

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6184

Chapter 92, Laws of 1992
(partial veto)

52nd Legislature
1992 Regular Session

REAL ESTATE EDUCATION PROGRAM REQUIREMENTS

EFFECTIVE DATE: 7/1/93

Passed by the Senate February 17, 1992
Yeas 47 Nays 0

JOEL PRITCHARD

President of the Senate

Passed by the House March 4, 1992
Yeas 96 Nays 0

JOE KING

**Speaker of the
House of Representatives**

Approved March 26, 1992, with the
exception of sections 2, 3, and 4,
which are vetoed.

BOOTH GARDNER

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the
Senate of the State of Washington, do
hereby certify that the attached is
ENGROSSED SENATE BILL 6184 as passed
by the Senate and the House of
Representatives on the dates hereon
set forth.

GORDON A. GOLOB

Secretary

FILED

March 26, 1992 - 12:47 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6184

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By Senators Newhouse, Bauer, Anderson, Gaspard, Snyder, West, Johnson
and L. Smith

Read first time 01/21/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to real estate brokers and salespersons; amending
2 RCW 18.85.040, 18.85.220, and 18.85.315; adding a new section to
3 chapter 18.85 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.85.040 and 1988 c 205 s 2 are each amended to read
6 as follows:

7 (1) The director, with the advice and approval of the commission,
8 may issue rules and regulations to govern the activities of real estate
9 brokers, associate real estate brokers and salespersons, consistent
10 with this chapter, fix the times and places for holding examinations of
11 applicants for licenses and prescribe the method of conducting them.

12 (2) The director shall enforce all laws, rules and regulations
13 relating to the licensing of real estate brokers, associate real estate
14 brokers, and salespersons, grant or deny licenses to real estate

1 brokers, associate real estate brokers, and salespersons, and hold
2 hearings. The director may impose any one or more of the following
3 sanctions: Suspend or revoke licenses, deny applications for licenses,
4 fine violators, or require the completion of a course in a selected
5 aspect of real estate practice relevant to the provision of this
6 chapter or rule violated. The director may deny, suspend or revoke the
7 authority of a broker to act as the designated broker of persons who
8 commit violations of the real estate license law or of the rules and
9 regulations.

10 (3) The director shall establish by rule standards for licensure of
11 applicants licensed in other jurisdictions.

12 (4) The director shall institute a program of real estate education
13 ~~((for the benefit of the licensees and may institute))~~ including, but
14 not limited to, instituting a program of education at institutions of
15 higher education in Washington. The overall program shall include
16 establishing minimum levels of ongoing education for licensees relating
17 to the practice of real estate by real estate brokers and salespersons
18 under this chapter. The program may also include the development or
19 implementation of curricula courses, educational materials, or
20 approaches to education relating to real estate when required,
21 approved, or certified for continuing education credit. The director
22 may enter into contracts with other persons or entities, whether
23 publicly or privately owned or operated, to assist in developing or
24 implementing the real estate education program.

25 (5) The director shall charge a fee, as prescribed by the director
26 by rule, for the certification of courses of instruction, instructors,
27 and schools.

28 ***Sec. 2.** *RCW 18.85.220 and 1991 c 277 s 1 are each amended to read*
29 *as follows:*

1 All fees required under this chapter shall be set by the director
2 in accordance with RCW 43.24.086 and shall be paid to the state
3 treasurer. All fees paid under the provisions of this chapter shall be
4 placed in the real estate commission account in the state treasury.
5 All money derived from fines imposed under this chapter shall ~~((also))~~
6 be deposited in the real estate ~~((commission account, shall be used~~
7 ~~solely for education for the benefit of licensees and shall be subject~~
8 ~~to appropriation pursuant to chapter 43.88 RCW))~~ education account
9 created by section 4 of this act.

10 *Sec. 2 was vetoed, see message at end of chapter.

12 *Sec. 3. RCW 18.85.315 and 1987 c 513 s 9 are each amended to read
13 as follows:

14 Remittances received by the treasurer pursuant to RCW 18.85.310
15 shall be divided between the housing trust fund created by RCW
16 43.185.030, which shall receive seventy-five percent and the real
17 estate ~~((commission))~~ education account created by ~~((RCW 18.85.220))~~
18 section 4 of this act, which shall receive twenty-five percent.

19 *Sec. 3 was vetoed, see message at end of chapter.

20 *NEW SECTION. Sec. 4. A new section is added to chapter 18.85 RCW
22 to read as follows:

23 The real estate education account is created in the custody of the
24 state treasurer. All moneys received for credit to this account
25 pursuant to RCW 18.85.315 and all moneys derived from fines imposed
26 under this chapter shall be deposited into the account. Disbursements
27 from the account shall be upon the authorization of the director or a
28 duly authorized representative of the director, and shall be used
29 solely for the purposes of carrying out the director's programs for
30 education of real estate licensees and others in the real estate

1 *industry as described in section 1(4) of this act. All expenses and*
2 *costs relating to implementation or administration of, or payment of*
3 *contract fees or charges for, the director's real estate education*
4 *programs may be paid from this account. The real estate education*
5 *account shall be subject in all respects to chapter 43.88 RCW except*
6 *that no appropriation shall be required to permit expenditures and*
7 *payment of obligations from this fund.*

8 *Sec. 4 was vetoed, see message at end of chapter.

9 NEW SECTION. **Sec. 5.** This act shall take effect July 1, 1993.

Passed the Senate February 17, 1992.

Passed the House March 4, 1992.

Approved by the Governor March 26, 1992, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State March 26, 1992.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 2, 3,
and 4, Engrossed Senate Bill No. 6184 entitled:

"AN ACT Relating to real estate brokers and salespersons."

Engrossed Senate Bill No. 6184 provides greater specificity for the
use of funds for real estate education activities. Several sections
would create a nonappropriated account and as such would reduce budget
oversight of the real estate education program. There has been an
acceleration of the trend to create special funds, dedicated accounts
and other budgetary techniques that reduce the ability to adapt
resources to meet changing or emerging priorities. Despite my general
concern with these types of special funds, I am willing to support the
specific revenues being dedicated as long as there is adequate
oversight. As written, there is inadequate oversight.

I have vetoed the sections referring to the nonappropriated
account. I have retained the language that clearly defines the
Department of Licensing's real estate education program and the
director's role. I am directing the Department of Licensing to submit
proposed legislation to the 1993 legislature that would permanently
dedicate for real estate education purposes the fund sources specified
in the vetoed sections of Engrossed Senate Bill No. 6184. Such a
dedication must, however, still be subject to legislative appropriation
and budgetary oversight.

For this reason, I have vetoed sections 2, 3, and 4 of Engrossed
Senate Bill No. 6184.

With the exception of sections 2, 3, and 4, Engrossed Senate Bill
No. 6184 is approved."