the happening of a condition set forth in the escrow instructions to any person or for any reason without a written release from all principals of the escrow transaction.

(c) Pertaining to a specific escrow transaction in excess of the actual amount held in the trust bank account in connection with such account.

(d) In payment of any "overhead expense." Such expenditures must be paid from the regular business bank account.

(e) For bank charges of any nature to include the cost of printing checks. Such charges are "overhead expense." Arrangements must be made with the bank to have any charges that may be applicable to the escrow trust bank account charged to the regular business bank account or to have the bank submit a separate monthly statement of such charges in order that they may be paid from the regular business bank account.

(f) Of funds received as damage deposit on a lease or rental to the landlord (lessor–owner) or to any person or persons without the specific written authority of the tenant (lessee). Such deposits belong to the (lessee) tenant and are to remain in the trust bank account until the end of the tenancy when they are to be disbursed to the person or persons (tenant or landlord) entitled to the deposit.

(14) A separate check shall be drawn on the trust bank account, payable to the escrow agent as certificated, for each escrow fee set forth in the escrow instructions upon the closing of an escrow transaction. Each check shall be identified to the specific transaction to which it applies. [Order RE 122, § 308–128E–010, filed 9/21/77.]

Chapter 308-128F WAC
ESCROW--FINANCIAL RESPONSIBILITY

WAC

308-128F-010 Bond.
308-128F-020 Errors and omissions policy.
308-128F-030 Deductible amount.
308-128F-040 Return of cash deposit or securities.
308-128F-050 Claim on cash deposit or securities.
308-128F-060 Cash deposit, securities—Full force and effect.
308-128F-070 Cancellation of errors and omissions policy, new policy required.

WAC 308-128F-010 Bond. Each certificated escrow agent shall obtain and keep in effect a bond in an aggregate minimum amount of $200,000 providing fidelity coverage on all officers and employees engaged in escrow transactions. Such bond shall be structured to provide coverage for the total amount of all claims up to an aggregate minimum of $200,000. [Order RE 122, § 308–128F–010, filed 9/21/77.]

WAC 308-128F-020 Errors and omissions policy. Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy providing coverage in the minimum aggregate amount of $50,000 or, alternatively, cash deposit or securities in the principal amount of $50,000. Securities used in alternative to an errors and omissions policy shall be physically delivered to the director, department of licensing, for the purpose of fulfilling the requirements of chapter 18.44 RCW and these rules. [Statutory Authority: RCW 18.44.320. 79–07–009 (Order RE 126), § 308–128F–020, filed 6/7/79; Statutory Authority: RCW 18.44.360. 78–08–027 (Order RE 124, Resolution RE 124), § 308–128F–020, filed 7/14/78; Order RE 122, § 308–128F–020, filed 9/21/77.]

WAC 308-128F-030 Deductible amount. A bond or errors and omissions policy shall be satisfactory to the director if it provides for a deduction from claims paid of not more than the first $2000 of such claim. [Order RE 122, § 308–128F–030, filed 9/21/77.]

WAC 308-128F-040 Return of cash deposit or securities. (1) The cash deposit or securities shall be returned to the escrow agent one calendar year after the date of expiration, cancellation, or revocation of the escrow agent's certificate of registration: *Provided*, That the director may hold the cash deposit or securities for a longer period in order to satisfy any actions commenced under WAC 308–128F–050 prior to the expiration of this one year period.

(2) The cash deposit or securities shall be returned to an applicant within thirty days of the director's denial of an initial application for an escrow agent's certificate of registration. [Statutory Authority: RCW 18.44.320. 79–07–009 (Order RE 126), § 308–128F–040, filed 6/7/79.]

WAC 308-128F-050 Claim on cash deposit or securities. (1) Upon receipt of notification of a legal action for which notice is required to be given to the administrator of the real estate division under WAC 308-128D-070 in which the amount of the claim exceeds $2000, the administrator of the real estate division shall attempt to notify the complaining party of the existence of any cash deposit or securities and the provisions of this chapter.

(2) Any claim against the cash deposit or securities shall be commenced by serving and filing the claim with the director. Within ten days of service of claim, the director shall serve a copy of the claim on the escrow agent by certified mail, return receipt requested, addressed to the last known address of the escrow agent as reflected in the department files.

(3) The director or the director's designee shall hear and decide the claim. The claim shall be heard as a contested case under chapter 34.04 RCW between the claimant and the escrow agent. However, there is no right to appeal the decision of the director or the director's designee to superior court.

(4) The escrow agent shall appear and defend the cash deposit or securities from the claim. Should the escrow agent fail to appear and defend, the claimant shall be awarded the amount of the claim from the cash deposit or securities.

(5) An award from the cash deposit or securities may be made only for harm suffered by the claimant from the actions or nonactions of an escrow agent, escrow officer, or the employee or agent of either. [Statutory Authority: RCW 18.44.320. 79-07-009 (Order RE 126), § 308-128F-050, filed 6/7/79.]

WAC 308-128F-060 Cash deposit, securities--Full force and effect. All escrow agents who assign, transfer, or set over a cash deposit or securities in lieu of an errors and omissions policy shall at all times keep in full force and effect as a condition precedent to the escrow agent's authority to transact escrow business, such deposit or securities in the principal amount of $50,000. Failure to maintain the deposit or securities at the minimum level shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration. [Statutory Authority: RCW 18.44.320. 79-07-009 (Order RE 126), § 308-128F-060, filed 6/7/79.]

WAC 308-128F-070 Cancellation of errors and omissions policy, new policy required. In the event of cancellation or expiration of an errors and omissions policy the escrow agent shall file a new policy. Failure to file a new policy shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration. [Statutory Authority: RCW 18.44.320. 79-07-009 (Order RE 126), § 308-128F-070, filed 6/7/79.]

Chapter 308-138 WAC
OSTEOPATHIC PHYSICIANS AND SURGEONS

WAC

308-138-055 Osteopathic medicine and surgery examination.
308-138-065 Acceptable intern or residency programs.
308-138-070 Renewal of licenses.
308-138-080 Fees.
308-138-180 Ethical considerations.
308-138-200 Continuing professional education required.
308-138-210 Categories of creditable continuing professional education activities.
308-138-220 Certification of compliance.
308-138-230 Prior approval not required.
308-138-300 Prohibited publicity and advertising.
308-138-310 Permitted publicity and advertising.
308-138-320 Malpractice suit reporting.
308-138-330 License reinstatement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-138-010 Waiver of basic science certificate. [Order PL 119, § 308-138-010, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020.

308-138-020 Osteopathic physicians' assistants. [Order PL 223, § 308-138-020, filed 11/5/75; Order PL 120, § 308-138-020, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-020.

308-138-025 Osteopathic physician's assistant prescriptions. [Statutory Authority: RCW 18.57A.020. 79-12-067 (Order PL 325), § 308-138-025, filed 11/29/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-025.

308-138-050 License renewal fee. [Order PL 162, § 308-138-050, filed 3/15/74.] Repealed by Order PL 223, filed 11/5/75.

308-138-060 Osteopathic physician—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-138-060, filed 9/25/80; Order PL 223, § 308-138-060, filed 11/5/75. Formerly WAC 308-138-050.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-138-080.

308-138-100 Education. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-100, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-100.

308-138-110 Equivalency examination. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-110, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-110.

308-138-120 Experience. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-120, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-120.

308-138-130 Investigation. [Statutory Authority: RCW 18.57A-.020. 79-02-011 (Order 297), § 308-138-130, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-130.

308-138-140 English fluency. [Statutory Authority: RCW 18.57A-.020. 79-02-011 (Order 297), § 308-138-140, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402),

filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-140.

308-138-150 Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-150, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A-.020. Later promulgation, see WAC 308-138B-150.

308-138-160 Utilization. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-160, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-160.

308-138-170 X-rays and laboratory tests. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-170, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-170.

WAC 308-138-055 Osteopathic medicine and surgery examination. (1) Washington examination. Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) medical examination with a FLEX weighted average of at least seventy five percent and obtain at least a seventy five percent overall average when the score on a board administered examination on osteopathic principles and practices is factored into the score for Day II of the FLEX examination.

(2) Examination waiver or reciprocity. An applicant who has passed the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination. The board may accept certain other state examinations which conform to the requirements of Washington law. The minimum passing score will depend upon the quality of the examination as determined by the board. Partial waiver may be given for examinations which do not meet Washington state requirements. In the event that a Washington osteopathic principles and practices examination is required it will be considered in the same manner as subsection (1). [Statutory Authority: 1979 c 117 § 3(3). 79-12-068 (Order PL 321), § 308-138-055, filed 11/29/79.]

WAC 308-138-065 Acceptable intern or residency programs. The board accepts the following training programs.

(1) Nationally approved one-year internship programs;

(2) The first year of a residency program approved by the American Osteopathic Association, the American Medical Association or by their recognized affiliate residency accrediting organizations. [Statutory Authority: 1979 c 117 § 3(3). 79-12-068 (Order PL 321), § 308-138-065, filed 11/29/79.]

WAC 308-138-070 Renewal of licenses. (1) Effective with the renewal period beginning May 1, 1977, the annual license renewal date for osteopathic physician and surgeon will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of April 30, 1977. Osteopathic physicians and surgeons desiring to renew their license will be required to pay a fee of thirty dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their birth anniversary date next following April 30, 1978.

(b) On and after May 1, 1977, all new or initial osteopathic physician and surgeon licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. [Order PL 262, § 308-138-070, filed 1/13/77.]

WAC 308-138-080 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	*Fee*
Osteopathic physician:	
Application	$250.00
License renewal	125.00
Reciprocity	250.00
Retake—Single subject	50.00
Retake—Full day	125.00
Retake—Over one day	200.00
Late renewal penalty	125.00
Duplicate license	5.00
Osteopathic physician assistant:	
Application	150.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	5.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-138-080, filed 8/10/83. Formerly WAC 308-138-060.]

WAC 308-138-180 Ethical considerations. The following acts and practices are unethical and unprofessional conduct warranting appropriate disciplinary action:

(1) The division or "splitting" of fees with other professionals or nonprofessionals as prohibited by chapter 19.68 RCW. Specifically, a person authorized by this board shall not:

(a) Employ another to so solicit or obtain, or remunerate another for soliciting or obtaining, patient referrals.

(b) Directly or indirectly aid or abet an unlicensed person to practice acupuncture or medicine or to receive compensation therefrom.

(2) Use of testimonials, whether paid for or not, to solicit or encourage use of the licensee's services by members of the public.

(3) Making or publishing, or causing to be made or published, any advertisement, offer, statement or other

form of representation, oral or written, which directly or by implication is false, misleading or deceptive. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-180, filed 1/11/79.]

WAC 308-138-200 Continuing professional education required. (1) The board requires one hundred fifty credit hours of continuing professional education every three years. All osteopathic physicians currently licensed will be required to show evidence of one hundred fifty credit hours of continuing professional education by their license renewal date in 1983.

(2) In case licensees fail to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time or a change in requirements. [Statutory Authority: 1979 c 117 § 3(4). 79-12-066 (Order 324), § 308-138-200, filed 11/29/79.]

WAC 308-138-210 Categories of creditable continuing professional education activities. The following are categories of creditable continuing medical education activities approved by the board. The credits must be earned in the thirty-six month period preceding application for renewal of licensure. One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing professional education requirement.

(1) Category 1 - A minimum of sixty credit hours of the total one hundred fifty hour requirements are mandatory under this general category.

(a) Category 1-A - Formal educational programs sponsored by nationally recognized osteopathic or medical institutions, organizations and their affiliates.

Examples of recognized sponsors include but are not limited to:

Accredited osteopathic or medical schools and hospitals.

Osteopathic or medical societies and specialty practice organizations.

Continuing medical education institutes.

Governmental health agencies and institutions.

Residencies, fellowships and preceptorships.

(b) Category 1-B - Preparation in publishable form of an original scientific paper (defined as one which reflects a search of the literature, appends a bibliography, and contains original data gathered by the author) and initial presentation before a postdoctoral audience qualified to critique the author's statements. Maximum allowable credit for the initial presentation will be ten credit hours per scientific paper. A copy of the paper in publishable form shall be submitted to the board. Publication of the above paper or another paper in a professional journal approved by the board may receive credits as approved by the board up to a maximum of fifteen credit hours per scientific paper.

(c) Category 1-C - Serving as a teacher, lecturer, preceptor or moderator-participant in any formal educational program. Such teaching would include classes in colleges of osteopathic medicine and medical colleges and lecturing to hospital interns, residents and staff. Total credits allowed under Category 1-C are forty-five per three-year period, with one hour's credit for each hour of actual instruction.

(A) Category 2-A - Home study - The board strongly believes that participation in formal professional education programs is essential in fulfilling a physician's total education needs. The board is also concerned that the content and educational quality of many unsolicited home study materials are not subject to impartial professional review and evaluation. It is the individual physician's responsibility to select home study materials that will be of actual benefit. For these reasons, the board has limited the number of credits which may be granted for home study, and has adopted strict guidelines in granting these credits.

Reading - Credits may be granted for reading the Journal of the AOA, and other selected journals published by recognized osteopathic organizations. One-half credit per issue is granted for reading alone. An additional one-half credit per issue is granted if the quiz found in the AOA Journal is completed and returned to the division of continuing medical education. Credit for all other reading is limited to recognized scientific journals listed in *Index Medicus*. One-half credit per issue is granted for reading these recognized journals.

Listening - Credits may be granted for listening to programs distributed by the AOA audio-educational service. Other audio-tape programs sponsored by nationally recognized organizations and companies are eligible for credit. One-half credit per tape program may be granted. An additional one-half credit may be granted for each AOA audio-educational service program if the quiz card for the tape found in the AOA Journal is completed and returned.

Other home study courses - Subject-oriented and refresher home study courses and programs sponsored by recognized professional organizations are eligible for credit. The number of credit hours indicated by the sponsor will be accepted by the board.

A maximum of ninety credit hours per three-year period may be granted for all home study activities under Category 2-A.

(B) Category 2-B - Preparation and personal presentation of a scientific exhibit at a county, regional, state or national professional meeting. Total credits allowed under Category 2-B are thirty per three-year period, with ten credits granted for each new and different scientific exhibit. Appropriate documentation must be submitted with the request for credit.

(C) Category 2-C - All other programs and modalities of continuing professional education. Included under this category are informal educational activities such as observation at medical centers; programs dealing with experimental and investigative areas of medical practice, and programs conducted by non-recognized sponsors.

Total credits allowed under Category 2-C are thirty hours per three-year period. [Statutory Authority: 1979 c 117 § 3(4). 79-12-066 (Order 324), § 308-138-210, filed 11/29/79.]

WAC 308–138–220 Certification of compliance. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hour continuing professional education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty hour continuing professional education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

(3) Certification of compliance with the requirement for continuing medical education of the American Osteopathic Association, or receipt of the AMA physicians recognitions award or a current certification of continuing medical education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

(4) Original certification or recertification within the previous six years by a specialty board will be considered as evidence of equivalent compliance with these continuing professional education requirements. [Statutory Authority: 1979 c 117 § 3(4). 79–12–066 (Order 324), § 308–138–220, filed 11/29/79.]

WAC 308–138–230 Prior approval not required. (1) It will not be necessary for a physician to inquire into the prior approval of any continuing medical education. The board will accept any continuing professional education that reasonably falls within these regulations and relies upon each individual physician's integrity in complying with this requirement.

(2) Continuing professional education program sponsors need not apply for nor expect to receive prior board approval for continuing professional education programs. The continuing professional education category will depend solely upon the status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing professional education that constitutes a meritorious learning experience. [Statutory Authority: 1979 c 117 § 3(4). 79–12–066 (Order 324), § 308–138–230, filed 11/29/79.]

WAC 308–138–300 Prohibited publicity and advertising. An osteopathic physician shall not use or allow to be used any form of public communications or advertising which:

(1) Is false, fraudulent, deceptive or misleading;

(2) Uses testimonials;

(3) Guarantees any treatment or result;

(4) Makes claims of professional superiority;

(5) States or includes prices for professional services except as provided for in WAC 308–138–310;

(6) Fails to identify the physician as an osteopathic physician;

(7) Otherwise exceeds the limits of WAC 308–138–310. [Statutory Authority: 1979 c 117 § 3(5). 79–12–064 (Order PL 322), § 308–138–300, filed 11/29/79.]

WAC 308–138–310 Permitted publicity and advertising. To facilitate the process of informed selection of a physician by potential patients, a physician may publish or advertise the following information, provided that the information disclosed by the physician in such publication or advertisement complies with all other ethical standards promulgated by the board;

(1) Name, including name of professional service corporation or clinic, and names of professional associates, addresses and telephone numbers;

(2) Date and place of birth;

(3) Date and fact of admission to practice in Washington and other states;

(4) Accredited schools attended with dates of graduation, degrees and other scholastic distinction;

(5) Teaching positions;

(6) Membership in osteopathic or medical fraternities, societies and associations;

(7) Membership in scientific, technical and professional associations and societies;

(8) Whether credit cards or other credit arrangements are accepted;

(9) Office and telephone answering service hours;

(10) Fee for an initial examination and/or consultation;

(11) Availability upon request of a written schedule of fees or range of fees for specific services;

(12) The range of fees for specified routine professional services, provided that the statement discloses that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each patient, and the patient is entitled without obligation to an estimate of the fee within the range likely to be charged;

(13) fixed fees for specified routine professional services, the description of which would not be misunderstood by or be deceptive to a prospective patient, provided that the statement discloses that the quoted fee will be available only to patients whose matters fall into the services described, and that the client is entitled without obligation to a specific estimate of the fee likely to be charged. [Statutory Authority: 1979 c 117 § 3(5). 79–12–064 (Order PL 322), § 308–138–310, filed 11/29/79.]

WAC 308–138–320 Malpractice suit reporting. (1) Every osteopathic physician shall, within twenty days after service or knowledge thereof, notify the board of any suit filed in any court in which the osteopathic physician is named as a defendant and which seeks damages relating to the providing or failure to provide any health care services.

(2) The board requests the assistance of the clerk of all trial courts in reporting the filing of any suit in which an osteopathic physician is named as a defendant and which seeks damages relating to the provision or failure to provide health care services. [Statutory Authority: 1979 c 117 § 3(6). 79–12–065 (Order 323), § 308–138–320, filed 11/29/79.]

WAC 308-138-330 License reinstatement. (1) A license that has been expired for less than one year may be brought current by payment of the renewal fees and completion of the continuing education, if due.

(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must pay the current fee for original application and apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of their activities since first licensed. A statement outlining the continuing education acquired since the last report made or since January 1, 1980, if no previous report has been required, must be submitted for the board's review and approval.

(3) All applications for reinstatement will be reviewed by the board. The board may require a physical or mental evaluation of an applicant to confirm fitness for practice.

(4) If a licensee has been out of active practice for one year or more or has allowed their license to lapse for a period of three years or more, the board may also require that the applicant pass an examination to determine the applicant's fitness to practice osteopathy or osteopathic medicine and surgery. [Statutory Authority: RCW 82.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138-330, filed 8/5/82.]

Chapter 308-138A WAC
OSTEOPATHIC PHYSICIANS' ASSISTANTS

WAC

308-138A-020 Osteopathic physicians' assistants.
308-138A-025 Osteopathic physician's assistant prescriptions.

WAC 308-138A-020 Osteopathic physicians' assistants. (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board it must meet the minimal criteria established by the committee on allied health education and Accreditation Association of the American Medical Association as of 1978. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

(5) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least 30 days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.

(6) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

(7) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant.

(8) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, or when personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician–patient relationship has already been established.

(9) Limitations—Remote practice. Special permission may be granted to utilize an osteopathic physician assistant in a place remote from the physician's regular place for meeting patients if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for immediate communication between the physician and his physician assistant exists;

(c) A mechanism has been developed to provide for the establishment of a direct patient–physician relationship between the supervising osteopathic physician and patients who may be seen initially by the osteopathic physician assistant;

(d) The responsible physician spends at least one–half day per week in the remote office.

(10) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be registered in the same manner as any other osteopathic physician assistant and his/her functions shall be limited to those specifically approved by the board. His/her responsibilities, if any, to other physicians must be defined in the application for registration.

(11) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

(12) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating patient[s] wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant[;][.]

(b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board.

(d) All EKG's and x–rays and all abnormal laboratory tests shall be reviewed by the physician within 24 hours.

(e) All patient charts and all telephone advice given by the supervising physician shall be documented, reviewed and countersigned by the physician within one week.

(13) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor.

(14) Reregistration. The annual reregistration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to reregister and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees. [Statutory Authority: RCW 18.57A.020. 83–16–024 (Order PL 440), § 308–138A–020, filed 7/27/83. Statutory Authority: RCW 18.57-.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138A–020, filed 8/5/82. Formerly WAC 308–138–020.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–138A–025 Osteopathic physician's assistant prescriptions. An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician. The prescription shall also bear the name and address of the patient and the date on which the prescription was written.

(b) The physician's assistant shall sign such a prescription by signing his or her own name followed by the letters "P.A." and the physician assistant's registration number or physician assistant drug enforcement administration registration number.

(2) A physician's assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his or her supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician's assistants may not dispense prescription drugs to exceed treatment for 48 hours. The medication so dispensed must comply with the state law prescription labeling requirements. [Statutory Authority: RCW 18.57A.020. 83–16–024 (Order PL 440), § 308–138A–025, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138A–025, filed 8/5/82. Formerly WAC 308–138–025.]

Chapter 308–138B WAC
OSTEOPATHIC PHYSICIANS' ACUPUNCTURE ASSISTANTS

WAC

308–138B–100 Acupuncture assistant education.
308–138B–105 Acupuncture—Program approval.
308–138B–110 Equivalency examination.
308–138B–120 Experience.
308–138B–130 Investigation.
308–138B–140 English fluency.
308–138B–150 Supervising physicians' knowledge of acupuncture.
308–138B–160 Utilization.
308–138B–170 Prohibited techniques and tests.

WAC 308–138B–100 Acupuncture assistant education. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him or her as a practitioner of acupuncture. Satisfactory evidence of formal schooling

or other training may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the Republic of China (Taiwan), People's Republic of China, Korea or Japan. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the issuing agency rather than from the applicant. Individuals not licensed by the listed countries must document their education by means of transcripts, diplomas, patient logs verified by the preceptor, or by other means requested by the board. Applicants for registration must have successfully completed the following training:

(1) The applicant must have completed a minimum or two academic years or 72 quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify. Credits granted by the college towards prior life experience will not be accepted under this requirement.

(2) The applicant must have successfully completed a course of didactic training in basic sciences and acupuncture over a period of two academic years. The basic science training must include a minimum of 250 hours or 21 quarter credits and include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and a survey in Western clinical sciences. The basic science classes must be equivalent to courses given in accredited bachelor of science programs. The acupuncture training must include a minimum of 700 hours or 58 quarter credits in acupuncture theory, and acupuncture diagnosis and treatment techniques. The board will not accept credits obtained on the basis of challenging an exam. Transfer credits from accredited colleges or board approved acupuncture programs will be accepted.

(3) The applicant must have successfully completed a course of clinical training in acupuncture over a period of one academic year. The training must include a minimum of 100 hours or 9 quarter credits of observation, which shall include case presentation and discussion. The observation portion of the clinical training may be conducted during the didactic training but will be considered part of the clinical training for calculation of hours or credits. There must also be a minimum of 350 hours or 29 quarter credits of supervised practice, consisting of 400 separate patient treatments. A minimum of 120 different patients must have been treated. [Statutory Authority: RCW 18.57A.020. 83–16–024 (Order PL 440), § 308–138B–100, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–100, filed 8/5/82. Formerly WAC 308–138–100.]

WAC 308–138B–105 Acupuncture--Program approval. (1) Procedure. The board will consider for approval any school, program, apprenticeship or tutorial which meets the requirements outlined in this regulation and provides the training required under WAC 308–138B–100 – Acupuncture assistant education. Approval may be granted to an individual registration applicant's training, or to existing institutions which operate on a continuing basis. Clinical and didactic training may be approved as separate programs or as a joint program. The program approval process is as follows:

(a) Programs seeking approval shall file an application with the board in the format required by the board.

(b) The board will review the application and determine whether a site review is necessary (in the case of an institution) or an interview is appropriate (in the case of individual training) or approval may be granted on the basis of the application alone.

(c) The site review committee shall consist of two board members and one member of the board staff. The review committee may visit the program any time during school operating hours. The committee will report to the board in writing concerning the program's compliance with each section of the regulations.

(d) After reviewing all of the information collected concerning a program; the board may grant or deny approval, or grant approval conditional upon program modifications being made. In the event of denial or conditional approval, the program may request a hearing before the board. No approval shall be extended to an institution for more than three years, at which time a request for reapproval may be made.

(e) The board expects approved programs to not make changes which will result in the program not being in compliance with the regulations. Programs must notify the board concerning significant changes in administration, faculty or curriculum. The board may inspect the school at reasonable intervals to check for compliance. Program approval may be withdrawn, after a hearing, if the board finds the program no longer in compliance with the regulations.

(2) Didactic faculty. Didactic training may only be provided by persons who meet the criteria for faculty as stated in the council for postsecondary education's WAC 250–55–090 – Personal qualifications. Under no circumstances will an unregistered instructor perform or supervise the performance of acupuncture.

(3) Clinical faculty. Clinical training may be provided only by persons who meet the following criteria:

(a) The instructor must be a practitioner who has had a minimum of five years of full time acupuncture practice experience.

(b) If the training is conducted in this state, the practitioner must be registered to practice in this state. In the case of a school or program, the approval of the institution will include a review of the instructor's qualifications and the training arrangements. Approval of the instructors will extend to instruction conducted within the program.

(c) For training not conducted in this state to be acceptable, the instructor must be licensed by a state or country with equivalent license standards.

(4) Supervision of training. Clinical training in this state must be conducted under the general supervision of the instructor's sponsoring physician. During any given

clinic period, the acupuncture instructor may not supervise more than four students. The number of students present during an observation session should be limited according to the judgment of the instructor. Supervision by the instructor during clinical training must be direct: Each diagnosis and treatment must be done with the knowledge and concurrence of the instructor. During at least the first 100 treatments, the instructor must be in the room during treatment. Thereafter, the instructor must at least be in the facility, available for consultation and assistance. An osteopathic physician may only supervise two acupuncture assistance instructors per clinical instruction period. [Statutory Authority: RCW 18.57A.020. 83–16–024 (Order PL 440), § 308–138B–105, filed 7/27/83.]

WAC 308–138B–110 Equivalency examination. (1) Applicants for registration who have not been issued a license or certificate to practice acupuncture from the governments listed in RCW 18.57A.070, or from a country or state with equivalent standards, must pass an equivalency examination prescribed by the board.

(2) The examination shall be written and practical and shall examine the applicants' knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

(3) The applicants shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–110, filed 8/5/82. Formerly WAC 308–138–110.]

WAC 308–138B–120 Experience. An applicant for an authorization as an osteopathic physician's acupuncture assistant must present satisfactory evidence to the board that he or she has actually practiced acupuncture full time for at least three years. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–120, filed 8/5/82. Formerly WAC 308–138–120.]

WAC 308–138B–130 Investigation. An applicant for an authorization to perform acupuncture shall, as part of his or her application, furnish written consent to an investigation of his or her personal background, professional training and experience by the board or any person acting on its behalf. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–130, filed 8/5/82. Formerly WAC 308–138–130.]

WAC 308–138B–140 English fluency. Each applicant must demonstrate sufficient fluency in reading, speaking and understanding the English language to enable the applicant to communicate with supervising physicians and patients concerning health care problems and treatment. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–140, filed 8/5/82. Formerly WAC 308–138–140.]

WAC 308–138B–150 Supervising physicians' knowledge of acupuncture. Osteopathic physicians applying for authorization to utilize the services of an osteopathic physician's acupuncture assistant shall demonstrate to the board that the osteopathic physician possesses sufficient understanding of the application of acupuncture treatment, its contraindications and hazards so as to adequately supervise the practice of acupuncture. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–150, filed 8/5/82. Formerly WAC 308–138–150.]

WAC 308–138B–160 Utilization. (1) Persons authorized as osteopathic physicians' acupuncture assistants shall be restricted in their activities to only those procedures which a duly licensed, supervising osteopathic physician may request them to do. Under no circumstances may an osteopathic physician's acupuncture assistant perform any diagnosis of patients or recommend or prescribe any forms of treatment or medication.

(2) An acupuncture assistant shall treat patients only under the direct supervision of a physician who is present on the same premises where the treatment is to be given.

(3) An osteopathic physician shall not employ or supervise more than one acupuncture assistant. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–160, filed 8/5/82. Formerly WAC 308–138–160.]

WAC 308–138B–170 Prohibited techniques and tests. X–ray and laboratory tests are not approved techniques for use by osteopathic physicians' acupuncture assistants, and use of such techniques is expressly prohibited. No osteopathic physician's acupuncture assistant may prescribe, order, or treat by any of the following means or modalities:

(1) Diathermy treatments

(2) Ultrasound or sonopuncture treatments

(3) Infrared treatments

(4) Electromuscular stimulation for the purpose of stimulating muscle contractions.

(5) Laser puncture

(6) Dietary therapy

(7) Manipulative therapies

(8) Point injection therapy (aqua puncture). [Statutory Authority: RCW 18.57A.020. 83–16–024 (Order PL 440), § 308–138B–170, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82–17–005 (Order PL 402), § 308–138B–170, filed 8/5/82. Formerly WAC 308–138–170.]

Chapter 308–140 WAC
CHARITABLE SOLICITATIONS

WAC

308–140–010 Definitions.
308–140–020 Fees excluded from cost of solicitation.
308–140–030 Forms for all documents required to be filed.
308–140–040 Official address of director and department.
308–140–070 Acceptable address designation for registration.

308-140-100 Exemption not transferable.
308-140-250 Professional fund-raisers contracts filing requirement.
308-140-270 Standards of advertising for solicitation purposes.
308-140-300 Waiver of percentage limitation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-140-025 Cost of solicitation disclosure. [Order PL 161, § 308-140-025, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-050 Thirty days advance filing of solicitation required. [Order PL 274, § 308-140-050, filed 8/29/77; Order PL 161, § 308-140-050, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-060 Satisfaction of financial statement filing requirements. [Order PL 161, § 308-140-060, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-080 Application fee refund. [Order PL 161, § 308-140-080, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-090 Duplicate registration certificate fee. [Order PL 161, § 308-140-090, filed 2/26/74.] Repealed by Order PL 210, filed 11/5/75. Later promulgation, see WAC 308-140-280.

308-140-110 Solicitor identification card. [Order PL 161, § 308-140-110, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-120 Identification cards issued by or available from department. [Order PL 161, § 308-140-120, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-130 Short form report requirements. [Order PL 161, § 308-140-130, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-140 Advance notification of change of fiscal year. [Order PL 161, § 308-140-140, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-150 Annual report by department. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-150, filed 10/15/80; Order PL 161, § 308-140-150, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-160 Reporting procedure for incidental solicitations. [Order PL 161, § 308-140-160, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-170 Professional solicitor identification requirements. [Order PL 161, § 308-140-170, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-180 Telephone solicitors identification requirements. [Order PL 161, § 308-140-180, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-190 Material facts defined. [Order PL 161, § 308-140-190, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-200 Director's designee. [Order PL 274, § 308-140-200, filed 8/29/77; Order PL 161, § 308-140-200, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-210 Registration renewal procedures. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-210, filed 10/15/80; Order PL 274, § 308-140-210, filed 8/29/77; Order PL 161, § 308-140-210, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-230 Reporting requirements for organizations with chapters, branches or affiliates. [Order PL 161, § 308-140-230, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-240 Professional fund-raiser registration requirements—Personnel disclosure. [Statutory Authority: RCW 19-.09.310. 80-15-059 (Order PL 357), § 308-140-240, filed 10/15/80; Order PL 161, § 308-140-240, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

308-140-260 Financial statements limited to in-state activities. [Order PL 161, § 308-140-260, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.

308-140-280 Fees. [Order PL 274, § 308-140-280, filed 8/29/77; Order PL 210, § 308-140-280, filed 11/5/75.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.

WAC 308-140-010 Definitions. (1) The terms and definitions used in the act have the same meaning given therein when used in these rules.

(2) "Act" means the Washington State Charitable Solicitations Act, [chapter 227, Laws of 1982,] chapter 19.09 RCW.

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

(4) "Director" means the director of the department of licensing.

(5) "Research" means any attempt to gather information, done systematically, for a stated goal and carried out continuously.

(6) "Advocacy" means an effort to act, persuade or inform on behalf of another entity wherein the public, as a whole, would benefit.

(7) "Public education" means the attempt to impart or increase for a clear purpose and according to a plan. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-010, filed 12/21/82; Order PL 274, § 308-140-010, filed 8/29/77; Order PL 161, § 308-140-010, filed 2/26/74.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-140-020 Fees excluded from cost of solicitation. The cost of solicitation shall not include any moneys paid as registration or filing fees to any governmental agency. [Order PL 161, § 308-140-020, filed 2/26/74.]

WAC 308-140-030 Forms for all documents required to be filed. All notices, registration statements, amendments, financial statements and other information required by the department for the purposes of administering this act shall be filed on forms provided by the department. [Order PL 161, § 308-140-030, filed 2/26/74.]

WAC 308-140-040 Official address of director and department. The official address of the director or the department for delivery and receipt of all mail, information, registration statements and financial statements, amendments, fees, and other material required by the act or the director is:

Division of Professional Licensing
Charities Section
Highways–Licenses Building
P.O. Box 9649
Olympia, Washington 98504.

[Order PL 274, § 308–140–040, filed 8/29/77; Order PL 161, § 308–140–040, filed 2/26/74.]

WAC 308–140–070 Acceptable address designation for registration. Whenever the reporting requirements of the act require an address for registering, reporting or other purposes, the organization or person shall furnish a current street address or post office address, as appropriate. [Order PL 161, § 308–140–070, filed 2/26/74.]

WAC 308–140–100 Exemption not transferable. No exemption obtained under the act shall be transferable to any other charitable organization, professional fund raiser or professional solicitor. [Statutory Authority: RCW 19.09.100. 83–01–112 (Order PL 417), § 308–140–100, filed 12/21/82; Order PL 161, § 308–140–100, filed 2/26/74.]

WAC 308–140–250 Professional fund–raisers contracts filing requirement. All contracts between a charitable organization and professional fund–raiser must be kept on file in both the office of the organization in this state and the office of the professional fund–raiser in this state. [Order PL 161, § 308–140–250, filed 2/26/74.]

WAC 308–140–270 Standards of advertising for solicitation purposes. (1) Solicitation advertising, acts, methods, practices and promotional plans shall be deemed deceptive if they have a tendency to deceive.

(2) The director may require that any material used by the charitable organization, professional fund–raiser or professional solicitor to induce prospective contributors contain additional assurances and information.

(3) Solicitation advertising shall not contain asterisks or any other reference symbol as a means of contradicting or substantially changing any previously made statement or as a means of obscuring material fact or facts.

(4) Solicitation advertising shall not use such terms as "disadvantaged," "underprivileged," "handicapped," "retarded" or related terms unless specific individuals, groups, organizations or places are named in conjunction with such terms.

(5) Solicitation advertising material not submitted with an application for registration shall be submitted to the department for approval at least ten business days prior to its intended use in this state. Advertising will be approved or rejected by the director within ten days of its submission. Where an order of rejection is not entered within that time, the advertising will be deemed approved unless the applicant has consented in writing to a delay.

(6) Solicitation advertising may refer to the fact that the organization is registered in accordance with the act, but if such reference is made it shall be accompanied by a statement that such registration does not constitute endorsement by the state of Washington.

(7) Solicitation advertising materials shall not represent that goods or services are those of another, when in fact they are not; or that goods are produced or sold by handicapped, retarded or blind persons or organizations unless such goods are in fact so produced or sold. [Order PL 274, § 308–140–270, filed 8/29/77; Order PL 161, § 308–140–270, filed 2/26/74.]

WAC 308–140–300 Waiver of percentage limitation. (1) A charitable organization seeking a waiver pursuant to the provisions of RCW 19.09.100 shall submit a form supplied by the director. The organization will be expected to provide information to show:

(a) The reasonableness of expenses in excess of twenty percent of the total moneys raised or pledged;

(b) That primary activity and purposes of the organization is either research, advocacy, or public education; and

(c) The source of the staff utilized to carry out the functions of the organization.

(2) In order to obtain a waiver, the organization must show special facts or circumstances that justify expenses in excess of twenty percent of the total funds raised or expected to be raised.

(3) An organization seeking waiver shall submit to the director a copy of its financial statement or budget. This statement or budget shall include the following information:

(a) The total moneys, pledges or other property raised or received, or anticipated to be raised or received as a result of any solicitation, fund raising activities or campaigns;

(b) The purchase price of goods and services resold as a part of the fund–raising activities; and

(c) Other related costs of the solicitation for each event as defined in RCW 19.09.020(5). [Statutory Authority: RCW 19.09.100. 83–01–112 (Order PL 417), § 308–140–300, filed 12/21/82.]

Chapter 308–150 WAC
VETERINARY BOARD OF GOVERNORS–– VETERINARY CODE OF ETHICS

WAC

308–150–005 Definitions.
308–150–006 Objectives.
308–150–007 Degree of skills.
308–150–008 Exercise of professional judgment and skills.
308–150–009 Emergency treatment.
308–150–011 Patient abandonment.
308–150–012 Provision of alternate veterinary services for clients.
308–150–030 Validation of health certificate.
308–150–035 Inspection of animals.
308–150–045 Drugs and controlled substances.
308–150–050 Nonnarcotic Schedule II controlled substances—Prohibited.
308–150–055 Minimum sanitary conditions.
308–150–060 Prohibited publicity and advertising.
308–150–061 Honoring of publicity and advertisements.
308–150–062 Prohibited transactions.
308–150–070 Cooperation with the board.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–150–010 Neglect of patients. [Order PL 179, § 308–150–010, filed 11/27/74.] Repealed by 80–09–106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.

308–150–015 Advertisement. [Order PL 179, § 308–150–015, filed 11/27/74.] Repealed by 80–09–106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.

308–150–020 Third party advertisement. [Order PL 179, § 308–150–020, filed 11/27/74.] Repealed by 80–09–106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.

308–150–025 Procuring or aiding unlicensed practice. [Order PL 179, § 308–150–025, filed 11/27/74.] Repealed by 80–09–106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.

308–150–040 Testimonials. [Order PL 179, § 308–150–040, filed 11/27/74.] Repealed by 80–09–106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.

WAC 308–150–005 Definitions. (1) "Patient" means any animal under the care and treatment of a veterinarian.

(2) "Advertise" means to announce publicly by any form of media in order to aid directly or indirectly in the sale of a commodity or service.

(3) "Veterinary board of governors" is that board appointed by the governor pursuant to chapter 18.93 RCW.

(4) "Health certificate" means a written testimony to the fact that an animal is in a certain state of health.

(5) "Drugs" as defined in RCW 69.50.101.

(6) "Controlled substances" as defined in RCW 69.50.101.

(7) "Animal" means any species normally recognized as treatable by veterinary medicine.

(8) Unless otherwise stated, words used in the singular may be read in the plural.

(9) "Nonnarcotic Schedule II controlled substance" means: Amphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of its isomers; and methyl phenidate. [Order PL 179, § 308–150–005, filed 11/27/74.]

WAC 308–150–006 Objectives. The principal objectives of the veterinary profession are to render veterinary services to society, to assist in conserving livestock resources, and to assist in relieving suffering of animals. The veterinarian shall always endeavor to conduct himself or herself in such a manner to further these objectives. [Statutory Authority: RCW 18.92.030. 80–09–106 (Order PL 351), § 308–150–006, filed 7/23/80.]

WAC 308–150–007 Degree of skills. The veterinarian owes to his or her patients a reasonable degree of skill and care. To this end, the veterinarian shall endeavor to keep abreast of new developments in veterinary medicine, surgery and dentistry, and shall endeavor to improve his or her knowledge and skill in the practice of veterinary medicine, surgery and dentistry. [Statutory Authority: RCW 18.92.030. 80–09–106 (Order PL 351), § 308–150–007, filed 7/23/80.]

WAC 308–150–008 Exercise of professional judgment and skills. The veterinarian shall not accept employment under terms and conditions that interfere with the free exercise of the veterinarian's professional judgment or infringe upon the utilization of his or her professional skills. [Statutory Authority: RCW 18.92.030. 80–09–106 (Order PL 351), § 308–150–008, filed 7/23/80.]

WAC 308–150–009 Emergency treatment. The veterinarian shall endeavor to provide minimal treatment to alleviate the suffering of an animal in instances where no services have been requested or authorized, if the animal is presented to the veterinarian's clinic or facility during posted office hours. After–hours emergency treatment is encouraged, but may be accepted or rejected by the veterinarian as determined by his or her professional judgment. [Statutory Authority: RCW 18.92.030. 80–09–106 (Order PL 351), § 308–150–009, filed 7/23/80.]

WAC 308–150–011 Patient abandonment. The veterinarian shall always be free to accept or reject a particular patient, but once care is undertaken, the veterinarian shall not neglect the patient, as long as the person presenting the patient requests and authorizes the veterinarian's services for the particular problem. Emergency treatment not authorized by the owner shall not constitute acceptance of a patient. [Statutory Authority: RCW 18.92.030. 80–09–106 (Order PL 351), § 308–150–011, filed 7/23/80.]

WAC 308–150–012 Provision of alternate veterinary services for clients. The veterinarian shall endeavor to establish a method by which veterinary services shall be available to clients in cases of emergency. [Statutory Authority: RCW 18.92.030. 80–09–106 (Order PL 351), § 308–150–012, filed 7/23/80.]

WAC 308–150–030 Validation of health certificate. It is unethical to sign or otherwise validate any health certificate without actually, physically inspecting the animal. A health certificate must be dated as of the time of examination. [Order PL 179, § 308–150–030, filed 11/27/74.]

WAC 308–150–035 Inspection of animals. It is unethical for a veterinarian when employed to inspect an animal for health and soundness, to accept a fee or other compensation in relation to the inspection from a person other than his employer. [Order PL 179, § 308–150–035, filed 11/27/74.]

WAC 308–150–045 Drugs and controlled substances. It is unethical to violate any laws or regulations of either the state of Washington or the United States relating to prescription drugs or controlled substances. [Order PL 179, § 308–150–045, filed 11/27/74.]

WAC 308–150–050 Nonnarcotic Schedule II controlled substances—Prohibited. It is unethical for a veterinarian to use, possess, dispense or prescribe

noninjectable nonnarcotic Schedule II controlled substances in the practice of veterinary medicine; EXCEPT a veterinarian may use, possess, dispense or prescribe noninjectable nonnarcotic Schedule II controlled substances in connection with a bona fide veterinary medical research program approved by the board. [Order PL 179, § 308-150-050, filed 11/27/74.]

WAC 308-150-055 Minimum sanitary conditions. It is unethical for a veterinarian to own or operate a clinic, office, hospital, mobile veterinary clinic, or other animal facility contrary to the health and sanitary standards as established by the rules and regulations as adopted by the veterinary board of governors. [Order PL 179, § 308-150-055, filed 11/27/74.]

WAC 308-150-060 Prohibited publicity and advertising. A veterinarian shall not, on behalf of himself or herself, his or her partner, associate or any other veterinarian affiliated with his or her office or clinic, use or allow to be used any form of public communication or advertising which:

(1) Is false, fraudulent, deceptive or misleading;

(2) Refers to secret methods of treatment;

(3) Is not identified as a paid advertisement or solicitation;

(4) States or implies that a veterinarian is a certified specialist unless he or she is certified in such specialty by a board recognized by the American Veterinarian Medical Association. [Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-060, filed 7/23/80.]

WAC 308-150-061 Honoring of publicity and advertisements. (1) If a veterinarian advertises a fee for a service, the veterinarian must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a veterinarian publishes any fee information, the veterinarian shall be bound by any representation made therein for the periods specified in the following categories:

(a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.

(b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.

(c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year. [Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-061, filed 7/23/80.]

WAC 308-150-062 Prohibited transactions. A veterinarian shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual veterinarian in a news item. [Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-062, filed 7/23/80.]

WAC 308-150-070 Cooperation with the board. The veterinarian shall endeavor to cooperate with the veterinary board of governors in the investigation of alleged violations of the laws and regulations governing the practice of veterinary medicine, surgery and dentistry. [Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-070, filed 7/23/80.]

Chapter 308-151 WAC
VETERINARY BOARD OF GOVERNORS-- VETERINARY EDUCATION AND EXAMINATION REQUIREMENTS

WAC

308-151-050 Approval of courses.
308-151-060 Foreign trained veterinarians.
308-151-070 Practical examination requirement.
308-151-080 Examination procedures.
308-151-090 Frequency and location of examinations.
308-151-100 Examination results.

WAC 308-151-050 Approval of courses. A course of instruction conducted by a school, that has obtained accreditation of the course of instruction in the care and treatment of animals from the American Veterinary Medical Association, is an approved course within the meaning of section 1, chapter 44, Laws of 1974 1st ex. sess., RCW 18.92.015. [Order PL 179, § 308-151-050, filed 11/27/74.]

WAC 308-151-060 Foreign trained veterinarians. A person who is a graduate of a college of veterinary medicine not accredited by the American Veterinary Medical Association shall be eligible to take the regularly scheduled licensing examination given by the board upon furnishing the certificate of the American Veterinary Medical Association Education Commission For Foreign Veterinary Graduates (ECFVG). Applications and instructions for certification are obtained from:

ECFVG
American Veterinary Medical Association
930 North Meacham Road
Schaumburg, Illinois 60172.

[Order PL 232, § 308-151-060, filed 11/17/75.]

WAC 308-151-070 Practical examination requirement. In order to be licensed, any applicant for licensure after November 1, 1979 who has a current license by examination in another state, or who has passed a written examination approved by the board will be required to pass a practical examination prepared and administered by the board. This requirement may be waived for applicants who apply to licensure pursuant to RCW 18-.92.130. [Statutory Authority: RCW 18.92.030. 79-10-087 (Order 318), § 308-151-070, filed 9/21/79.]

WAC 308-151-080 Examination procedures. (1) The examination may not be taken prior to three months

preceding graduation from a course of instruction as described in WAC 308-151-050.

(2) All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a recent photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the written test and rescheduled at a later date.

(3) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the exam will be expelled from the examination and not allowed to complete it.

(4) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination will be considered grounds for expulsion from the examination. [Statutory Authority: RCW 18.92.030 and 18.92.070. 83-07-050 (Order PL 429), § 308-151-080, filed 3/18/83. Statutory Authority: RCW 18.92.030. 80-05-032 (Order 340), § 308-151-080, filed 4/15/80.]

WAC 308-151-090 Frequency and location of examinations. (1) The examination for veterinarians shall be scheduled at such times and places as the director may authorize.

(2) A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination date. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the division of professional licensing of his or her inability to appear for the scheduled exam at least five days before the designated time. [Statutory Authority: RCW 18.92.030. 80-05-032 (Order 340), § 308-151-090, filed 4/15/80.]

WAC 308-151-100 Examination results. (1) In order to pass the examination for licensure as a veterinarian, the applicant must attain a minimum grade of:

(a) 1.5 standard deviations below the national mean of the criterion population converted to 70 on the national examination, and

(b) 70% in the Washington state examination.

(2) Applicants who fail either the national examination or the Washington state examination may retake the examination that they failed (national or state) by again completing an application and by submitting the reexamination fee to the division of professional licensing. [Statutory Authority: RCW 18.92.030 and 18.92.070. 83-07-050 (Order PL 429), § 308-151-100, filed 3/18/83. Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-151-100, filed 10/29/80; 80-05-032 (Order 340), § 308-151-100, filed 4/15/80.]

Chapter 308-152 WAC
VETERINARY FEES

WAC

308-152-015 Fees.
308-152-020 Renewal of licenses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-152-010 Veterinary—Fees. [Statutory Authority: RCW 43.24-.085. 80-14-022 (Order 356), § 308-152-010, filed 9/25/80; Order PL 229, § 308-152-010, filed 11/6/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-152-015.

WAC 308-152-015 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Veterinarian:	
Initial examination (full)	$150.00
Retake—Written	100.00
Retake—Practical	50.00
Temporary permit	35.00
Initial license or renewal	30.00
Late renewal penalty	10.00
Duplicate license	5.00
Certification	10.00
Animal technician:	
Exam fee	50.00
Retake exam	50.00
Initial license or renewal	21.00
Late renewal penalty	7.00
Duplicate license	5.00

[Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-152-015, filed 11/2/83; 83-17-031 (Order PL 442), § 308-152-015, filed 8/10/83. Formerly WAC 308-152-010.]

WAC 308-152-020 Renewal of licenses. (1) Effective with the renewal period beginning July 1, 1977, the annual license renewal date for veterinarians will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1977. Licensed veterinarians desiring to renew their license will be required to pay a fee of fifteen dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following June 30, 1978.

(b) On and after July 1, 1977, all new or initial veterinarian licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from

birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee on or before the license expiration date will be subject to the late payment penalty fee as set forth in WAC 308–152–010. [Order PL 262, § 308–152–020, filed 1/13/77.]

Chapter 308–153 WAC
MINIMUM STANDARDS FOR VETERINARY MEDICAL FACILITIES

Wac

398–153–010 Definitions.
308–153–020 General requirements for all veterinary medical facilities.
308–153–030 Minimum physical facilities.
308–153–040 Minimum aseptic surgery facility.

WAC 308–153–010 Definitions. (1) **Veterinary medical facility:** Any premise, unit, structure or vehicle where any animal is received and/or confined to be examined, treated or diagnosed medicinally or surgically. This does not include the owner's own animal on the owner's premises.

(2) **Aseptic surgery:** Aseptic surgical technique exists when everything which comes in contact with the wound is sterile and all precautions are taken to ensure such sterility during the procedure. This latter includes, but is not limited to, such things as the surgery itself, sterilization procedures, gloves, draping and operative techniques. [Order PL–236, § 308–153–010, filed 2/18/76.]

WAC 308–153–020 General requirements for all veterinary medical facilities. (1) **Records:** Any veterinarian who treats in any manner an animal at any location must systematically maintain an adequate individual record of the animal or herd. These records must be kept for a period of three years from the date of last greatment [treatment] and are to include, but not be limited to, the following:

(a) Name, address and phone number of the owner
(b) Patient or herd identification
(c) Vaccination record
(d) History
(e) Physical examination findings
(f) Provisional diagnosis
(g) Treatment and drugs prescribed or dispensed

(2) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals must be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

All facilities must have ventilation adequate to assure proper patient comfort and air exchange and to be free of objectionable odors.

All working surfaces are to be constructed to permit sanitation.

Potable water, sewage facilities and electric power adequate for the practice of veterinary medicine shall be available at all times.

(3) **Storage:** All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(4) **Biologicals–drugs:** Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia*, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary*, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturer's recommendation.

Drug records shall be maintained in accordance with federal and Washington state laws.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

(5) **Waste disposal;** Covered vermin–proof waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, dead animals, debris and other waste.

Disposal facilities shall be so operated to prevent a nuisance condition, to minimize insect and other vermin infestation, odor, and disease hazards. [Order PL–236, § 308–153–020, filed 2/18/76.]

WAC 308–153–030 Minimum physical facilities. All veterinary medical facilities in which animals are received for medical or surgical treatment must have the following minimum physical facilities, but are not limited to only these facilities:

(1) **Reception room and office:** Or a combination of the two.

(2) **Examination room:** May be a separate or in conjunction with a pharmacy and/or laboratory.

(3) **Surgery:** A separate and distinct area so situated to keep contamination and infection to a minimum.

(4) **Laboratory:** May be either in the facility or through commercial facilities, adequate to render diagnostic information.

(5) **X–ray:** Facilities must be available either on or off the premises. The facilities must meet federal and state protective requirements and be capable of producing good quality diagnostic films.

Fluoroscopes will not be accepted as adequate x–ray equipment.

(6) **Cages, runs and stalls:** Any veterinary medical facility confining animals must have individual cages, runs or stalls to confine said animals in a comfortable, sanitary and safe manner.

Cages and stalls must be of impervious material and of adequate size to assure patient comfort and sanitation.

Runs and exercise pens must be of a size to allow patient comfort and exercise and be constructed in such a manner to protect against patient escape or injury. Floors of runs must be of impervious material.

If contagious infectious disease cases are kept, a complete and separate ward must be provided for them. [Order PL–236, § 308–153–030, filed 2/18/76.]

WAC 308-153-040 Minimum aseptic surgery facility. Any veterinary medical facility in which aseptic surgery is performed shall have and use:

(1) Autoclave for instruments, gloves and drapes

(2) Sterile instruments, drapes and gloves

(3) Adequate lighting

(4) Adequate drugs and equipment readily available to handle surgical emergencies

(5) Adequate anesthesia equipment

(6) Suitable individual recovery facilities and supervision

(7) All current recognized procedures are to be followed [Order PL-236, § 308-153-040, filed 2/18/76.]

Chapter 308-154 WAC
CONTINUING EDUCATION REQUIREMENTS FOR VETERINARIANS

WAC

308-154-010 Citation and purpose.
308-154-020 Basic requirement—Amount.
308-154-030 Effective date of requirement.
308-154-040 Exceptions.
308-154-050 Qualification of program for continuing education credit.
308-154-060 Programs approved by the veterinary board.
308-154-070 Reporting of continuing education requirement.
308-154-080 Continuing education—Certification of compliance.

WAC 308-154-010 Citation and purpose. These rules may be cited and referred to as the "Veterinary continuing education rules." The purpose of these rules is to require licensed veterinarians to continue their professional educations as a condition of maintaining a license to practice veterinary medicine in this state. [Order 233, § 308-154-010, filed 2/16/77.]

WAC 308-154-020 Basic requirement--Amount. In the three-year period immediately preceding the annual renewal of the license to practice veterinary medicine, the applicant must have completed 3-3/4 days or accumulated thirty hours of acceptable continuing education.

(1) Measurement is in full academic hours only (a 50-minute period equals one hour). A one-day course will constitute eight hours of credit.

(2) Credit will be granted only for class hours, and not preparation hours.

(3) Acceptable courses taken after July 1, 1977 may be included in the first computation of continuing education hours necessary for renewal. [Order 233, § 308-154-020, filed 2/16/77.]

WAC 308-154-030 Effective date of requirement. (1) The effective date of the continuing education requirement will be three years after the 1977 renewal date. Therefore, the required number of hours must first be met by the 1980 license renewal date.

(2) With respect to any individual, the regulation will become effective on the 1980 renewal or three years after initial licensure in this state, whichever is later. [Order 233, § 308-154-030, filed 2/16/77.]

WAC 308-154-040 Exceptions. The following are exceptions from the continuing education requirements:

(1) Upon a showing of good cause by a licensee to the board, the board may exempt such licensee from any, all[,] or part of the continuing education requirement. Good cause includes, but is not limited to:

(a) Illness;

(b) Hardship to practice. [Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-154-040, filed 10/29/80; Order 233, § 308-154-040, filed 2/16/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-154-050 Qualification of program for continuing education credit. Generally: Generally a formal completion of program of learning which contributes directly to the professional competence of an individual to practice veterinary medicine after he/she has been licensed to do so will qualify an individual to receive credit for continuing education. [Order 233, § 308-154-050, filed 2/16/77.]

WAC 308-154-060 Programs approved by the veterinary board. Completion of the following are deemed to qualify an individual for continuing education credit: Attendance at a recognized local, state, national, or international continuing education program having a featured speaker. [Order 233, § 308-154-060, filed 2/16/77.]

WAC 308-154-070 Reporting of continuing education requirement. The licensee shall provide a statement on forms to be provided by the state of completion of continuing education requirements [indicating] [indication]:

(1) Sponsoring organization;

(2) Location of course;

(3) Course title and/or description;

(4) Principal instruction;

(5) Dates attended;

(6) Hours claimed.

Such form shall be submitted with license renewal fee every three years. [Statutory Authority: RCW 18.92-.030. 80-16-023 (Order PL 358), § 308-154-070, filed 10/29/80; Order 233, § 308-154-070, filed 2/16/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-154-080 Continuing education--Certification of compliance. (1) In conjunction with the application for renewal of licensure at the end of each three-year period as provided for in WAC 308-154-030, each licensee shall submit an affidavit of compliance on a form supplied by the board indicating the thirty hours of continuing education completed by the licensee.

(2) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate compliance with the continuing education requirement. It is therefore the responsibility of each licensee to maintain records, certificates or other evidence of compliance with the continuing education requirements. [Statutory Authority: RCW 18.92.030. 80–16–023 (Order PL 358), § 308–154–080, filed 10/29/80.]

Chapter 308–156 WAC
REGISTRATION OF ANIMAL TECHNICIANS

WAC

308–156–010	Definitions.
308–156–020	Applications—Animal technicians.
308–156–030	Grounds for denial, suspension or revocation of registration.
308–156–045	Responsibilities of veterinarian supervising an animal technician or an unregistered assistant.
308–156–050	Animal health care tasks.
308–156–055	Approval of post high school courses.
308–156–060	Examination for registration as animal technician.
308–156–070	Grading of examination.
308–156–080	Reexamination.
308–156–090	Examination procedures.
308–156–100	Frequency and location of examination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308–156–040 Unrestricted animal health care services. [Statutory Authority: RCW 18.92.030. 80–01–069 (Order PL 332), § 308–156–040, filed 12/21/79.] Repealed by 83–19–055 (Order PL 445), filed 9/19/83. Statutory Authority: RCW 18.92.015 and 18.92.030.

WAC 308–156–010 Definitions. (1) "Animal technician" shall mean any person who has met the requirements of RCW 18.92.015 and who is registered as required by chapter 18.92 RCW.

(2) "Veterinarian" shall mean a person authorized by chapter 18.92 RCW to practice veterinary medicine in the state of Washington.

(3) "Unregistered assistant" shall mean any individual who is not an animal technician or veterinarian.

(4) "Supervisor" shall mean a veterinarian or, if a task so provides, an animal technician.

(5) "Immediate supervision" shall mean the supervisor is in audible and visual range of the animal patient and the person treating the patient.

(6) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the animal has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task.

(7) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the animal patient and the animal has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized.

(8) "Veterinary medical facility" is as defined by WAC 308–153–010.

(9) "Emergency" means that the animal has been placed in a life–threatening condition where immediate treatment is necessary to sustain life. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83–19–055 (Order PL 445), § 308–156–010, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80–01–069 (Order PL 332), § 308–156–010, filed 12/21/79.]

WAC 308–156–020 Applications––Animal technicians. Applications for registration as an animal technician shall be made on forms prepared by the director of the department of licensing and submitted to the division of professional licensing. Applications must be received at least forty–five days prior to the scheduled examination. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83–19–055 (Order PL 445), § 308–156–020, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80–01–069 (Order PL 332), § 308–156–020, filed 12/21/79.]

WAC 308–156–030 Grounds for denial, suspension or revocation of registration. The board may suspend, revoke or deny the issuance or renewal of registration of any animal technician and file its decision in the director's office if the animal technician:

(1) Has employed fraud or misrepresentation in applying for or obtaining the registration;

(2) Has within ten years prior to the date of application been found guilty of a criminal offense relating to the practice of veterinary medicine, surgery and dentistry, including, but not limited to:

(a) Any violation of the Uniform Controlled Substances Act or the Legend Drug Act;

(b) Chronic inebriety;

(c) Cruelty to animals;

(3) Has violated or attempted to violate any provision of chapter 18.92 RCW or any rule or regulation adopted pursuant to that chapter;

(4) Has assisted, abetted or conspired with another person to violate chapter 18.92 RCW, or any rule or regulation adopted pursuant to that chapter;

(5) Has performed any animal health care service not authorized by WAC 308–156–045 or 308–156–050. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83–19–055 (Order PL 445), § 308–156–030, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80–01–069 (Order PL 332), § 308–156–030, filed 12/21/79.]

WAC 308–156–045 Responsibilities of veterinarian supervising an animal technician or an unregistered assistant. (1) No veterinarian shall:

(a) Permit any registered animal technician in his/her employ to perform any animal health care services not authorized by WAC 308–156–045 or 308–156–050.

(b) Permit any unregistered assistant to perform any animal health care services not authorized by WAC 308–156–045 or 308–156–050.

(2) For purposes of the rules and regulations applicable to animal health care tasks for animal technicians and unregistered assistants, the supervising veterinarian of an animal technician or unregistered assistant shall:

(a) Have legal responsibility for the health, safety and welfare of the animal patient which the animal technician or unregistered assistant serves.

(b) Not delegate an animal health care task to an animal technician or unregistered assistant who is unqualified to perform the particular task.

(c) Not use a level of supervision which is lower than that designated for a specific task.

(d) Make all decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient.

(e) Not authorize more than two unregistered assistants to act under indirect supervision at any single time.

(3) A supervising veterinarian shall have examined the animal patient prior to the delegation of any animal health care task to either an animal technician or unregistered assistant. The examination of the animal patient shall be conducted at such times as acceptable veterinary medicine practice requires, consistent with the particular delegated animal health care task.

(4) Where an animal technician is authorized, pursuant to these regulations, to provide supervision for an unregistered assistant performing a specified health care task, the animal technician shall be under the same degree of supervision by the veterinarian, as specified in these regulations, as if the animal technician were performing the task.

(5) Unless specifically so provided by regulation, a veterinarian shall not authorize an animal technician or an unregistered assistant to perform the following functions:

(a) Surgery, other than injections or inoculations;

(b) Diagnosis and prognosis of animal disease;

(c) Prescribing of drugs, medicines and appliances. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-045, filed 9/19/83.]

WAC 308-156-050 Animal health care tasks. (1) ANIMAL TECHNICIANS. (a) Immediate supervision. An animal technician may perform the following tasks only under the immediate supervision of a veterinarian:

(i) Assist veterinarian in surgery by tissue handling;

(ii) Assist veterinarian in surgery by instrument handling.

(b) Direct supervision. An animal technician may perform the following tasks only under the direct supervision of a veterinarian:

(i) Endotracheal intubation;

(ii) Blood administration;

(iii) Fluid aspiration;

(iv) Intraperitoneal injections;

(v) Monitoring of vital signs of anesthetized patient;

(vi) Application of splints;

(vii) Induce anesthesia by intravenous, intramuscular, or subcutaneous injection or by inhalation;

(viii) When the animal is anesthetized, those tasks listed under subsection (c) "indirect supervision" of this section;

(ix) Administration of immunological agents.

(c) Indirect supervision. An animal technician may perform the following tasks only under the indirect supervision of a veterinarian. (If the animal is anesthetized, these tasks require the direct supervision of a veterinarian.):

(i) Teeth cleaning;

(ii) Enema;

(iii) Electrocardiography;

(iv) Application of bandages;

(v) Catheterization of the unobstructed bladder;

(vi) Gavage;

(vii) Ear flush;

(viii) Radiology;

(A) Patient positioning

(B) Operation of X-ray machines

(C) Oral and rectal administration of radio-opaque materials

(ix) Injections of medications not otherwise prohibited:

(A) Intramuscular

(B) Subcutaneous

(C) Intravenous

(x) Oral medications;

(xi) Topical medications;

(xii) Laboratory (specimen collections):

(A) Collection of tissue during or after a veterinarian has performed necropsy

(B) Urine (except cystocentesis)

(C) Hematology

(D) Parasitology

(E) Exfoliative cytology

(F) Microbiology

(xiii) Administration of preanesthetic drugs;

(xiv) Oxygen therapy;

(xv) Removal of partially exposed foxtails from skin and feet;

(xvi) Euthanasia (all circumstances) as otherwise allowed by law;

(xvii) Removal of sutures.

(2) UNREGISTERED ASSISTANTS.

(a) Immediate supervision by veterinarian. An unregistered assistant may perform the following tasks only under the immediate supervision of a veterinarian:

(i) Assist veterinarian in surgery by tissue handling;

(ii) Assist veterinarian in surgery by instrument handling;

(iii) Endotracheal intubation;

(iv) Fluid aspiration;

(v) Intraperitoneal injections.

(b) Immediate supervision by veterinarian or animal technician. An unregistered assistant may perform the following tasks only under the immediate supervision of either a veterinarian or animal technician:

(i) Blood administration;

(ii) Catheterization of unobstructed bladder;

(iii) Gavage;

(iv) Radiology:

(A) Patient positioning
(B) Film exposure
(C) Rectal and oral administration of radio–opaque materials
(v) Intravenous injections of medications not otherwise prohibited;
(vi) Laboratory (specimen collections):
(A) Hematology
(B) Exfoliative cytology
(C) Microbiology
(c) Direct supervision by veterinarian. An unregistered assistant may perform the following tasks only under the direct supervision of a veterinarian:
(i) Monitor vital signs of anesthetized patient;
(ii) When the animal is anesthetized, those tasks listed under subsection (e) "indirect supervision" of this section.
(iii) Laboratory (specimen collection):
(A) Collection of tissues during or after a veterinarian has performed necropsy
(iv) Euthanasia (all circumstances) as otherwise allowed by law;
(v) Removal of sutures.
(d) Direct supervision by veterinarian or animal technician. An unregistered assistant may perform the following tasks only under supervision of either a veterinarian or an animal technician:
(i) Application of bandages;
(ii) Ear flush;
(iii) Electrocardiography.
(e) Indirect supervision. An unregistered assistant may perform the following tasks only under the indirect supervision of a veterinarian (If the animal is anesthetized, these tasks require the direct supervision of a veterinarian.):
(i) Teeth cleaning (without anesthetic);
(ii) Enema;
(iii) Injections of medications not otherwise prohibited;
(A) Intramuscular
(B) Subcutaneous
(iv) Oral medications;
(v) Topical medications;
(vi) Administering medication through an established intravenous catheter;
(vii) Laboratory (specimen collection):
(A) Collecting of voided urine and fecal material
(B) Parasitology (except skin scraping)
(viii) Oxygen therapy;
(ix) Removal of partially exposed foxtails.
(3) EMERGENCY ANIMAL CARE.
(a) Under conditions of an emergency, an animal technician may render the following life saving aid to an animal:
(i) Application of tourniquets and/or pressure bandages to control hemorrhage;
(ii) Administration of pharmacologic agents to prevent or control shock, including parenteral fluids, shall only be performed after direct communication with a veterinarian, and only if such veterinarian is either present or immediately enroute to the location of the distressed animal;
(iii) Resuscitative oxygen procedures;
(iv) Establishing open airways including intubation appliances but excluding surgery;
(v) External cardiac resuscitation;
(vi) Application of temporary splints or bandages to prevent further injury to bones or soft tissues;
(vii) Application of appropriate wound dressings and external supportive treatment in severe burn cases;
(viii) External supportive treatment in heat prostration cases.
(b) Under conditions of an emergency, an unregistered assistant may render the following life saving aid to an animal:
(i) Application of tourniquets and/or pressure bandages to control hemorrhage;
(ii) Resuscitative oxygen procedures;
(iii) Establishing open airways including intubation appliances but excluding surgery. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83–19–055 (Order PL 445), § 308–156–050, filed 9/19/83.]

WAC 308–156–055 Approval of post high school courses. The board, pursuant to RCW 18.92.015, hereby adopts the accreditation standards of the American Veterinary Medical Association (AVMA), "Accreditation policies and procedures" of the committee for animal technician activities and training (CATAT), in effect as of July 31, 1983 or as subsequently amended, and approved by the board. The board approves all and only those institutions accredited by, and in good standing with, the AVMA in accordance with these standards. Other institutions which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of an institution to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

The board reserves the right to withdraw approval of any post high school course which ceases to meet the approval of the board and/or the AVMA after notifying the institution in writing and granting it an opportunity to contest the board's proposed withdrawal. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83–19–055 (Order PL 445), § 308–156–055, filed 9/19/83.]

WAC 308–156–060 Examination for registration as animal technician. (1) All applicants shall be required to complete an examination consisting of a written and practical [a] test.

(2) The written test will consist of questions on any of the following subjects as they pertain to the animal health care services technicians may perform:
(a) Anatomy
(b) Physiology
(c) Chemistry
(d) Obstetrics
(e) Bacteriology
(f) Histology
(g) Radiology
(h) Nursing techniques

(i) Hygiene
(j) Dental prophylaxis
(k) Laboratory procedures
(l) Other subjects prescribed by the board.

The questions will be divided equally between large and small animal health care problems and shall be sufficient in number to satisfy the board of governors that the applicant has been given adequate opportunity to express his or her knowledge relating to these subjects.

(3) The practical examination will be supervised by the board of governors or their designees. Each applicant may be required to perform or demonstrate basic animal health care techniques as directed by the board [on an appropriate animal subject provided by the board]. During the practical examination, each applicant may be required to demonstrate his/her ability to:

(a) Take accurate case histories;
(b) Prepare patient instruments;
(c) Perform dental prophylaxis;
(d) Monitor anesthesia or oxygen equipment;
(e) Apply wound and surgical dressings;
(f) Administer innoculations or vaccinations;
(g) Properly analyze laboratory specimens;
(h) [Restrain animals];
(i) [Other animal health care services authorized by the board]. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-060, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-060, filed 12/21/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-156-070 Grading of examination. (1) The grading of the written and practical portions of the animal technician examination will be based on a possible score of 100 percent and the minimum passing score will be 75 percent.

(2) Each applicant must obtain a final grade of 75 percent or better on both the written and the practical portions of the examination to be considered technically qualified and approved for registration by the board.

(3) All scores shall be expressed in whole numbers, [any] [and] fractions being rounded to the closest whole number. [Statutory Authority: RCW 18.92.015 and 18-.92.030. 83-19-055 (Order PL 445), § 308-156-070, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-070, filed 12/21/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-156-080 Reexamination. An applicant who has failed the animal technician examination may apply for reexamination, provided the required reexamination fee is submitted. Applicants who have failed either the written or the practical portion of the examination will be required to be reexamined in the specific portion of the examination previously failed. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-080, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-080, filed 12/21/79.]

WAC 308-156-090 Examination procedures. (1) All applicants will be required to present a notice of eligibility to the test proctors upon admission to the test. Each applicant will also be asked to present one piece of positive identification which bears a photograph of the applicant. Failure to produce the eligibility notice and identification required may result in the applicant's being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed talking or attempting to give or receive information, or using unauthorized materials during any portion of the examination will be expelled from the examination and not allowed to complete [it] and will forfeit all fees relating to examination. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-090, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-090, filed 12/21/79.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-156-100 Frequency and location of examination. (1) The examination for animal technicians shall be given at least once a year at such times and places as the director may authorize.

(2) A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination date. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Should an applicant fail to appear for examination at the designated time and place, he/she shall forfeit the examination fee unless he/she has notified the division of professional licensing of his/her inability to appear for the scheduled exam at least five days before the designated time. [Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-100, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-100, filed 12/21/79.]

Chapter 308-170 WAC
LICENSING OF REGISTERED SANITARIANS

WAC
308-170-040 Application for registration—Process.
308-170-050 Registered sanitarians—Written examination.

WAC 308-170-040 Application for registration--Process. To be eligible to take any particular written examination, an applicant must file his or her application with the department of licensing not less than sixty days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in August of each year. [Statutory Authority: RCW 18.90.020(2). 81-01-082 (Order PL 364), § 308-170-040, filed 12/17/80.]

WAC 308-170-050 Registered sanitarians--Written examination. Written examination requirements: The written examination that is used in the state of Washington is the examination for registration of sanitarians. The examination consists of approximately 200 objective multiple choice questions and covers the following subject matters:

1. Air and water quality management
2. Liquid waste disposal
3. Solid waste disposal
4. Radiation
5. Noise
6. Land use
7. Environmental chemicals
8. Environmental safety
9. Housing and institutional care
10. Population/environmental demands
11. Food protection
12. Vector controls
13. Administration

The applicant must satisfactorily pass the written examination acceptable to and approved for use by the board under the provisions of RCW 18.90.020. A passing score is 70 percent. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year at a location within the state as determined by the director.

A notification will be sent to each examination applicant at least fifteen days prior to each applicant's scheduled examination dates. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is to appear for examination. Should an applicant fail to appear for examination at the designated time and place, he shall forfeit the examination fee unless he has notified the division of professional licensing of his inability to appear for the scheduled examination at least five days before the designated date. [Statutory Authority: RCW 18.90.020(2). 81-01-082 (Order PL 364), § 308-170-050, filed 12/17/80.]

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WAC 308–200A–010 Authority. The department adopts by reference the text of WAC 197–10–010, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–010, filed 8/3/78. Formerly WAC 308–200–010.]

WAC 308–200A–020 Purpose. (1) The purpose of this chapter is to establish department of licensing rules interpreting and implementing the State Environmental Policy Act of 1971 (SEPA), which rules will apply to the department, its divisions, and its affiliated agencies.

(2) These rules do not govern compliance by the department with respect to the National Environmental Policy Act of 1969 (NEPA). When the department is required by federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these rules. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–020, filed 8/3/78. Formerly WAC 308–200–020.]

WAC 308–200A–025 Scope and coverage of this chapter. The department adopts by reference the text of WAC 197–10–025, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–025, filed 8/3/78. Formerly WAC 308–200–025.]

WAC 308–200A–030 Integration of SEPA procedures with other governmental operations. The department adopts by reference the text of WAC 197–10–030, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–030, filed 8/3/78. Formerly WAC 308–200–030.]

WAC 308–200A–040 Definitions. The department adopts by reference the text of WAC 197–10–040, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–040, filed 8/3/78. Formerly WAC 308–200–040.]

WAC 308–200A–050 Use of the environmental checklist form. The department adopts by reference the text of WAC 197–10–050, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–050, filed 8/3/78. Formerly WAC 308–200–050.]

WAC 308–200A–055 Timing of the EIS process. (1) When acting as a lead agency, the department shall identify the times at which the EIS process must be completed on a case–by–case basis.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) The maximum time limits contained in these regulations for the threshold determination and EIS process do not apply to a proposal for a governmental action when the proponent of the action is also the lead agency. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–055, filed 8/3/78. Formerly WAC 308–200–055.]

WAC 308–200A–060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. The department adopts by reference the text of WAC 197–10–060, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–060, filed 8/3/78. Formerly WAC 308–200–060.]

WAC 308–200A–100 Summary of information which may be required of a private applicant. (1) There are three areas of these rules where the department is allowed to require information from a private applicant. These are:

(a) Environmental checklist;

(b) Threshold determination; and

(c) Draft and final EIS.

Further information may be required if the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may voluntarily submit, at any time, information beyond that which may be required under these rules.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 197–10–365 and in section 308–200A–365 of this chapter, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini–EIS" at this stage.

(3) Threshold determination. The lead agency shall make an initial review of a completed checklist without requiring more information from a private applicant. After completing this initial review, the lead agency may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the lead agency, information accessible to the lead agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

(4) Draft and final EIS preparation. An EIS may be prepared by the applicant under the direction of the responsible official, if the responsible official requires and so notifies the applicant in writing. Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty–five days allowed for response by the consulted agency has expired, whichever is earlier. (See WAC 308–200A–420.) [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–100, filed 8/3/78. Formerly WAC 308–200–100.]

EXEMPTIONS

WAC 308–200A–150 Exemptions exclusive—CEP approval of changes in exemptions. The department adopts by reference the text of WAC 197–10–150, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–150, filed 8/3/78. Formerly WAC 308–200–150.]

WAC 308–200A–160 No presumption of significance for nonexempt actions. The department adopts by reference the text of WAC 197–10–160, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78–09–002 (Order 500–DOL), § 308–200A–160, filed 8/3/78. Formerly WAC 308–200–160.]

WAC 308–200A–170 Categorical exemptions. The department adopts by reference the text of WAC 197–10–170, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–170, filed 8/3/78. Formerly WAC 308–200–170.]

WAC 308–200A–175 Exemptions and nonexemptions applicable to the department. All actions and licenses required under programs administered by the department of licensing as of December 12, 1975, are hereby exempted, except the following, which, notwithstanding the provisions of WAC 197–10–170 and 308–200A–170 of this chapter, shall not be considered exempt:

(1) Camping club promotional permits required by chapter 19.105 RCW.

(2) Motor vehicle wrecker licenses required by chapter 46.80 RCW. WAC 197–10–170 (5)(i) and 308–200A–170 (5)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

(3) The adoption or amendment by the department of any regulations or standards for motor vehicle wrecker operations or camping club operations affecting environmental values.

The exemptions in this section are in addition to the general exemptions of WAC 197–10–170 and 197–10–180, which apply to all agencies unless the general exemptions are specifically made inapplicable by this section. [Statutory Authority: RCW 43.21C.120. 78–09–002 (Order 500–DOL), § 308–200A–175, filed 8/3/78. Formerly WAC 308–200–175.]

WAC 308-200A-177 Environmentally sensitive areas. The department adopts by reference the text of WAC 197-10-177, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-177, filed 8/3/78.]

WAC 308-200A-180 Exemptions for emergency actions. The department adopts by reference the text of WAC 197-10-180, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-180, filed 8/3/78. Formerly WAC 308-200-180.]

WAC 308-200A-190 Use and effect of categorical exemptions. The department adopts by reference the text of WAC 197-10-190, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-190, filed 8/3/78. Formerly WAC 308-200-190.]

LEAD AGENCY

WAC 308-200A-200 Lead agency--Responsibilities. The department adopts by reference the text of WAC 197-10-200, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-200, filed 8/3/78. Formerly WAC 308-200-200.]

WAC 308-200A-203 Determination of lead agency--Procedures. The department adopts by reference the text of WAC 197-10-203, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-203, filed 8/3/78. Formerly WAC 308-200-203.]

WAC 308-200A-205 Lead agency designation--Governmental proposals. The department adopts by reference the text of WAC 197-10-205, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-205, filed 8/3/78. Formerly WAC 308-200-205.]

WAC 308-200A-210 Lead agency designation--Proposals involving both private and public construction activity. The department adopts by reference the text of WAC 197-10-210, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-210, filed 8/3/78. Formerly WAC 308-200-210.]

WAC 308-200A-215 Lead agency designation--Private projects for which there is only one agency with jurisdiction. The department adopts by reference the text of WAC 197-10-215, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-215, filed 8/3/78. Formerly WAC 308-200-215.]

WAC 308-200A-220 Lead agency designation--Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. The department adopts by reference the text of WAC 197-10-220, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-220, filed 8/3/78. Formerly WAC 308-200-220.]

WAC 308-200A-225 Lead agency designation--Private projects requiring licenses from more than one state agency. The department adopts by reference the text of WAC 197-10-225, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-225, filed 8/3/78. Formerly WAC 308-200-225.]

WAC 308-200A-230 Lead agency designation--Specific proposals. The department adopts by reference the text of WAC 197-10-230, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-230, filed 8/3/78. Formerly WAC 308-200-230.]

WAC 308-200A-235 Local agency transfer of lead agency status to a state agency. The department adopts by reference the text of WAC 197-10-235, as it existed on January 21, 1978. [Statutory Authority: RCW 43-.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-235, filed 8/3/78. Formerly WAC 308-200-235.]

WAC 308-200A-240 Agreements as to lead agency status. The department adopts by reference the text of WAC 197-10-240, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-240, filed 8/3/78. Formerly WAC 308-200-240.]

WAC 308-200A-245 Agreements between agencies as to division of lead agency duties. The department adopts by reference the text of WAC 197-10-245, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-245, filed 8/3/78. Formerly WAC 308-200-245.]

WAC 308-200A-260 Dispute as to lead agency determination--Resolution by CEP. The department adopts by reference the text of WAC 197-10-260, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-260, filed 8/3/78. Formerly WAC 308-200-260.]

WAC 308-200A-270 Assumption of lead agency status by another agency with jurisdiction. The department adopts by reference the text of WAC 197-10-270, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-270, filed 8/3/78. Formerly WAC 308-200-270.]

THRESHOLD DETERMINATION

WAC 308-200A-300 Threshold determination requirement. The department adopts by reference the text of WAC 197-10-300, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-300, filed 8/3/78. Formerly WAC 308-200-300.]

WAC 308-200A-305 Recommended timing for threshold determination. The department adopts by reference the text of WAC 197-10-305, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-305, filed 8/3/78. Formerly WAC 308-200-305.]

WAC 308-200A-310 Threshold determination procedures--Environmental checklist. The department adopts by reference the text of WAC 197-10-310, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-310, filed 8/3/78. Formerly WAC 308-200-310.]

WAC 308-200A-320 Threshold determination procedures--Initial review of environmental checklist. The department adopts by reference the text of WAC 197-10-320, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-320, filed 8/3/78. Formerly WAC 308-200-320.]

WAC 308-200A-330 Threshold determination procedures--Information in addition to checklist. The department adopts by reference the text of WAC 197-10-330, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-330, filed 8/3/78. Formerly WAC 308-200-330.]

WAC 308-200A-340 Threshold determination procedures--Negative declarations. The department adopts by reference the text of WAC 197-10-340, as it existed on January 21, 1978. [Statutory Authority: RCW 43-.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-340, filed 8/3/78. Formerly WAC 308-200-340.]

WAC 308-200A-345 Assumption of lead agency status by another agency with jurisdiction over a proposal--Prerequisites, effect and form of notice. The department adopts by reference the text of WAC 197-10-345, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-345, filed 8/3/78. Formerly WAC 308-200-345.]

WAC 308-200A-350 Affirmative threshold determination. The department adopts by reference the text of WAC 197-10-350, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-350, filed 8/3/78. Formerly WAC 308-200-350.]

WAC 308-200A-355 Form of declaration of significance/nonsignificance. The department adopts by reference the text of WAC 197-10-355, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-355, filed 8/3/78. Formerly WAC 308-200-355.]

WAC 308-200A-360 Threshold determination criteria--Application of environmental checklist. The department adopts by reference the text of WAC 197-10-360, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-360, filed 8/3/78. Formerly WAC 308-200-360.]

WAC 308-200A-365 Environmental checklist. The department adopts by reference the text of WAC 197-10-365, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-365, filed 8/3/78. Formerly WAC 308-200-365.]

WAC 308-200A-370 Withdrawal of affirmative threshold determination. The department adopts by reference the text of WAC 197-10-370, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-370, filed 8/3/78. Formerly WAC 308-200-370.]

WAC 308-200A-375 Withdrawal of negative threshold determination. The department adopts by reference the text of WAC 197-10-375, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-375, filed 8/3/78. Formerly WAC 308-200-375.]

WAC 308-200A-390 Effect of threshold determination by lead agency. The department adopts by reference the text of WAC 197-10-390, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-390, filed 8/3/78. Formerly WAC 308-200-390.]

DRAFT EIS PREPARATION AND CONTENTS

WAC 308-200A-400 Duty to begin preparation of a draft EIS. The department adopts by reference the text of WAC 197-10-400, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-400, filed 8/3/78. Formerly WAC 308-200-400.]

WAC 308-200A-405 Purpose and function of a draft EIS. The department adopts by reference the text of WAC 197-10-405, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-405, filed 8/3/78. Formerly WAC 308-200-405.]

WAC 308-200A-410 Predraft consultation procedures. The department adopts by reference the text of

WAC 197-10-410, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-410, filed 8/3/78. Formerly WAC 308-200-410.]

WAC 308-200A-420 Preparation of EIS by persons outside the lead agency. The department adopts by reference the text of WAC 197-10-420, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-420, filed 8/3/78. Formerly WAC 308-200-420.]

WAC 308-200A-425 Organization and style of a draft EIS. The department adopts by reference the text of WAC 197-10-425, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-425, filed 8/3/78. Formerly WAC 308-200-425.]

WAC 308-200A-440 Contents of a draft EIS. The department adopts by reference the text of WAC 197-10-440, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-440, filed 8/3/78. Formerly WAC 308-200-440.]

WAC 308-200A-442 Special considerations regarding contents of an EIS on a nonproject action. The department adopts by reference the text of WAC 197-10-442, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-442, filed 8/3/78. Formerly WAC 308-200-442.]

WAC 308-200A-444 List of elements of the environment. The department adopts by reference the text of WAC 197-10-444, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-444, filed 8/3/78. Formerly WAC 308-200-444.]

WAC 308-200A-446 Draft EIS--Optional additional elements--Limitation. At the discretion of the responsible official, there may be added to the list of elements of the environment to be attached to any EIS, the following elements:

(1) Social factors,
(2) Cultural concerns, and
(3) Economic issues.

Such additional elements shall become part of the environment for EIS purposes, and not otherwise. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-446, filed 8/3/78. Formerly WAC 308-200-446.]

PUBLIC AWARENESS, HEARINGS AND CIRCULATION OF DRAFT EIS

WAC 308-200A-450 Public awareness of availability of draft EIS. The department adopts by reference the text of WAC 197-10-450, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-450, filed 8/3/78. Formerly WAC 308-200-450.]

WAC 308-200A-455 Circulation of the draft EIS--Review period. The department adopts by reference the text of WAC 197-10-455, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-455, filed 8/3/78. Formerly WAC 308-200-455.]

WAC 308-200A-460 Specific agencies to which draft EIS shall be sent. The department adopts by reference the text of WAC 197-10-460, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-460, filed 8/3/78. Formerly WAC 308-200-460.]

WAC 308-200A-465 Agencies possessing environmental expertise. The department adopts by reference the text of WAC 197-10-465, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-465, filed 8/3/78. Formerly WAC 308-200-465.]

WAC 308-200A-470 Cost to the public for reproduction of environmental documents. The department adopts by reference the text of WAC 197-10-470, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-470, filed 8/3/78. Formerly WAC 308-200-470.]

WAC 308-200A-480 Public hearing on a proposal--When required. The department adopts by reference the text of WAC 197-10-480, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-480, filed 8/3/78. Formerly WAC 308-200-480.]

WAC 308-200A-485 Notice of public hearing on environmental impact of the proposal. The department adopts by reference the text of WAC 197-10-485, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-485, filed 8/3/78. Formerly WAC 308-200-485.]

WAC 308-200A-490 Public hearing on the proposal--Use of environmental documents. The department adopts by reference the text of WAC 197-10-490, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-490, filed 8/3/78. Formerly WAC 308-200-490.]

WAC 308-200A-495 Preparation of amended or new draft EIS. The department adopts by reference the text of WAC 197-10-495, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-495, filed 8/3/78. Formerly WAC 308-200-495.]

RESPONSIBILITIES OF CONSULTED AGENCIES

WAC 308-200A-500 Responsibilities of consulted agencies--Local agencies. The department adopts by reference the text of WAC 197-10-500, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-500, filed 8/3/78. Formerly WAC 308-200-500.]

WAC 308-200A-510 Responsibilities of consulted agencies--State agencies with jurisdiction. The department adopts by reference the text of WAC 197-10-510, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-510, filed 8/3/78. Formerly WAC 308-200-510.]

WAC 308-200A-520 Responsibilities of consulted agencies--State agencies with environmental expertise. The department adopts by reference the text of WAC 197-10-520, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-520, filed 8/3/78. Formerly WAC 308-200-520.]

WAC 308-200A-530 Responsibilities of consulted agencies--When predraft consultation has occurred. The department adopts by reference the text of WAC 197-10-530, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-530, filed 8/3/78. Formerly WAC 308-200-530.]

WAC 308-200A-535 Cost of performance of consulted agency responsibilities. The department adopts by reference the text of WAC 197-10-535, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-535, filed 8/3/78. Formerly WAC 308-200-535.]

WAC 308-200A-540 Limitations on responses to consultation. The department adopts by reference the text of WAC 197-10-540, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-540, filed 8/3/78. Formerly WAC 308-200-540.]

WAC 308-200A-545 Effect of no written comment. The department adopts by reference the text of WAC 197-10-545, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-545, filed 8/3/78. Formerly WAC 308-200-545.]

PREPARATION, CONTENTS AND CIRCULATION OF FINAL EIS

WAC 308-200A-550 Preparation of the final EIS--Time period allowed. The department adopts by reference the text of WAC 197-10-550, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-550, filed 8/3/78. Formerly WAC 308-200-550.]

WAC 308-200A-570 Preparation of the final EIS--Contents--When no critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-570, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-570, filed 8/3/78. Formerly WAC 308-200-570.]

WAC 308-200A-580 Preparation of the final EIS--Contents--When critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-580, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-580, filed 8/3/78. Formerly WAC 308-200-580.]

WAC 308-200A-600 Circulation of the final EIS. The department adopts by reference the text of WAC 197-10-600, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-600, filed 8/3/78. Formerly WAC 308-200-600.]

USE OF OTHER EIS'S

WAC 308-200A-650 Effect of an adequate final EIS prepared pursuant to NEPA. The department adopts by reference the text of WAC 197-10-650, as it existed on January 21, 1978. [Statutory Authority: RCW 43-.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-650, filed 8/3/78. Formerly WAC 308-200-650.]

WAC 308-200A-652 Supplementation by a lead agency of an inadequate final NEPA EIS. The department adopts by reference the text of WAC 197-10-652, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-652, filed 8/3/78. Formerly WAC 308-200-652.]

WAC 308-200A-660 Use of previously prepared EIS for a different proposed action. The department adopts by reference the text of WAC 197-10-660, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-660, filed 8/3/78. Formerly WAC 308-200-660.]

WAC 308-200A-690 Use of lead agency's EIS by other acting agencies for the same proposal. The department adopts by reference the text of WAC 197-10-690, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-690, filed 8/3/78. Formerly WAC 308-200-690.]

WAC 308-200A-695 Draft and final supplements to a revised EIS. The department adopts by reference the

text of WAC 197-10-695, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-695, filed 8/3/78. Formerly WAC 308-200-695.]

EFFECT OF EIS PROCEDURES ON AGENCY ACTIVITIES

WAC 308-200A-700 No action for seven days after publication of the final EIS. The department adopts by reference the text of WAC 197-10-700, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-700, filed 8/3/78. Formerly WAC 308-200-700.]

WAC 308-200A-710 EIS combined with existing planning and review processes. The department adopts by reference the text of WAC 197-10-710, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-710, filed 8/3/78. Formerly WAC 308-200-710.]

WAC 308-200A-820 Designation of responsible official. By the terms of WAC 308-200A-175 and 197-10-175, action upon only two licenses issued by the department of licensing is not exempt from compliance with SEPA. These licenses are motor vehicle wrecker licenses and camping club promotional permits. For the former, the responsible official shall be the administrator of the dealer and manufacturer control division. For the latter, the responsible official shall be the administrator of the securities division.

The responsible official shall carry out the duties and functions of the department when it is acting as the lead agency under this chapter.

Should any action of the department, other than action on one of the two aforesaid licenses, be deemed nonexempt from the provisions of SEPA, the responsible official shall be the deputy director of the department of licensing, unless another official shall be so designated by departmental regulation. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-820, filed 8/3/78. Formerly WAC 308-200-820.]

WAC 308-200A-831 Responsibility of agencies--SEPA public information. The department adopts by reference the text of WAC 197-10-831, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C-.120. 78-09-002 (Order 500-DOL), § 308-200A-831, filed 8/3/78.]

WAC 308-200A-840 Application of agency rules to ongoing actions. The department adopts by reference the text of WAC 197-10-840, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-840, filed 8/3/78. Formerly WAC 308-200-840.]

WAC 308-200A-860 Fees to cover the costs of SEPA compliance. The department adopts by reference the text of WAC 197-10-860, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-860, filed 8/3/78. Formerly WAC 308-200-860.]

APPLICABILITY OF THIS CHAPTER

WAC 308-200A-900 Applicability of this chapter. This chapter integrates the policies and procedures of the State Environmental Policy Act, chapter 43.21C RCW, into the various programs and activities of the department of licensing, its divisions and its affiliated agencies. With a few exceptions for sections peculiar to the department of licensing or in which the department has exercised an option available to it under applicable department of ecology guidelines, this chapter adopts verbatim the language of the respective sections of the department of ecology guidelines, chapter 197-10 WAC. Consequently, references are not usually made directly to the department of licensing, but rather to "lead agency," "consulted agency," etc.; when the department acts as a particular type of agency, reference to that type of agency will apply to the department. Also consequently, some provisions may seem overbroad. Nevertheless, the chapter governs only the SEPA-related actions of the department, its divisions and its affiliated agencies. If the provisions of this chapter do not adequately cover the duties of the department, its divisions and its affiliated agencies on any matter relating to SEPA, chapter 197-10 WAC shall control such duties. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-900, filed 8/3/78. Formerly WAC 308-200-900.]

WAC 308-200A-910 Severability. The department adopts by reference the text of WAC 197-10-910, as it existed on January 21, 1978. [Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-910, filed 8/3/78. Formerly WAC 308-200-910.]

Chapter 308-300 WAC
CONSOLIDATED LICENSING SYSTEM FOR GROCERY RELATED BUSINESS

WAC

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WAC 308-300-010 Declaration of purpose and authority. This chapter is enacted to implement chapter 19.02 RCW the Business License Center Act, chapter 319, Laws of 1977 ex. sess., wherein the department of licensing has been directed to establish a consolidated master license system for businesses in the state. It is the belief of the department of licensing that the passage of the Business License Center Act by the legislature has, in certain instances, expressly and by implication amended, repealed or otherwise modified existing statutes and rules in those areas addressed by the act.

Therefore, the following rules are promulgated and published pursuant to the authority granted by sections 3(6) and 6 of the Business License Center Act RCW 19.02.030(6) and 19.02.060 to interpret for affected businesses and state agencies the process by which the licenses, permits, registrations, certificates, and other forms of licensing authorization referred to in this chapter of the regulations are to be administered by the department of licensing.

The department of licensing hereby phases the grocery related consolidated licensing program heretofore operated by the department of commerce and economic development into the department of licensing division entitled the business license center, to further the purposes of the Business License Center Act. [Order 476-DOL, § 308-300-010, filed 12/30/77.]

WAC 308-300-020 Definitions. The following definitions apply to use of these terms in relation to the Business License Center Act.

(1) "Act" means the Business License Center Act, RCW 19.02, chapter 319, Laws of 1977 ex. sess.

(2) "Agencies" means all state agencies having jurisdiction over businesses covered under this act.

(3) "BLC" means the business license center.

(4) "Business" means any business covered under the terms of this chapter (see WAC 308-300-040).

(5) "Chapter" means this chapter of the administrative code.

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

(7) "Grant" means to authorize or approve the issuance of an individual license and granted individual license stickers to businesses covered by this chapter.

(8) "Individual License" means any of the licenses, registrations, permits, certificates or other forms of authorization covered under this chapter (see WAC 308-300-040).

(9) "Issue" means to process fees and applications and transmit master licenses.

(10) "Master application" means a document incorporating pertinent data from existing applications for licenses covered under this chapter.

(11) "Master license" means the single document to be issued by the department of licensing incorporating all individual licenses approved for a business covered under this chapter.

(12) "Person" means any individual, partnership, cooperative, or private corporation, attempting to establish a grocery operation in a new location, or seeking to continue an existing grocery operation.

(13) "Station" means any of the department's driver license examining stations located throughout the state.

(14) "Standard industrial classification (SIC)" is a system for classifying establishments by activity, prepared by the United States Office of Statistical Standards.

(15) "Supplemental license" means a license which is part of the master license issued after a master license has been issued to a business covered by this chapter.

(16) "Unique identifier" is a designation assigned to each master license by which the person licenses [licensed], and the individual licenses issued, may be identified. [Order 476-DOL, § 308-300-020, filed 12/30/77.]

WAC 308-300-030 Licenses which are included on the master license. The following registrations, licenses and permits as required for those businesses in WAC 308-300-040 shall be included within this chapter:

Registration	Dept. of Revenue
Corporate License (renewal only)	Secretary of State
Corporate Annual Report	Secretary of State
*Registration for Industrial Insurance	Dept. of Labor and Industries
Registration for Unemployment Insurance	Dept. of Employment Security
Permit to Employ Minors	Dept. of Labor and Industries
Cigarette Dealer License	Dept. of Revenue
Cigarette Dealer Vending Machine License	Dept. of Revenue
Nursery License	Dept. of Agriculture
Egg Dealer License	Dept. of Agriculture
Seed Dealer License	Dept. of Agriculture
Bakery and Bakery Distributor's License	Dept. of Agriculture
Pesticide Dealer License	Dept. of Agriculture
Refrigerated Locker License	Dept. of Agriculture
**Class E Beer License	Liquor Control Board
**Class F Wine License	Liquor Control Board
Furniture and Bedding Certificate	Dept. of Social and Health Services
Shopkeepers License	Board of Pharmacy

*If risk classification of industrial insurance other than those required of businesses within SIC group 54 is involved, the applicant must apply directly to the department of labor and industries.

**If A, B, C, or D classes of liquor licenses are required in combination with Class E and/or F licenses, the E and F license(s) shall not be available under this program and the applicant must apply directly to the liquor control board.

[Statutory Authority: RCW 19.02.030(6). 79-01-088 (Order 524-DOL), § 308-300-030, filed 1/3/79; Order 476-DOL, § 308-300-030, filed 12/30/77.]

WAC 308-300-040 Businesses covered. The following businesses shall be covered within this chapter:

(1) Any retail business engaged in the sale of food products (except those businesses selling exclusively fully prepared meals), beverages, and common household

goods. Specifically, this will include those businesses classified under SIC group 54 which includes:

Supermarkets, food stores, grocery stores
Delicatessens
Retail coffee, tea, or spice stores
Fruit and/or vegetable stores or stands
Candy, confectionery and/or nut stands
Retail dairy product stores
Retail bakeries
Dietetic food stores
Health food stores
Vitamin food stores
Retail egg and poultry dealers

(2) Businesses owning and servicing vending machines dispensing food products, beverages, or common household goods.

(3) Other retail businesses engaged in the sale of food products (except businesses exclusively selling fully prepared meals), beverages, and common household goods along with other products and/or services. These businesses are covered to the extent of their grocery-related activities (i.e., those licenses referenced in WAC 308-300-030).

(4) This section does not include door-to-door salespersons. [Order 476-DOL, § 308-300-040, filed 12/30/77.]

WAC 308-300-050 Qualified applicants. Any person requiring a license or other form of authorization for businesses in WAC 308-300-040 shall apply for a master license. A person wishing to do business as a corporation must be duly registered and in good standing with the secretary of state. Prior to issuance of a master license the department will verify corporate status. [Order 476-DOL, § 308-300-050, filed 12/30/77.]

WAC 308-300-060 Participation. No agency will issue licenses directly to any business within the scope of WAC 308-300-040. It shall be the responsibility of each agency to direct any persons covered by this program to the business license center and to the provisions for licensing herein which must be followed to lawfully engage in the business covered by this chapter. [Order 476-DOL, § 308-300-060, filed 12/30/77.]

WAC 308-300-070 Authority to prepare forms. The department shall prepare a master application, master license and other forms as required to implement this act. Revisions will be made as appropriate. [Order 476-DOL, § 308-300-070, filed 12/30/77.]

WAC 308-300-080 Procedures for obtaining master application. (1) Master application forms, along with appropriate written instructions, will be available at the business license center in the department of licensing, Olympia, Washington. Application forms will also be available at such other locations as the director in the director's discretion elects.

(2) All completed application forms, along with appropriate fees, shall be returned to the business license center. Inquiries concerning the master application form will be directed to the business license center.

Business License Center
Department of Licensing
Highways-Licenses Building
Olympia, Washington 98504.

[Order 476-DOL, § 308-300-080, filed 12/30/77.]

WAC 308-300-090 Transfer of master license. Transfer of the master license, including each license held thereunder, is prohibited, except as specifically provided below.

Persons obtaining such businesses, or interests in such businesses, as require that a new master license be issued, or that any new individual license included under this chapter be issued under the rules of the subject granting agency or agencies, prior to the expiration of the then current master license must submit application for licensure themselves, together with all required fees, to the business license center and themselves receive licensure prior to operating a business. If a reduced fee is, or reduced fees are, permitted by the granting agency(ies) when licensing persons to whom a business has been transferred, or who have acquired interest in the business, those fees shall be used in computing the total fee due for such licensure.

Persons operating or conducting a business or businesses covered by this chapter without first having obtained a master license which includes such business or businesses, shall be subject to all applicable penalties for operating such business or businesses without licensure.

In the event of the proven incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the rules of the individual agencies. [Order 476-DOL, § 308-300-090, filed 12/30/77.]

WAC 308-300-100 Notification of changes. When information filed with the business license center in, or in connection with, a master license application, or otherwise, changes, or becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in the circumstances of the licensee or applicant or any other person, since the information was filed, the applicant or licensee shall immediately notify the business license center in writing of such change or correction. Notification shall be made in advance of the change where possible, and in no event shall be received at the business license center later than thirty days following the change.

Where the rules of the granting agency require notice of a change in advance of a change, or a certain period of time in advance of the change, that requirement shall be met by the licensee.

Where changes require the approval of the granting agency before implementing the change (for example, as

is often the case with a change of name or a change of location of the business), the change shall not be implemented until the licensee receives written notice of approval of the change from the state.

Where a fee is required by a granting agency in connection with the change, that fee shall be submitted with notice of the change. Such fees will be processed in the same manner as those fees received with license applications.

Where the change is of such magnitude or character as to require a new master license or a new license from any granting agency or agencies under the rules of such agency or agencies, the person or persons seeking the license shall submit a new master application, setting out the particular licenses sought, together with the total of all fees required by the granting agency for such license. See WAC 308–300–090. [Order 476–DOL, § 308–300–100, filed 12/30/77.]

WAC 308–300–110 Issuance of master license. (1) Upon compliance with WAC 308–300–160 on payment of fees, the department will issue and mail the applicant a master license incorporating all individual licenses approved at that time. Initial coverage under this chapter will be acknowledged by issuance of a master license with individual stickers affixed for each individual license issued.

An applicant may request that no master license be issued pending approval of liquor licenses and other licenses within subsection (4) in which event the department will withhold processing of all licenses until determination of liquor licenses has been made.

(2) In those instances where a license is granted by an agency upon receipt of the application and fee payment, the department, upon approval of the appropriate agency, shall issue the license upon proper receipt of those items. This subsection applies to:

(a) Department of revenue; registration, cigarette dealer license, cigarette dealer vending machine license.

(b) Secretary of state, corporate license (renewal only), corporate annual report.

(c) Department of labor and industries; registration for industrial insurance.

(d) Department of employment security; registration for unemployment insurance.

(e) Department of agriculture; nursery license, egg dealer license, seed dealer license.

(f) Department of social and health services; furniture and bedding certificate.

(g) Board of pharmacy; shopkeepers license.

(3) For each of the supplemental licenses specified below, each agency shall, within 21 days of its notification of license application by the department, inform the department of its approval or denial of the licenses sought. This subsection applies to:

(a) Department of agriculture; refrigerated locker license, pesticide dealer license, bakery and bakery distributors license.

(b) Department of labor and industries; minor work permit.

(4) Due to special investigative procedures, liquor licenses and other licenses, permits, certificates, and registrations which require lengthy investigative procedures will be handled as supplemental licenses in accordance with subsection (5). Upon approval by the appropriate agency, the license will be mailed to the licensee by the department to be affixed to the master license.

(5) The department shall be notified of reasons for delay if approval or denial of those licenses in subsection (3) has not been given in 21 days, and of reasons for delay if approval or denial of those licenses in subsection (4) has not been given within 60 days.

(6) This section shall not apply to the renewal of a license to the original licensee. In such a case individual licenses shall be issued pending approval or denial by the agencies in accordance with RCW 34.04.170 and WAC 308–300–140(1).

(7) It shall remain the responsibility of the appropriate agencies to provide the applicant with materials, information, and instructions pertinent to their periodic reports and other [operation] [operational] requirements. [Statutory Authority: RCW 19.02.030(6). 79–01–088 (Order 524–DOL) § 308–300–110, filed 1/3/79; Order 476–DOL, § 308–300–110, filed 12/30/77.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308–300–120 Assignment of renewal schedules. (1) The department shall assign to each business a common expiration date for all licenses covered by this chapter, with subsequent renewals to be made at yearly intervals thereafter. This section supersedes existing renewal schedules currently operative for all individual licenses required by businesses covered under the act.

(2) Each business shall be assigned a master license expiration date on the following schedule. Fees for such licenses will be charged at the full annual rate, except as set forth in WAC 308–300–170(2):

(a) New applicants; last day of the month of receipt of the application.

(b) Existing business brought into the system; distributed evenly on a monthly basis throughout the year.

(c) New branches; expiration date will be adjusted as required to conform to a common date simultaneous to the majority of the applicant's business branches.

(d) Supplemental license(s); will expire on the same date as the master.

(3) The department will consider requests from applicants for exceptions to assigned renewal dates. Approval will be at the discretion of the department. [Order 476–DOL, § 308–300–120, filed 12/30/77.]

WAC 308–300–130 Renewal notices and procedures. Renewal notices indicating fees to be paid for the licenses then held by the licensee will be mailed to the licensee approximately 45 days prior to license expiration. Applications for renewals shall be made by current licensees by providing the information requested and remitting required fees to the department in accordance

with WAC 308-300-160. Renewal acknowledgement will be sent to the licensee by the department in the form of a renewal registration sticker to be affixed to the existing master license. [Order 476-DOL, § 308-300-130, filed 12/30/77.]

WAC 308-300-140 Renewal of licenses. (1) Following issuance of the master license, individual licenses will be renewed and issued by the department under conditions originally imposed by the agencies unless specific instructions have been received by the department from an agency to deny or otherwise restrict a license. The department will verify corporate status with the secretary of state.

(2) It will be the responsibility of the liquor control board to initiate any special investigations sufficiently in advance of the license expiration date to be able to notify the department of appropriate actions 15 days prior to expiration. Provision will be made for the liquor control board to obtain a listing of all expiring licenses at least 60 days prior to the expiration date.

(3) The department will not issue renewals prior to 15 days before the expiration date.

(4) Following issuance of each renewal license, appropriate agencies will be notified of the licenses issued and corresponding expiration dates. [Order 476-DOL, § 308-300-140, filed 12/30/77.]

WAC 308-300-150 Voiding notices and procedures. (1) The agencies will notify the department of any suspensions, revocations, or denials. Nothing contained herein changes the agencies' rules and regulations for determining when suspensions, revocations, or denials are required. The department will provide stickers for voiding individual licenses on the master license document. When an agency orders denial of an individual license, a voiding sticker shall be placed over the individual license to be terminated. Voiding stickers may be handled either by mail or affixed by an inspector or enforcement officer when immediate action is necessary.

(2) When a licensee desires to delete any individual license from their master license, they shall notify the department and the department shall send the voiding stickers to be affixed to the master license by the licensee. [Order 476-DOL, § 308-300-150, filed 12/30/77.]

WAC 308-300-160 Total fee payable--Handling of fees. (1) The total fee payable shall be the total amount of all individual license fees, late filing fees, other penalty fees, and the industrial insurance premium deposit on original application, if applicable. Payment shall be by check or money order, payable to the department of licensing at the time of application.

(2) The total fee payments in subsection (1) will be deposited within one working day of receipt by the department into an undistributed receipts account. The amount of the total fee payment attributable to the assigned initial risk classification and resulting industrial insurance premium deposit will be transferred to the account of the department of labor and industries. An itemization of the amounts received from each applicant and pertinent application information will be transmitted to the department of labor and industries.

(3) The department will distribute the fees received for individual licenses issued or renewed at least once a month to the appropriate agencies. Liquor license fees and fees received for other licenses for which the appropriate agency has withheld notification of approval or denial will be held in the undistributed receipts account of the department until those licenses are issued or denied.

(4) 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.

(5) When an individual license is denied or when an applicant withdraws an application, a refund shall be made if authorized by the appropriate agency. [Order 476-DOL, § 308-300-160, filed 12/30/77.]

WAC 308-300-170 Prorating of fees. (1) When additional licenses are added to WAC 308-300-030 or additional businesses are added to WAC 308-300-040, or when licenses within the scope of WAC 308-300-030 and 308-300-040, referred to above are encompassed in the system for the first time there will be a prorating of fees, where necessitated by renewal dates authorized by the department. This prorating of fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and added to or subtracted from the regular annual fee. Prorating shall be based on the number of whole months between the previous expiration date and the next renewal date.

(2) Prorated fees will be made for supplemental licenses and new branch licenses based on the number of whole months to the expiration of the master license, if authorized by the appropriate agency. [Order 476-DOL, § 308-300-170, filed 12/30/77.]

WAC 308-300-180 Late filing procedures. A late filing penalty may be charged for licenses not renewed by the expiration date. The late filing fee shall be computed according to existing agency statutes. Agency late filing dates are superseded by the date given by the department on the master license. Penalty fees will be deposited in the department's undistributed receipts fund to be forwarded to each appropriate agency. The department shall notify the other agencies of delinquent renewals. [Order 476-DOL, § 308-300-180, filed 12/30/77.]

WAC 308-300-190 Posting. The master license shall be posted on the licensee's premises, preferably in the office area, and shall be visible and easily accessible for inspection purposes by the agencies. [Order 476-DOL, § 308-300-190, filed 12/30/77.]

WAC 308-300-200 Misuse of master license. Defacing, remarking, or misusing the master license in any manner, including noncompliance with official requests

of the department, will expose the violator to all penalties applicable to any of the individual licenses appearing on the master license. [Order 476–DOL, § 308–300–200, filed 12/30/77.]

WAC 308–300–210 Declaration of purpose and authority. This chapter is enacted to implement sections 1 and 3, chapter 22, Laws of 1979 1st ex. sess.; wherein the director of the department of licensing is given the duty to administer chapter 19.80 RCW and is empowered to promulgate rules and regulations. [Statutory Authority: 1979 1st ex.s. c 22 § 3. 79–09–123 (Order 551–DOL), § 308–300–210, filed 9/5/79.]

WAC 308–300–220 Definitions. The following definitions apply to use of these terms in RCW 19.80.010:

(1) True and real name means:

(a) The surname of an individual coupled with one or more of his or her other names, one or more of his or her initials, or any combination thereof;

(b) The designation or appellation by which a person is best known and called in the business community where he or she transacts business, if this is used as the legal signature.

(2) Person means: Any individual or general partnership conducting, intending to conduct, or having an interest in a business in the state of Washington.

(3) Style means: As used in these rules, title or appellation of a person.

(4) Trade name, as used in these rules, means assumed name, that is:

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

(c) Any name that includes words which suggest additional parties of interest such as "company," "and sons," "and associates."

(5) Acknowledgement, as used in these rules, is an acknowledgement as prescribed by chapter 64.08 RCW.

(6) Director means the director of the department of licensing.

(7) Department means the department of licensing. [Statutory Authority: Chapter 19.80 RCW. 81–02–038 (Order 601–DOL), § 308–300–220, filed 1/6/81. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79–09–123 (Order 551–DOL), § 308–300–220, filed 9/5/79.]

WAC 308–300–230 Required registration--Certificate of trade name. Any person or persons who conduct or intend to conduct a business under a trade name must register that name with the department. The person or all the persons conducting that business or having an interest therein shall sign and cause to have filed an acknowledged certificate of trade name with the department. The certificate of trade name shall set forth:

(1) The designation, name or style under which the business is to be conducted.

(2) The real and true name of each person conducting or intending to conduct the business, or having an interest therein, together with the mailing address and an authorized signature for each such person.

(3) Every county in the state of Washington in which the trade name or other designation, name or style is used or intended to be used to carry on, conduct or transact business.

(4) Any other information as the director may require.

(5) Acknowledgement of signature(s) by an officer authorized to take acknowledgement of deeds.

Upon receipt of a properly completed certificate of trade name and proper fee payment, the department shall register the trade name. Such registration shall remain in effect until cancelled. [Statutory Authority: 1979 1st ex.s. c 22 § 3. 79–09–123 (Order 551–DOL), § 308–300–230, filed 9/5/79.]

WAC 308–300–240 Amendment or cancellation. (1) An acknowledged certificate of amendment shall be filed with the department on a form provided by the department when one of the following occurs:

(a) There is a change in the true and real name of an individual conducting or having an interest in the business for which the trade name is registered; or

(b) There is a change in the counties designated for use or intended use of the trade name; or

(c) There is a change of any mailing address set forth on the certificate of trade name.

(2) A notice of cancellation shall be filed with the department when use of a trade name is discontinued.

(3) A notice of cancellation, together with a new certificate of trade name shall be filed when:

(a) There is an addition, deletion or any change of person or persons set forth on the certificate of trade name as those conducting or intending to conduct business under the registered trade name: *Provided*, That this subsection (3) does not apply to the legal name change of an individual for which a certificate of amendment is required under (1) (a) above;

(b) There is a change in the wording or spelling of the registered trade name. [Statutory Authority: 1979 1st ex.s. c 22 § 3. 79–09–123 (Order 551–DOL), § 308–300–240, filed 9/5/79.]

WAC 308–300–250 Forms. The department shall provide forms for certificates of trade name, supplemental pages, and certificates of amendment/notice of cancellation which may be used to make the required filings and which will be available from the following:

(1) Business license center of the department of licensing;

(2) Offices of county clerks;

(3) Persons or institutions, public or private, that request forms for public distribution; and

(4) Other distribution points as the director deems appropriate. [Statutory Authority: 1979 1st ex.s. c 22 §

3. 79-09-123 (Order 551-DOL), § 308-300-250, filed 9/5/79.]

WAC 308-300-260 Records--Transfer from counties to department. (1) Trade name records filed with the county clerks prior to the 1979 act, related files, and cross-referenced materials will be transferred to the department no later than October 1, 1979.

(2) Once the records are transferred, the director shall provide for preservation, storage, and access of such records. [Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-260, filed 9/5/79.]

WAC 308-300-270 Inspection of trade name files encouraged. Each person contemplating use of a trade name is encouraged to make or cause to make an inspection of the trade name files located in the Olympia office of the department of licensing to determine whether the proposed trade name is similar to any already registered. [Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-270, filed 9/5/79.]

WAC 308-300-280 Fees and refunds. (1) The department shall charge and collect:

(a) Five dollars for initial filing of certificate of trade name;

(b) Two dollars for each certificate of amendment;

(c) Twenty-five cents per page for copies of the document(s);

(d) Two dollars for each letter of certification to accompany copies of the document(s).

(2) All fees remitted to the department shall be deposited with the state treasurer to the general fund.

(3) No refund of less than five dollars shall be made except upon written request by the registrant. [Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-280, filed 9/5/79.]

WAC 308-300-290 Cross-referencing and public access. The department shall maintain an index of true and real names cross-referenced to trade names and an index of trade names cross-referenced to true and real names, as set forth on certificates of trade name. [Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-290, filed 9/5/79.]

Chapter 308-400 WAC

STANDARDIZED FILING FORMS--UNIFORM COMMERCIAL CODE

WAC

308-400-010 Authority and purpose.
308-400-020 Applicable statute.
308-400-030 Definitions.
308-400-040 UCC-1 financing statement.
308-400-042 UCC-2 fixture filing form.
308-400-044 UCC-1X financing statement to continue a county filing at the department of licensing.
308-400-046 UCC-3 change statement.
308-400-048 UCC-11R request for certificate of information.
308-400-050 Official approval of forms.
308-400-052 Nonstandard form.
308-400-054 Power of attorney.
308-400-056 Return of acknowledgment.
308-400-058 Termination if partial assignment.
308-400-060 Rejection of documents.
308-400-062 Incompatible actions.
308-400-070 Request for certificate of information.
308-400-080 Delegation of certification authority.
308-400-092 Overpayment of fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-400-090 Amendment fees. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-090, filed 2/9/82. Formerly WAC 434-16-090.] Repealed by 82-13-030 (Order 674-DOL), filed 6/9/82. Statutory Authority: RCW 62A.9-409(1).

WAC 308-400-010 Authority and purpose. These rules are adopted under authority of RCW 62A.9-409(1) and 34.04.020, to standardize filing forms for use under the Uniform Commercial Code and to establish uniform procedures for filing with, and obtaining information from, filing officers. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-010, filed 2/9/82. Formerly WAC 434-16-010.]

WAC 308-400-020 Applicable statute. This regulation shall be considered a supplement to and not a replacement for Article 62A.9 RCW. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-020, filed 2/9/82. Formerly WAC 434-16-020.]

WAC 308-400-030 Definitions. As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code filing procedure.

"Person" includes groups of persons, corporations, cooperatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Article 62A.9 RCW. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-030, filed 2/9/82. Formerly WAC 434-16-030.]

WAC 308-400-040 UCC-1 financing statement. Effective July 1, 1982, the following form shall be the standard UCC-1 Financing Statement Form prescribed by the department of licensing:

UCC - 1

PLEASE TYPE FORM.
This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

☐ LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

☐ CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

TRADE NAME:
(if any)

2. FOR OFFICE USE ONLY

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:
☐ Products of collateral are also covered.
☐ Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods ☐

COPY 1 - FILING OFFICER - INDEX WASHINGTON UCC -1 APPROVED BY WASHINGTON STATE DEPARTMENT OF LICENSING

PLEASE TYPE FORM
This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

☐ LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

☐ CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

TRADE NAME:
(if any)

2. FOR OFFICE USE ONLY

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:
☐ Products of collateral are also covered.
☐ Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods ☐

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO:

FILE WITH:
UNIFORM COMMERCIAL CODE DIVISION
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

FOR OFFICE USE ONLY

Images to be filmed ☐

9. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral. (Please check appropriate box)

(a) ☐ already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or

(b) ☐ which is proceeds of the original collateral described above in which a security interest was perfected, or

(c) ☐ as to which the filing has lapsed, or

(d) ☐ acquired after a change of name, identity, or corporate structure of the debtor(s).

Complete fully if box (d) is checked, complete as applicable for (a), (b), and (c).

Original filing number _____

Filing office where filed _____

Former name of debtor(s) _____

10. USE IF APPLICABLE

TYPE NAME(S) OF DEBTOR(S) (or assignor(s))

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))

SIGNATURE(S) OF DEBTOR(S) (or assignor(s))

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))

COPY 2 - FILING OFFICER - NUMERIC WASHINGTON UCC - 1

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

Note: All other information will be the same on ply 3 as is on ply 2 exce
the termination statement, the office use only box, and the ply lege
at the bottom of the form. Plies 4 and 5 will be identical to ply
except for the ply legend at the bottom of the form, which will be a
follows:
COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
COPY 4 - DEBTOR
COPY 5 - SECURED PARTY
Ply 1 will have a 5 inch carbon behind it.
Ply 2 will have a carbon behind it which must end at the bottom
of box 9.
Plies 3 and 4 will each have a full sheet carbon behind them.
Instructions will appear on the back of copy 5.

FOR OFFICE USE ONLY

TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Name _____ Date _____

Signature _____ Return to: Uniform Commercial Code Division, Department of Licensing
P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT WASHINGTON UCC-1

INSTRUCTIONS UCC–1

1. PLEASE TYPE THIS FORM.

2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.

3. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in box 8 to whom the acknowledgment should be returned.

4. The filing fee for a standard form is $4.00. The fee is $7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC–1. Proper filing fees must accompany each form.

5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The $7.00 fee applies.

6. Typed name of debtor and/or secured party must appear with signature.

7. DO NOT WRITE IN BOX 2.

8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the secured party of record, or the UCC–3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the secured party and assignee are required to terminate. Typed name of secured party of record must appear with signature. No fee is required for a termination statement.

[Statutory Authority: RCW 62A.9–409(1). 82–13–030 (Order 674–DOL), § 308–400–040, filed 6/9/82; 82–05–014 (Order 659–DOL), § 308–400–040, filed 2/9/82, effective 7/1/82.]

WAC 308-400-042 UCC-2 fixture filing form. Effective July 1, 1982, the following form shall be the standard UCC-2 Fixture Filing Form prescribed by the department of licensing:

PLEASE TYPE FORM.
This FIXTURE FILING is presented pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.
☐ LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
☐ CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

3. NUMBER OF ADDITIONAL SHEETS ATTACHED:

4. SECURED PARTY(IES) (or assignee(s))
(name and address)

5. ASSIGNEE(S) of SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

6. This FIXTURE FILING covers the following types or items of property:
☐ The goods are to become fixtures on...
☐ The property is timber standing on...
☐ The property is minerals or the like (including gas and oil) or accounts to be financed at the wellhead or minehead of the well or mine located on...
(Describe real estate. Use legal description.)

This fixture filing is to be filed for record in the real estate records. If the debtor does not have an interest of record in the realty, the name of a record owner is _____.
☐ Products of collateral are also covered.

7. RETURN ACKNOWLEDGMENT COPY TO:

FILE FOR RECORD WITH:

COUNTY AUDITOR OF COUNTY
IN WHICH REAL PROPERTY IS
LOCATED

8. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)
(a) ☐ already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or
(b) ☐ which is proceeds of the original collateral described above in which a security interest was perfected, or
(c) ☐ as to which the filing has lapsed, or
(d) ☐ acquired after a change of name, identity, or corporate structure of the debtor(s).

Complete fully if box (d) is checked; complete as applicable for (a), (b), and (c):
Original recording number _____
Filing office where filed _____
Former name of debtor(s) _____
_____

9.

USE IF APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s))

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))

SIGNATURE(S) OF DEBTOR(S) (or assignor(s))

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))

10. TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the fixture filing bearing the recording number shown above.

NAME: _____

DATE: _____

SIGNATURE _____

Return to: COUNTY AUDITOR of County where original filing/recording was made.

COPY 1 - COUNTY AUDITOR WASHINGTON UCC-2 FIXTURE FILING
FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

Note: All other information will be the same on plies 2 and 3 as is on ply 1. The ply legend is as follows: COPY 2 - DEBTOR COPY 3 - SECURED PARTY Plies 1 and 2 will each have a carbon behind them which must end at the bottom of box 9. Instructions will appear on the back of copy 3.	

INSTRUCTIONS UCC–2 FIXUTRE FILING

1. PLEASE TYPE THIS FORM.
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with one copy of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (1) as an acknowledgment. Indicate in box 7 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is $4.00. The fee is $7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC–2. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The $7.00 fee applies.
6. Typed name of debtor and/or secured party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (2) and (3). SEND copy (1) to the county auditor of the county in which the real property is located.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy (1) may be sent to the filing officer with the termination statement signed by the secured party of record, or the UCC–3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the secured party and assignee are required to terminate. Typed name of secured party of record must appear with the signature. No fee is required for a termination statement.

[Statutory Authority: RCW 62A.9–409(1). 82–08–021 (Order 669–DOL), § 308–400–042, filed 3/30/82, effective 7/1/82.]

WAC 308-400-044 UCC-1X financing statement to continue a county filing at the department of licensing. Effective July 1, 1982, the following form shall be the standard UCC-1X Form prescribed by the department of licensing:

PLEASE TYPE FORM.
This FINANCING STATEMENT is presented to the State Filing Officer to continue a county filing at the state level pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

☐ LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

☐ CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

TRADE NAME:
(if any)

2. FOR OFFICE USE ONLY

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:
☐ Products of collateral are also covered.
☐ Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods ☐

COPY 1 - FILING OFFICER - INDEX WASHINGTON UCC-1X

Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legend at the bottom of the form. Plies 4 and 5 will be identical to ply 2 except for the ply legend at the bottom of the form, which will be as follows:

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
COPY 4 - DEBTOR
COPY 5 - SECURED PARTY

Ply 1 will have a 5 inch carbon behind it.
Ply 2 will have a carbon behind it which must end at the bottom of box 9.
Plies 3 and 4 will each have a full sheet carbon behind them.
Instructions will appear on the back of copy 5.

	FOR OFFICE USE ONLY

TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Name _____ Date _____

Signature _____ Return to: Uniform Commercial Code Division, Department of Licensing
P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT WASHINGTON UCC-1X

This FINANCING STATEMENT is presented to the State Filing Officer to continue a county filing at the state level pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

☐ LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

☐ CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s)) (last name first, and address(es))	2. FOR OFFICE USE ONLY
TRADE NAME: (if any)	

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))

5. CHECK IF APPLICABLE:
☐ Products of collateral are also covered.
☐ Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only: Check Box if Filing Covers Consumer Goods ☐

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO:

FILE WITH:

UNIFORM COMMERCIAL CODE DIVISION
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

FOR OFFICE USE ONLY Images to Be filmed ☐

9. This statement refers to original FINANCING STATEMENT

NUMBER_____ DATE OF ORIGINAL FILING_____ COUNTY _____

NUMBER OF LAST FILING_____ DATE OF LAST FILING_____

DATE OF LAST CONTINUATION_____

The original FINANCING STATEMENT between the foregoing DEBTOR and SECURED PARTY, bearing the file number shown above, is still effective.

10. USE WHICHEVER IS APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s))

TYPE NAME(S) OF SECURED PARTY(IES) (or assignees(s))

SIGNATURES(S) OF DEBTOR(S) (or assignor(s))

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))

COPY 2 - FILING OFFICER - NUMERIC WASHINGTON UCC-1X FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

INSTRUCTIONS UCC-1X

1. THIS FORM IS TO BE USED ONLY WHERE A FINANCING STATEMENT HAS BEEN ORIGINALLY FILED WITH A COUNTY AUDITOR BUT WHERE THE FILING MUST BE CONTINUED WITH THE DEPARTMENT OF LICENSING TO REMAIN PERFECTED. CONTINUATIONS CAN BE MADE ONLY WITHIN SIX MONTHS OF THE FINANCING STATEMENT'S EXPIRATION DATE.
2. PLEASE TYPE THIS FORM.
3. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
4. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in box 8 to whom the acknowledgment should be returned.
5. The filing fee for a standard form is $4.00. The fee is $7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-1X. Proper filing fees must accompany each form.
6. Typed name of debtor and/or secured party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the secured party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the secured party and assignee are required to terminate. Typed name of secured party of record must appear with signature. No fee is required for a termination statement.

[Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-044, filed 2/9/82, effective 7/1/82.]

WAC 308-400-046 UCC-3 change statement. Effective July 1, 1982, the following form shall be the standard UCC-3 Form prescribed by the department of licensing:

PLEASE TYPE FORM.
This CHANGE STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.
☐ LEASE - The terms debtor and secured party are to be construed as LESSEE AND LESSOR.
☐ CONSIGNMENT - The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(s) (or assignor(s))
(last name first, and address(es))

TRADE NAME:
(if any)

2. FOR OFFICE USE ONLY

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) of SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. This statement refers to original FINANCING STATEMENT number _____ Dated _____

6. FOR OFFICE USE ONLY: ☐ C ☐ F-AS ☐ P-AS ☐ AM ☐ PR ☐ T

COPY 1 - FILING OFFICER - INDEX WASHINGTON UCC-3

PLEASE TYPE FORM.
This CHANGE STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.
☐ LEASE - The terms debtor and secured party are to be construed as LESSEE and LESSOR.
☐ CONSIGNMENT - The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

TRADE NAME:
(if any)

2. FOR OFFICE USE ONLY

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) of SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. This statement refers to original FINANCING STATEMENT number _____ Dated _____

7. ☐ CONTINUATION. The original financing statement between the foregoing Debtor(s) and Secured Party(ies), bearing file number shown above is still effective.

☐ FULL ASSIGNMENT. All of the Secured Party's rights under the financing statement bearing file number above have been assigned to the Assignee(s) whose NAME(S) AND ADDRESS(ES) APPEAR ABOVE.

☐ PARTIAL ASSIGNMENT. The Secured Party's rights under the financing statement bearing file number shown above to the property DESCRIBED BELOW have been assigned to the Assignee(s) whose NAME(S) AND ADDRESS(ES) APPEAR ABOVE.

☐ AMENDMENT. Financing statement bearing file number shown above is amended AS SET FORTH BELOW.

☐ PARTIAL RELEASE. Secured Party(ies) releases the collateral DESCRIBED BELOW from the financing statement bearing file number shown above.

☐ TERMINATION. Secured Party(ies) no longer claims a security interest under the financing statement bearing file number shown above.

DESCRIPTION:

8. NUMBER OF ADDITIONAL SHEETS ATTACHED:

9.

TYPE NAME(S) OF DEBTOR(S) (or assignor(s))

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s))

SIGNATURE(S) OF DEBTOR(S) (or assignor(s))
(Required if amendment)

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s))

10. RETURN ACKNOWLEDGMENT COPY TO:

FILE WITH:

UNIFORM COMMERCIAL CODE DIVISION
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

OR

IF FIXTURE FILING:
COUNTY AUDITOR OF COUNTY WHERE ORIGINAL FILING WAS MADE.

FOR OFFICE USE ONLY:

Images To Be Filmed ☐

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

COPY 2 - FILING OFFICER - NUMERIC WASHINGTON UCC-3

Note: All information will be the same on plies 3, 4, and 5 as is on ply 2 except the ply legend at the bottom, which will be as follows:

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
COPY 4 - DEBTOR
COPY 5 - SECURED PARTY

Ply 1 will have a half sheet carbon behind it. Plies 2, 3, and 4 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 5.

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT WASHINGTON UCC-3

INSTRUCTIONS UCC-3

1. PLEASE TYPE THIS FORM.

2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.

3. At the time of filing, the filing officer will return copy (3) as an acknowledgment. Indicate in box 10 to whom the acknowledgment should be returned.

4. If the transaction indicated requires a description or explanation, that description or explanation must appear in box 7.

5. Typed name of debtor and/or secured party must appear with signature.

6. Except for terminations, one or more transactions may be accomplished by a single UCC-3 filing. If more than one transaction is indicated on this form, send appropriate fee for each transaction. Terminations must be submitted on a separate UCC-3.

7. The filing fee for a continuation, assignment, amendment, or release on a standard form is $4.00. The fee is $7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-3. Proper filing fees must accompany each form. There is no fee for a termination statement.

8. DO NOT WRITE IN BOX 2.

9. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

[Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-046, filed 2/9/82, effective 7/1/82.]

WAC 308-400-048 UCC-11R request for certificate of information. Effective July 1, 1982, the following form shall be the standard UCC-11R Form prescribed by the department of licensing:

PLEASE TYPE FORM

REQUEST FOR CERTIFICATE OF INFORMATION

1 FOR OFFICE USE ONLY

2A DEBTOR (last name first and address)

2B Previous address(es) of Debtor (if applicable)

3 PARTY requesting Certificate of Information (name and address)

4

DATE _____

_____

(SIGNATURE(S) OF REQUESTING PARTY)

☐ Department of Licensing: please furnish INFORMATION certificate showing whether there is on file any presently effective financing statement naming the above named debtor and any statement of assignment thereof, as of the date of the receipt of this request. The $4.00 fee is enclosed.

☐ Department of Licensing: please furnish INFORMATION certificate and true and exact COPIES of all presently effective financing statements naming the above named debtor and any statement of assignment thereof, as of the date of the receipt of this request. The $8.00 fee is enclosed.

☐ Department of Licensing: please furnish INFORMATION certificate AND COPIES of filings from _____ to _____ of the those specifically requested file numbers listed below. The $8.00 fee is enclosed.

FILE NUMBER	DATE AND HOUR OF FILING	NAME(S) AND ADDRESS(ES) OF SECURED PARTY (IES)

☐ 1 THE ABOVE LISTING IS A RECORD OF ALL PRESENTLY EFFECTIVE FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING AS OF _____ AT _____

☐ 2 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT FROM _____ TO _____ WHICH NAME THE ABOVE DEBTOR AND ARE ON FILE IN THE DEPARTMENT OF LICENSING. THIS SEARCH REQUEST DOES NOT REFLECT FILINGS WHICH MAY HAVE BEEN ACTIVE ON _____ 19__ BUT HAVE EXPIRED OR HAVE BEEN TERMINATED SINCE THAT DATE.

☐ 3 THE ABOVE LISTING IS A RECORD OF THE SPECIFICALLY REQUESTED FINANCING STATEMENTS AND STATEMENTS OF ASSIGNMENT WHICH NAME THE ABOVE DEBTOR AND WHICH ARE ON FILE IN THE DEPARTMENT OF LICENSING.

☐ 4 THE ATTACHED PAGES ARE TRUE AND EXACT COPIES OF THE FINANCING STATEMENTS OR STATEMENTS OF ASSIGNMENT.

The Department of Licensing hereby disclaims responsibility in this record search and certification for other than the specifically named debtor at the exact address or addresses cited in your Request for Information. Have you cited all names, trade names, business entities, or addresses, past or present, associated with this debtor inquiry? If not, you may wish to submit additional requests.

DATE _____ SIGNATURE OF FILING OFFICER _____

Forward to: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON WASHINGTON UCC [illegible]

Note: All information will be the same on plies 2 and 3 as is on ply 1 except the ply legend at the bottom, which will be as follows:
COPY 2 - FILING OFFICER
COPY 3 - REQUESTING PARTY
Plies 1 and 2 will each have a full sheet carbon behind them.
Instructions will appear on the back of copy 3.

COPY 2 - FILING OFFICER
Forward to: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
FORM APPROVED FOR USE IN THE STATE OF WASHINGTON
WASHINGTON UCC-11R

INSTRUCTIONS UCC-11R

1. PLEASE TYPE THIS FORM.

2. Only the name of one debtor may appear on each form. If information is requested on more than one name, a separate form must be submitted for each name. A husband and wife are considered to be two individual debtors. If more than one name does appear on the submitted form, only the first name will be searched.

3. Indicate the type of search requested in box 5.

4. The fee for a certificate of information request is $4.00. The fee for a certificate of information and copy request is $8.00. Proper filing fees must accompany each form.

5. DO NOT WRITE IN BOX 1 OR BOX 6.

6. REMOVE and retain copy (3). SEND copies (1) and (2) to the address on the front of the form.

[Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-048, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-048, filed 2/9/82, effective 7/1/82.]

WAC 308-400-050 Official approval of forms. A supplier of standard forms who wishes to print on such forms a legend indicating that they have been officially approved as standard forms by the department of licensing shall submit five sets of reproducible proof copies of each such form to the department. The copies must demonstrate to the satisfaction of the department that the approved form in final printing will conform to content, format, size, and construction of the forms set out in WAC 308-400-040, 308-400-042, 308-400-044, 308-400-046, and 308-400-048. If the department is so satisfied, it shall notify such supplier in writing. No person shall print such a legend on any form for use under the Uniform Commercial Code, nor shall he in any manner represent that there has been such approval, without first applying for such approval and receiving such notice from the department. A form which has not been approved by the department shall be considered a nonstandard form. [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-050, filed 2/9/82. Formerly WAC 434-16-050.]

WAC 308-400-052 Nonstandard form. (1) Beginning July 1, 1982, the only forms which will be considered standard forms for the purpose of assessing standard fees are those set out in WAC 308-400-040, 308-400-042, 308-400-044, and 308-400-046. All other forms will be considered nonstandard forms to which the nonstandard form filing fees apply.

(2) A standard form which includes attachments becomes a nonstandard filing and will be assessed the nonstandard filing fee. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-052, filed 6/9/82.]

WAC 308-400-054 Power of attorney. (1) The department will accept for filing a financing statement signed for the debtor by his agent or attorney in fact if such circumstance is clearly indicated on the financing statement or in accompanying documents.

(2) When a termination statement is signed for the secured party by an attorney in fact, an acknowledged copy of the document granting the power of attorney to the signer must accompany the statement. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-054, filed 6/9/82.]

WAC 308-400-056 Return of acknowledgment. When a document is accepted for filing, the department of licensing shall deposit the acknowledgment in the mails with reasonable promptness for return to the secured party or the person designated by the secured party to receive the acknowledgment. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-056, filed 6/9/82.]

WAC 308-400-058 Termination if partial assignment. If a partial assignment of the security interest perfected by a financing statement has been made, signatures of both the secured party and the assignee are required to terminate the financing statement. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-058, filed 6/9/82.]

WAC 308-400-060 Rejection of documents. Any document rejected for any reason by any filing officer shall be deposited in the mails with reasonable promptness for return to the person submitting the same, and shall be accompanied by a brief but specific written statement of the reasons for rejection. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-060, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-060, filed 2/9/82. Formerly WAC 434-16-060.]

WAC 308-400-062 Incompatible actions. The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement. The parties may not submit a corrected UCC-3 statement, but must submit a new signed UCC-3 statement indicating the desired action to be taken. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-062, filed 6/9/82.]

WAC 308-400-070 Request for certificate of information. A separate written request for information (see WAC 308-400-048. Form UCC-11R) must be submitted with respect to each individual debtor concerning whom information is sought. For this purpose a husband and wife shall be considered to be two individual debtors. An entity identified by a trade name will be considered an individual debtor. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-070, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-070, filed 2/9/82. Formerly WAC 434-16-080.]

WAC 308-400-080 Delegation of certification authority. The director of the department of licensing may delegate to other department filing officers the authority to issue and sign all certificates of information issued by the department pursuant to RCW 62A.9-407(2). [Statutory Authority: RCW 62A.9-409(1). 82-05-014 (Order 659-DOL), § 308-400-080, filed 2/9/82.]

WAC 308-400-092 Overpayment of fees. Beginning July 1, 1982, the department of licensing will not issue a refund for overpayment of UCC fees unless:

(1) The overpayment is in an amount of four dollars or more; or

(2) The department receives a written request for a refund of less than four dollars within sixty days of the date of the department's receipt of the overpayment. [Statutory Authority: RCW 62A.9-409(1). 82-13-030 (Order 674-DOL), § 308-400-092, filed 6/9/82.]