

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 304-16-020 Standards. (1) There will be two classes of depository libraries in Washington. These will be full and partial. Full depositories shall receive copies of all state publications for distribution by the state library. Partial depositories shall receive at least a core of general interest publications deemed essential to the public interest. Any other library in the state may request specific documents and, if it is at all possible, the request will be filled.

(2) Any library designated as a depository shall meet the conditions specified in the following section:

(a) Provide space to house the publications in an approved manner with adequate provisions for expansion. State publications do not need to be maintained in a separate collection unless the receiving library prefers to do so. Housing in a vertical file rather than on shelves is acceptable for appropriate pamphlet-type materials.

(b) Provide an orderly, systematic recording of receipt of the documents.

(c) Process and shelve all state publications within 30 days after receipt of the material.

(d) Provide a professionally trained librarian to render satisfactory service without charge to qualified patrons in the use of such publications. This librarian need not spend full time on state publications.

(e) Dispose of publications only with permission of the State Librarian. The State Librarian shall establish criteria for disposal schedules for items which need not be retained permanently.

(f) Accept and maintain all publications received as depository documents.

(g) Library rules must assure that the documents are available for public use and circulation, unless for some unusual reason it becomes necessary to restrict use.

(3) There will be at least twelve full depositories in the state. Additional depositories will be established as advisable to provide adequate public access to Washington state publications.

(4) The State Library shall ensure that the rules, regulations and standards are maintained. [Statutory Authority: RCW 27.04.030, 40.06.020, and 40.06.040. 79-01-056 (Order 1-78), § 304-16-020, filed 12/27/78; Order, § 304-16-020, filed 10/24/68; Order, filed 10/19/65.]

Title 308 WAC

LICENSING, DEPARTMENT OF

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

Chapters

- 308-04 General provisions.
- 308-08 Practice and procedure.
- 308-12 Architects.
- 308-24 Beauty culture.

- 308-26 Dispensing opticians.
- 308-29 Collection agencies and repossession services.
- 308-32 Debt adjusters.
- 308-36 Dental hygienists.
- 308-40 Dentistry.
- 308-42 Physical therapists.
- 308-51 Massage businesses and massage operators—Licensing.
- 308-52 Medical examiners.
- 308-53 Optometry—Annual license or registration renewal fee.
- 308-54 Nursing home administrator.
- 308-61 Abandoned and inoperative vehicles.
- 308-77 Special fuel tax rules and regulations.
- 308-104 Drivers' licenses.
- 308-116 Practical nurses.
- 308-120 Registered nurses.
- 308-121 Nursing assistants.
- 308-122 Licensing of psychologists and registered sanitarians.
- 308-124 Real estate brokers and salesmen.
- 308-124A Real estate—Licensing and examination.
- 308-124H Real estate courses—Regulation of real estate brokers and salesmen.
- 308-128A Escrow—Organization and administration.
- 308-128F Escrow—Financial responsibility.
- 308-138 Osteopathic physicians' assistants.
- 308-151 Veterinary board of governors—Animal technicians.
- 308-156 Registration of animal technicians.
- 308-160 Proprietary schools.
- 308-200 Department of motor vehicles environmental regulations.
- 308-200A Department of licensing environmental regulations.
- 308-300 Consolidated licensing system for grocery related business.

**Chapter 308-04 WAC
GENERAL PROVISIONS**

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

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.

(2) 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 the face as to whether it is for a motor vehicle license or driver's license.

(3) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be re-deposited 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 requested to confiscate any driver or vehicle license issued and return the same to the department.

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

(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.

(4) 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, 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.

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 Chiropractors
- 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.

Chapter 308-12 WAC ARCHITECTS

WAC
308-12-030 Examinations.
308-12-080 Approved schools of architecture.
308-12-090 Repealed.
308-12-100 Repealed.
308-12-120 Definition of principal.
308-12-130 Definition of supervision.
308-12-310 Repealed.
308-12-311 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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.
308-12-310 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.

WAC 308-12-030 Examinations. The form of the examination required of applicants shall consist of a written and an oral examination. The written examination consists of seven subjects. Six of these subjects constitute the qualifying examination. All applicants must receive a passing grade in each of the six subjects before being allowed to take the seventh subject. The seventh subject is the professional examination.

The fee for examination or re-examination for all or any part of the written examination shall not be refundable.

The board finds the content of the new examination as prepared by the National Council of Architectural Registration Boards to adequately include examination requirements designated in RCW 18.08.160 and adopts it, subject to annual review, for use as follows:

(1) The qualifying part of the examination will be offered annually in June.

(2) The professional part of the examination will be offered annually in December.

(3) The oral part of the examination shall be given, subject to the completion of practical experience, training and the written examination requirements. The oral part shall cover the applicant's practical experience, the applicant's understanding of the law, the applicant's approach to architecture in relation to work already performed and work applicant expects to perform on receipt of license.

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 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 recommendation is not made or approved, the candidate shall be called before the full board for further consideration. [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.]

WAC 308-12-080 Approved schools of architecture. The board adopts the current "List of Accredited Schools of Architecture" as accredited by the National Architectural Accrediting Board and universities and colleges of architecture in the state of Washington as its "approved" colleges. [Statutory Authority: RCW 18.08.130. 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 308-12-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-120 Definition of principal. The word "principal" as used herein shall mean one who is a registered architect in this state; a director of a corporation, if the practice is through a corporate organization; a general partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; and the person in charge of the organization's architectural practice, either alone or in concert with others who qualify as herein described. [Statutory Authority: RCW 18.08.130. 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. 79-01-058 (Order PL-294), § 308-12-130, filed 12/27/78; Order PL 178, § 308-12-130, filed 10/23/74.]

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 308-12-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-12-311 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Examination	\$45.00
Re-examination (per section)	\$20.00
Initial Application	\$25.00
Reciprocity	\$65.00
License Renewal	\$25.00
License Renewal Penalty	\$25.00
Replacement Certificate	\$ 3.00

[Statutory Authority: RCW 43.24.085. 79-04-024 (Order PL-300), § 308-12-311, filed 3/21/79.]

Chapter 308-24 WAC BEAUTY CULTURE

WAC	
308-24-300	Definitions.
308-24-310	Trainee students.
308-24-335	State correctional institutions.
308-24-370	Application and examinations.
308-24-403	Licensing through reciprocity without examination.
308-24-430	Standard requirements for maintenance and operation of licensed shops or schools.
308-24-440	Licenseses and employees.
308-24-460	Posting of rules, licenses and inspection reports.

308-24-470 Inspections.
308-24-490 Fees.

WAC 308-24-300 Definitions. (1) The words "for at least one year", as used in RCW 18.18.010(10) are defined to mean: At least 2,000 hours over a period of not less than 365 days.

(2) The words "four hundred hours of instruction and practice" as used in the third paragraph of RCW 18.18.210 shall mean: A total of four hundred hours of classroom instruction acquired by a student who has been in attendance, at a licensed cosmetology school, and received a combination of four hundred hours of formal instruction, supervised study, and supervised practice.

(3) The words "his or her own family" as used in the first paragraph of RCW 18.18.260 shall mean: Licensee's husband or wife, licensee's children and all other immediate relatives of the licensee.

(4) The words "instructor operator" may be substituted for the words "manager operator" as used in RCW 18.18.070(2).

(5) The word "student" as used in RCW 18.18.050, and 18.18.210 shall mean a student who is attending 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 attending either a 2,000 hour cosmetology course, or a 500 hour manicuring course in a licensed cosmetology school.

(6) Practice of manicuring as used in RCW 18.18.010(5) 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.

(7) 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(11) and 18.18.010(12). [Statutory Authority: RCW 18.18.020. 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 308-24-310 Trainee students. (1) Any school licensed under chapter 18.18 RCW, may in cooperation with any senior high or prep school, as part of a course of instruction offered by the high school or prep school, permit those persons designated by the high school or prep school to attend cosmetology school and participate in its student course of instruction.

(2) Persons enrolled in the program of instruction, permitted by WAC 308-24-310(1) shall be classified as "trainee students" and shall have the same rights and duties as a "student" as that term is defined in RCW

18.18.010(8) and the school shall have the same responsibilities as if he or she were a student.

(3) Every such trainee student shall receive credit for all hours of instruction received in the school of cosmetology program, upon graduation from high school. No hours shall be credited to any such trainee student unless he or she graduates from high school. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order P.L. 319), § 308-24-310, filed 11/8/79; Order PL 152, § 308-24-310, 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: RCW 72.08; RCW 72.12; RCW 72.13; RCW 72.15; RCW 72.18; RCW 72.19; and RCW 72.20. 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 308-24-370 Application and examinations.

(1) Application for student registration, except for those students registered under authority of WAC 308-24-310, must be accompanied with a copy (or certification) of high school diploma, or a copy of the GED test results in lieu of [a] high school diploma.

(2) Applications for trainee student registration must be accompanied by a copy of the letter agreement between the senior high school (or prep school) and the licensed cosmetology school. At such time as these students make application for examination and licensing they will then be required to produce a copy (or certification) of their high school diploma.

(3) Applications for examination and licensing must be received, complete in all respects including required fees, no later than forty-five calendar days prior to the beginning date of the scheduled examination. Licensed schools may allow a student to submit an application for cosmetology operator or manicurist 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 examinations 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] [application] 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 precicensing inspection. [Statutory Authority: RCW 18.18.020. 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 308-24-403 Licensing through reciprocity 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 through reciprocity 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 reciprocity 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 through reciprocity without examination may be required to appear before a member of the examining committee for the purposes 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. 79-12-001 (Order P.L. 319), § 308-24-403, filed 11/8/79; Order PL 279, § 308-24-403, filed 12/19/77.]

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 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 or rules and regulations as prescribed by the local health officer.

(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 with hot and cold running water, 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 or equipment 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 stands, 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 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 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. 79-12-001 (Order P.L. 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 P.L. 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 308-24-460 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 P.L. 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 P.L. 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 308-24-490 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	LEE
Student registration	\$ 5.00
Manicurist application	10.00
Manicurist renewal	10.00
Manicurist renewal penalty	5.00

TITLE OF FEE	FEE
Operator application	15.00
Operator renewal	10.00
Operator renewal penalty	5.00
Instructor-operator application	25.00
Instructor-operator renewal	10.00
Instructor-operator renewal penalty	5.00
Manager-operator application	10.00
Manager-operator renewal	10.00
Manager-operator renewal penalty	5.00
Manicurist manager operator application	10.00
Manicurist manager operator renewal	10.00
Manicurist manager operator renewal penalty	5.00
Shop application	30.00
Shop renewal	15.00
Manicurist shop application	30.00
Manicurist shop renewal	15.00
School application	150.00
School renewal	150.00
Student reexamination	15.00
Application - reciprocity	50.00
Duplicate license	3.00

[Statutory Authority: RCW 18.18.020. 79-12-001 (Order P.L. 319), § 308-24-490, filed 11/8/79; Order PL 212, § 308-24-490, filed 11/5/75. Formerly WAC 308-24-480(part).]

Chapter 308-26 WAC DISPENSING OPTICIANS

WAC	
308-26-005	Definitions.
308-26-011	Comments.
308-26-016	Approval of prescribed courses in opticianry.

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 and 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 308-26-011 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 308-26-016 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.]

Chapter 308-29 WAC

COLLECTION AGENCIES AND REPOSSESSION SERVICES

WAC

- 308-29-050 Suit or judgment notification.
- 308-29-060 Sale of a licensed collection agency.

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), RCW 19.16.120(4)(d) or RCW 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 308-32 WAC

DEBT ADJUSTERS

WAC

- 308-32-015 Nonparticipating creditors—Terms to be included in contract.
- 308-32-300 Repealed.
- 308-32-310 Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 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.

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 308-32-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-32-310 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Examination	\$ 50.00
Initial license	200.00
Investigation	50.00
Renewal	200.00
Renewal penalty	50.00
Duplicate license	3.00

[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.]

Chapter 308-36 WAC

DENTAL HYGIENISTS

WAC

- 308-36-050 The examination.

WAC 308-36-050 The examination. (1) Patients must be obtained by the applicant.

(2) On the day of the examination, all applicants will assemble in a room designated at the University of Washington, school of dentistry, to:

- (a) check eligibility;

(b) receive identifying numbered badges from a representative of the division of professional licensing (applicants will work at the numbered unit corresponding to their assigned number);

(c) receive special instruction from the Washington state board of dental examiners.

(3) The examination will consist of two sections:

(a) Practical:

(i) Case history - forms to be furnished by the board.

(ii) One oral prophylaxis case. Patient for oral prophylaxis must be at least eighteen years old and have a minimum of twenty-four teeth. 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. Patient must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. If case is not adequate for testing the applicant's competency, patient will be rejected.

(iii) Applicant will bring a typodont with a condensed, carved and unpolished M.O.D. amalgam restoration on a molar which applicant will be required to polish and leave with the board.

(iv) Applicant will be expected to demonstrate proficiency with curets.

(v) A specified series of x-rays. Unless otherwise authorized by the board, the same patient will be used for patient examination, prophylaxis and x-rays.

(vi) Placement of an amalgam alloy. The applicant will be furnished with a tooth with a cavity previously prepared for the amalgam placement[.] The applicant must demonstrate proper use of the matrix and the insertion and condensation of the filling material and it must restore contact. The matrix will be removed and the restoration carved. The applicant must supply all instruments and materials necessary. A suggested list follows:

Typodont
Matrix bands
Matrix retainer
Wedges
Pluggers
Amalgam carrier
Amalgam carver
Amalgam

(vii) Applicant will be required to demonstrate local anesthesia. Applicant will furnish anesthesia material using anesthetic solution with no vaso-constrictor.

(viii) Applicant may be required to identify or explain oral conditions represented by visual aids or set forth in drawings or photographs.

(ix) Applicant may be required to answer, in writing, practical questions concerning the performance of expanded duties of dental hygienists.

(b) Theory:
Physiology
Materia medica & therapeutics
Anatomy
Histology
Bacteriology
X-ray

Metallurgy
Chemistry
Nursing and hygiene
Anesthesia

(4) Upon completion of the examination, applicant will:

(a) Return numbered badge and work sheet.

(b) Leave case history, periodontal charting forms and x-rays with the board. X-rays must remain in the possession of the board and finally will be filed for one year in the division of professional licensing with other material pertaining to the examination.

(c) Candidate will be required to furnish documentary evidence of malpractice liability insurance. [Statutory Authority: RCW 18.29.030 and 18.32.040. 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.]

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.

Chapter 308-40 WAC DENTISTRY

WAC

308-40-100	Repealed.
308-40-101	Examination procedure.
308-40-102	Examination content.
308-40-111	Preclinical exam waiver.

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.
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WAC 308-40-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-40-101 Examination 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 of Dental and Dental Auxiliary Educational Programs (C.A.D.D.A.E.P.) which were relevant to accreditation of dental schools and current on January 15, 1977, and has approved all and only those dental schools which were accredited by the C.A.D.D.A.E.P. as

of January 15, 1977. 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) Application blanks 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) Completed in every respect means that all portions of the application blank are filled out and that included with the application are:

(a) the required application fee;

(b) either a notarized copy of the National Board IBM card or a notarized copy of the National Board certificate;

(c) two photos of the applicant, taken within the year immediately preceding the application, and not over three by three inches in size. (One photo to be attached to the application);

(d) if not a citizen of or resident alien in the United States, full citizenship or resident alien status must be attained 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 a certified copy of a diploma from such school. An applicant may complete his other application requirements and be scheduled for the examination before he obtains his diploma, but no application will be admitted to the examination unless this certified copy 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) A fee is required each time an applicant takes or retakes the board examination. Examination fees are not transferable from one applicant to another. Applicants who have paid the fee and do not appear for the next scheduled examination forfeit such fee.

(7) Upon completion of the application for the examination, the division of professional licensing will mail to each applicant one "clinical examination record." It is imperative that the applicant bring this form, unfolded, to the examination as it will be used by the board throughout the practical examination.

(8) 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. Patients should be selected carefully as this is a very important factor of the examination. Be certain that your patient will be present, on time, and will be able to remain at the clinic

until the work is completed. An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students are not acceptable as assistants.

(9) Neatness of the operation, cleanliness and care in handling of patients, thoroughness in technique, and quality of work will be considered in the grading. Quality of the work includes recontouring of restorations of approximating teeth to make good contact. All practical work must be done under the rubber dam, including the final check on the finished work. (At least six teeth must be exposed under the rubber dam.) An additional check of the foil restoration will be made after dam removal. Application, cleanliness, and neatness of the rubber dam is part of the consideration when grading.

(10) Any applicant found attempting to give or receive aid in any manner, either directly or indirectly, will be dismissed from the examination and all work rejected. This provision shall include but is not limited to laboratory procedures. [Statutory Authority: RCW 18-.32.040. 79-04-011 (Order 295, Resolution 295), § 308-40-101, filed 3/13/79.]

WAC 308-40-102 Examination content. (1) The examination will consist of:

(a) Theory: National Board only accepted.

(b) Practical:

(i) Restorative examination: Proper radiographs are required for each cavity selection, and the teeth that are selected must be in contact and occlusion. Radiographs are to be mounted with the raised identifying mark out. All proximal restorations must restore contact. The selection must be on an original cavity in a vital tooth and must penetrate the dentin enamel junction, at least on one proximal surface.

Amalgam Class II - Teeth restored with two surfaces amalgams and with caries in the remaining proximal surface are acceptable for the amalgam. The candidate must leave a precise model of the cavity preparation with adjacent teeth.

Gold Inlay - Three or more surfaces. Teeth restored with two surface amalgams and with caries in the remaining proximal surface are acceptable. Candidates must leave with the board a precise model of the inlay preparation on the day of the inlay preparation. The model must have a separated removable pin die and include adjacent teeth.

Gold Foil - Class II, III or V: A selection of a class II foil is confined to those cases where the forces of occlusion do not surpass the physical properties of the condensed gold.

The gold foil selection will be on a tooth which has original caries or may be on a tooth which has a small existing restoration that has failed. (The latter condition will be determined by the judgment of the board.)

Areas of minimal erosion are not acceptable for the class V foil restoration. The erosion must be well advanced into the dentin.

(ii) Prosthetic: Candidates will evaluate a number of completed denture setups as determined by the board. This examination will determine the candidates ability to

distinguish between correct and incorrect artificial tooth arrangement and position.

(iii) The board may, at its discretion, give an examination in oral diagnosis and treatment planning, or any other phase of dentistry. Candidates will receive information concerning such examination.

(2) The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidate will be required to furnish documentary evidence of malpractice and liability insurance. [Statutory Authority: RCW 18.32.040, 79-04-011 (Order 295, Resolution 295), § 308-40-102, filed 3/13/79.]

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 295), § 308-40-111, filed 3/13/79.]

Chapter 308-42 WAC PHYSICAL THERAPISTS

WAC

308-42-035	Examination committee—Meetings.
308-42-040	Examination—When held.
308-42-110	Application due date.

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 thereafter 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 is received by the department. [Statutory Authority: RCW 18.74.020, 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 308-42-110 Application due date. All examination applications must be submitted no later than sixty (60) days prior to the examination. [Statutory Authority: RCW 18.74.020, 79-05-035 (Order PL 302), § 308-42-110, filed 4/24/79.]

Chapter 308-51 WAC MESSAGE BUSINESSES AND MESSAGE OPERATORS—LICENSING

WAC

308-51-100	Scope of examination.
308-51-110	Grading of examinations.
308-51-120	Frequency and location of examinations.

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:

- Anatomy and physiology,
- Hydrotherapy,
- Hygiene,
- First Aid,
- Massage theory and practice,
- Symptomatology (only as it pertains to contra-indications of massage), and
- 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:

- Oral questions,
- Contact,
- Draping,
- Effluerage,
- Friction,
- Petrissage,
- Pressure,
- Professional manner,
- Rhythm,
- Swedish gymnastics, to include both active and passive exercise,
- 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. 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. [Statutory Authority: RCW 18.108.020. 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.]

**Chapter 308-52 WAC
MEDICAL EXAMINERS**

WAC	
308-52-050	Repealed.
308-52-130	Repealed.
308-52-135	Physician's assistant prescriptions.
308-52-136	Physicians' assistants—Scope of jurisdiction.
308-52-137	Physicians' assistants—Classification.
308-52-138	Physicians' assistants—Program approval.
308-52-139	Physicians' assistants—Registration.
308-52-140	Physicians' assistants—Utilization.
308-52-141	Physicians' assistants—Responsibility of supervising physician.
308-52-142	Physicians' assistants—Registration fee.
308-52-143	Physicians' assistants—Reregistration fee.
308-52-144	Physicians' assistants—Simultaneous registration of type C assistants.
308-52-200	Repealed.
308-52-210	Repealed.
308-52-220	Repealed.
308-52-230	Repealed.
308-52-240	Repealed.
308-52-260	Examination scores.
308-52-270	Examinations accepted for reciprocity or waiver.
308-52-405	General requirements.
308-52-500	Acupuncture assistant education.
308-52-510	Acupuncture equivalency examination.
308-52-520	Acupuncture experience.
308-52-530	Investigation.
308-52-540	English fluency.
308-52-550	Supervising physicians' knowledge of acupuncture.
308-52-560	Acupuncture assistant utilization.
308-52-570	X-rays and laboratory tests.
308-52-580	Ethical considerations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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.
308-52-130	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.

- 308-52-200 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.

WAC 308-52-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-135 Physician's assistant prescriptions. A 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] registration number.

(2) A physician's assistant employed or extended privileges by a hospital[,], nursing home or other health care institution may, if permissible under the by-laws, 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'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. [Statutory Authority: RCW 18.71A.020. 79-10-041 (Order PL 317), § 308-52-135, filed 9/13/79; Order PL 264, § 308-52-135, filed 3/15/77.]

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 308-52-136 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 308-52-137 Physicians' assistants--Classification. Physicians' assistants will be classified as type A, B or C according to the following descriptions:

(1) Type A, Assistant to the Primary Physician. The type A assistant is capable of collecting historical and physical data, organizing the data, and presenting them in such a way that the physician can visualize the medical problem and determine appropriate diagnostic or therapeutic measures. He is also capable of assisting the physician by performing diagnostic and therapeutic procedures and coordinating the roles of other more technical assistants. While he functions under the general supervision and responsibility of the physician, he may under certain circumstances and under defined rules, perform without the immediate surveillance of the physician. He is, thus, distinguished by his ability to integrate and interpret findings on the basis of general medical knowledge to exercise a degree of independent judgment.

(2) Type B, Assistant to the Specialist. The type B assistant, while not equipped with general knowledge and skills relative to the whole range of medical care, possesses exceptional skill in one clinical specialty. He is capable of collecting and organizing data and performing appropriate diagnostic or therapeutic measures pertaining to his specialty. In his specialty he has a degree of skill beyond that normally possessed by a type A assistant. Because his knowledge and skill are limited to a particular specialty, he is qualified for independent action only within the field of that specialty.

(3) Type C, Technical Assistant. The type C assistant is capable of performing a specific function within a given field or specialty. He cannot operate over the broad range of medical care as would the type A assistant or within an entire specialty as would the type B assistant. He cannot exercise the degree of independent synthesis and judgment of which type A and B assistants are capable but may exercise a degree of independent judgment and may be capable of a degree of independent action within the limited scope of his activities. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-137, filed 3/14/78.]

WAC 308-52-138 Physicians' assistants--Program approval. No physician shall be entitled to register a physician's 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 physicians' 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 physicians' 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 according to the classification system defined in WAC 308-52-137. Programs training type B and type C assistants shall be subdivided according to the specialty for which the physician's 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. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-138, filed 3/14/78.]

WAC 308-52-139 Physicians' assistants--Registration. (1) Classification. Each physician's assistant will be classified as type A, B, or C, depending upon his training. Type B and type C assistants will be subdivided according to specialty or function.

(2) Registration Procedure. All applications shall be made to the board on forms supplied by the board. Applications shall be submitted thirty days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and the assistant.

(3) Registration Renewal. Each registered assistant and the registering physician shall be required to submit an application for renewal of their registration by January 1 of each year. Application for renewal shall be submitted on forms provided by the board. A current statement of utilization, skills and supervision shall be included in the application. Registration renewals will be issued as of March 1 of each year.

(4) Change of Registration. In the event that a physician's assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively with the approval of the chairman of the board, 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's assistant. This action shall be subject to approval by the board as a whole at its next regular meeting. Application for transfer of registration shall be made on forms provided by the board and may be considered at any regular meeting of the board.

(5) Utilization Plan. The application for registration of a physician's assistant must include a detailed plan describing the manner in which the physician's assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the assistant based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. No assistant shall be registered to perform tasks not contained in the program approval unless evidence satisfactory to the board is submitted demonstrating that he has been trained in that function and his competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-139, filed 3/14/78.]

WAC 308-52-140 Physicians' assistants--Utilization. (1) Limitations, Number.

(a) No physician shall supervise more than one graduate physician's assistant categorized as type A or B without authorization by the board.

(b) The number of type C physicians' assistants who may be supervised by a single physician shall be set individually for each category established by the board.

(2) Limitations, Geographic.

(a) No physician's 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 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 type A physician's 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 physician's 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's 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.

(3) **Limitations, Hospital Functions.** A physician's assistant working in or for a hospital, clinic or other health organization shall be registered and supervised by a supervising physician in the same manner as any other physician's assistant and his functions shall be limited to those specifically approved by the board. His responsibilities, if any, to other physicians must be defined in the application for registration.

(4) **Limitations, Trainees.** An individual enrolled in a training program for physicians' 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. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-140, filed 3/14/78.]

WAC 308-52-141 Physicians' 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's assistant.

(2) Adequate supervision and review of the work of the physician's assistant is provided.

(a) The supervising physician shall review at least weekly all patient care provided by the physician's assistant if such care is rendered without direct consultation with the physician and shall countersign all notes made by the physician's assistant.

(b) In the temporary absence of the supervising physician, the physician's 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's assistant may not function as such if these supervisory and review functions are impossible.

(3) The physician's 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's 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's 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. 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 308-52-144 Physicians' assistants--Simultaneous registration of type C assistants. Type C physicians' assistants, because of the nature of their services, may request approval for simultaneous registration with more than one physician. Such requests shall be submitted in the form of a letter attached to the application, but a separate utilization plan shall be submitted by each physician. A single registration fee shall cover such applications except that additional registrations requested after submission of the original applications shall require a reregistration fee (ten dollars). [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution 78-140), § 308-52-144, filed 3/14/78.]

WAC 308-52-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-52-240 Repealed. See Disposition Table at beginning of this chapter.

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 308-52-405 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 308-52-500 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 for thirty-six months in acupuncture totalling 1,400 or more hours of study 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 agency rather than from the applicant. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-500, filed 5/22/79.]

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, bio-chemistry, 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 308-52-520 Acupuncture experience. An applicant for an authorization as a physician's acupuncture assistant must present satisfactory evidence to the board that he or she has actually practiced acupuncture under experienced direction full time for at least one year. [Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-520, 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 308-52-550 Supervising physicians' knowledge of acupuncture. Physicians applying for authorization to utilize the services of a physician's acupuncture assistant shall demonstrate to the board that the 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 18.71A.020. 79-06-055 (Order PL 301), § 308-52-550, filed 5/22/79.]

WAC 308-52-560 Acupuncture assistant utilization. (1) Persons authorized as physicians' acupuncture assistants shall be restricted in their activities to only those procedures which a duly licensed supervising physician may request them to do. Under no circumstances may a

physician's acupuncture assistant perform any independent diagnosis of patients or prescribe any 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) A physician shall not employ or supervise more than one acupuncture assistant. [Statutory Authority: RCW 18.71A.020, 79-06-055 (Order PL 301), § 308-52-560, 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. No physician's acupuncture assistant may prescribe, order, or treat by any of the following means or modalities:

- (1) diathermy treatments
- (2) ultrasound treatments
- (3) infrared treatments
- (4) electromuscular stimulation for the purpose of stimulating muscle contractions. [Statutory Authority: RCW 18.71A.020, 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 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 18.71A.020, 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	
308-53-030	Temporary permit recommendation policy.
308-53-070	Approval of schools and colleges of optometry.
308-53-080	Minimum practical examination requirements.
308-53-100	Continuing education requirement.
308-53-125	Post-graduate educational program.
308-53-135	Credit for admission to optometric organizations and participation in patient care reviews.
308-53-160	Recordation of credit.

308-53-165	Certification for continuing education courses.
308-53-205	Mobile optometric units.
308-53-230	Renting space from and practicing on premises of commercial (mercantile) concern.
308-53-235	Proper identification of licensees.
308-53-245	Misleading titles or degrees.
308-53-260	Improper professional relationship.
308-53-270	Employed doctors of optometry.
308-53-275	Practice under another optometrist's name.

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 Minimum practical examination requirements. The practical examination portion of the optometry licensing examination shall cover at a minimum the following subjects: retinoscopy, ocular pathology, biomicroscopy, contact lenses, tonometry, and case study. [Statutory Authority: RCW 18.54.070(5), 80-01-088 (Order PL 326), § 308-53-080, filed 12/28/79.]

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 308-53-125 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 308-53-135 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 Co-ordinating Council and State Health Planning Department, and sub-area 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 308-53-160 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 308-53-205 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 308-53-230 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.

(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). 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 308-53-245 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 308-53-260 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.]

Chapter 308-54 WAC NURSING HOME ADMINISTRATOR

WAC	
308-54-010	Source of authority—Title.
308-54-040	Board of examiners—General powers and responsibilities.
308-54-095	Preceptors for administrator-in-training programs.
308-54-125	Continuing education credit for preceptors for administrators-in-training programs.
308-54-130	Courses of study.
308-54-140	Approval of courses of study.
308-54-155	Certification of compliance.
308-54-160	Licenses.
308-54-170	Temporary permits.
308-54-200	Standards of suitability and character.
308-54-210	Repealed.
308-54-220	Complaints and hearing procedures.
308-54-225	Issuance of subpoenas—Administering oaths and affirmations—Ruling when board or hearing panel not in session.
308-54-240	Restoration and reinstatement of licenses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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).
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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 308-54-040 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 308-54-095 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 308-54-125 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 shall include the following general subject areas or their equivalents:

(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, 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 shall 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)-(4).

[(2)] Programs of study sponsored by the following shall 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)-(4):

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 shall 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). A request for approval of such course must be received in writing by the board within the three-year period for continuing education credit. Approval will be based upon proof of time, place, curriculum, faculty, and other factors the board may [require] [require]. [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.]

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 308-54-155 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) A person not paying the initial annual license fee within ninety days following such person's date of examination must again apply for licensing and meet all the requirements of a new applicant.

(3) Application, registration, or license fees are not refundable or transferable. [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 temporary permit will be granted only under circumstances of extreme hardship or emergency.

(3) 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(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 308-54-200 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 308-54-210 Repealed. See Disposition Table at beginning of this chapter.

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 executive secretary of the board;

(e) 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

18.52.155. 78-02-009 (Order PL 282), § 308-54-225, filed 1/6/78.]

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.]

Chapter 308-61 WAC

ABANDONED AND INOPERATIVE VEHICLES

WAC	
308-61-010	Definitions—General.
308-61-015	Repealed.
308-61-020	Repealed.
308-61-025	Definitions—Reports, documents.
308-61-035	Repealed.
308-61-040	Documents supporting acquisition of vehicles.
308-61-050	Grounds for denial, suspension, revocation—Unlawful practices.
308-61-100	Registered disposers—Application.
308-61-110	Registered disposers—General procedures and requirements.
308-61-120	Registered disposers—Procedures for taking custody.
308-61-130	Registered disposers—Procedures for sale.
308-61-140	Registered disposers—Procedures after sale.
308-61-155	Law enforcement procedures for impounding.
308-61-160	Law enforcement notification stickers.
308-61-165	Placing vehicles in custody.
308-61-170	Vehicles impounded or taken into custody.
308-61-180	Hearing requests.
308-61-200	Wreckers—Application for license.
308-61-210	Wreckers—Special plates.
308-61-220	Wreckers—General procedures and requirements.
308-61-230	Wreckers—Procedures for acquiring vehicles and vehicle parts.
308-61-260	Wreckers—Selling used vehicles.
308-61-270	Wreckers—Additional grounds for denial, suspension, revocation or civil fine assessment—Unlawful practices.
308-61-300	Hulk hauler—Application for license.
308-61-310	Hulk hauler—Special plates.
308-61-320	Hulk hauler—General procedures and requirements.
308-61-330	Hulk hauler—Procedures for acquiring and selling vehicles.
308-61-340	Hulk hauler—Grounds for denial, suspension, revocation—Unlawful practices.
308-61-400	Scrap processor—Application for license.
308-61-410	Scrap processor—Special plates.
308-61-420	Scrap processor—General procedures and requirements.

308-61-430	Scrap processor—Procedures for acquiring vehicles for demolition.
308-61-440	Scrap processor—Procedures for monthly reports.
308-61-450	Scrap processor—Grounds for denial, suspension, revocation—Unlawful practices.

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 a hydraulic baler and shears or a shredder operated by an automated scrap processor.

(5) **Secure area.** A secure area is a place of safety for vehicle storage and is an area completely enclosed by a 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 eight feet high with at least two strands of barbed wire at the top.

(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 308-61-020.

(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 section 3, chapter 178, Laws of 1979 1st ex. sess. 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. [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.]

WAC 308-61-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-61-020 Repealed. See Disposition Table at beginning of this chapter.

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 308-61-035 Repealed. See Disposition Table at beginning of this chapter.

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 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, 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.

(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 each vehicle.

(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.

(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 in letters or numerals at least three inches high.

(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. [Statutory Authority: RCW 46.52.115. 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.

(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. [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[d] 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 for the purpose of subsection (5).

(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 law enforcement or other circumstance beyond the control of a registered disposer. [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 308-61-155 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 and shall be on a format approved by the department and Washington state patrol:

(1) Name, address and phone number of the impounding enforcement agency, location which lead 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 46.80.140. 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's premises have been inspected by an appropriate law enforcement officer or authorized representative of 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 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. 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 operated 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 in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles 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 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. 79-10-011 (Order 553-DOL), § 308-61-210, filed 9/7/79; Order MV 174, § 308-61-210, filed 10/19/73.]

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) A permanent physical barrier shall be made of posts permanently placed in the ground and connected by at least two strands of chain, cable, or barbed wire, or of other equally strong and permanent construction.

(b) 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.

(c) A living hedge of equal height and sufficient density to prevent view of the premises may be substituted for the wall or fence.

(d) All enclosures and barriers shall be kept in good repair. Dying portions of any hedge shall be replaced.

(e) Reasonable consideration shall be given to the topography of the land by enforcement personnel when inspecting premises for such fence, enclosure or barrier.

(f) 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 license[e] 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 in letters or numerals at least three inches high.

(7) **Surrendering license plates.** The wrecker shall remove license plates from all vehicles as soon as they are acquired, store such plates in a safe place, and shall surrender such plates to an authorized representative of the department prior to submitting his monthly report. [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.]

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 308-61-230 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 308-61-260 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) Any vehicle which has been inoperable for more than six months shall be removed from the dealer's area and entered into the wrecking yard.

(4) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regards 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. 79-10-011 (Order 553-DOL), § 308-61-260, filed 9/7/79; Order MV 174, § 308-61-260, filed 10/19/73.]

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 [308-61-050][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; and

(3) Failure to make records available during regular business hours to authorize enforcement agencies or officers or employees of the department.

(4) Failure to maintain a segregated storage area as required by WAC 308-61-035 when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW 46.80.110(i). [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.]

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 308-61-300 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 in letters or numerals at least three inches high. [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 application [applicant] can be found at the address shown on the application.

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 46.79.080. 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. [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 46.79.010(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 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

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308-77-265	Special fuel lost or destroyed.

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 308-77-140 Repealed. See Disposition Table at beginning of this chapter.

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 pro-rate 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 308-77-200 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-77-210 Repealed. See Disposition Table at beginning of this chapter.

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 308-77-265 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.]

Chapter 308-104 WAC DRIVERS' LICENSES

WAC
308-104-045 Identicards.

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.]

**Chapter 308-116 WAC
PRACTICAL NURSES**

WAC
308-116-295 Licensure qualification and procedures.

WAC 308-116-295 Licensure qualification and procedures. (1) Licensure by examination.

(a) The applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 308-116-040, or its equivalent as determined by the board.

(b) Equivalency requirement.

(i) An applicant who establishes with the board evidence of successful completion of nursing courses at an accredited school of professional nursing, which courses include personal and vocational relationships, theory and clinical practice in medications, and theory and clinical practice in medical, surgical, pediatric, and obstetric nursing, and which courses are equivalent to those same courses at a practical nursing program approved by the board, shall be deemed to have completed the equivalent of a board-approved practical nursing program, and shall be admitted to the examination if he or she meets all other application requirements.

(c) All applicants shall file a complete application with fee and supporting documents as required by the board.

(i) Completed application, with fee, shall be in the division of professional licensing sixty days prior to the scheduled examination date.

(ii) All fees submitted to and processed by the division of professional licensing will not be subject to refund.

(d) All applicants shall write the current state board test pool examination for practical nurses.

(e) The minimum passing score on the licensing examination is set forth by the Washington state board of practical nurse examiners. Subsequent to October 1, 1973, the minimum passing score is 400.

(f) Results of the licensing examination are recorded by standard scores only to the candidate and his/her school of nursing.

(2) Failures.

(a) Candidates requesting to rewrite the licensing examination shall submit a written request and the required fee at least sixty days prior to the scheduled examination date.

(b) Candidates failing the licensing examination on the third rewrite (fourth writing) shall be required to meet recommendations of the board to qualify to reapply for the licensing examination.

(c) Candidates who wish to rewrite the licensing examination shall reapply within twelve months of last writing. Candidates who fail to reapply within twelve months of last scheduled writing shall submit a new application and required fee or shall have application terminated.

(3) Licensure by interstate endorsement. To qualify for licensure in Washington by interstate endorsement an applicant shall:

(a) Be a graduate of an approved practical nursing program in another state or territory of the United States, or its equivalent as determined by the board. Fulfill the basic minimum requirements currently set forth in WAC 308-116-040.

(b) Have successfully passed the state board test pool examination for practical nurses in another state or territory of the United States. The applicant who wrote the same form of the state board test pool examination for practical nurses in another jurisdiction as that used for Washington practical nurse licensure prior to October 1, 1973, shall be required to have attained a minimum score of 350. Subsequent to October 1, 1973, the minimum passing score is 400.

(c) Hold a valid current license in another state or territory of the United States.

(4) Licensure of graduates of foreign schools of nursing. Nurses who received their basic nursing education outside the United States and its territories shall:

(a) Be a graduate of an accredited school of professional or practical nursing. Each applicant shall fulfill all the basic minimum requirements that are equivalent to those required in an approved practical nursing program (currently established in WAC 308-116-040).

(i) Submit a completed application with fee to be on file before evaluation of records is conducted by the board.

(ii) Request the licensing authority in country of original licensure to submit an official verification of license.

(iii) Request their school of nursing to submit an official transcript to determine eligibility. Each transcript must be in English or accompanied by an official English translation notarized as a true and correct copy.

(b) Write and successfully pass the current state board test pool examination for practical nurses unless successfully passed the state board test pool examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington.

(c) Failures.

(i) Candidates requesting to rewrite the licensing examination shall submit a written request and the required fee at least sixty days prior to the scheduled examination date.

(ii) Candidates failing the licensing examination on the third rewrite (fourth writing) shall be required to meet recommendations of the board to qualify to reapply for the licensing examination.

(iii) Candidates who wish to rewrite the licensing examination shall reapply within twelve months of last writing. Candidates who fail to reapply or appear within twelve months of last scheduled writing shall submit a new application and required fee or shall have application terminated. [Statutory Authority: RCW 18.78.150. 78-10-049 (Order PL-290), § 308-116-295, filed 9/21/78; Order PL 189, § 308-116-295, filed 5/23/75.]

**Chapter 308-120 WAC
REGISTERED NURSES**

WAC	
308-120-160	Licensure qualifications and requirements— Examinations.
308-120-185	Return to active status from temporary retirement.
308-120-186	Criteria for approved refresher course.
308-120-260	Fees.
308-120-340	CRN approved associations and/or certifying boards.
308-120-350	CRN certification program.
308-120-400	CRN prescriptive authorization.
308-120-410	Application requirements for CRN prescriptive authority.
308-120-420	Authorized prescriptions by the CRN.
308-120-430	Termination of prescriptive authorization.
308-120-440	Prescriptive authorization period.
308-120-450	Renewal.

WAC 308-120-160 Licensure qualifications and requirements—Examinations. (1) Licensing examinations.

(a) The official registered nurse licensing examination shall be the current series of the state board test pool examination for registered nurses. The test consists of five parts: medical nursing, surgical nursing, obstetric nursing, nursing of children, and psychiatric nursing. All related subjects are integrated into these five tests.

(b) The minimum passing score is 350 in each of the five tests. Any score below 350 is considered a failure.

(c) Applicants for Washington license by endorsement from jurisdictions using the state board test pool examinations shall be required to rewrite any test scored below the Washington minimum passing score of 350.

(d) Examinations shall be conducted not less than twice a year.

(2) Failures – preparation for repeat examinations.

(a) First failure – intensive review recommended. No additional fee required if re-examined within one year of failure.

(b) Second and subsequent failures.

(i) Candidates who fail any test(s) of the state board test pool examination for registered nurse licensure will be permitted to repeat those test(s) failed for a period of three years from the date of the first failure.

(ii) Candidates who fail to pass the state board test pool examination for registered nurse licensure within a three-year period of the date of first failure after January 1, 1974, shall be required to complete a program of study in an approved school of nursing leading to an associate degree, diploma or baccalaureate degree in nursing. Upon graduation from an approved school of nursing the candidate shall be required to pass the entire series of the state board test pool examination for registered nurse licensure.

(3) The annual contract for the use of the state board test pool examination shall be negotiated by the executive secretary or the chairman in the absence of the executive secretary.

(a) Answer sheets for each candidate shall be sent for scoring as provided by contract.

(4) Admission to examination.

(a) No candidate will be admitted to the examination unless she/he has submitted a completed application on

or before the final filing date prior to the scheduled examination.

(b) Any candidate for licensure as a registered nurse, by examination, shall take the required test(s) on the dates scheduled.

(c) No candidate shall be admitted to the examination without the authorized admission card.

(d) Candidates not completing the state board test pool examination series at time of writing:

(i) The answer sheets from any tests already written shall be destroyed;

(ii) Admission to examination in other test areas during the two-day period shall be denied;

(iii) Candidate shall be recorded as having not appeared.

(e) Eligible graduates from Washington approved basic programs in registered nursing will be given priority for admission to the state board test pool examinations. All other candidates will be admitted as space is available.

(5) Examination results.

(a) Candidates will be notified regarding examination results by mail, a copy of the examination scores shall be filed in each candidate's permanent record in the division of professional licensing, state of Washington.

(b) Approved schools of nursing in Washington shall receive a report of the test results of their candidates.

(c) Examination results will not be released to anyone else without written authorization from the applicant.

(6) Qualifications.

(a) High school requirement.

(i) The applicant shall have completed an approved high school course of study or achieved passing scores in the general educational development (GED) tests at the high school level.

(ii) Applicants educated and licensed in another country – the secondary education of each applicant shall be evaluated according to the explanation in the UNESCO World Survey of Education.

(b) Nursing education requirements.

(i) Graduates from Washington board approved nursing programs, holding a diploma from such a program, shall be eligible to take the examination, provided all other requirements are met.

(ii) Graduates from other state board approved/accredited nursing programs shall be eligible to take the examination provided:

(A) The nursing program meets the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(B) Graduate holds a diploma from such a program.

(C) All other requirements are met.

(c) Applicants shall file a completed notarized application, with required fee. The fee is not refundable.

(i) The applicant shall request the school of nursing to send an official transcript directly to the division of professional licensing.

(ii) Applicants who have filed the required application and met all qualifications will be notified of acceptance and only such applicants will be permitted to write the examination.

(7) Licensure by interstate endorsement without examination.

(a) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following:

(i) The applicant graduated and holds a 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.

(ii) Applicants who graduated since January 1, 1953, 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 who graduated prior to January 1, 1953, shall have scored at least 75% on the state board examination in the state of original license.

(iv) The applicant holds a valid current license to practice as a registered nurse in another state or territory.

(v) The application shall be completed and notarized; the fee must be filed with the application. The fee is not refundable.

(vi) Verification of licensure by examination shall be obtained from the state or territory of original licensure.

(vii) Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(b) 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:

(i) 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.

(ii) The applicant holds a valid current license to practice as a registered nurse in another U.S. jurisdiction or territory.

(iii) The applicant shall submit to the board:

(A) A complete notarized application. The nonrefundable fee must be filed with the application.

(B) Verification of original licensure obtained in the U.S. jurisdiction or territory;

(C) 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;

(D) Verification of current nursing practice for three years prior to application for Washington licensure.

(iv) The applicant shall meet all requirements of chapter 18.88 RCW and regulations of the board.

(8) Licensure by endorsement - examination required.

(a) Applicants for licensure by endorsement from countries outside the United States and territories shall meet the same requirements for licensure as all other applicants. This shall include:

(i) High school graduation as set forth in WAC 308-120-160(6)(a).

(A) Satisfactory completion of a basic nursing education program approved by the authorizing agency in country of original license.

(B) The nursing education program shall be equivalent to the minimum nursing education standards prevailing for state board approved schools of nursing in Washington at the time of graduation.

(C) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatry, obstetrics, surgical and pediatrics nursing) shall be satisfactorily made up in a state board approved school of professional nursing.

(D) Applicants from specialty programs, e.g., psychiatric/mental health, sick children's nurse, etc., do not meet the minimum nursing education requirements for a school of professional nursing.

(E) Applicants shall file a completed notarized application with the required fee. The fee is not refundable.

(1) The applicant shall request the school of nursing to submit an official transcript directly to the division of professional licensing.

(2) The applicant shall request the licensing agency in the country of original license to submit official evidence of licensure.

(F) Applicants licensed under the laws of a country outside the United States and territories shall be required to take the state board test pool examination for registered nurse licensure: *Provided*, That those persons meeting the requirements of WAC 308-120-180(7)(b) are excepted from this requirement. The minimum standard passing score shall be 350 in each test. [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.]

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 shall take an examination approved by the board. Upon passage of this examination, 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, 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 308-120-260 Fees. The following fees shall be charged by the professional licensing division of the department of [licensing][motor vehicles]:

Title of Fee	Fee
Application	\$25.00
License renewal	8.00
Renewal penalty	5.00
Endorsement- reciprocity	25.00
Duplicate license	3.00
CRN prescriptive authority application	30.00
CRN prescriptive authority renewal	15.00

[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.]

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 308-120-340 CRN approved associations and/or certifying boards. An association and/or certifying board approved for CRN recognition shall:

(1) Be a national association and/or certifying board open to all qualified registered nurses.

(2) Have only registered nurses as full members.

(3) Offer a certification to nurses in a specialty area:

(a) attesting to competency of the nurse to practice in the specialty area;

(b) meeting the requirements as stated in WAC 308-120-350.

(4) Have developed standards and scope of practice statements for the certified nurse. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-340, filed 5/2/78.]

WAC 308-120-350 CRN certification program. A certification program of an approved association and/or certifying board shall:

(1) Require evidence of completion of a program of study acceptable to the board, including clinical practice in the specialty area or two years of current practice in the specialty area.

(2) Require passage of a valid and reliable certification examination for which the content is developed and approved by nursing practitioners within the specialty area. [Statutory Authority: RCW 18.88.080. 78-05-085

(Order PL 288, Resolution 78-143), § 308-120-350, filed 5/2/78.]

WAC 308-120-400 CRN prescriptive authorization.

(1) A registered nurse under chapter 18.88 RCW when authorized by the Board of Nursing may prescribe drugs pursuant to applicable state and federal laws.

(2) Dispensing of legend drugs is not an authorized activity under the rules pertaining to prescriptive authority. [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 applicant for authority to prescribe drugs shall:

(1) be currently recognized as a certified registered nurse in Washington;

(2) have been engaged in clinical practice for a total of one year, either as a requirement of the board-approved national certification, or practice subsequent to CRN recognition by the board;

(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

(i) at least eight contact hours shall be obtained in the year immediately prior to the date of application;

(b) derived from the following:

(i) study within the CRN certification program;

(ii) study other than (i) above approved by the board; and

(c) submitted on forms provided by the board; and

(4) submit a completed, notarized application on a form provided by the board accompanied by a specified nonrefundable fee. [Statutory Authority: RCW 18.88.080. 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 specify the diagnosis of the patient and shall be signed by the prescriber with the initials "CRN" and the prescriber identification number assigned by the board with reference to specific CRN practice areas as follows:

- anesthesia -10
- midwifery -20
- adult health -30
- community health -40
- family health -50
- gerontology -60
- maternal-gynecological-neonatal -70
- medical/surgical -80
- pediatrics -90
- psychiatric/mental health -100
- occupational health -110

(3) Prescriptions for controlled substances in schedules I through IV are statutorily prohibited by RCW 18.88.280(16). Controlled substances in Schedule V shall not be prescribed. [Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-420, filed 8/17/79.]

WAC 308-120-430 Termination of prescriptive authorization. Prescriptive authorization shall be terminated by the board when the CRN has:

(1) not maintained current recognition as a CRN;

(2) prescribed outside the CRN scope of practice or for other than therapeutic purposes; or

(3) been found in violation of chapter 18.88 RCW. [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 second birth anniversary date of the applicant following initial authorization.

(3) Subsequent renewal periods shall expire on the applicant's birth anniversary date on a two-year cycle.

(4) Authorization shall be approved for renewal after meeting the requirements of WAC 308-120-450. [Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-440, filed 8/17/79.]

WAC 308-120-450 Renewal. For renewal of prescriptive authorization, the applicant shall:

(1) Maintain current CRN recognition.

(2) Provide documentation of eight contact hours of continuing education in pharmacology and clinical management of drug therapy related to applicant's scope of practice approved by the board.

(a) derived from any combination of the following approved by the board:

(i) formal academic study;

(ii) continuing education offerings;

(iii) other learning activities.

(b) obtained within the renewal period.

(3) Submit a completed and notarized renewal application with specified nonrefundable fee. [Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-450, filed 8/17/79.]

**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 [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

308-122-200	Psychologists—Education prerequisite to licensing.
308-122-210	Psychologists—Experience prerequisite to licensing.
308-122-220	Psychologists—Written examination.
308-122-225	Psychology examination—Application submittal date.
308-122-230	Psychologists—Oral examination.
308-122-410	Psychologists—Written examination.

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 psychometrics. 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 P.L. 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 or 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 P.L. 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 the current national mean, as achieved by doctorates taking the examination for the first time. [Statutory Authority: RCW 18.83.050. 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 308-122-410 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 the current national mean, as achieved by doctorates taking the examination for the first time. 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. 79-08-009 (Order PL-309), § 308-122-410, filed 7/9/79; Order PL 202, § 308-122-410, filed 10/1/75.]

Chapter 308-124 WAC

REAL ESTATE BROKERS AND SALESMEN

WAC

308-124-021 Definitions.

WAC 308-124-021 Definitions. "Actual experience as a full-time real estate salesperson" under the provisions of RCW 18.85.090 shall not include activities as a land development representative or temporary salesperson permit under the provisions of chapter 18.85 RCW. [Statutory Authority: RCW 18.85.040. 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.

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.]

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.

308-124H-030 Filing of courses.

308-124H-032 Course eligibility.

308-124H-040 Approval of courses.

308-124H-045 Record-keeping.

308-124H-050 Renewal 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-030 Filing of courses. Each proprietary school, individual, association or agency seeking approval of courses, must apply on a form provided by the director. Courses must meet the following:

(1) Each course must include at least one text book that is in general circulation. If no text book is in general circulation, other material may be submitted for approval.

(2) Each course must add to the practical knowledge of the real estate profession.

(3) A statement must accompany the application justifying the need for the course(s).

(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 final examination 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 towards the minimum hours of course study. [Statutory Authority: RCW 18.85.040. 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, instructors, directors, ownership or location 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.

Approval obtained prior to the effective date of these amended regulations shall expire on December 1, 1978. Subsequent approval and renewals shall expire on December 1 of each year thereafter. [Statutory Authority: RCW 18.85.040. 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.]

WAC 308-124H-045 Record-keeping. 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 for purposes of determining whether students have met 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. 78-11-052 (Order RE 125), § 308-124H-045, filed 10/23/78.]

WAC 308-124H-050 Renewal applications. Renewal applications must be filed on a form provided by the director with the real estate administrator not later than November 1. All courses will be reviewed for compliance with the requirements of this chapter before continuing approval may be considered.

All renewal applications which are filed in a timely manner shall be submitted to the real estate commission for their recommendation. Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director. [Statutory Authority: RCW 18.85.040. 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 and/or instructor who shall be present in the classroom at all sessions.

Any teacher or instructor must demonstrate competency in the field of real estate they propose to teach. Such competency shall be demonstrated by any of the following:

(1) Two years teaching experience or other specialized expertise approved by the director; or

(2) Two years experience in the area of real estate which that person proposes to teach; and evidence of satisfactory completion of eight hours of training in teaching techniques as approved by the director.

All persons seeking to qualify as a teacher or instructor after April 1, 1979, must have met the qualifications of subsection (1) or (2) of this section. [Statutory Authority: RCW 18.85.040. 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 WAC 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 308-128A WAC ESCROW--ORGANIZATION AND ADMINISTRATION

WAC
308-128A-040 Definitions.

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 308-128F WAC ESCROW--FINANCIAL RESPONSIBILITY

WAC
308-128F-020 Errors and omissions policy.
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-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-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' ASSISTANTS

WAC

308-138-025	Osteopathic physician's assistant prescriptions.
308-138-055	Osteopathic medicine and surgery examination.
308-138-065	Acceptable intern or residency programs.
308-138-100	Education.
308-138-110	Equivalency examination.
308-138-120	Experience.
308-138-130	Investigation.
308-138-140	English fluency.
308-138-150	Supervising physicians' knowledge of acupuncture.
308-138-160	Utilization.
308-138-170	X-rays and laboratory tests.
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.

WAC 308-138-025 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 employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the by-laws, 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'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 except office supplies limited to treatment for 48 hours. The medication so dispensed must comply with the state law prescription labeling requirements. [Statutory Authority: RCW 18.57A.020. 79-12-067 (Order PL 325), § 308-138-025, filed 11/29/79.]

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 s 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 s 3(3). 79-12-068 (Order PL 321), § 308-138-065, filed 11/29/79.]

WAC 308-138-100 Education. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the committee which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him as a practitioner of acupuncture. Satisfactory evidence of formal schooling or other training for thirty-six months in acupuncture totalling 1,400 or more hours of study 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 committee from the issuing agency rather than from the applicant himself. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-100, filed 1/11/79.]

WAC 308-138-110 Equivalency examination. (a) 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 committee.

(b) The examination shall be written and practical and shall examine the applicants' knowledge of anatomy, physiology, bacteriology, bio-chemistry, pathology, hygiene and acupuncture.

(c) 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 18.57A.020. 79-02-011 (Order 297), § 308-138-110, filed 1/11/79.]

WAC 308-138-120 Experience. An applicant for an authorization as an osteopathic physician's acupuncture assistant must present satisfactory evidence to the committee that he or she has actually practiced acupuncture fulltime for at least three years. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-120, filed 1/11/79.]

WAC 308-138-130 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 committee or any person acting on its behalf. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-130, filed 1/11/79.]

WAC 308-138-140 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 18.57A.020. 79-02-011 (Order 297), § 308-138-140, filed 1/11/79.]

WAC 308-138-150 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 committee 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 18.57A.020. 79-02-011 (Order 297), § 308-138-150, filed 1/11/79.]

WAC 308-138-160 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 18.57A.020. 79-02-011 (Order 297), § 308-138-160, filed 1/11/79.]

WAC 308-138-170 X-rays and laboratory 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 treatments
- (3) Infrared treatments
- (4) Electromuscular stimulation for the purpose of stimulating muscle contractions. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-170, filed 1/11/79.]

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 s 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 s 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 s 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 s 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 s 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 s 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 s 3(6). 79-12-065 (Order 323), § 308-138-320, filed 11/29/79.]

Chapter 308-151 WAC

VETERINARY BOARD OF GOVERNORS--ANIMAL TECHNICIANS

WAC

308-151-070 Practical examination requirement.

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.]

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.
 308-156-040 Unrestricted animal health care services.
 308-156-060 Scope of examination of applicants not graduates of an accredited animal technician training program.
 308-156-070 Grading of examinations.
 308-156-080 Reexamination.
 308-156-090 Examination procedures.
 308-156-100 Frequency and location of exam.

WAC 308-156-010 Definitions. (1) "Animal technicians" shall mean any person who has met the requirements of RCW 18.92.015 and who is registered to and employed by a sponsoring veterinarian licensed to practice in this state.

(2) "Sponsoring veterinarian" shall mean the veterinarian who directly supervises the animal technician and who assumes responsibility for the technician's services.

(3) "Direct supervision" shall mean supervision of the animal technician's action by a licensed veterinarian who must be physically present in the premises during the performance of these acts. [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. (1) Applications for registration as an animal technician shall be made on forms prepared by the director and submitted to the Division of Professional Licensing.

(2) The application shall include the following information:

(a) The applicant's full legal name and residential address;

(b) The applicant's date and place of birth;

(c) The applicant's statement that the applicant is of good moral character and that all information contained in the application is true and correct;

(d) Two photographs of the applicant taken within the past twelve months and not over 3 inches by 3 inches in size;

(e) The names of the professional schools the applicant has attended, the dates attended, and a copy of the applicant's diploma or certificate of graduation;

(f) Sponsoring veterinarian's name, business address and license reference number;

(g) Sponsoring veterinarian's detailed plan for utilization and supervision of the technician's services;

(h) Sponsoring veterinarian's statement attesting to the correctness of the application;

(i) Letters of recommendation from two persons acquainted with the applicant, regarding the applicant's moral character and professional qualifications;

(j) For any applicant not a graduate of an accredited school, affidavits from his/her employers stating that the applicant has completed at least five years of full time practical work experience with a licensed veterinarian;

(k) A statement from the applicant certifying that he/she has never been convicted of a crime involving animal abuse or of any violation of state or federal drug laws. [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. (1) The board may withdraw its approval of the registration of any animal technician or recommend suspension, revocation, denial of issuance or renewal of registration to the director if the animal technician

(a) Has employed fraud or misrepresentation in applying for or obtaining the registration;

(b) 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:

(i) Any violation of the Uniform Controlled Substances Act or the Legend Drug Act;

(ii) Chronic inebriety;

(iii) Cruelty to animals;

(c) Has violated or attempted to violate any provision of chapter 18.92 RCW or any rule or regulation adopted pursuant to that chapter;

(d) Has assisted, abetted or conspired with another person to violate chapter 18.92 RCW, or any rule or regulation adopted pursuant to that chapter;

(e) Has diagnosed, prescribed, performed surgery, given a prognosis or performed any animal health care service not authorized by WAC 308-156-040 or WAC 308-156-050;

(f) Has performed restricted animal health care services contained in WAC 308-156-050 without a valid certificate of registration approved by the board.

(2) No veterinarian shall:

(a) Permit any registered animal technician in his/her employ to perform any animal health care services not authorized by WAC 308-156-040 or WAC 308-156-050;

(b) Permit any unregistered person to perform any animal health care service not authorized by WAC 308-156-040. [Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-030, filed 12/21/79.]

WAC 308-156-040 Unrestricted animal health care services. Preventative animal health care services, administrative and technical duties may be performed by either a registered technician or by an unlicensed lay assistant who has been trained by a sponsoring veterinarian employing the assistant and assuming responsibility for their competence. These duties may include:

(1) Obtaining and recording patient information;

(a) Information required for admission records, including statements made by the client regarding the patient's problem and history;

(b) Completing daily progress records, surgery logs, radiological logs and all other routine records as directed by the supervising veterinarian;

(2) Preparation of patients, instruments and equipment;

(a) Preparing and sterilizing surgical packs;

(b) Clipping, surgically scrubbing and disinfecting the surgical site in preparation for surgery;

(c) Positioning the patient for anesthesia induction;

(d) Taking patient's temperature, pulse and respiration;

(e) Medically bathing the patient.

(3) Collection of specimens and performance of laboratory procedures;

(a) Collection of urine during micturition or by manual expression of the bladder and fecal collection;

(b) Performing routine laboratory procedures including urinalysis, fecal analysis. [Statutory Authority:

RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-040, filed 12/21/79.]

WAC 308-156-060 Scope of examination of applicants not graduates of an accredited animal technician training program. (1) Any applicant who is not a graduate of an accredited animal technician training program shall be required to complete an examination consisting of a written and a practical test.

(2) The written test will consist of questions on 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 will 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 their 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 inoculations or vaccinations;

(g) Properly analyze laboratory specimens;

(h) Other animal health care services authorized by the board. [Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-060, filed 12/21/79.]

WAC 308-156-070 Grading of examinations. (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 national and the state portions of the exam to be considered technically qualified and approved for registration by the board.

(3) All scores shall be expressed in whole numbers, any fractions being rounded to the closest whole number. [Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-070, filed 12/21/79.]

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 just the national or just the state portion of the exam will be required to be reexamined in the specific portion of the examination previously failed. [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 written test and rescheduled at a later date.

(2) Applicants will be required to refrain from taking to other examinees during the examination unless specifically directed or permitted to do so by a test proctor. Any applicant observed taking 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. [Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-090, filed 12/21/79.]

WAC 308-156-100 Frequency and location of exam. (1) The examination for animal technicians 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/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 18.92.030. 80-01-069 (Order PL 332), § 308-156-100, filed 12/21/79.]

Chapter 308-160 WAC PROPRIETARY SCHOOLS

WAC
308-160-010 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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.

WAC 308-160-010 Repealed. See Disposition Table at beginning of this chapter.

Chapter 308-200 WAC DEPARTMENT OF MOTOR VEHICLES ENVIRONMENTAL REGULATIONS

WAC
308-200-010 through 308-200-910 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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 pre-draft 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 AND CIRCULATION 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.

WAC 308-200-010 through 308-200-910 Repealed.
See Disposition Table at beginning of this chapter.

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DEPARTMENT OF LICENSING ENVIRONMENTAL REGULATIONS

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APPLICABILITY OF THIS CHAPTER

308-200A-900 Applicability of this chapter.
 308-200A-910 Severability.

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/non-significance. 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

308-300-030	Licenses which are included on the master license.
308-300-110	Issuance of master license.
308-300-210	Declaration of purpose and authority.
308-300-220	Definitions.
308-300-230	Required registration—Certificate of trade name.
308-300-240	Amendment or cancellation.
308-300-250	Forms.
308-300-260	Records—Transfer from counties to department.
308-300-270	Inspection of trade name files encouraged.
308-300-280	Fees and refunds.
308-300-290	Cross-referencing and public access.

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 & Industries
Registration for Unemployment Insurance	Dept. of Employment Security
Permit to Employ Minors	Dept. of Labor & 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 & 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 & 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 & 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 308-300-110 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 308-300-210 Declaration of purpose and authority. This chapter is enacted to implement sections 1 and 3, chapter 22, Laws of 1979 1st extraordinary session, 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;
 - (c) The corporate name of a domestic corporation as filed with the secretary of state;
 - (d) The corporate name of a foreign corporation authorized to do business within the state of Washington duly registered with the secretary of state.
- (e) The name of a limited partnership as duly registered with the county clerk.
 - (2) Person means: Any individual, limited partnership, or corporation, excluding municipal corporations, 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: 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.]

Title 314 WAC LIQUOR CONTROL BOARD

CHAPTERS

314-16	Retail licensees.
314-20	Beer--Brewers, holders, importers, etc.
314-24	Domestic wineries and domestic wine wholesalers.
314-52	Advertising.
314-62	Liquor law pamphlets and annual reports.

Chapter 314-16 WAC RETAIL LICENSEES

WAC

314-16-190 Class H restaurant--Qualifications. (Rule 35).

WAC 314-16-190 Class H restaurant--Qualifications. (Rule 35). (1) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(2) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in paragraph (a) above is in place and is operational.

(3) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the