

# Chapter 308-129 WAC

## SELLERS OF TRAVEL

### WAC

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

308-129-230	Advertising. [Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-230, filed 7/2/96, effective 8/2/96.] Repealed by 00-11-047, filed 5/12/00, effective 6/12/00. Statutory Authority: RCW 19.138.170(1).
308-129-320	Brief adjudicative proceedings—Denials based on failure to meet prerequisites for registration. [Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-320, filed 7/2/96, effective 8/2/96.] Repealed by 96-24-064, filed 12/2/96, effective 1/2/97. Statutory Authority: RCW 34.05.482 and 19.138.170(1).
308-129-335	Application of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-335, filed 12/2/96, effective 1/2/97.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.
308-129-340	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-340, filed 12/2/96, effective 1/2/97.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.
308-129-350	Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-350, filed 12/2/96, effective 1/2/97.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.

#### PART A GENERAL

**WAC 308-129-010 Organization.** The sellers of travel program of the department of licensing administers the Washington Sellers of Travel Registration Act, chapter 19.138 RCW. Information regarding sellers of travel registrations or the sellers of travel program may be obtained by writing to the Program Manager, Sellers of Travel Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-010, filed 7/2/96, effective 8/2/96.]

(7/23/07)

**WAC 308-129-020 Definitions.** (1) "Registration number" means the unified business identifier number (UBI) assigned to the registered seller of travel.

(2) "Main office" means the first registered business location for a seller of travel.

(3) "Branch office" means each additional business location for a seller of travel after the first location has been registered.

(4) "Other approved account" means (a) bank administered account; (b) account pursuant to other state law; (c) checking account; (d) savings account; (e) an account individually approved of by the department.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-020, filed 7/2/96, effective 8/2/96.]

**WAC 308-129-030 Registration.** Registration as a seller of travel will be accomplished through the master license system under chapter 19.02 RCW. The fees established by or under chapter 19.138 RCW for registering as a seller of travel shall be paid to the department of licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW.

A corporation, limited liability company, limited liability partnership, or a limited partnership, based in the state of Washington, must first be registered with the office of the secretary of state before registering as a seller of travel.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-030, filed 7/2/96, effective 8/2/96.]

#### PART B REGISTRATION APPLICATION AND FEES

**WAC 308-129-100 Applications—Conditions.** Any person desiring to be registered as a seller of travel shall submit with the application form:

(1) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(2) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(3) In lieu of the CPA/LPA/bank officer report required by RCW 19.138.110(5), an applicant may submit an affidavit or declaration signed under penalty of perjury setting out the information required by RCW 19.138.110(5).

(4) Applicants who certify under penalty of perjury that they do not hold for more than five business days any nonexempt funds received from any person or entity for retail travel services shall not be required to report or maintain a trust

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account or other approved account under RCW 19.138.-110(5).

(5) A seller of travel applying to be licensed under chapter 19.138 RCW may submit a surety bond as described in RCW 19.138.140 (7)(a)(i) or other instrument approved by the department as described in RCW 19.138.140 (7)(a)(iv). The amount of the surety bond or other approved instrument shall be based upon the prior year's annual gross income of business conducted as outlined in the following scale:

Annual Gross Income of Business Conducted:	Amount of Surety Bond or other instrument approved by the department:
\$199,999 and under	\$10,000
\$200,000 through \$499,999	\$20,000
\$500,000 through \$749,999	\$30,000
\$750,000 through \$999,999	\$40,000
\$1,000,000 and above	\$50,000

(6) Sellers of travel companies upon application and renewal shall attest to their gross annual income of business conducted on a form provided by the department.

[Statutory Authority: RCW 19.138.170 and 43.24.023. 03-03-055, § 308-129-100, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.138.170(1). 00-11-047, § 308-129-100, filed 5/12/00, effective 6/12/00. Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-100, filed 7/2/96, effective 8/2/96.]

#### **WAC 308-129-110 Seller of travel registration fees.**

The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	\$202.00
Registration renewal	202.00
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

[Statutory Authority: RCW 19.138.170 and 43.24.086. 07-16-036, § 308-129-110, filed 7/23/07, effective 9/1/07. Statutory Authority: RCW 19.138.-170, 43.24.023, 43.24.086. 04-19-039, § 308-129-110, filed 9/13/04, effective 11/1/04. Statutory Authority: RCW 19.138.170, 43.24.023. 04-12-027, § 308-129-110, filed 5/26/04, effective 7/1/04. Statutory Authority: RCW 19.138.170(1). 00-01-128, § 308-129-110, filed 12/20/99, effective 1/20/00. Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-110, filed 7/2/96, effective 8/2/96.]

**WAC 308-129-120 Dishonored checks.** Payment of any fee required under chapter 19.138 or 19.02 RCW by a check which is dishonored shall be considered a nonpayment and the registration action for which the dishonored check was tendered shall be considered invalid by the department.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-120, filed 7/2/96, effective 8/2/96.]

**WAC 308-129-130 Expiration and renewal of registrations.** Registrations issued to sellers of travel shall expire concurrently with the master license expiration date. Registrations and fees will be prorated as necessary to match the master license expiration date. Registrations must be renewed each year on or before the expiration date and

renewal registration fees as prescribed in WAC 308-129-110 and chapter 19.02 RCW shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the master licensing service delinquency.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-130, filed 7/2/96, effective 8/2/96.]

### **PART C REQUIRED RECORDS AND RECORDS PROCEDURES**

**WAC 308-129-300 Required records.** The minimum records a seller of travel shall be required to keep are:

- (1) Bank trust account or other approved account records (unless exempt);
- (2) Client account information, which includes the client's name, amount and date payment was received and disbursed;
- (3) Unless a different period is specified by statute or rule, the required records shall be maintained and available for inspection by representatives of the department for a period of two years after completion of the travel.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-300, filed 7/2/96, effective 8/2/96.]

**WAC 308-129-310 Administration of nonexempt funds and records procedure.** Any seller of travel shall distribute nonexempt funds as authorized by statute and these regulations:

- (1) The trust account or other approved account shall be in the firm name of the seller of travel as registered;
- (2) All disbursements from the trust account or other approved account shall be identified to a specific transaction
- (3) If the financial institution charges service fees, the seller of travel shall reimburse the trust account or other approved account within 10 banking days after receipt of the monthly statement.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-310, filed 7/2/96, effective 8/2/96.]