
SUBSTITUTE HOUSE BILL 2734

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Financial Institutions & Insurance (originally sponsored by Representatives Schual-Berke, Benson and Roach; by request of Department of Financial Institutions)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to the mortgage broker practices act; amending RCW
2 19.146.020, 19.146.0201, 19.146.030, 19.146.200, 19.146.210, and
3 19.146.235; reenacting and amending RCW 19.146.220; and prescribing
4 penalties.

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

6 **Sec. 1.** RCW 19.146.020 and 1997 c 106 s 2 are each amended to read
7 as follows:

8 (1) Except as provided under subsections (2) and (3) of this
9 section, the following are exempt from all provisions of this chapter:

10 (a) Any person doing business under the laws of the state of
11 Washington or the United States, and any federally insured depository
12 institution doing business under the laws of any other state, relating
13 to commercial banks, bank holding companies, savings banks, trust
14 companies, savings and loan associations, credit unions, consumer loan
15 companies, insurance companies, or real estate investment trusts as
16 defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and
17 service corporations thereof;

18 (b) An attorney licensed to practice law in this state who is not

1 principally engaged in the business of negotiating residential mortgage
2 loans when such attorney renders services in the course of his or her
3 practice as an attorney;

4 (c) Any person doing any act under order of any court, except for
5 a person subject to an injunction to comply with any provision of this
6 chapter or any order of the director issued under this chapter;

7 (d) Any person making or acquiring a residential mortgage loan
8 solely with his or her own funds for his or her own investment without
9 intending to resell the residential mortgage loans;

10 (e) A real estate broker or salesperson licensed by the state who
11 obtains financing for a real estate transaction involving a bona fide
12 sale of real estate in the performance of his or her duties as a real
13 estate broker and who receives only the customary real estate broker's
14 or salesperson's commission in connection with the transaction;

15 (f) Any mortgage broker approved and subject to auditing by the
16 federal national mortgage association or the federal home loan mortgage
17 corporation;

18 (g) The United States of America, the state of Washington, any
19 other state, and any Washington city, county, or other political
20 subdivision, and any agency, division, or corporate instrumentality of
21 any of the entities in this subsection (1)(g); and

22 (h) A real estate broker who provides only information regarding
23 rates, terms, and lenders in connection with a CLI system, who receives
24 a fee for providing such information, who conforms to all rules of the
25 director with respect to the providing of such service, and who
26 discloses on a form approved by the director that to obtain a loan the
27 borrower must deal directly with a mortgage broker or lender. However,
28 a real estate broker shall not be exempt if he or she does any of the
29 following:

30 (i) Holds himself or herself out as able to obtain a loan from a
31 lender;

32 (ii) Accepts a loan application, or submits a loan application to
33 a lender;

34 (iii) Accepts any deposit for third-party services or any loan fees
35 from a borrower, whether such fees are paid before, upon, or after the
36 closing of the loan;

37 (iv) Negotiates rates or terms with a lender on behalf of a
38 borrower; or

1 (v) Provides the disclosure required by RCW 19.146.030(1).

2 (2) Those persons otherwise exempt under subsection (1)(d) or (f)
3 of this section must comply with RCW 19.146.0201 through 19.146.080 and
4 shall be subject to the director's authority to issue a cease and
5 desist order for any violation of RCW 19.146.0201 through 19.146.080
6 and shall be subject to the director's authority to obtain and review
7 books and records that are relevant to any allegation of such a
8 violation.

9 (3) Any person otherwise exempted from the licensing provisions of
10 this chapter may voluntarily submit an application to the director for
11 a mortgage broker's license. The director shall review such
12 application and may grant or deny licenses to such applicants upon the
13 same grounds and with the same fees as may be applicable to persons
14 required to be licensed under this chapter.

15 (a) Upon receipt of a license under this subsection, such an
16 applicant is required to continue to maintain a valid license, is
17 subject to all provisions of this chapter, and has no further right to
18 claim exemption from the provisions of this chapter except as provided
19 in (b) of this subsection.

20 (b) Any licensee under this subsection who would otherwise be
21 exempted from the requirements of licensing by RCW 19.146.020 may apply
22 to the director for exemption from licensing. The director shall adopt
23 rules for reviewing such applications and shall grant exemptions from
24 licensing to applications which are consistent with those rules and
25 consistent with the other provisions of this chapter.

26 **Sec. 2.** RCW 19.146.0201 and 1997 c 106 s 3 are each amended to
27 read as follows:

28 It is a violation of this chapter for a loan originator, mortgage
29 broker required to be licensed under this chapter, or mortgage broker
30 otherwise exempted from this chapter under RCW 19.146.020(1) (d) or (f)
31 (~~(in connection with a residential mortgage loan)~~) to:

32 (1) Directly or indirectly employ any scheme, device, or artifice
33 to defraud or mislead borrowers or lenders or to defraud any person;

34 (2) Engage in any unfair or deceptive practice toward any person;

35 (3) Obtain property by fraud or misrepresentation;

36 (4) Solicit or enter into a contract with a borrower that provides

1 in substance that the mortgage broker may earn a fee or commission
2 through the mortgage broker's "best efforts" to obtain a loan even
3 though no loan is actually obtained for the borrower;

4 (5) Solicit, advertise, or enter into a contract for specific
5 interest rates, points, or other financing terms unless the terms are
6 actually available at the time of soliciting, advertising, or
7 contracting from a person exempt from licensing under RCW 19.146.020(1)
8 (f) or (g) or a lender with whom the mortgage broker maintains a
9 written correspondent or loan brokerage agreement under RCW 19.146.040;

10 (6) Fail to make disclosures to loan applicants and
11 noninstitutional investors as required by RCW 19.146.030 and any other
12 applicable state or federal law;

13 (7) Make, in any manner, any false or deceptive statement or
14 representation with regard to the rates, points, or other financing
15 terms or conditions for a residential mortgage loan or engage in bait
16 and switch advertising;

17 (8) Negligently make any false statement or knowingly and willfully
18 make any omission of material fact in connection with any reports filed
19 by a mortgage broker or in connection with any investigation conducted
20 by the department;

21 (9) Make any payment, directly or indirectly, to any appraiser of
22 a property, for the purposes of influencing the independent judgment of
23 the appraiser with respect to the value of the property;

24 (10) Advertise any rate of interest without conspicuously
25 disclosing the annual percentage rate implied by such rate of interest
26 or otherwise fail to comply with any requirement of the truth-in-
27 lending act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226,
28 the real estate settlement procedures act, 12 U.S.C. Sec. 2601 and
29 Regulation X, 24 C.F.R. Sec. 3500, or the equal credit opportunity act,
30 15 U.S.C. Sec. 1691 and Regulation B, Sec. 202.9, 202.11, and 202.12,
31 as now or hereafter amended, in any advertising of residential mortgage
32 loans or any other mortgage brokerage activity;

33 (11) Fail to pay third-party providers no later than thirty days
34 after the recording of the loan closing documents or ninety days after
35 completion of the third-party service, whichever comes first, unless
36 otherwise agreed or unless the third-party service provider has been
37 notified in writing that a bona fide dispute exists regarding the
38 performance or quality of the third-party service;

1 (12) Collect, charge, attempt to collect or charge or use or
2 propose any agreement purporting to collect or charge any fee
3 prohibited by RCW 19.146.030 or 19.146.070;

4 (13)(a) Except when complying with (b) and (c) of this subsection,
5 to act as a mortgage broker in any transaction (i) in which the
6 mortgage broker acts or has acted as a real estate broker or
7 salesperson or (ii) in which another person doing business under the
8 same licensed real estate broker acts or has acted as a real estate
9 broker or salesperson;

10 (b) Prior to providing mortgage broker services to the borrower,
11 the mortgage broker, in addition to other disclosures required by this
12 chapter and other laws, shall provide to the borrower the following
13 written disclosure:

14 THIS IS TO GIVE YOU NOTICE THAT I OR ONE OF MY ASSOCIATES
15 HAVE/HAS ACTED AS A REAL ESTATE BROKER OR SALESPERSON
16 REPRESENTING THE BUYER/SELLER IN THE SALE OF THIS PROPERTY TO
17 YOU. I AM ALSO A LICENSED MORTGAGE BROKER, AND WOULD LIKE TO
18 PROVIDE MORTGAGE BROKERAGE SERVICES TO YOU IN CONNECTION WITH
19 YOUR LOAN TO PURCHASE THE PROPERTY.

20 YOU ARE NOT REQUIRED TO USE ME AS A MORTGAGE BROKER IN
21 CONNECTION WITH THIS TRANSACTION. YOU ARE FREE TO COMPARISON
22 SHOP WITH OTHER MORTGAGE BROKERS AND LENDERS, AND TO SELECT ANY
23 MORTGAGE BROKER OR LENDER OF YOUR CHOOSING; and

24 (c) A real estate broker or salesperson licensed under chapter
25 18.85 RCW who also acts as a mortgage broker shall carry on such
26 mortgage brokerage business activities and shall maintain such person's
27 mortgage brokerage business records separate and apart from the real
28 estate brokerage activities conducted pursuant to chapter 18.85 RCW.
29 Such activities shall be deemed separate and apart even if they are
30 conducted at an office location with a common entrance and mailing
31 address, so long as each business is clearly identified by a sign
32 visible to the public, each business is physically separated within the
33 office facility, and no deception of the public as to the separate
34 identities of the brokerage business firms results. This subsection
35 (13)(c) shall not require a real estate broker or salesperson licensed
36 under chapter 18.85 RCW who also acts as a mortgage broker to maintain
37 a physical separation within the office facility for the conduct of its

1 real estate and mortgage brokerage activities where the director
2 determines that maintaining such physical separation would constitute
3 an undue financial hardship upon the mortgage broker and is unnecessary
4 for the protection of the public; or

5 (14) Fail to comply with any provision of RCW 19.146.030 through
6 19.146.080 or any rule adopted under those sections.

7 **Sec. 3.** RCW 19.146.030 and 1997 c 106 s 4 are each amended to read
8 as follows:

9 (1) Within three business days following receipt of a loan
10 application or any moneys from a borrower, a mortgage broker shall
11 provide to each borrower a full written disclosure containing an
12 itemization and explanation of all fees and costs that the borrower is
13 required to pay in connection with obtaining a residential mortgage
14 loan, and specifying the fee or fees which inure to the benefit of the
15 mortgage broker and other such disclosures as may be required by rule.
16 A good faith estimate of a fee or cost shall be provided if the exact
17 amount of the fee or cost is not determinable. This subsection shall
18 not be construed to require disclosure of the distribution or breakdown
19 of loan fees, discount, or points between the mortgage broker and any
20 lender or investor.

21 (2) The written disclosure shall contain the following information:

22 (a) The annual percentage rate, finance charge, amount financed,
23 total amount of all payments, number of payments, amount of each
24 payment, amount of points or prepaid interest and the conditions and
25 terms under which any loan terms may change between the time of
26 disclosure and closing of the loan; and if a variable rate, the
27 circumstances under which the rate may increase, any limitation on the
28 increase, the effect of an increase, and an example of the payment
29 terms resulting from an increase. Disclosure in compliance with the
30 requirements of the truth-in-lending act, 15 U.S.C. Sec. 1601 and
31 Regulation Z, 12 C.F.R. Sec. 226, as now or hereafter amended, shall be
32 deemed to comply with the disclosure requirements of this subsection;

33 (b) The itemized costs of any credit report, appraisal, title
34 report, title insurance policy, mortgage insurance, escrow fee,
35 property tax, insurance, structural or pest inspection, and any other
36 third-party provider's costs associated with the residential mortgage
37 loan. Disclosure through good faith estimates of settlement services

1 and special information booklets in compliance with the requirements of
2 the real estate settlement procedures act, 12 U.S.C. Sec. 2601, and
3 Regulation X, 24 C.F.R. Sec. 3500, as now or hereafter amended, shall
4 be deemed to comply with the disclosure requirements of this
5 subsection;

6 (c) If applicable, the cost, terms, duration, and conditions of a
7 lock-in agreement and whether a lock-in agreement has been entered, and
8 whether the lock-in agreement is guaranteed by the mortgage broker or
9 lender, and if a lock-in agreement has not been entered, disclosure in
10 a form acceptable to the director that the disclosed interest rate and
11 terms are subject to change;

12 (d) A statement that if the borrower is unable to obtain a loan for
13 any reason, the mortgage broker must, within five days of a written
14 request by the borrower, give copies of any appraisal, title report, or
15 credit report paid for by the borrower to the borrower, and transmit
16 the appraisal, title report, or credit report to any other mortgage
17 broker or lender to whom the borrower directs the documents to be sent;

18 (e) Whether and under what conditions any lock-in fees are
19 refundable to the borrower; and

20 (f) A statement providing that moneys paid by the borrower to the
21 mortgage broker for third-party provider services are held in a trust
22 account and any moneys remaining after payment to third-party providers
23 will be refunded.

24 (3) If subsequent to the written disclosure being provided under
25 this section, a mortgage broker enters into a lock-in agreement with a
26 borrower or represents to the borrower that the borrower has entered
27 into a lock-in agreement, then no less than three business days
28 thereafter including Saturdays, the mortgage broker shall deliver or
29 send by first-class mail to the borrower a written confirmation of the
30 terms of the lock-in agreement, which shall include a copy of the
31 disclosure made under subsection (2)(c) of this section.

32 (4) A mortgage broker shall not charge any fee that inures to the
33 benefit of the mortgage broker if it exceeds the fee disclosed on the
34 written disclosure pursuant to this section, unless (a) the need to
35 charge the fee was not reasonably foreseeable at the time the written
36 disclosure was provided and (b) the mortgage broker has provided to the
37 borrower, no less than three business days prior to the signing of the
38 loan closing documents, a clear written explanation of the fee and the

1 reason for charging a fee exceeding that which was previously
2 disclosed. However, if the borrower's closing costs on the final
3 settlement statement, excluding prepaid escrowed costs of ownership as
4 defined by rule, does not exceed the total closing costs in the most
5 recent good faith estimate, excluding prepaid escrowed costs of
6 ownership as defined by rule, no other disclosures shall be required by
7 this subsection.

8 **Sec. 4.** RCW 19.146.200 and 1997 c 106 s 8 are each amended to read
9 as follows:

10 (1) A person may not engage in the business of a mortgage broker,
11 except as an employee of a person licensed or exempt from licensing,
12 without first obtaining and maintaining a license under this chapter.
13 However, a person who independently contracts with a licensed mortgage
14 broker need not be licensed if the licensed mortgage broker and the
15 independent contractor have on file with the director a binding written
16 agreement under which the licensed mortgage broker assumes
17 responsibility for the independent contractor's violations of any
18 provision of this chapter or rules adopted under this chapter; and if
19 the licensed mortgage broker's bond or other security required under
20 this chapter runs to the benefit of the state and any person who
21 suffers loss by reason of the independent contractor's violation of any
22 provision of this chapter or rules adopted under this chapter.

23 (2) A person may not bring a suit or action for the collection of
24 compensation as a mortgage broker unless the plaintiff alleges and
25 proves that he or she was a duly licensed mortgage broker, or exempt
26 from the license requirement of this chapter, at the time of offering
27 to perform or performing any such an act or service regulated by this
28 chapter. This subsection does not apply to suits or actions for the
29 collection or compensation for services performed prior to October 31,
30 1993.

31 (3) The license must be prominently displayed in the mortgage
32 broker's place of business.

33 (4) Every licensed mortgage broker shall at all times have a
34 designated broker responsible for all activities of the licensee in
35 conducting the business of a mortgage broker under this chapter.

1 **Sec. 5.** RCW 19.146.210 and 1997 c 106 s 10 are each amended to
2 read as follows:

3 (1) The director shall issue and deliver a mortgage broker license
4 to an applicant if, after investigation, the director makes the
5 following findings:

6 (a) The applicant has paid the required license fees;

7 (b) The applicant has complied with RCW 19.146.205;

8 (c) Neither the applicant, any of its principals, or the designated
9 broker have had a license issued under this chapter or any similar
10 state statute suspended or revoked within five years of the filing of
11 the present application;

12 (d) Neither the applicant, any of its principals, or the designated
13 broker have been convicted of a gross misdemeanor involving dishonesty
14 or financial misconduct or a felony within seven years of the filing of
15 the present application;

16 (e) The designated broker, (i) has at least two years of experience
17 in the residential mortgage loan industry or has completed the
18 educational requirements established by rule of the director and (ii)
19 has passed a written examination whose content shall be established by
20 rule of the director; and

21 (f) The applicant (~~has~~), its principals, and the designated
22 mortgage broker have demonstrated financial responsibility, character,
23 and general fitness such as to command the confidence of the community
24 and to warrant a belief that the business will be operated honestly,
25 fairly, and efficiently within the purposes of this chapter.

26 (2) If the director does not find the conditions of subsection (1)
27 of this section have been met, the director shall not issue the
28 license. The director shall notify the applicant of the denial and
29 return to the applicant the bond or approved alternative and any
30 remaining portion of the license fee that exceeds the department's
31 actual cost to investigate the license.

32 (3) The director shall issue a license under this chapter to any
33 licensee issued a license under chapter 468, Laws of 1993, that has a
34 valid license and is otherwise in compliance with the provisions of
35 this chapter.

36 (4) A license issued pursuant to this chapter (~~is valid~~) expires
37 on the date one year from the date of issuance (~~with no fixed date of~~

1 ~~expiration))~~ which, for license renewal purposes, is also the renewal
2 date. The director shall establish rules regarding the license renewal
3 process created under this chapter.

4 (5) A licensee may surrender a license by delivering to the
5 director written notice of surrender, but the surrender does not affect
6 the licensee's civil or criminal liability or any administrative
7 actions arising from acts or omissions occurring before such surrender.

8 (6) To prevent undue delay in the issuance of a license and to
9 facilitate the business of a mortgage broker, an interim license with
10 a fixed date of expiration may be issued when the director determines
11 that the mortgage broker has substantially fulfilled the requirements
12 for licensing as defined by rule.

13 **Sec. 6.** RCW 19.146.220 and 1997 c 106 s 12 and 1997 c 58 s 879 are
14 each reenacted and amended to read as follows:

15 (1) The director (~~shall~~) is authorized to enforce all laws and
16 rules relating to the licensing of mortgage brokers, grant or deny
17 licenses to mortgage brokers, and hold hearings.

18 (2) The director may impose (~~the following sanctions:~~

19 ~~(a) Deny applications for licenses for: (i))~~ fines, or order
20 restitution against licensees or other persons subject to this chapter,
21 or deny, suspend, decline to renew, or revoke licenses for:

22 (a) Violations of orders, including cease and desist orders
23 ~~((issued under this chapter; or (ii) any violation of RCW 19.146.050 or~~
24 ~~19.146.0201 (1) through (9);~~

25 ~~(b) Suspend or revoke licenses for:))~~;

26 ~~((i))~~ (b) False statements or omission of material information on
27 the application that, if known, would have allowed the director to deny
28 the application for the original license;

29 ~~((ii))~~ (c) Failure to pay a fee required by the director or
30 maintain the required bond;

31 ~~((iii))~~ (d) Failure to comply with any directive ((or)) order
32 or subpoena of the director; or

33 ~~((iv))~~ (e) Any violation of ((RCW 19.146.050, 19.146.060(3),
34 ~~19.146.0201 (1) through (9) or (12), 19.146.205(4), or 19.146.265;~~

35 ~~(e))~~ this chapter.

36 (3) The director may impose fines on ((the licensee,)) an employee

1 or loan originator of the licensee, or other person subject to this
2 chapter for:

3 ~~((+i))~~ (a) Any violations of RCW 19.146.0201 (1) through (9) or
4 (12), 19.146.030 through 19.146.080, 19.146.200, 19.146.205(4), or
5 19.146.265; or

6 ~~((+ii))~~ (b) Failure to comply with any directive or order of the
7 director~~((+))~~.

8 ~~((+d))~~ (4) The director may issue orders directing a licensee, its
9 employee or loan originator, or other person subject to this chapter
10 to~~((+~~

11 ~~(+))~~ cease and desist from conducting business ~~((in a manner that~~
12 ~~is injurious to the public or violates any provision of this chapter;~~
13 ~~or~~

14 ~~(+ii)~~ ~~Pay restitution to an injured borrower; or))~~ or other harmful
15 activities.

16 ~~((+e))~~ (5) The director may issue orders removing from office or
17 prohibiting from participation in the conduct of the affairs of a
18 licensed mortgage broker, or both, any officer, principal, employee, or
19 loan originator of any licensed mortgage broker or any person subject
20 to licensing under this chapter for:

21 ~~((+i))~~ (a) Any violation of 19.146.0201 (1) through (9) or (12),
22 19.146.030 through 19.146.080, 19.146.200, 19.146.205(4), or
23 19.146.265; or

24 ~~((+ii))~~ (b) False statements or omission of material information
25 on the application that, if known, would have allowed the director to
26 deny the application for the original license; or

27 ~~((+iii))~~ (c) Conviction of a gross misdemeanor involving
28 dishonesty or financial misconduct or a felony after obtaining a
29 license; or

30 ~~((+iv))~~ (d) Failure to comply with any directive or order of the
31 director.

32 ~~((+3))~~ (6) Each day's continuance of a violation or failure to
33 comply with any directive or order of the director is a separate and
34 distinct violation or failure.

35 ~~((+4))~~ (7) The director shall establish by rule standards for
36 licensure of applicants licensed in other jurisdictions.

37 ~~((+5))~~ (8) The director shall immediately suspend the license or
38 certificate of a person who has been certified pursuant to RCW

1 74.20A.320 by the department of social and health services as a person
2 who is not in compliance with a support order (~~or a residential or~~
3 ~~visitation order~~). If the person has continued to meet all other
4 requirements for reinstatement during the suspension, reissuance of the
5 license or certificate shall be automatic upon the director's receipt
6 of a release issued by the department of social and health services
7 stating that the licensee is in compliance with the order.

8 **Sec. 7.** RCW 19.146.235 and 1997 c 106 s 14 are each amended to
9 read as follows:

10 (1) For the purposes of investigating complaints (~~arising under~~
11 this chapter) or apparent violations of this chapter, the director may
12 at any time, either personally or by a designee, examine and
13 investigate the business, including but not limited to the books,
14 accounts, records, and files used therein, of every licensee and of
15 every person engaged in the business of mortgage brokering, whether
16 such a person shall act or claim to act under or without the authority
17 of this chapter. (~~For that purpose the director and designated~~
18 ~~representatives shall have access during regular business hours to the~~
19 ~~offices and places of business, books, accounts, papers, records,~~
20 ~~files, safes, and vaults of all such persons.)) For the purpose of this
21 section, an apparent violation is obvious, evident, open to view,
22 visible to the eye, within site or view, plain, or known. For the
23 purposes of this section, the director may visit, either personally or
24 by designee, the licensee's place or places of business to conduct
25 examinations and investigations. In order to conduct these
26 examinations and investigations, the director and designated
27 representatives have access during regular business hours to the
28 offices and places of business, books, accounts, papers, records,
29 files, safes, and vaults of all licensees. The director may interview
30 the licensee or other designated employee or independent contractor,
31 and undertake the activities necessary to ensure that the licensee is
32 in compliance with this chapter. The director or designated person may
33 direct (~~or~~) order, or subpoena the attendance of and examine under
34 oath all persons whose testimony may be required about the loans or the
35 business or subject matter of any such examination or investigation,
36 and may direct (~~or~~) order, or subpoena such person to produce books,
37 accounts, records, files, and any other documents the director or~~

1 designated person deems relevant to the inquiry. ((If a person who
2 receives such a directive or order does not attend and testify, or does
3 not produce the requested books, records, files, or other documents
4 within the time period established in the directive or order, then the
5 director or designated person may issue a subpoena requiring attendance
6 or compelling production of books, records, files, or other
7 documents.))

8 (2) No person subject to examination or investigation under this
9 chapter shall withhold, abstract, remove, mutilate, destroy, or secrete
10 any books, records, computer records, or other information. A person
11 who knowingly commits or causes to be committed an act under this
12 subsection is guilty of a class B felony punishable under RCW
13 9A.20.021(1)(b) or punishable by a fine of not more than twenty
14 thousand dollars, or both.

15 ((Once during the first two years of licensing, the director may
16 visit, either personally or by designee, the licensee's place or places
17 of business to conduct a compliance examination. The director may
18 examine, either personally or by designee, a sample of the licensee's
19 loan files, interview the licensee or other designated employee or
20 independent contractor, and undertake such other activities as
21 necessary to ensure that the licensee is in compliance with the
22 provisions of this chapter. For those licensees issued licenses prior
23 to March 21, 1994, the cost of such an examination shall be considered
24 to have been prepaid in their license fee. After this one visit within
25 the two year period subsequent to issuance of a license, the director
26 or a designee may visit the licensee's place or places of business only
27 to ensure that corrective action has been taken or to investigate a
28 complaint.))

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