

Title 308 WAC

LICENSING, DEPARTMENT OF

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

<p>Chapters</p> <p>308-04 General provisions.</p> <p>308-08 Practice and procedure.</p> <p>308-10 Public records disclosure.</p> <p>308-11 Regulation of auctioneers.</p> <p>308-12 Architects.</p> <p>308-13 Board of registration for landscape architects.</p> <p>308-20 Cosmetology--Barber--Manicurist rules.</p> <p>308-25 Dental hygienists.</p> <p>308-26 Dispensing opticians.</p> <p>308-28 Chiropractic examiners board.</p> <p>308-29 Collection agencies and repossession services.</p> <p>308-30 Notaries public.</p> <p>308-31 Podiatry.</p> <p>308-32 Debt adjusters.</p> <p>308-33 Employment agencies--Fee schedules.</p> <p>308-34 Naturopathy.</p> <p>308-37 Dentistry--License display--Reports--Records--Inventory requirements--Prescribing practices.</p> <p>308-38 Guidelines for delegation of duties to persons not licensed as dentists.</p> <p>308-39 Guidelines for safe administration of anesthetic agents for dental procedures.</p> <p>308-40 Dentistry.</p> <p>308-41 Licensing under the drugless therapeutics law.</p> <p>308-42 Physical therapists.</p> <p>308-44 Engineers and land surveyors.</p> <p>308-48 Funeral directors and embalmers.</p> <p>308-49 Rearrangement funeral services.</p> <p>308-50 Regulation and practice of hearing aid fitters and dispensers.</p> <p>308-51 Massage practitioners.</p> <p>308-51A Education.</p> <p>308-52 Medical examiners.</p> <p>308-53 Optometry--Annual license or registration renewal fee.</p> <p>308-54 Nursing home administrator.</p> <p>308-55 Regulating the practice of ocularists.</p> <p>308-56A Certificates of title--Motor vehicles, etc.</p> <p>308-58 Reporting destroyed vehicles.</p> <p>308-61 Abandoned and inoperative vehicles.</p> <p>308-62 Procedure for taking custody of unauthorized vehicles.</p> <p>308-66 Motor vehicle dealers and salesmen.</p> <p>308-72 Motor vehicle fuel tax.</p> <p>308-76 Motor vehicle fuel importer use tax.</p> <p>308-77 Special fuel tax rules and regulations.</p> <p>308-78 Aircraft fuel tax.</p> <p>308-80 Transporters.</p>	<p>308-89 Transportation of passengers in for hire vehicles.</p> <p>308-90 Vessel dealer registration.</p> <p>308-91 Reciprocity and proration.</p> <p>308-93 Vessel registration and certificates of title.</p> <p>308-94 Snowmobiles and off-road and nonhighway vehicles.</p> <p>308-95 Vehicle impound.</p> <p>308-96A Vehicle licenses.</p> <p>308-97 Vehicle license interstate and intransit permits.</p> <p>308-99 Vehicle reciprocity.</p> <p>308-100 Drivers' licenses--Special provisions.</p> <p>308-102 Administration of the Financial Responsibility Act--Procedures.</p> <p>308-104 Drivers' licenses.</p> <p>308-106 Mandatory insurance.</p> <p>308-115 Midwifery.</p> <p>308-117 Practical nurses.</p> <p>308-120 Registered nurses.</p> <p>308-121 Nursing assistants.</p> <p>308-122 Licensing of psychologists.</p> <p>308-124 Real estate brokers and salesmen.</p> <p>308-124A Real estate--Licensing and examination.</p> <p>308-124B Real estate--Broker's office.</p> <p>308-124C Real estate--Records and responsibilities.</p> <p>308-124D Real estate--Operational procedures.</p> <p>308-124E Real estate--Trust account procedures.</p> <p>308-124F Real estate--Miscellaneous provisions.</p> <p>308-124HF Real estate courses--Regulation of real estate brokers and salesmen.</p> <p>308-126A Land development registration--Jurisdiction.</p> <p>308-126B Land development registration--Registration.</p> <p>308-126C Land development registration--Administration.</p> <p>308-127 Timeshare.</p> <p>308-128A Escrow--Organization and administration.</p> <p>308-128B Escrow--Licensing and examination.</p> <p>308-128C Escrow--Escrow agent office.</p> <p>308-128D Escrow--Records and responsibilities.</p> <p>308-128E Escrow--Trust account procedures.</p> <p>308-128F Escrow--Financial responsibility.</p> <p>308-130 Naturopaths.</p> <p>308-138 Osteopathic physicians and surgeons.</p> <p>308-138A Osteopathic physicians' assistants.</p> <p>308-138B Osteopathic physicians' acupuncture assistants.</p> <p>308-150 Veterinary board of governors--Veterinary code of professional conduct/ethics.</p> <p>308-151 Veterinary board of governors--Veterinary education and examination requirements.</p>
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308-152	Veterinary fees.	308-16-100	Barber shops—Posting of license. [Rule 16, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-153	Minimum standards for veterinary medical facilities and practice management.	308-16-110	Barber shops—General sanitation. [Rule 2, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-154	Continuing education requirements for veterinarians.	308-16-120	Barber shops—Sanitation of walls, furniture and fixtures. [Rule 5, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-156	Registration of animal technicians.	308-16-130	Barber shops—Cabinets. [Rule 8, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-157	Miscellaneous procedures and requirements.	308-16-140	Barber shops—Sterilization of tools and implements. [Rule 9, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-170	Licensing of registered sanitarians.	308-16-150	Barber shops—Health of personnel. [Rule 12, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-171	Occupational therapy.	308-16-160	Barber shops—Cleanliness of personnel. [Order PL-104, § 308-16-160, filed 8/3/71; Order 1 (part), filed 2/7/68; Rule 14, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-173	Nursing assistants.	308-16-170	Restricted services. [Order 1 (part), filed 2/7/68; Rule 13, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-175	Health care assistants.	308-16-180	Use of certain materials restricted. [Rule 18, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-177	Dietitians or nutritionists.	308-16-190	Inspection. [Rule 20, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-180	Acupuncture.	308-16-200	Barber colleges—Hours. [Order 7, § 308-16-200, filed 9/9/68; Rule 19, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-183	Radiological technologists.	308-16-205	Required haircut for performance examination. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-205, filed 7/12/83.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-190	Counselors.	308-16-210	Examinations. [Rule 22, filed 12/4/63.] Repealed by Order 1, filed 2/7/68.
308-195	Respiratory care practitioners.	308-16-21001	Required haircut for performance examination. [Order PL 193, § 308-16-210 (codified as WAC 308-16-21001), filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
308-200A	Department of licensing environmental regulations.	308-16-211	Scoring for practical examination—Permit. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-211, filed 1/9/81; Order PL 193, § 308-16-211, filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
308-210	Mental health counselors.	308-16-212	Scoring for practical examination—Journeyman. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-212, filed 1/9/81; Order PL 193, § 308-16-212, filed 6/12/75.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
308-220	Marriage and family therapists.	308-16-213	Practical examination—Length of examination. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-213, filed 7/12/83; Order PL 193, § 308-16-213, filed 6/12/75.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-230	Social workers.	308-16-214	Scoring for practical examination—Barber. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-214, filed 7/12/83.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
308-250	Triplicate prescription form program.	308-16-215	Reexaminations. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-
308-300	Consolidated licensing system for grocery related business.		
308-310	Nursing pool fees.		
308-400	Standardized filing forms and procedures—Uniform Commercial Code, crop liens, and processor and preparer liens for agricultural dairy and commercial fish products and certain federal liens.		
308-410	Uniform Commercial Code field access.		
DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE			
Chapter 308-16			
BARBERS, BARBER SHOPS, AND BARBER COLLEGES			
308-16-010	Limitations on practice. [Order 1 (part), filed 2/7/68; Rule 15, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208. Later promulgation, see chapter 308-20 WAC.		
308-16-020	Barber shops—Use of premises. [Order 1 (part), filed 2/7/68; Rule 1, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		
308-16-030	Barber shops—Water supply. [Rule 3, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		
308-16-040	Barber shops—Discharge of waste water. [Rule 4, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		
308-16-050	Barber shops—Lighting fixtures. [Rule 6, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		
308-16-060	Barber shops—Ventilation. [Rule 7, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		
308-16-070	Barber shops—Receptacle for soiled towels. [Rule 10, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		
308-16-080	Barber shops—Waste receptacles. [Rule 11, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		
308-16-090	Barber shops—Supervision and license. [Order 1 (part), filed 2/7/68; Rule 17, filed 3/23/60.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.		

- 215, filed 1/9/81; Order 12, § 308-16-215, filed 9/12/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-216 Partial written reexaminations. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-216, filed 1/9/81; Order 14, § 308-16-216, filed 3/14/69.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-217 Permittees—Partial examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-217, filed 1/9/81; Order 14, § 308-16-217, filed 3/14/69.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
- 308-16-218 Applications for examination. [Statutory Authority: RCW 18.15.056. 81-03-015 (Order PL 365), § 308-16-218, filed 1/9/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-220 Renewal of permits. [Order PL 203, § 308-16-220, filed 11/5/75; Order PL-147, § 308-16-220, filed 8/14/73; Order 1 (part), filed 2/7/68; Rule 21, filed 12/22/64; 8/13/63.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
- 308-16-230 Revocation of permits. [Rule 23, filed 12/22/64.] Repealed by Order 1, filed 2/7/68.]
- 308-16-240 Brush-up courses. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-240, filed 7/12/83; Order 1 (part), filed 2/7/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-250 Instructor examinations. [Order 1 (part), filed 2/7/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-260 Theory classes. [Order 7, § 308-16-260, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-270 Minimum weekly theory hours. [Order 7, § 308-16-270, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-280 Waivers, maximum and minimum months of attendance. [Order 7, § 308-16-280, filed 9/9/68.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
- 308-16-290 Finishing services by instructors. [Order 7, § 308-16-290, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-300 Defining "use" of instructor's license. [Order 7, § 308-16-300, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-310 Demonstrations and short courses. [Statutory Authority: RCW 18.15.056. 83-15-013 (Order PL 439), § 308-16-310, filed 7/12/83; Order PL-147, § 308-16-310, filed 8/14/73; Order 7, § 308-16-310, filed 9/9/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-320 Time for applications. [Order 12, § 308-16-320, filed 9/12/68.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-350 Textbook(s) used for barber examination. [Statutory Authority: RCW 18.15.110 and 18.15.240. 80-02-079 (Order PL 333), § 308-16-350, filed 1/18/80; Order PL-147, § 308-16-350, filed 8/14/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-360 Examination for men's hairstyling certificate. [Order PL-154, § 308-16-360, filed 12/10/73; Order PL-147, § 308-16-360, filed 8/14/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-370 Permit barber training. [Order PL-154, § 308-16-370, filed 12/10/73.] Repealed by 83-15-013 (Order PL 439), filed 7/12/83. Statutory Authority: RCW 18.15.056.
- 308-16-380 Definition of the words "chemical" or "chemicals." [Order PL-154, § 308-16-380, filed 12/10/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-390 Barber student curriculum. [Order PL 172, § 308-16-390, filed 6/20/74; Order PL 160, § 308-16-390, filed 2/21/74.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-400 Men's hairstyling curriculum, instructors and schools. [Order 283, § 308-16-400, filed 12/29/77; Order PL 160, § 308-16-400, filed 2/21/74.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-410 License renewal fee. [Order PL 163, § 308-16-410, filed 3/18/74.] Repealed by Order PL 203, filed 11/5/75. Later promulgation, see WAC 308-16-420.
- 308-16-420 Barber—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-16-420, filed 9/25/80; Order PL 203, § 308-16-420, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-16-500.
- 308-16-430 Renewal of licenses. [Order PL 262, § 308-16-430, filed 1/13/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-440 Catalog or brochure. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-440, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-450 Minimum cancellation and refund policy. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-450, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-460 Enrollment agreement (contract) checklist. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-460, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-470 Bonding. [Statutory Authority: RCW 18.15.056 and 18.15.090. 82-08-064 (Order PL 394), § 308-16-470, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-16-500 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-16-500, filed 11/2/83; 83-17-031 (Order PL 442), § 308-16-500, filed 8/10/83. Formerly WAC 308-16-420.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

Chapter 308-24

BEAUTY CULTURE

- 308-24-005 Definitions. [Order PL 105, § 308-24-005, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-010 Licensing out of state applicants—Equivalency. [Rules (part), filed 3/23/60.] Repealed by Order PL 105, filed 2/11/71.
- 308-24-020 Licensing out of state applicants—Temporary permits are not granted. [Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-030 Licensing out of state applicants—With two years experience. [Order PL 105, § 308-24-030, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-040 Licensing out of state applicants—With less than two years experience. [Order PL 105, § 308-24-040, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-050 Licensing of foreign beauticians. [Order PL 105, § 308-24-050, filed 2/11/71; Rules, filed 6/14/66;

- Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-100 Posting of rules, licenses and inspection reports. [Order PL 105, § 308-24-100, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-110 Inspections. [Order PL 105, § 308-24-110, filed 2/11/71; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-120 Standard requirements for maintenance and operation. [Order PL 105, § 308-24-120, filed 2/11/71; § 308-24-120, filed 7/20/67; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-130 Disinfection and sanitization of implements. [Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-140 Operator and employees. [Order PL 105, § 308-24-140, filed 2/11/71; § 308-24-140, filed 7/20/67; Rules (part), filed 3/23/60.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-150 Badges for certain students. [Regulation, filed 7/8/66.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-160 Forfeiture of examination fee. [Order 3, filed 4/18/68.] Repealed by Order PL 105, filed 2/11/71. Later promulgation, see WAC 308-24-180.
- 308-24-170 Equivalent high school education. [Order PL 105, § 308-24-170, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-180 Applications, examinations and renewals. [Order PL 105, § 308-24-180, filed 2/11/71; WAC 308-24-160 (part).] Repealed by Order PL 152, filed 10/11/73.
- 308-24-190 Trainee students. [Order PL 105, § 308-24-190, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-200 Recording student hours. [Order PL 105, § 308-24-200, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-210 Post graduate training for instructors. [Order PL 105, § 308-24-210, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-220 School equipment and facilities. [Order PL 105, § 308-24-220, filed 2/11/71.] Repealed by Order PL 152, filed 10/11/73.
- 308-24-300 Definitions. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-300, filed 10/15/82; 79-12-001 (Order P.L. 319), § 308-24-300, filed 11/8/79; Order PL 279, § 308-24-300, filed 12/19/77; Order PL 152, § 308-24-300, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208. Later promulgation, see chapter 308-20 WAC.
- 308-24-305 Demonstrations and contests. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-305, filed 1/9/81; Order PL 279, § 308-24-305, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-310 Trainee students. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-310, filed 11/8/79; Order PL 152, § 308-24-310, filed 10/11/73.] Repealed by 82-21-036 (Order PL 409), filed 10/15/82. Statutory Authority: RCW 18.18.020.
- 308-24-315 Equivalent high school education. [Order PL 152, § 308-24-315, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-320 Recording student hours. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-320, filed 10/15/82; 81-03-016 (Order PL 366), § 308-24-320, filed 1/9/81; Order PL 279, § 308-24-320, filed 12/19/77; Order PL 152, § 308-24-320, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-330 Credit allowed on transfer of training. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-330, filed 10/15/82; Order PL 152, § 308-24-330, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-335 State correctional institutions. [Statutory Authority: RCW 18.18.020. 79-02-012 (Order PL-298), § 308-24-335, filed 1/11/79.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-340 Student restrictions. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-340, filed 10/15/82; Order PL 279, § 308-24-340, filed 12/19/77; Order PL 152, § 308-24-340, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-345 Curriculum for cadet instructors. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-345, filed 10/15/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-350 Eligibility requirements for licensing as a manicurist. [Order PL 279, § 308-24-350, filed 12/19/77; Order PL 152, § 308-24-350, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-355 Curriculum for cosmetology operator course of instruction. [Order PL 279, § 308-24-355, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-360 Curriculum for manicurist course of instruction. [Order PL 152, § 308-24-360, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-370 Application and examinations. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-370, filed 10/15/82; 79-12-001 (Order P.L. 319), § 308-24-370, filed 11/8/79; Order PL 279, § 308-24-370, filed 12/19/77; Order PL 152, § 308-24-370, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-380 Examination for licensing. [Order PL 279, § 308-24-380, filed 12/19/77; Order PL 212, § 308-24-380, filed 11/5/75; Order PL 152, § 308-24-380, filed 10/11/73.] Repealed by 81-09-031 (Order PL 376), filed 4/13/81. Statutory Authority: RCW 18.18.020.
- 308-24-382 Examination for licensing. [Statutory Authority: RCW 18.18.020. 81-09-031 (Order PL 376), § 308-24-382, filed 4/13/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-384 Scope of examinations. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-384, filed 10/15/82; 81-09-031 (Order PL 376), § 308-24-384, filed 4/13/81.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-390 Time limitation for licensing. [Order PL 152, § 308-24-390, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-395 Instructor examination for licensing. [Statutory Authority: RCW 18.18.020. 82-21-036 (Order PL 409), § 308-24-395, filed 10/15/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-400 Licensing out of state applicants—Temporary permits are not granted. [Order PL 152, § 308-24-400, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-403 Licensing out of state applicants without examination. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-403, filed 1/9/81; 79-12-001 (Order PL 319), § 308-24-403, filed 11/8/79; Order PL 279, § 308-24-403, filed 12/19/77.]

- Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-404 Licensing out of state applicants with examination. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-404, filed 1/9/81; Order PL 279, § 308-24-404, filed 12/19/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-405 Licensing out of state applicants—With two years experience. [Order PL 152, § 308-24-405, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
- 308-24-410 Licensing out of state applicants—With less than two years experience. [Order PL 152, § 308-24-410, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
- 308-24-415 Licensing of foreign applicants. [Order PL 152, § 308-24-415, filed 10/11/73.] Repealed by Order PL 279, filed 12/19/77.
- 308-24-420 Post graduate training for instructors. [Order PL 279, § 308-24-420, filed 12/19/77; Order PL 152, § 308-24-420, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-430 Standard requirements for maintenance and operation of licensed shops or schools. [Statutory Authority: RCW 18.18.020. 81-03-016 (Order PL 366), § 308-24-430, filed 1/9/81; 79-12-001 (Order PL 319), § 308-24-430, filed 11/8/79; Order PL 279, § 308-24-430, filed 12/19/77; Order PL 152, § 308-24-430, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-440 Licensees and employees. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-440, filed 11/8/79; Order PL 279, § 308-24-440, filed 12/19/77; Order PL 152, § 308-24-440, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-450 School equipment and facilities. [Order PL 152, § 308-24-450, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-460 Posting of rules, licenses and inspection reports. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-460, filed 11/8/79; Order PL 152, § 308-24-460, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-470 Inspections. [Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-470, filed 11/8/79; Order PL 279, § 308-24-470, filed 12/19/77; Order PL 152, § 308-24-470, filed 10/11/73.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-480 License renewal fee. [Order PL 163, § 308-24-480, filed 3/18/74.] Repealed by Order PL 212, filed 11/5/75. Later promulgation, see WAC 308-24-490.
- 308-24-485 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-24-485, filed 11/2/83; 83-17-031 (Order PL 442), § 308-24-485, filed 8/10/83. Formerly WAC 308-24-490.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-490 Cosmetology—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-24-490, filed 9/25/80. Statutory Authority: RCW 18.18.020. 79-12-001 (Order PL 319), § 308-24-490, filed 11/8/79; Order PL 212, § 308-24-490, filed 11/5/75. Formerly WAC 308-24-480(part).] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-24-485.
- 308-24-500 Renewal of licenses. [Order PL 262, § 308-24-500, filed 1/13/77.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-510 Catalog or brochure. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-510, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-520 Minimum cancellation and refund policy. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-520, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-530 Enrollment agreement (contract) checklist. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-530, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.
- 308-24-540 Bonding. [Statutory Authority: RCW 18.18.020 and 18.18.070. 82-08-063 (Order PL 395), § 308-24-540, filed 4/7/82.] Repealed by 84-19-020 (Order PL 480), filed 9/12/84. Statutory Authority: 1984 c 208.

Chapter 308-27

CONTRACTOR CERTIFICATE OF REGISTRATION
RENEWALS—SECURITY—INSURANCE

- 308-27-010 Certificate of registration—Initial application. [Order 117, § 308-27-010, filed 3/13/72.] Repealed by Department of Labor and Industries Order 74-16, filed 5/6/75. See chapter 296-200 WAC.
- 308-27-020 Resignation (renewal). [Order 117, § 308-27-020, filed 3/13/72.] Repealed by Department of Labor and Industries Order 74-16, filed 5/6/74. See chapter 296-200 WAC.
- 308-27-030 Security and insurance requirements. [Order 117, § 308-27-030, filed 3/13/72.] Repealed by Department of Labor and Industries Order 74-16, filed 5/6/74. See chapter 296-200 WAC.

Chapter 308-36

DENTAL HYGIENISTS

- 308-36-010 Eligibility requirements. [Rule 1, filed 6/30/64.] Repealed by Order PL 266, filed 3/24/77.
- 308-36-020 Applications for examination. [Statutory Authority: RCW 18.29.030 and 18.32.040. 81-08-043 (Order PL 374), § 308-36-020, filed 3/31/81; Order PL 277, § 308-36-020, filed 11/17/77; Order PL 266, § 308-36-020, filed 3/24/77; Order PL 168, § 308-36-020, filed 5/10/74; Order PL 112, § 308-36-020, filed 6/25/71; Order, § 308-36-020, filed 12/3/69; § 308-36-020, filed 4/14/67; Rules 2 and 3, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-030 Reciprocity—Temporary permit—Etc. [Rule 4, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-040 Examination fee. [Rule 5, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-050 The examination. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80-03-063 (Order PL 335), § 308-36-050, filed 2/26/80; 79-09-071 (Order PL 312), § 308-36-050, filed 8/29/79; Order PL 237, § 308-36-050, filed 2/18/76; Order PL 184, § 308-36-050, filed 2/10/75; Order PL 168, § 308-36-050, filed 5/10/74; Order PL 127, § 308-36-050, filed 6/22/72; Order PL 112, § 308-36-050, filed 6/25/71; Order, § 308-36-050, filed 12/3/69; § 308-36-050, filed 4/14/67; Rules 6, 8, 9, 10 and 11, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-060 Examination results. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-36-060, filed 11/24/80; Order PL 266, § 308-36-060, filed 3/24/77; Order PL 168, § 308-36-060, filed 5/10/74; Order PL 112, § 308-36-060, filed

- 6/25/71; Order, § 308-36-060, filed 12/3/69; Rules 7 and 12, filed 6/30/64.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-065 Examination review procedures. [Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-36-065, filed 11/24/80; 80-05-063 (Order PL 342), § 308-36-065, filed 4/22/80.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-070 Renewal of licenses. [Order PL 170, § 308-36-070, filed 5/21/74.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- 308-36-080 Dental hygienist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-36-080, filed 9/25/80; Order PL 218, § 308-36-080, filed 11/5/75.] Repealed by 82-07-094 (Order PL 393), filed 3/24/82. Statutory Authority: RCW 18.32.040.
- Chapter 308-56**
CERTIFICATE OF TITLE—MOTOR VEHICLES, ETC.
- 308-56-010 Certificates—Generally—Vehicles requiring. [§ 1(1), filed 11/5/63; § 1(1), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-020 Certificates—How to complete application for certificate of title—New vehicles not previously registered. [§ 1(2A), filed 11/5/63; § 1(2A), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-025 Additional rules for new vehicles—Manufacturer's statement of origin required. [Order MV-166, § 308-56-025, filed 5/7/73.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-030 Additional rules for new vehicles—Foreign vehicles not previously licensed in Washington—Additional requirements. [§ 1(2B), filed 11/5/63; § 1(2B), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-040 Additional rules for new vehicles—Vehicles purchased from United States government—Additional requirements. [§ 1(2C), filed 11/5/63; § 1(2C), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-050 Delivery of vehicle on dealer's temporary permit. [Order MV-171, § 308-56-050, filed 7/18/73; § 308-56-050, filed 6/29/67; § 1(2D), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-060 Dealer report of sale. [§ 308-56-060, filed 6/29/67; § 1(3), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-070 Dealer not required to obtain certificate of title in his own name before sale of vehicle. [§ 1(4), filed 11/5/63; § 1(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-080 Purchased from foreign dealer. [§ 308-56-080, filed 6/29/67; § 1(5), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-090 If foreign title is lost. [§ 1(6), filed 11/5/63; § 1(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-100 Foreign title lost by dealer. [§ 1(7), filed 11/5/63; § 1(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-110 Foreign vehicles. [§ 1(8), filed 11/5/63; § 1(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-120 Nonresident applying for certificate of title. [§ 1(9), filed 11/5/63; § 1(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-130 Foreign title assigned to dealer. [§ 1(10), filed 11/5/63; § 1(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-140 From states not issuing certificate of title. [§ 1(11 and 11-A), filed 11/5/63; § 1(11), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-150 Certificate of inspection. [§ 1(12), filed 11/5/63; § 1(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-160 No title issued. [§ 1(13), filed 11/5/63; § 1(13), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-170 Foreign title returned. [§ 1(14), filed 11/5/63; § 1(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-180 Certificate of title mailed to the lien holder. [§ 1(15), filed 11/5/63; § 1(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-190 Title purpose only. [§ 308-56-190, filed 6/29/67; § 1(16), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-200 Partnership or association not incorporated. [§ 1(17), filed 11/5/63; § 1(17), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-210 Vehicles registered by army personnel returning from foreign duty. [§ 1(18), filed 11/5/63; § 1(18), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-220 Four percent compensating tax et seq. [§ 1(19), filed 11/5/63; § 1(19), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-250 Transfer of certificate of title—Procedure. [§ 308-56-250, filed 6/29/67; § 2(1), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-260 Transfer of certificate of title—Purchaser must transfer. [§ 2(2), filed 11/5/63; § 2(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-270 Transfer of certificate of title—Penalty—Failure to transfer. [§ 2(3), filed 11/5/63; § 2(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-280 Transfer of certificate of title—Dealer not required to transfer title—Sale to second dealer. [§ 2(4), filed 11/5/63; § 2(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-290 Transfer of certificate of title—Repossession by dealer. [§ 308-56-290, filed 6/29/67; § 2(5), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-300 Transfer of certificate of title—Repossession by finance company or individual. [§ 308-56-300, filed 6/29/67; § 2(6), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-310 Transfer of certificate of title—Repossession by dealer when contract is assigned. [§ 308-56-310, filed 6/29/67; § 2(7), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-320 Transfer of certificate of title—Divorce proceedings. [§ 308-56-320, filed 6/29/67; § 2(8), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-330 Transfer of certificate of title—Acquired by will. [§ 2(9), filed 11/5/63; § 2(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-340 Transfer of certificate of title—Sale by administrator appointed by court—No will. [§ 308-56-340, filed 6/29/67; § 2(10), filed 11/5/63, 3/23/60.] Repealed

- by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-350 Transfer of certificate of title—Transfer to estate. [§ 2(11), filed 11/5/63; § 2(11), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-360 Transfer of certificate of title—Acquisition where deceased left no will or estate to be probated. [§ 2(12), filed 11/5/63; § 2(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-370 Transfer of certificate of title—Order of court. [§ 2(13), filed 11/5/63; § 2(13), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-380 Transfer of certificate of title—Community agreements. [§ 2(14), filed 11/5/63; § 2(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-390 Transfer of certificate of title—Transfer by process of law—Cancellation of certificate of title. [§ 2(15), filed 11/5/63; § 2(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-400 Transfer of certificate of title—When a vehicle has been sold and not transferred. [§ 2(16), filed 11/5/63; § 2(16), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-410 Transfer of certificate of title—Transfer when owner declared incompetent. [§ 308-56-410, filed 6/29/67; § 2(17), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-420 Transfer of certificate of title—Bankruptcy—Receiver appointed by court. [§ 2(18), filed 11/5/63; § 2(18), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-430 Transfer of certificate of title—Desertion. [§ 2(19), filed 11/5/63; § 2(19), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-440 Transfer of certificate of title—Sheriff's sale. [§ 2(20), filed 11/5/63; § 2(20), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-450 Transfer of certificate of title—Abandoned car—Left in garage. [§ 2(21), (22), (23), filed 11/5/63; § 2(21), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-460 Transfer of certificate of title—Abandoned vehicle—Left out in open. [§ 2(24), filed 11/5/63; § 2(22), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-470 Transfer of certificate of title—Advertised sale—Storage lien. [§ 2(25), filed 11/5/63; § 2(23), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-480 Transfer of certificate of title—Repairman's lien. [§ 2(24), filed 11/5/63; § 2(24), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-490 Transfer of certificate of title—Tax sale. [§ 2(25), filed 11/5/63; § 2(25), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-500 Transfer of certificate of title—Lien holder's interest. [§ 2(26), filed 11/5/63; § 2(26), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-510 Transfer of certificate of title—Transfer of exempt vehicles. [§ 2(27), filed 11/5/63; § 2(27), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-520 Transfer of certificate of title—Leased vehicles. [§ 2(28), filed 11/5/63; § 2(28), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-530 Transfer of certificate of title—Partnership changes. [§ 2(29), filed 11/5/63; § 2(29), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-540 Transfer of certificate of title—Compensating tax. [§ 2(30), filed 11/5/63; § 2(30), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-550 Transfer of certificate of title—Amateur radio operator's license plates. [§ 2(31), filed 11/5/63; § 2(31), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-560 Reissue of certificate of title—Application for reissue—Procedure. [§ 308-56-560, filed 6/29/67; § 3(1), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-570 Reissue of certificate of title—Placing of chattel mortgage. [§ 3(2), filed 11/5/63; § 3(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-580 Reissue of certificate of title—Filing second chattel mortgage. [§ 3(3), filed 11/5/63; § 3(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-590 Reissue of certificate of title—Release notice must be filed. [§ 3(4), filed 11/5/63; § 3(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-600 Reissue of certificate of title—Change in lien holder. [§ 3(5), filed 11/5/63; § 3(5), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-610 Reissue of certificate of title—Two lien holders. [§ 3(6), filed 11/5/63; § 3(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-620 Reissue of certificate of title—Change in corporate name. [§ 3(7), filed 11/5/63; § 3(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-630 Reissue of certificate of title—Incorrect endorsements or erasures. [§ 3(8), filed 11/5/63; § 3(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-640 Reissue of certificate of title—Correction of certificate of title. [§ 3(9), filed 11/5/63; § 3(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-650 Reissue of certificate of title—Change of name by legal court action. [§ 3(10), filed 11/5/63; § 3(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-660 Reissue of certificate of title—Installation of new or used motor. [§ 308-56-660, filed 6/29/67; § 3(11), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-670 Reissue of certificate of title—Motor installed by dealer. [§ 3(12), filed 11/5/63; § 3(12), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-680 Reissue of certificate of title—Identification number. [§ 308-56-680, filed 6/29/67; § 3(13), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-690 Reissue of certificate of title—Mutilated number. [§ 3(14), filed 11/5/63; § 3(14), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-700 Reissue of certificate of title—Notice of destruction. [§ 3(15), filed 11/5/63; § 3(15), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-710 Reissue of certificate of title—Assembled vehicles. [§ 308-56-710, filed 6/29/67; § 3(16), filed 11/5/63, 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

- 308-56-720 Certificate of title endorsements and signatures on applications—Endorsements required on reverse side of certificate of title when transferring vehicle. [§ 4(1), filed 11/5/63; § 4(1), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-730 Certificate of title endorsements and signatures on applications—Two or more owners. [§ 4(2), filed 11/5/63; § 4(2), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-740 Certificate of title endorsements and signatures on applications—Release of lien holder. [§ 4(3), filed 11/5/63; § 4(3), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-750 Certificate of title endorsements and signatures on applications—Operation of law. [§ 4(4), filed 11/5/63; § 4(4), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-760 Certificate of title endorsements and signatures on applications—Signature on applications for certificate of title. [§ 4(5), filed 11/5/63; § 4(5), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-770 Certificate of title endorsements and signatures on applications—Minor owners. [§ 4(6), filed 11/5/63; § 4(6), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-780 Certificate of title endorsements and signatures on applications—Reissue application to record a chattel mortgage. [§ 4(7), filed 11/5/63; § 4(7), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-790 Certificate of title endorsements and signatures on applications—Duplicate certificate of title. [§ 4(8), filed 11/5/63; § 4(8), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-800 Certificate of title endorsements and signatures on applications—Miscellaneous applications. [§ 4(9), filed 11/5/63; § 4(9), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-810 Certificate of title endorsements and signatures on applications—Partnership. [§ 4(10), filed 11/5/63; § 4(10), filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.
- 308-56-820 Duplicate certificate of title. [§ 5, filed 11/5/63; § 5, filed 3/23/60.] Repealed by Order MV 208, filed 7/31/74. See chapter 308-56A WAC.

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

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

Chapter 308-64**MOTOR VEHICLE DEALERS**

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

Chapter 308-79**AIRCRAFT--INDICIA OF REGISTRATION**

- 308-79-050 Display of indicia of registration. [Statutory Authority: RCW 47.68.250. 86-10-003 (Order TL/RG 22), § 308-79-050, filed 4/24/86.] Repealed by 87-16-058 (Order TL/RG 35), filed 7/30/87. Statutory Authority: RCW 47.68.250, as amended by 1987 c 220 § 3.

Chapter 308-84**WRECKERS**

- 308-84-010 Wreckers—Defined. [§ 21(1), filed 6/21/65; § 21(1), filed 11/5/63 and 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-020 Wreckers—Established place of business defined. [§ 21(2), filed 6/21/65; § 21(2), filed 11/5/63 and 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-030 Wreckers—Enclosure. [§ 21(3), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-040 Wreckers—Second place of business. [§ 21(4), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-050 Wreckers—Branch or subagency. [§ 21(5), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-060 Wreckers—Storage yard. [§ 21(6), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-070 Wreckers—Wrecker plates. [§ 21(7), filed 6/21/65.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-080 Wreckers—Application for license. [§ 21(8), filed 6/21/65; § 21(3), filed 11/5/63 and 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-090 Wreckers—Tow car fee. [§ 21(9), filed 6/21/65; § 21(4), filed 11/5/63.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-100 Wreckers—Must file bond. [§ 21(10), filed 6/21/65; § 21(5), filed 11/5/63; § 21(4), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-110 Wreckers—Dealer books and files. [§ 21(11), filed 6/21/65; § 21(6), filed 11/5/63; § 21(5), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-120 Wreckers—Must furnish written reports (Form C-15-3 pink). [§ 21(12), filed 6/21/65; § 21(7), filed 11/5/63; § 21(6), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-130 Wreckers—Illegal to acquire a motor vehicle without a certificate of title. [§ 21(13), filed 6/21/65; § 21(8), filed 11/5/63; § 21(7), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-140 Wreckers—Must furnish bill of sale for parts. [§ 21(14), filed 3/21/65; § 21(9), filed 11/5/63; § 21(8), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-150 Wreckers—License may be revoked by the director of licenses. [§ 21(15), filed 6/21/65; § 21(10), filed 11/5/63; § 21(9), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-160 Wreckers—Right of appeal. [§ 21(16), filed 6/21/65; § 21(11), filed 11/5/63; § 21(10), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-170 Wreckers—Subject to penalty. [§ 21(17), filed 6/21/65; § 21(12), filed 11/5/63; § 21(11), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-180 Wreckers—Periodic inspection. [§ 21(18), filed 6/21/65; § 21(13), filed 11/5/63; § 21(12), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-190 Wreckers—Change of address. [§ 21(19), filed 6/21/65; § 21(15), filed 11/5/63; § 21(14), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-200 Wreckers—Selling reconditioned vehicles. [§ 21(20), filed 6/21/65; § 21(16), filed 11/5/63; § 21(15), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-210 Wreckers—License plates. [§ 21(21), filed 6/21/65; § 21(17), filed 11/5/63; § 21(16), filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.
- 308-84-220 Wreckers—Display of license certificate. [§ 21(22), filed 6/21/65; § 21(18), filed 11/5/63; § 21 (part),

filed 3/23/60.] Repealed by Order MV-174, filed 10/19/73.

Chapter 308-85

HULK HAULERS AND SCRAP PROCESSORS

308-85-010, through 308-85-090. [Order 104-MV, filed 7/8/71.] Repealed by Order MV-174, filed 10/19/73. Later promulgation, see chapter 308-61 WAC.

Chapter 308-86

ABANDONED JUNK MOTOR VEHICLES

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

Chapter 308-92

RECIPROCITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

308-92-170 Change of residence. [Order MV-161, § 308-92-170, filed 3/21/73.] Repealed by 81-02-030 (Order

308-92-180

WRC-2), filed 1/5/81. Statutory Authority: RCW 46.85.030.

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

308-92-190

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

308-92-200

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

Chapter 308-96

VEHICLE LICENSES

308-96-005

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

308-96-010

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

308-96-015

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

308-96-020

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

308-96-025

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

308-96-030

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

308-96-035

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

308-96-040

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

308-96-045

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

308-96-050

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

308-96-055

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

308-96-060

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

308-96-065

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

308-96-070

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

308-96-075

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

308-96-080

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

- 308-96-085 Station wagons. [§ 8(10), filed 11/5/63; § 8(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-090 Reciprocity. [§ 8(11), filed 11/5/63; § 8(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-095 Foreign owner may retain plates. [§ 8(12), filed 11/5/63; § 8(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-100 Destroyed or wrecked vehicles. [§ 8(13), filed 11/5/63; § 8(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-1001 Mobile home identification tag fee refunds. [Order MV-167, § 308-96-1001, filed 5/7/73.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-105 Fees. [§ 8(14), filed 11/5/63; § 8(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-110 Licenses for amputee. [§ 8(15), filed 11/5/63; § 8(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-115 Special fees. [§ 8(16), filed 11/5/63; § 8(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-120 Antique cars—Horseless carriages, plates. [Order 109 MV, § 308-96-120, filed 9/23/71; § 8(17), filed 11/5/63; § 8(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-121 Antique cars—Restored vehicle plates. [Order 109 MV, § 308-96-121, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-122 Vehicles with horseless carriage or restored vehicle plates—Permissible uses. [Order 109 MV, § 308-96-122, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-125 Consular plates. [§ 8(18), filed 11/5/63.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-130 Disabled operators. [§ 8(19), filed 11/5/63.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-135 Cab and chassis. [§ 9(1), filed 11/5/63; § 9(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-140 Cab and chassis—Original application for truck license. [Order, § 308-96-140, filed 6/29/67; § 9(2), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-145 Cab and chassis—Method of obtaining renewal license. [§ 9(3), filed 11/5/63; § 9(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-150 Cab and chassis—Fixed load. [Order, § 308-96-150, filed 6/29/67; § 9(4), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-160 Cab and chassis—Sedans and coupes used as delivery vehicles. [Order, § 308-96-160, filed 6/29/67; § 9(5), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-170 Cab and chassis—Station wagons. [Order, § 308-96-170, filed 6/29/67; § 9(6), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-175 Cab and chassis—Diesel trucks. [§ 9(7), filed 11/5/63; § 9(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-180 Cab and chassis—Wreckers and service cars—Additional plates. [§ 9(8), filed 11/5/63; § 9(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-185 Cab and chassis—Fire trucks. [§ 9(9), filed 11/5/63; § 9(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-190 Cab and chassis—Trucks and trailers on closed and private roads or government reservations. [§ 9(10), filed 11/5/63; § 9(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-195 Cab and chassis—Road construction equipment. [§ 9(11), filed 11/5/63; § 9(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-200 Cab and chassis—Tractors. [Order, § 308-96-200, filed 6/29/67; § 9(12), filed 11/5/63, 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-205 Cab and chassis—Lettering on trucks and trailers. [§ 9(13), filed 11/5/63; § 9(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-210 Cab and chassis—Circus and carnival trucks. [§ 9(14), filed 11/5/63; § 9(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-220 Cab and chassis—Show trucks with fixed load. [§ 9(15), filed 11/5/63; § 9(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-225 Cab and chassis—Farm equipment. [§ 9(16), filed 11/5/63; § 9(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-230 Cab and chassis—Trailers used on farms or for transporting farm produce. [§ 9(17), filed 11/5/63; § 9(18), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-235 Cab and chassis—Excise tax on trucks and trailers. [§ 9(18), filed 11/5/63; § 9(19), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-240 Cab and chassis—Jeeps. [§ 9(19), filed 11/5/63; § 9(20), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-245 Cab and chassis—Private passenger car trailers. [§ 9(20), filed 11/5/63; § 9(21), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-250 Cab and chassis—Trucks carrying both freight and passengers for compensation. [§ 9(21), filed 11/5/63; § 9(22), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-255 Cab and chassis—Converter gear. [§ 9(22), filed 11/5/63; § 9(23), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-260 Cab and chassis—House moving dollies. [§ 9(23), filed 11/5/63; § 9(24), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-265 Truck and trailer tonnage—Gross weight. [§ 10(1), filed 11/5/63; § 10(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-270 Truck and trailer tonnage—License applications. [§ 10(2), filed 11/5/63; § 10(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-275 Truck and trailer tonnage—Completion of manual application for tonnage license. [§ 10(3), filed 11/5/63; § 10(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-280 Truck and trailer tonnage—Special fees. [§ 10(4), filed 11/5/63; § 10(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-285 Truck and trailer tonnage—Validation of load license. [§ 10(5), filed 11/5/63; § 10(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-290 Truck and trailer tonnage—House trucks. [§ 10(6), filed 11/5/63; § 10(6), filed 3/23/60.] Repealed by

- Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-295 Truck and trailer tonnage—Fixed load. [§ 10(7), filed 11/5/63; § 10(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-300 Truck and trailer tonnage—Circus and carnival trucks. [§ 10(8), filed 11/5/63; § 10(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-305 Truck and trailer tonnage—Farm trucks and trailers. [§ 10(9), filed 11/5/63; § 10(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-310 Truck and trailer tonnage—Converter gear. [§ 10(10), filed 11/5/63; § 10(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-315 Truck and trailer tonnage—Additional tonnage. [§ 10(11), filed 11/5/63; § 10(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-320 Truck and trailer tonnage—Quarterly reduction in fees. [§ 10(12), filed 11/5/63; § 10(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-325 Truck and trailer tonnage—Transfer of load license. [§ 10(13), filed 11/5/63; § 10(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-330 Truck and trailer tonnage—From vehicle out of commission. [§ 10(14), filed 11/5/63; § 10(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-335 Truck and trailer tonnage—Transfer of load license—One person to another. [§ 10(15), filed 11/5/63; § 10(15), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-340 Truck and trailer tonnage—More than one vehicle. [§ 10(16), filed 11/5/63; § 10(16), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-345 Truck and trailer tonnage—From one type to another. [§ 10(17), filed 11/5/63; § 10(17), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-350 Truck and trailer tonnage—Transfer of load license when class changes. [§ 10(18), filed 11/5/63; § 10(18), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-355 Truck and trailer tonnage—To reduce or increase load. [§ 10(19), filed 11/5/63; § 10(19), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-360 Truck and trailer tonnage—Repossession. [§ 10(20), filed 11/5/63; § 10(20), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-365 Truck and trailer tonnage—Vehicle transferred to another state. [§ 10(21), filed 11/5/63; § 10(21), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-370 Truck and trailer tonnage—Load license from estate of deceased owner. [§ 10(22), filed 11/5/63; § 10(22), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-375 Truck and trailer tonnage—Transfer to a farmer. [§ 10(23), filed 11/5/63; § 10(23), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-380 Truck and trailer tonnage—Transfer from a farmer. [§ 10(24), filed 11/5/63; § 10(24), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-385 Truck and trailer tonnage—Vehicle sold at sheriff sale. [§ 10(25), filed 11/5/63; § 10(25), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-390 Truck and trailer tonnage—Logging vehicles—Monthly tonnage. [§ 10(26), filed 11/5/63; § 10(26), filed 3/23/60.] Repealed by MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-395 Stage license. [§ 11(1), filed 11/5/63; § 11(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-400 For hire license. [§ 11(2), filed 11/5/63; § 11(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-405 Permit to operate vehicles transporting passengers for hire. [§ 11(3), filed 11/5/63; § 11(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-410 Taxicabs. [§ 11(4), filed 11/5/63; § 11(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-415 Foreign taxicabs. [§ 11(5), filed 11/5/63; § 11(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-420 Trackless trolleys. [§ 11(6), filed 11/5/63; § 11(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-425 Street car buses privately owned. [§ 11(7), filed 11/5/63; § 11(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-430 School buses. [§ 11(8), filed 11/5/63; § 11(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-435 Excise tax. [§ 11(9), filed 11/5/63; § 11(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-440 Quarterly reduction in fees. [§ 11(10), filed 11/5/63; § 11(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-445 License plates not transferable. [§ 11(11), filed 11/5/63; § 11(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-450 Penalty. [§ 11(12), filed 11/5/63; § 11(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-455 Compensating tax. [§ 11(13), filed 11/5/63; § 11(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-460 Special fee. [§ 11(14), filed 11/5/63; § 11(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-465 Private buses—Hotel. [§ 12(1), filed 11/5/63; § 12(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-470 Private buses—Athletic team—Show troupes, etc. [§ 12(2), filed 11/5/63; § 12(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-475 Private buses—Leased vehicles. [§ 12(3), filed 11/5/63; § 12(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-480 Private buses—School buses. [§ 12(4), filed 11/5/63; § 12(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-485 Private buses—Station wagons. [§ 12(5), filed 11/5/63; § 12(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-490 Private buses—Private army buses. [§ 12(6), filed 11/5/63; § 12(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-495 Private buses—Penalty. [§ 12(7), filed 11/5/63; § 12(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-500 Private buses—Excise tax. [§ 12(8), filed 11/5/63; § 12(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.

- 308-96-505 Private buses—Compensating tax. [§ 12(9), filed 11/5/63; § 12(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-510 Private buses—Special fee. [§ 12(10), filed 11/5/63; § 12(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-515 Exempt licenses—State, districts, federal, and consular. [Order, § 308-96-515, filed 6/29/67; § 13(1), 11/5/63, filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-520 Exempt licenses—Street car buses—Trackless trolleys. [§ 13(2), filed 11/5/63; § 13(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-525 Exempt licenses—Leased vehicles. [§ 13(3), filed 11/5/63; § 13(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-530 Exempt licenses—School buses. [§ 13(4), filed 11/5/63; § 13(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-535 Exempt licenses—School buses—Leased—Under contract. [§ 13(5), filed 11/5/63; § 13(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-540 Exempt licenses—Sale of exempt vehicle—Removal of license plates. [§ 13(6), filed 11/5/63; § 13(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-545 Exempt licenses—License for leased cars. [§ 13(7), filed 11/5/63; § 13(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-550 Exempt licenses—Sale from one department to another. [§ 13(8), filed 11/5/63; § 13(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-555 Exempt licenses—Transfer from one federal department to another. [§ 13(9), filed 11/5/63; § 13(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-560 Exempt licenses—Department purchasing used vehicle. [§ 13(10), filed 11/5/63; § 13(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-565 Exempt licenses—Exempt fees. [§ 13(11), filed 11/5/63; § 13(11), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-570 Exempt licenses—Penalties. [§ 13(12), filed 11/5/63; § 13(12), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-575 Exempt licenses—Compensating tax. [§ 13(13), filed 11/5/63; § 13(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-580 Motorcycles—License. [§ 14(1), filed 11/5/63; § 14(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-585 Motorcycles—For hire. [§ 14(2), filed 11/5/63; § 14(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-590 Motorcycles—Scooters and motor bikes. [§ 14(3), filed 11/5/63; § 14(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-595 Motorcycles—Side cars. [§ 14(4), filed 11/5/63; § 14(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-600 Motorcycles—Motorcycle fees. [§ 14(5), filed 11/5/63; § 14(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-605 Motorcycles—Excise tax. [§ 14(6), filed 11/5/63; § 14(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-610 Motorcycles—Penalties. [§ 14(7), filed 11/5/63; § 14(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-615 Motorcycles—Compensating tax. [§ 14(8), filed 11/5/63; § 14(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-620 Motorcycles—Special fee. [§ 14(9), filed 11/5/63; § 14(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-625 Motorcycles—Commercial use. [§ 14(10), filed 11/5/63; § 14(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-630 Replacement plates and validation stickers—General. [§ 15(1), filed 11/5/63; § 15(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-635 Replacement plates and validation stickers—Fees. [§ 15(2), (3), (4), (5), (6), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-640 Replacement plates and validation stickers—Filing fees. [§ 15(7), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-645 Replacement plates and validation stickers—Surrender of plates. [§ 15(8), filed 11/5/63; § 15(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-646 Personalized plates. [Order 110 MV, § 308-96-646, filed 9/23/71.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-650 Transportation of vehicles with special permits—In transit permit. [§ 16(1), (2), filed 11/5/63; § 16(1), (2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-655 240 hour permit—Foreign licensed commercial vehicles for interstate operations only. [§ 16(3), filed 11/5/63; § 16(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-660 240 hour permit—Application. [§ 16(4), filed 11/5/63; § 16(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-665 Excise tax—All vehicles must be taxed—Exemptions. [§ 17(1), filed 11/5/63; § 17(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-670 Excise tax—Hearses and ambulances. [§ 17(2), filed 11/5/63; § 17(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-675 Excise tax—No exemptions for Indians. [§ 17(3), filed 11/5/63; § 17(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-680 Excise tax—Tax reduced monthly. [§ 17(4), filed 11/5/63; § 17(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-685 Excise tax—Exempt cars purchased by individuals. [§ 17(5), filed 11/5/63; § 17(6), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-690 Excise tax—Station wagons. [§ 17(6), filed 11/5/63; § 17(7), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-695 Excise tax—Buses and stages. [§ 17(7), filed 11/5/63; § 17(8), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-700 Excise tax—Dealer license. [§ 17(8), filed 11/5/63; § 17(9), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-705 Excise tax—Compensating tax. [§ 17(9), filed 11/5/63; § 17(10), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-710 Excise tax—House trailers—Excise tax and licensing. [§ 17(10), filed 11/5/63; § 17(11), filed 3/23/60.]

- Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-715 Excise tax—Aircraft. [§ 17(12), filed 11/5/63; § 17(13), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-720 Excise tax—Converter gear. [§ 17(13), filed 11/5/63; § 17(14), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-725 Transfer of class—Change license plates. [§ 18(1), filed 11/5/63; § 18(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-730 Transfer of class—From exempt license issued on leased vehicle. [§ 18(2), filed 11/5/63; § 18(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-735 Transfer of class—No fee where incorrect plate issued. [§ 18(3), filed 11/5/63; § 18(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-740 Transfer of class—From one state department to another. [§ 18(4), filed 11/5/63; § 18(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-745 Destroyed vehicles—Notice of destruction. [§ 19(1), (2), filed 11/5/63; § 19(1), (2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-750 Destroyed vehicles—Wreckers. [§ 19(3), filed 11/5/63; § 19(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-755 Factory delivery—Application. [§ 20(1), filed 11/5/63; § 20(1), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-760 Factory delivery—Plates. [§ 20(2), filed 11/5/63; § 20(2), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-765 Factory delivery—For-hire taxicabs. [§ 20(3), filed 11/5/63; § 20(3), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-770 Factory delivery—For-hire buses or stages. [§ 20(4), filed 11/5/63; § 20(4), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-775 Factory delivery—Tonnage. [§ 20(5), filed 11/5/63; § 20(5), filed 3/23/60.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- 308-96-780 Mobile homes, travel trailers—License plates, place of display. [Order 691101, § 308-96-780, filed 11/26/69.] Repealed by Order MV-328, filed 7/24/75. See chapter 308-96A WAC.
- Chapter 308-98**
SINGLE CAB CARDS
- 308-98-010 Eligibility. [Order 2, § 308-98-010, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-020 Applications. [Order 2, § 308-98-020, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-030 Temporary single cab card permits. [Order 2, § 308-98-030, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-040 Denials and revocations. [Order 2, § 308-98-040, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-050 Procedure for reviewing denials and revocations. [Order 2, § 308-98-050, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-060 Return of canceled single cab cards. [Order 2, § 308-98-060, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-070 Duplicate single cab cards. [Order 2, § 308-98-070, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- 308-98-080 Photostatic copies invalid. [Order 2, § 308-98-080, filed 11/4/68.] Repealed by 81-18-037 (Order DOL 639), filed 8/27/81. Statutory Authority: RCW 46.85.220.
- Chapter 308-116**
PRACTICAL NURSES
- 308-116-005 Definitions. [Order PL 189, § 308-116-005, filed 5/23/75; Order PL-131, § 308-116-005, filed 9/1/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-010.
- 308-116-010 Functions of a licensed practical nurse. [Order PL-131, § 308-116-010, filed 9/1/72; § 308-116-010, filed 8/3/66; Rule A (part), filed 8/30/63.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-020.
- 308-116-020 Organization of a course in practical nursing. [Order PL 189, § 308-116-020, filed 5/23/75; Order PL-131, § 308-116-020, filed 9/1/72; § 308-116-020, filed 8/3/66; Rule B, filed 8/30/63.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-024 Faculty. [Order PL 251, § 308-116-024, filed 6/7/76; Order PL 189, § 308-116-024, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-030 Length of the course. [§ 308-116-030, filed 8/3/66; Rule C (part), filed 8/30/63; Rules (part), filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.
- 308-116-031 Curriculum. [Order PL-131, § 308-116-031, filed 9/1/72.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-034 Classroom teaching facilities. [Order PL 189, § 308-116-034, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-038 Curriculum. [Order PL 189, § 308-116-038, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-040 Course content. [Order PL 189, § 308-116-040, filed 5/23/75; Order PL-131, § 308-116-040, filed 9/1/72; § 308-116-040, filed 8/3/66; Rule C (part), filed 5/14/65, 8/30/63.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-050 Physical facilities for classroom teaching. [Order PL-131, § 308-116-050, filed 9/1/72; § 308-116-050, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-052 Clinical practice areas. [Order PL 189, § 308-116-052, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-180.
- 308-116-058 Selection of students and the student program. [Order PL 189, § 308-116-058, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-060 Hospital orientation period. [Order PL-131, § 308-116-060, filed 9/1/72; § 308-116-060, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-070 Clinical practice areas. [Order PL-131, § 308-116-070, filed 9/1/72; § 308-116-070, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.

- 308-116-080 Periods of duty on hospital wards. [§ 308-116-080, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL-131, filed 9/1/72.
- 308-116-082 Records and brochures. [Order PL 189, § 308-116-082, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-090 Supervision of student practical nurse. [Order PL-131, § 308-116-090, filed 9/1/72; § 308-116-090, filed 8/3/66; Rule C (part), filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-092 State board licensing examination. [Order PL 189, § 308-116-092, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-098 Readmissions, transfers, withdrawals. [Order PL 189, § 308-116-098, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-170.
- 308-116-100 Faculty. [Order PL-131, § 308-116-100, filed 9/1/72; § 308-116-100, filed 8/3/66; Rule D, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-102 Approval of program in practical nursing. [Order PL 189, § 308-116-102, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-110 Selection of students and the student program. [Order PL-131, § 308-116-110, filed 9/1/72; § 308-116-110, filed 8/3/66; Rule E, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-120 Tentative approval and approval of a course in practical nursing. [§ 308-116-120, filed 8/3/66; Rule F, filed 8/30/63.] Repealed by Order PL-131, filed 9/1/72.
- 308-116-121 Approval of a program in practical nursing. [Order PL-131, § 308-116-121, filed 9/1/72.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-130 Records and brochures. [Order PL-131, § 308-116-130, filed 9/1/72; § 308-116-130, filed 8/3/66; Rule G, filed 8/30/63.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-150 Short night school classes. [Rule 1, filed 3/23/60.] Deleted by Rules, filed 8/3/66.
- 308-116-160 Correspondence courses. [§ 308-116-160, filed 8/3/66; Rule 2, filed 3/23/60.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-170 Professional nurse training—Present equivalency clause. [§ 308-116-170, filed 8/3/66; Rule 3, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-180 State board examinations. [Order PL-131, § 308-116-180, filed 9/1/72; § 308-116-180, filed 8/3/66; Rule 5, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-190 Certificate of moral character for candidates qualifying under equivalency clause or interstate registration. [Rule 6, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-200 Procedure regarding approval of new courses. [Rule 7, filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.
- 308-116-230 Advisory committee to board of practical nurse examiners. [Rule 8, filed 3/23/60.] Repealed by Order PL-131, filed 9/1/72.
- 308-116-240 Minimum age of applicants to write state board examination. [Rule 9, filed 3/23/60.] Deleted by Rules, filed 8/3/66.
- 308-116-250 Candidates who have not completed the course when examination is given. [Rule 10, filed 3/23/60.] Deleted by Rules, filed 8/3/66.
- 308-116-260 Readmissions, transfers, withdrawals. [Order PL-131, § 308-116-260, filed 9/1/72; § 308-116-260, filed 8/3/66; Rule 11, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-270 Classwork or practical experience gained by applicant previous to enrollment in course in practical nursing. [§ 308-116-270, filed 8/3/66; Rule 12, filed 3/23/60.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-280 Renewal of licenses. [Order 208, § 308-116-280, filed 11/5/75; Order 138, § 308-116-280, filed 12/5/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-100.
- 308-116-290 Examinations. [Order 139, § 308-116-290, filed 12/5/72.] Repealed by Order PL 189, filed 5/23/75.
- 308-116-295 Licensure qualifications and procedures. [Statutory Authority: RCW 18.78.150. 83-05-033 (Order PL 427), § 308-116-295, filed 2/10/83; 78-10-049 (Order PL-290), § 308-116-295, filed 9/21/78; Order PL 189, § 308-116-295, filed 5/23/75.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050. Later promulgation, see WAC 308-117-030.
- 308-116-300 Certification of licensure. [Order 139, § 308-116-300, filed 12/5/72.] Repealed by 84-01-061 (Order PL 452), filed 12/19/83. Statutory Authority: RCW 18.78.050.
- 308-116-310 Licensed practical nurses—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-116-310, filed 9/25/80; Order 208, § 308-116-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-116-325.
- 308-116-325 Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-116-325, filed 8/10/83. Formerly WAC 308-116-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

Chapter 308-124G

REAL ESTATE—EXAMINATION WAIVERS

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

Chapter 308-126

LAND DEVELOPMENT REGISTRATION

- 308-126-010 Definitions. [Order RE 109, § 308-126-010, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-020 Documents. [Order RE 109, § 308-126-020, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-030 Address of director. [Order RE 109, § 308-126-030, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-040 Exemptions—Waiver. [Order RE 109, § 308-126-040, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-050 Office of interstate land sales registration. [Order RE 109, § 308-126-050, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-060 Statement of record and property report—Contents and filing. [Order RE 109, § 308-126-060, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-070 Statements and reports—Proper form. [Order RE 109, § 308-126-070, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-080 Statements and reports—Effective dates. [Order RE 109, § 308-126-080, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-090 Notice of deficiency—Rejection. [Order RE 109, § 308-126-090, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

- 308-126-100 Amendments—Consolidated registration. [Order RE 109, § 308-126-100, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-110 Filing fees. [Order RE 109, § 308-126-110, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-120 Mortgages, liens or other encumbrances. [Order RE 109, § 308-126-120, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-130 Approval of out-of-state trustee or escrow depository. [Order RE 109, § 308-126-130, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-140 Escrow requirements. [Order RE 109, § 308-126-140, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-150 Duration of duty to escrow. [Order RE 109, § 308-126-150, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-160 Termination of developer's business. [Order RE 109, § 308-126-160, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-170 Instruments of sale. [Order RE 109, § 308-126-170, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-180 Improvements. [Order RE 109, § 308-126-180, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-190 Developers' duties. [Order RE 109, § 308-126-190, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-200 Reporting requirements. [Order RE 109, § 308-126-200, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-210 Withdrawal. [Order RE 109, § 308-126-210, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-220 Declaratory rulings—Advisory opinion. [Order RE 109, § 308-126-220, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-230 Officers to administer oaths and affirmations. [Order RE 109, § 308-126-230, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-240 Officers to issue subpoenas and institute discovery. [Order RE 109, § 308-126-240, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-250 Posting of notice of order. [Order RE 109, § 308-126-250, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-260 Service of process. [Order RE 109, § 308-126-260, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-270 Hearings. [Order RE 109, § 308-126-270, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-280 Orders—Receivership. [Order RE 109, § 308-126-280, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-290 Revocation. [Order RE 109, § 308-126-290, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-300 Litigation. [Order RE 109, § 308-126-300, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-310 Protection of purchasers. [Order RE 109, § 308-126-310, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-320 Advertising. [Order RE 109, § 308-126-320, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-330 Promotional activities. [Order RE 109, § 308-126-330, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-340 Presumptions. [Order RE 109, § 308-126-340, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.
- 308-126-350 Rules effect. [Order RE 109, § 308-126-350, filed 11/9/73.] Repealed by Order RE 123, filed 12/13/77.

Chapter 308-132**SECURITIES ACT RULES**

- 308-132-002, through 308-132-340. [Rule 1 through 51, filed 12/30/65, effective 20/10/60.] Repealed by Order 11, filed 3/3/72. See *Reviser's note.

Chapter 308-136**VETERINARY CODE OF ETHICS**

- Principles of veterinary medical ethics 1960 published in Washington Administrative Code under chapter 308-136 WAC (sections unnumbered). Repealed by Order PL-179, filed 11/27/74.
- 308-136-300 License renewal fee. This section was repealed by Order PL-179, filed 11/27/74 before being published in the Washington Administrative Code. See chapter 308-15 WAC Veterinary board of governor's—Veterinary code of ethics; and chapter 308-151 WAC Veterinary board of governors—Animal technicians.

Chapter 308-137**VETERINARY BOARD OF GOVERNORS—CONTROLLED SUBSTANCES**

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

Chapter 308-140**CHARITABLE SOLICITATIONS**

- 308-140-010 Definitions. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-010, filed 12/21/82; Order PL 274, § 308-140-010, filed 8/29/77; Order PL 161, § 308-140-010, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-020 Fees excluded from cost of solicitation. [Order PL 161, § 308-140-020, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-025 Cost of solicitation disclosure. [Order PL 161, § 308-140-025, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-030 Forms for all documents required to be filed. [Order PL 161, § 308-140-030, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-040 Official address of director and department. [Order PL 274, § 308-140-040, filed 8/29/77; Order PL 161, § 308-140-040, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-050 Thirty days advance filing of solicitation required. [Order PL 274, § 308-140-050, filed 8/29/77; Order PL 161, § 308-140-050, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-060 Satisfaction of financial statement filing requirements. [Order PL 161, § 308-140-060, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-070 Acceptable address designation for registration. [Order PL 161, § 308-140-070, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-080 Application fee refund. [Order PL 161, § 308-140-080, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-090 Duplicate registration certificate fee. [Order PL 161, § 308-140-090, filed 2/26/74.] Repealed by Order

- PL 210, filed 11/5/75. Later promulgation, see WAC 308-140-280.
- 308-140-100 Exemption not transferable. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-100, filed 12/21/82; Order PL 161, § 308-140-100, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-110 Solicitor identification card. [Order PL 161, § 308-140-110, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-120 Identification cards issued by or available from department. [Order PL 161, § 308-140-120, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-130 Short form report requirements. [Order PL 161, § 308-140-130, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-140 Advance notification of change of fiscal year. [Order PL 161, § 308-140-140, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-150 Annual report by department. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-150, filed 10/15/80; Order PL 161, § 308-140-150, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-160 Reporting procedure for incidental solicitations. [Order PL 161, § 308-140-160, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-170 Professional solicitor identification requirements. [Order PL 161, § 308-140-170, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-180 Telephone solicitors identification requirements. [Order PL 161, § 308-140-180, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-190 Material facts defined. [Order PL 161, § 308-140-190, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-200 Director's designee. [Order PL 274, § 308-140-200, filed 8/29/77; Order PL 161, § 308-140-200, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-210 Registration renewal procedures. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-210, filed 10/15/80; Order PL 274, § 308-140-210, filed 8/29/77; Order PL 161, § 308-140-210, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-230 Reporting requirements for organizations with chapters, branches or affiliates. [Order PL 161, § 308-140-230, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-240 Professional fund-raiser registration requirements—Personnel disclosure. [Statutory Authority: RCW 19.09.310. 80-15-059 (Order PL 357), § 308-140-240, filed 10/15/80; Order PL 161, § 308-140-240, filed 2/26/74.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-250 Professional fund-raisers contracts filing requirement. [Order PL 161, § 308-140-250, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-260 Financial statements limited to in-state activities. [Order PL 161, § 308-140-260, filed 2/26/74.] Repealed by Order PL 274, filed 8/29/77.
- 308-140-270 Standards of advertising for solicitation purposes. [Order PL 274, § 308-140-270, filed 8/29/77; Order PL 161, § 308-140-270, filed 2/26/74.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.
- 308-140-280 Fees. [Order PL 274, § 308-140-280, filed 8/29/77; Order PL 210, § 308-140-280, filed 11/5/75.] Repealed by 83-01-112 (Order PL 417), filed 12/21/82. Statutory Authority: RCW 19.09.100.
- 308-140-300 Waiver of percentage limitation. [Statutory Authority: RCW 19.09.100. 83-01-112 (Order PL 417), § 308-140-300, filed 12/21/82.] Repealed by 88-15-031 (Order PM 736), filed 7/13/88. Statutory Authority: RCW 43.24.020.

Chapter 308-160**PROPRIETARY SCHOOLS**

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

Chapter 308-200**DEPARTMENT OF MOTOR VEHICLES ENVIRONMENTAL REGULATIONS**

- 308-200-010 Authority. [Order MV 382, § 308-200-010, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-010.
- 308-200-020 Purpose. [Order MV 382, § 308-200-020, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-020.
- 308-200-025 Scope and coverage of this chapter. [Order MV 382, § 308-200-025, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-025.
- 308-200-030 Integration of SEPA procedures with other governmental operations. [Order MV 382, § 308-200-030, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-030.
- 308-200-040 Definitions. [Order MV 382, § 308-200-040, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-040.
- 308-200-050 Use of the environmental checklist form. [Order MV 382, § 308-200-050, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-050.
- 308-200-055 Timing of the EIS process. [Order MV 382, § 308-200-055, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-055.
- 308-200-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. [Order MV 382, § 308-200-060, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-060.
- 308-200-100 Summary of information which may be required of a private applicant. [Order MV 382, § 308-200-100, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-100.
- 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.
- 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.
- 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 8/13/76.]

- 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.
- 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.
- 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.
- 308-200-500 Responsibilities of consulted agencies—Local agencies. [Order MV 382, § 308-200-500, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-500.
- 308-200-510 Responsibilities of consulted agencies—State agencies with jurisdiction. [Order MV 382, § 308-200-510, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-510.
- 308-200-520 Responsibilities of consulted agencies—State agencies with environmental expertise. [Order MV 382, § 308-200-520, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-520.
- 308-200-530 Responsibilities of consulted agencies—When predraft consultation has occurred. [Order MV 382, § 308-200-530, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-530.
- 308-200-535 Cost of performance of consulted agency responsibilities. [Order MV 382, § 308-200-535, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW

- 43.21C.120. Later promulgation, see WAC 308-200A-535.
- 308-200-540 Limitations on responses to consultation. [Order MV 382, § 308-200-540, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-540.
- 308-200-545 Effect of no written comment. [Order MV 382, § 308-200-545, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-545.
- 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.
- 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.
- 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.
- 308-200-900 Applicability of this chapter. [Order MV 382, § 308-200-900, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-900.
- 308-200-910 Severability. [Order MV 382, § 308-200-910, filed 8/13/76.] Repealed by 78-09-002 (Order 500-DOL), filed 8/3/78. Statutory Authority: RCW 43.21C.120. Later promulgation, see WAC 308-200A-910.

Chapter 308-04 WAC GENERAL PROVISIONS

WAC

- 308-04-001 Appointment of director—Agency documents.
- 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty.
- 308-04-020 Reasonable handling fee for dishonored checks in payment of vehicle licenses, etc.

WAC 308-04-001 Appointment of director—Agency documents. Theresa Anna Aragon was appointed director of the department of licensing on January 16, 1985. All documents issued after that date in the name of the director in the disposition and performance of the official business of the department of licensing shall be considered to have been issued by her or at her direction whether her name, or the name of the former director, appears on the document.

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the former director's name, the replacement of which would result in the unnecessary expenditure of state funds.

Statutory Authority: RCW 43.17.060. 85-22-080 (Order 85-2), § 308-04-001, filed 11/6/85. Statutory Authority: RCW 43.17.060, 43-24.040 and 46.01.160. 81-07-045 (Order DOL 622), § 308-04-001, filed 3/16/81.]

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

payment for transactions through the department's vehicle and vessel licensing agents may be made payable to the county auditor, who is acting as the agent.

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

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

(4) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be 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 notified.

(c) The failure to pay a license fee or tax due after notice of dishonor has been given will result [in] cancellation of any service, license, permit, or registration provided.

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

[(5)][(e)] 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[,] provided, however, that Canadian checks marked "Payable in U.S. funds," shall be an exception and will be acceptable for payment.

[Statutory Authority: RCW 46.01.230. 86-08-069 (Order 86-1), § 308-04-010, filed 4/1/86; 80-13-002 (Order DOL 592), § 308-04-010, filed 9/4/80; 78-04-040 (Order 487-DOL), § 308-04-010, filed 3/20/78; Rule 1, filed 6/29/67.]

Reviser's note: RCW 34.05.395 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 308-04-020 Reasonable handling fee for dishonored checks in payment of vehicle licenses, etc. Whenever registrations, licenses, or permits relating to the licensing or registration of vehicles or vessels have been paid for by checks to county auditors, agents, and subagents appointed or approved by the director pursuant to RCW 46.01.140, if the check has been dishonored by nonacceptance or nonpayment, a handling fee, in an amount not to exceed fifteen dollars may be assessed for each such instrument. County auditors, agents, and subagents, may collect restitution, and where they have collected restitution may retain the reasonable handling fee.

[Statutory Authority: RCW 46.01.230(3). 87-21-014 (Order TL/RG 38), § 308-04-020, filed 10/9/87.]

Chapter 308-08 WAC

PRACTICE AND PROCEDURE

WAC	
308-08-005	Portions of uniform procedural rules applicable to various subagencies.
308-08-010	Appearance and practice before agency—Who may appear.
308-08-040	Appearance and practice before agency—Standards of ethical conduct.
308-08-050	Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff.
308-08-060	Appearance and practice before agency—Former employee as expert witness.
308-08-070	Computation of time.
308-08-080	Notice and opportunity for hearing in contested cases.
308-08-090	Service of process—By whom served.
308-08-100	Service of process—Upon whom served.
308-08-110	Service of process—Service upon parties.
308-08-120	Service of process—Method of service.
308-08-130	Service of process—When service complete.
308-08-140	Service of process—Filing with agency.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

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

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

RCW chapter

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

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

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

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

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

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

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

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

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

The exclusion of certain rules or the applicability of certain rules under this section is based upon the statutory authority given to the director of licensing by the legislature of the state of Washington. The word agency as used in these sections is interchangeable used with the word department, commission, or board.

[Statutory Authority: RCW 34.04.022, 46.01.110 and 82.38.260. 78-08-054 (Order 504-DOL), § 308-08-005, filed 7/20/78; Regulation 08.005, effective 3/23/60.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

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

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

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

(3) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Regulation .08.010, effective 3/23/60.]

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

[Regulation .08.040, effective 3/23/60.]

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

[Regulation .08.050, effective 3/6/61; Regulation .08.050, effective 3/23/60.]

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

[Regulation .08.060, effective 3/23/60.]

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

[Regulation .08.070, effective 3/23/60.]

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

[Regulation .08.080, effective 3/23/60.]

WAC 308-08-090 Service of process—By whom served. The department, board or commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Regulation .08.090, effective 3/23/60.]

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

[Regulation .08.100, effective 3/23/60.]

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

[Regulation .08.110, effective 3/23/60.]

WAC 308-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph.

[Regulation .08.120, effective 3/23/60.]

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

[Regulation .08.130, effective 3/23/60.]

WAC 308-08-140 Service of process—Filing with agency. Papers required to be filed with the involved agency shall be deemed filed upon actual receipt by said agency at the place specified in its rules accompanied by proof of service upon parties required to be served.

[Regulation .08.140, effective 3/23/60.]

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

[Regulation .08.150, effective 3/23/60.]

WAC 308-08-160 Subpoenas—Issuance to parties. Upon application of counsel or other representative authorized to practice before the agency for any party to

a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The director may issue subpoenas to parties not so represented upon request or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

[Regulation .08.160, effective 3/23/60.]

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

[Regulation .08.170, effective 3/23/60.]

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

[Regulation .08.180, effective 3/23/60.]

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

[Regulation .08.190, effective 3/23/60.]

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

[Regulation .08.200, effective 3/23/60.]

WAC 308-08-210 Subpoenas--Enforcement. Upon application and for good cause shown the department, commission or board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

[Regulation .08.210, effective 3/23/60.]

WAC 308-08-220 Subpoenas--Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

(1989 Ed.)

[Regulation .08.220, effective 3/23/60.]

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

[Regulation .08.230, effective 3/23/60.]

WAC 308-08-240 Depositions and interrogatories in contested cases--Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Regulation .08.240, effective 3/23/60.]

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

[Regulation .08.250, effective 3/23/60.]

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

[Regulation .08.260, effective 3/23/60.]

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

[Regulation .08.270, effective 3/23/60.]

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

[Regulation .08.280, effective 3/23/60.]

WAC 308-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic

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notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Regulation .08.290, effective 3/23/60.]

WAC 308-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the department, commission or board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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

[Regulation .08.300, effective 3/23/60.]

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

[Regulation .08.310, effective 3/23/60.]

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

[Regulation .08.320, effective 3/23/60.]

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

[Regulation .08.330, effective 3/23/60.]

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

[Regulation .08.340, effective 3/23/60.]

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

[Regulation .08.350, effective 3/23/60.]

WAC 308-08-360 Depositions upon interrogatories—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Regulation .08.360, effective 3/23/60.]

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

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

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

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

(4) **Agency organization.** The department, commission or board organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Regulation .08.370, effective 3/23/60.]

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

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

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

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

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

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

(6) **Statement.** Where an initial or final decision of the agency involved rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the agency may consult any source of

pertinent information, whether or not furnished as it may be, by any party and whether or not admissible under the rules of evidence:

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

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

[Regulation .08.380, effective 3/23/60.]

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

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

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

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

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

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

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed,

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eloigned, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Regulation .08.390, effective 3/23/60.]

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

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a pre-hearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them:

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

[Regulation .08.400, effective 3/23/60.]

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

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

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

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

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

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

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

[Regulation .08.410, effective 3/23/60.]

WAC 308-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order, that hearing officers may proceed promptly to conduct the hearing on relevant and material matter only.

[Regulation .08.420, effective 3/23/60.]

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

- (1) The simplification of issues;
- (2) The necessity of amendments to the pleading;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

[Regulation .08.430, effective 3/23/60.]

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

[Regulation .08.440, effective 3/23/60.]

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

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

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

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

[Regulation .08.450, effective 3/23/60.]

WAC 308-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to

the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Regulation .08.460, effective 3/23/60.]

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

[Regulation .08.470, effective 3/23/60.]

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

[Regulation .08.480, effective 3/23/60.]

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

[Regulation .08.490, effective 3/23/60.]

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

[Regulation .08.500, effective 3/23/60.]

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

[Regulation .08.510, effective 3/23/60.]

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

[Regulation .08.520, effective 3/23/60.]

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

[Regulation .08.530, effective 3/23/60.]

[Title 308 WAC—p 28]

WAC 308-08-540 Petitions for rule making, amendment or repeal—Who may petition. Any interested person may petition the agency involved requesting the promulgation, amendment, or repeal of any rule.

[Regulation .08.540, effective 3/23/60.]

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

[Regulation .08.550, effective 3/23/60.]

WAC 308-08-560 Petitions for rule making, amendment or repeal—Agency must consider. All petitions shall be considered by the agency involved and the department agency involved may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Regulation .08.560, effective 3/23/60.]

WAC 308-08-570 Petitions for rule making, amendment or repeal—Notice of disposition. The agency involved shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Regulation .08.570, effective 3/23/60.]

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

- (1) Issue a nonbinding declaratory ruling; or
- (2) Notify the person that no declaratory ruling is to be issued; or matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.
- (3) Set a reasonable time and place for an oral hearing or the submission of written evidence upon the matter, and give reasonable notification to the person of the time and place for such hearing or submission and of the issues involved.

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

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued.

[Regulation .08.580, effective 3/23/60.]

WAC 308-08-590 Forms. Any interested person petitioning the agency involved for a declaratory ruling

pursuant to RCW 34.04.080 shall generally adhere to the following form for such purpose.

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

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

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

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

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

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

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

[Regulation .08.590, effective 3/23/60.]

WAC 308-08-600 Scope of rules—Formal hearings—Discretionary suspension—Driver's licenses. The following rules numbered WAC 308-08-610 through

(1989 Ed.)

308-08-660 shall apply only to formal hearings held pursuant to RCW 46.20.329. They shall not apply to hearings held pursuant to implied consent revocations or hearings under the financial responsibility act.

[Order MV-141, § 308-08-600, filed 7/27/72.]

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

[Order MV-141, § 308-08-610, filed 7/27/72.]

WAC 308-08-620 Conduct of hearing—Matters considered. At the outset of a formal hearing the referee shall advise the licensee of those matters contained in the department's records upon which the department's intended action is based. He shall judicially notice the files and records of the department which may be examined by the licensee or his attorney. The referee shall examine all witnesses including the licensee but nothing herein shall be construed as prohibiting the licensee from offering additional relevant testimony nor shall this be construed as prohibiting the examination of witnesses by the licensee or his attorney.

[Order MV-141, § 308-08-620, filed 7/27/72.]

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

[Order MV-141, § 308-08-630, filed 7/27/72.]

WAC 308-08-640 Review procedures. In all cases not heard by a person authorized to make final decisions on behalf of the department, the file, summary of the findings, and recommendation shall be forwarded to the administrator of the driver improvement division or, in his absence, the assistant director for driver services or the manager of the financial responsibility division, for review. If there was a substantial issue of fact resolved at the hearing this shall be noted in the summary and the tape transcription of the proceeding shall be forwarded for review. The administrator of the driver improvement division, or in his absence, any of the other persons authorized herein to review, shall review the file,

[Title 308 WAC—p 29]

summary of findings, recommendation, and if necessary, the tape transcription of the evidence. The reviewer may either accept the recommendation by marking the word "approved" on the findings and recommendations together with his signature, or he may reject the recommendation in which case he shall append the action he deems appropriate to the summary and recommendation. In all cases the action of the reviewer shall be final.

[Order MV-141, § 308-08-640, filed 7/27/72.]

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

[Order MV-141, § 308-08-650, filed 7/27/72.]

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

[Order MV-141, § 308-08-660, filed 7/27/72.]

**Chapter 308-10 WAC
PUBLIC RECORDS DISCLOSURE**

WAC	
308-10-005	Purpose.
308-10-010	Definitions.
308-10-015	Description of central and field organization of the department of motor vehicles.
308-10-020	Operations and procedures.
308-10-025	Public records available.
308-10-030	Public records officers.
308-10-035	Office hours.
308-10-040	Requests for public records.
308-10-045	Copying.
308-10-050	Exemptions.
308-10-055	Review of denials of public records requests.
308-10-060	Protection of public records.
308-10-065	Records index.
308-10-070	Communications with department.

WAC 308-10-005 Purpose. The purpose of this chapter shall be to ensure compliance by the department of motor vehicles with the provisions of sections 25-32, chapter 1, Laws of 1973 (Initiative 276), RCW 42.17-.250-42.17.320, dealing with public records.

[Title 308 WAC—p 30]

[Order MV 348, § 308-10-005, filed 12/24/75.]

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

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

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

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

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

(b) They are unevaluated and unorganized.

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

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

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

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

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

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

(8) "Individual" means a natural person.

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

(10) "Profession," when applied to department records, or the release of department record information, means any state regulated business, profession or occupation administered by the assistant director, business and professions administration.

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

WAC 308-10-015 Description of central and field organization of the department of motor vehicles. The administrative office of the department and its staff are located in the Highways-Licenses Building, Olympia

98504. The director of gambling activities and administrative staff are located in the Thurston County Courthouse Annex, Olympia 98504. Department offices located in other cities are as follows:

CITY	SERVICES	CITY	SERVICES
Aberdeen 98520 2700 Simpson Ave.	Driver licensing examination	Greenwood 98103 320 No. 85th Seattle	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit (e) Real estate division (f) Gambling commission law enforcement
Anacortes 98221 402 Commercial	Driver licensing examination	Kennewick 99336 2500 W. Kennewick	(a) Driver licensing examination (b) Dealer salesman license investigation
Auburn 98002 909 "D" Street S.E.	Driver licensing examination	Longview 98632 773 - 3rd Avenue	(a) Driver licensing examination (b) Dealer salesman license investigation
Bellevue 98007 513 - 156th Avenue S.E.	Driver licensing examination	Morton 98356 P.O. Box 774	Driver licensing examination
Bellingham 98225 822 Alabama Street	Driver licensing examination	Moses Lake 98837 E. 500 Third Avenue	Driver licensing examination
Bremerton 98310 4970 Auto Center Way	Driver licensing examination	Mount Vernon 98273 1413 E. College Way	Driver licensing examination
Burien 98166 14635 - 9th Avenue S.E. Seattle	Driver licensing examination	Okanogan 98840 121 Second Avenue N.W.	Driver licensing examination
Centralia 98531 112 Harrison	Driver licensing examination	Olympia 98504 715 E. 8th Street	Driver licensing examination
Chelan 98816 313 Woodin Avenue P.O. Box 1298	Driver licensing examination	Port Angeles 98362 717 Peabody	Driver licensing examination
Clarkston 99403 733 - 5th Street	Driver licensing examination	Port Townsend 98368 835 Washington Street	Driver licensing examination
Colfax 99111 No. 300 Mill Street	Driver licensing examination	Pullman 99163 980 So. Grand	Driver licensing examination
Colville 99114 151 So. Oak Street	Driver licensing examination	Puyallup 98371 1100 Meridian No.	Driver licensing examination
Coulee Dam 99116 300 Lincoln - Room 101	Driver licensing examination	Raymond 98577 218 Commercial Street	Driver licensing examination
Ellensburg 98926 801 Ruby Street	Driver licensing examination	Renton 98055 800 Edmonds Avenue N.E.	Driver licensing examination
Ephrata 98823 3 Crest Drive	Driver licensing examination	Republic 99166 Clark Avenue P.O. Box 637	Driver licensing examination
Everett 98201 3531 Rucker Avenue	(a) Driver licensing examination (b) Driver improvement (analysts) (c) Gambling commission law enforcement	Ritzville 99169 102 East Main	Driver licensing examination
Forks 98331 Almar Building	Driver licensing examination	Seattle 98125 12535 - 15th Avenue N.E.	Driver licensing examination
Goldendale 98620 116 W. Main	Driver licensing examination	Seattle 98104 Public Safety Building Third & James Streets	Research (S.A.F.E. project)

CITY	SERVICES
Shelton 98584 122 So. Third Street	Driver licensing examination
Spokane 99202 25 So. Ferrall	(a) Driver licensing examination (b) Gambling commission law enforcement
Spokane 99205 W. 528 Indiana Avenue	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit
Sunnyside 98944 528 So. Seventh	Driver licensing examination
Tacoma 98408 6442 So. Yakima Avenue	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Gambling commission law enforcement
Tacoma 98407 2727 No. Pearl	Driver licensing examination
Vancouver 98661 915 MacArthur Blvd.	(a) Driver licensing examination (b) Driver improvement (c) Fuel tax and prorate audit
Walla Walla 99362 145 Jade Street	Driver licensing examination
Wenatchee 98801 1139 No. Princeton	Driver licensing examination
White Salmon 99672 P.O. Box 1136	Driver licensing examination
Yakima 98901 7 No. Ninth Street	(a) Driver licensing examination (b) Driver improvement (c) Dealer salesman license investigation (d) Fuel tax and prorate audit (e) Gambling commission law enforcement

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

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

WAC 308-10-020 Operations and procedures. (1) Basic organizational structure. The department is organized under a director and five assistant directors. Through the director's policies and procedures, each assistant director is delegated authority to act in a specific functional area. The five major functional components

are: Vehicle services, driver services, business and professions administration, management operations, and information systems. All major functional areas main offices are located at the department's main administrative office. Field office locations are as noted in WAC 308-10-015.

(a) Office of the director.

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

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

(iii) By the specific powers of legislation and delegation the director is charged with the responsibility and authority to act and direct in the following areas:

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

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

(iv) The director has delegated to the deputy director the responsibility for the management and control of internal operations of the department. Each assistant director reports directly to the deputy director, unless prescribed otherwise on a specific condition or activity by the director. Resolution of issues, problems, and conditions will normally be handled at the deputy director level. When regulation is not apparent, such issues, problems, or conditions will be referred to the director for resolution. Relationships with the state's executive offices, legislature, and other state agencies, other states and other states' agencies, agencies of the federal government, state and national associations, local and municipal governments, the real estate commission, and the press, will, unless specifically delegated, be led by the director.

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

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

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

(i) Administer laws pertaining to:

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

(B) Fuel tax programs.

(C) Proration and reciprocity programs.

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

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

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

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

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

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

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

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

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

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

- Animal technicians
- Architects
- Barbers
- Basic science
- Charitable organizations
- Chiropractors
- Collection agencies
- Cosmetologists
- Debt adjusters
- Dentists
- Dental hygienists
- Drugless healers
- Employment agencies
- Engineers
- Land surveyors
- Firearm dealers
- Funeral directors
- Embalmers
- Hearing aid dispensers
- Landscape architects
- Massage operators
- Midwives
- Notaries public
- Nursing home administrators
- Opticians
- Optometrists
- Osteopathic physicians
- Osteopathic assistants
- Physical therapists
- Physician's assistants
- Physicians and surgeons
- Podiatrists
- Practical nurses

Proprietary schools

Psychologists

Registered nurses

Sanitarians

Veterinarians

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

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

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

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

(iv) Establish and maintain relationships with commissions, boards, societies, associations, and agencies both external and internal to this state in order to enhance the department's capability for recommending improvements in legislation, rules, or regulations relative to professions, occupations, real estate, or securities.

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

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

(A) Management systems.

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

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

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

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

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

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

(2) Formal and informal proceedings. The department conducts proceedings in areas of its statutory authority as related in WAC 308-10-020. These proceedings are governed by chapters 34.04, 42.30 and 43.24 RCW, except that the denial, suspension, or revocation of drivers' licenses are not subject to provisions of chapter 34.04 RCW, the Administrative Procedure Act. The department has adopted certain rules of procedure in WAC 308-08-005 through 308-08-660. In addition, substantive rules relating to the department are contained in Title 308 WAC.

[Order MV 348, § 308-10-020, filed 12/24/75.]

WAC 308-10-025 Public records available. All public records of the department are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and WAC 308-10-050.

[Order MV 348, § 308-10-025, filed 12/24/75.]

WAC 308-10-030 Public records officers. The department's public records shall be in the charge of the public records officers as designated by the director. The persons so designated shall be located in the main administrative offices of the department. The public records officers shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, maintaining, keeping current, and publishing an index of all agency records as required by RCW 42.17.260 and WAC 308-10-065, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order MV 348, § 308-10-030, filed 12/24/75.]

WAC 308-10-035 Office hours. Public records shall be available for inspection and copying during the customary office hours of the department. For the purposes of this chapter, the customary office hours shall be from

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9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order MV 348, § 308-10-035, filed 12/24/75.]

WAC 308-10-040 Requests for public records. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the department which shall be available at its administrative office. The form shall be presented to any member of the department staff designated by the responsible public records officer to receive requests, at the administrative office of the department during customary office hours. The request shall include the following information:

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

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

(c) The nature of the request.

(d) A reference to the requested record as it is described in the current department record index.

Note: If the material is not identifiable by reference to the department's current index, an accurate description of the record is requested.

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

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

(3) Persons authorized by law to obtain lists of names of individuals from public records will be required to complete a statement agreeing not to release or use the information for commercial purposes.

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

WAC 308-10-045 Copying. No fee shall be charged for the inspection of public records. The department shall charge a fee in the amount necessary to reimburse the department for its actual costs incident to providing copies of public records. The schedule of charges is:

ITEM	FEE
Abstract of driving record	\$1.50
Application for license for hulk hauler, scrap processor, snowmobile dealer, ATV dealer, or transporter	\$2.00
Bond copies (dealer and manufacturer)	\$2.00
Copies produced on copying and duplicating equipment	25 cents per page

ITEM	FEE
Evidence of ability to respond to damages (financial responsibility)	\$1.50
Letter of certification to accompany copy of record or document	\$2.00
Listing, magnetic tapes or labels	Cost of services plus 40% for overhead
Motor vehicles record lookups - requests for lookup on one vehicle	\$2.00 per lookup
Motor vehicle record lookups - listings	\$2.00 per lookup up to 10. \$.20 per lookup for each lookup over 10 in any single request
Motor vehicle certificate of title, photo enlargement of microfilm record	\$1.50 per photograph
Postal charges	Will be added to any copy of a public record if applicable
Vehicle disposer fee schedule	\$2.00 each
Vehicle disposer insurance policy	\$2.00 each
Wrecker and disposer licensee bond application	\$2.00 each

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

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

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, RCW 42.17.260, the department reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order MV 348, § 308-10-050, filed 12/24/75.]

WAC 308-10-055 Review of denials of public records requests. (1) Upon any denial of a request for a

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

(2) Administrative remedies shall not be considered exhausted until the department has returned the review of a denial with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Order MV 348, § 308-10-055, filed 12/24/75.]

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

[Order MV 348, § 308-10-060, filed 12/24/75.]

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

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

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

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

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

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

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is

asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index promulgated by the department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order MV 348, § 308-10-065, filed 12/24/75.]

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

[Order MV 348, § 308-10-070, filed 12/24/75.]

**Chapter 308-11 WAC
REGULATION OF AUCTIONEERS**

WAC

- 308-11-010 Definitions.
- 308-11-030 Auctioneer fees.
- 308-11-035 Renewal of registration.
- 308-11-050 Surety bond or trust account required.
- 308-11-060 Advance notice of cancellation or termination required.
- 308-11-100 Records.
- 308-11-120 Inspection and audit.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-11-001 Fees. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-001, filed 11/9/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-11-030.
- 308-11-040 Application for license as auctioneer. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-040, filed 11/9/82.] Repealed by 86-21-127 (Order PM 622), filed 10/22/86. Statutory Authority: RCW 18.11.200.
- 308-11-080 Trainee auctioneer. [Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-080, filed 11/9/82.] Repealed by 86-21-127 (Order PM 622), filed 10/22/86. Statutory Authority: RCW 18.11.200.

WAC 308-11-010 Definitions. Words and terms used in these rules shall have the same meaning as each has under chapter 18.11 RCW, unless otherwise specifically provided in these rules or the context in which they are used clearly indicates that they be given some other meaning.

[Statutory Authority: RCW 18.11.120 and 18.11.200, 85-03-045 (Order PL 506), § 308-11-010, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-010, filed 11/9/82.]

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

Title of Fee	Fee
Auctioneer:	
Initial application	\$100.00
Renewal	75.00
Late renewal penalty	50.00
Duplicate license	15.00
Certification	25.00
Auction company:	
Initial application	150.00
Renewal	125.00
Late renewal penalty	125.00
Duplicate license	15.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-11-030, filed 5/1/87. Statutory Authority: RCW 18.11.060, 86-21-127 (Order PM 622), § 308-11-030, filed 10/22/86. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-11-030, filed 8/10/83. Formerly WAC 308-11-001.]

WAC 308-11-035 Renewal of registration. (1) An auctioneer license will be issued to an applicant, provided the requirements for licensure are met, with an expiration date to be the licensee's next birth anniversary date.

(2) An auction company license will be issued, provided all requirements are met for licensure, which will expire on June 30 of each year.

(3) An application for a license renewal received after the date of expiration will require the payment of the penalty fee in addition to the renewal fee.

[Statutory Authority: RCW 18.11.060 and 18.11.200, 88-01-122 (Order PM 701), § 308-11-035, filed 12/23/87. Statutory Authority: RCW 18.11.200, 86-21-127 (Order PM 622), § 308-11-035, filed 10/22/86.]

WAC 308-11-050 Surety bond or trust account required. (1) As required by chapter 18.11 RCW, the amount of the surety bond or other security in lieu of the bond to be filed and maintained for an auctioneer license shall be five thousand dollars.

(2)(a) The amount of the surety bond or other security in lieu of the bond to be filed and maintained for an auction company license shall be based upon the value of the gross sales during the previous calendar year according to the following scale:

GROSS SALES	BOND/SECURITY AMOUNT
\$ 0.00 to \$ 24,999.99	\$ 5,000.00
\$ 25,000.00 to \$ 49,999.99	\$10,000.00
\$ 50,000.00 to \$ 99,999.99	\$15,000.00
\$ 100,000.00 to \$499,999.99	\$20,000.00
\$ 500,000.00 & Above	\$25,000.00

(b) All licensed auction companies shall annually on June 30, submit a financial certification affidavit on forms provided by the department. The information reported will form the basis for the department's approval of the auction company's bond or other security amount

each year. A company whose sales increases have placed it in a higher category in the above scale will be required to increase its surety bond or security amount accordingly, and file the increased bond or proof of security with the financial certification affidavit form. A company whose sales have decreased may adjust its bond or security amount in accordance with the scale. New license applicants will be provided with financial certification affidavit forms for estimating the sales for the calendar year.

(3) Each licensee must maintain such a surety bond, or other security in lieu of a bond, in an active status at all times during the period of licensure.

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

(b) No other security used in lieu of a bond shall satisfy the requirements of chapter 18.11 RCW, unless by the express terms of the security the security shall remain open and active for not less than one year following the effective date of its cancellation or termination, whether because of the expiration, suspension or revocation, or otherwise, as to any covered act or acts or omission or omissions of the licensee occurring on, or prior to, the effective date of cancellation or termination.

(c) Subject to the requirement of (b) of this subsection, each surety bond or other security used in lieu of a bond shall be deemed terminated upon the expiration or revocation of the license in connection with which the bond was issued, or the other security in lieu of a bond was created: *Provided*, That for the purposes only of this section a license shall not be deemed expired, suspended, or revoked so long as the licensee may continue to act as an auctioneer pursuant to the provisions of chapter 34.04 RCW or any court order issued pursuant thereto.

[Statutory Authority: RCW 18.11.121 and 18.11.200. 88-23-034 (Order PM 766), § 308-11-050, filed 11/9/88. Statutory Authority: RCW 18.11.200. 86-21-127 (Order PM 622), § 308-11-050, filed 10/22/86. Statutory Authority: RCW 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-050, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-050, filed 11/9/82.]

WAC 308-11-060 Advance notice of cancellation or termination required. No cancellation of any surety bond or other security used in lieu of a surety bond, shall be effective unless the department of licensing and the licensee shall have first been given thirty days advance written notice of the cancellation or termination with the reason for the cancellation or termination: *Provided*, That no such notice shall be required when the termination of the bond or other security used in lieu of the bond is due to the expiration or revocation of the subject license.

[Statutory Authority: RCW 18.11.200. 86-21-127 (Order PM 622), § 308-11-060, filed 10/22/86. Statutory Authority: RCW 42.24.085

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[43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-060, filed 11/9/82.]

WAC 308-11-100 Records. The following requirements and prohibitions apply to all records and documents required to be maintained by chapter 18.11 RCW, or in these rules:

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

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

(3) No person shall wilfully fail to produce any such record or document for inspection by the department.

[Statutory Authority: RCW 18.11.200. 87-21-011 (Order PM 686), § 308-11-100, filed 10/9/87. Statutory Authority: RCW 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-100, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-100, filed 11/9/82.]

WAC 308-11-120 Inspection and audit. All records required to be maintained by an auctioneer by chapter 18.11 RCW, or these rules, together with any other business or other types of records of the auctioneer which may be related to activity as an auctioneer or necessary to a full understanding of such records, and any auction mart or other premise used for the purpose of conducting an auction, together with any personal property which may be the subject of, or related to, an auction shall be subject to inspection and audit at any reasonable time, with or without notice upon demand by the department, for the purposes of determining compliance or noncompliance with the provisions of chapter 18.11 RCW, and these rules.

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

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

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

(2) If the records or items to be inspected or audited are not located upon a premise set out in section (1) above, then any time between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

[Statutory Authority: RCW 18.11.120 and 18.11.200. 85-03-045 (Order PL 506), § 308-11-120, filed 1/11/85. Statutory Authority: RCW 42.24.085 [43.24.085], 1982 c 205, §§ 3, 9, 10 and 18. 82-23-023 (Order PL 413), § 308-11-120, filed 11/9/82.]

Chapter 308-12 WAC ARCHITECTS

WAC
308-12-010 State board of registration.

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308-12-025	Application for examination.	
308-12-031	Registration examination.	
308-12-040	Appeal of examinations.	
308-12-050	Registration by reciprocity.	
308-12-080	Approved schools of architecture.	308-12-300
308-12-081	The seal.	Registration renewal fee. [Order PL 205, § 308-12-300, filed 11/5/75; Order PL 163, § 308-12-300, filed 3/18/74.] Repealed by 81-18-044 (Order PL 383), filed 8/28/81. Statutory Authority: RCW 43.24.085.
308-12-083	Identification of registrant.	
308-12-085	Corporations or joint stock associations.	
308-12-115	Definitions.	308-12-310
308-12-140	Examination—Qualifications of candidates.	Fees. [Order PL 205, § 308-12-310, filed 11/5/75.] Repealed by 79-01-058 (Order PL-294), filed 12/27/78. Statutory Authority: RCW 18.08.130.
308-12-145	Acceptable work experience.	
308-12-150	Work experience defined.	308-12-311
308-12-320	Renewal of licenses.	Fees. [Statutory Authority: RCW 43.24.085. 81-18-044 (Order PL 383), § 308-12-311, filed 8/28/81; 79-04-024 (Order PL-300), § 308-12-311, filed 3/21/79.] Repealed by 83-05-006 (Order PL 425), filed 2/3/83. Statutory Authority: RCW 18.08.130.
308-12-321	Competence.	
308-12-322	Conflict of interest.	308-12-312
308-12-323	Full disclosure.	Fees. [Statutory Authority: RCW 18.08.130. 83-05-006 (Order PL 425), § 308-12-312, filed 2/3/83.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
308-12-324	Compliance with laws.	
308-12-325	Professional conduct.	
308-12-326	Architect fees.	

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-12-015	Powers and duties of the board. [Rule 5, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.
308-12-020	Qualifications for examination. [Rule 6, filed 10/26/62; amended by filing dated 11/19/64.] Repealed by Order PL-132, filed 9/25/72.
308-12-030	Examinations. [Statutory Authority: RCW 18.08.130. 79-01-058 (Order PL-294), § 308-12-030, filed 12/27/78; Order PL 205, § 308-12-030, filed 11/5/75; Order PL 178, § 308-12-030, filed 10/23/74; Order PL-132, § 308-12-030, filed 9/25/72; Rule 7, filed 10/26/62; amended by filing date 11/19/64.] Repealed by 83-04-071 (Order PL 422), filed 2/2/83. Statutory Authority: RCW 18.08.130.
308-12-060	Certificate, seals. [Rule 10, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.
308-12-070	Withdrawal of registrant. [Rule 11, filed 10/26/62.] Repealed by Order PL-132, filed 9/25/72.
308-12-082	Corporate practice. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-082, filed 2/2/83.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
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.
308-12-110	Architect listings. [Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-110, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-110, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-110, filed 2/2/83; Order PL 178, § 308-12-110, filed 10/23/74; Order PL-132, § 308-12-110, filed 9/25/72.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
308-12-120	Definition of principal. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-120, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-120, filed 12/27/78; Order PL 178, § 308-12-120, filed 10/23/74.] Repealed by 85-21-065 (Order PL 560), filed 10/17/85. Statutory Authority: 1985 c 37 § 5.
308-12-130	Definition of supervision. [Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-130, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-130, filed 12/27/78; Order PL 178, § 308-

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

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

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

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

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

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

(6) Annual report. The board shall issue an annual report and roster.

[Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-010, filed 10/17/85. Statutory Authority: RCW 18.08.130. 83-04-071 (Order PL 422), § 308-12-010, filed 2/2/83; Order PL-132, § 308-12-010, filed 9/25/72; filed 4/28/67; Rule 1, filed 11/19/64; Rules 2, 4, filed 10/26/62; Rule 1, filed 10/26/62.]

WAC 308-12-025 Application for examination. (1) The application for examination must be submitted on forms approved by the board, accompanied by academic and/or practical experience verification to document eligibility under the provisions of RCW 18.08.350. Applications for admission to an examination if scheduled,

must be submitted or postmarked not later than the following dates:

<u>Examination Months/Divisions</u>	<u>Cut-off Dates</u>
June - All Divisions	April 1
October - A, B(Written), D/F, E, G, H, I	September 10
December - B(Graphic), C	October 1
February - A, B(Written), D/F, E, G, H, I	December 10

(2) On subsequent attempts examinees may retake any divisions offered not passed on previous attempts. Applications for examination or reexamination must be accompanied by the application fee for examination or reexamination and the appropriate examination fee as established by the director and published in chapter 308-12 WAC, architect fees. For reexamination applicants, examination fees are listed by separate division.

(3) For the June and December examinations, notices of acceptance (examination admission letters) will be mailed to eligible applicants approximately six weeks prior to the examination, along with detailed information as to times, place, and scheduled examination divisions.

(4) For the February and October computer-administered examinations, instruction packets will be mailed to eligible applicants approximately two weeks prior to the testing agency admission deadline.

(5) Application fees for examination and reexamination are administrative charges and will not be refunded. The examination fees (costs of each test) may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national testing service.

[Statutory Authority: RCW 18.08.360. 89-17-038 (Order PM 857), § 308-12-025, filed 8/10/89, effective 9/10/89. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-025, filed 10/17/85.]

WAC 308-12-031 Registration examination. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.360 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered at times and locations the board determines appropriate.

The board adopts the architectural registration examination and grading procedures prepared by the National Council of Architectural Registration Boards as the written portion of the examination. The written examination includes computerized versions.

(1) The director shall publish an information guide concerning examination content, locations, and schedules.

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

(3) The oral examination is given upon the applicant's completion of the written examination.

(1989 Ed.)

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

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

The oral examination may be conducted by the full board or by an architect member of the board. The board may waive the full board examination if the examining board member deems the applicant prepared for registration. If such waiver is not granted or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

The board may waive the entire oral examination based upon certification by the National Council of Architectural Registration Boards of successful completion of the intern development program. Applicants may submit the "Green Cover" IDP certificate in lieu of the exhibit checklist which is required for the oral examination. This waiver of oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.

The examinee will be required to retake the entire examination if all portions of the written and oral examination are not successfully completed as per RCW 18.08.360. The five-year period shall begin to run effective with the date on which the examinee first takes the examination. If the examinee does not successfully pass all portions of the written and oral examination, within five years from the date he or she first took the examination, he or she shall lose credit for all portions of the examination previously passed, and a new five-year period shall begin on the date on which the examinee begins to retake the examination.

[Statutory Authority: RCW 18.08.360. 89-17-038 (Order PM 857), § 308-12-031, filed 8/10/89, effective 9/10/89; 88-17-085 (Order PM 767), § 308-12-031, filed 8/22/88. Statutory Authority: RCW 18.08.340 and 18.08.360. 88-01-035 (Order PM 694), § 308-12-031, filed 12/11/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-031, filed 10/17/85. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-031, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-031, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-031, filed 2/2/83.]

WAC 308-12-040 Appeal of examinations. The board adopts the grading procedures as set forth in the current *Circular of Information Number 2*, of the National Council of Architectural Registration Boards. No appeal of failing scores will be accepted by the department or the board after the conclusion of the national grading session.

[Statutory Authority: RCW 18.08.360. 89-12-052 (Order PM 843), § 308-12-040, filed 6/5/89. Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-040, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-040, filed 2/2/83; Order PL 178, § 308-12-040, filed 10/23/74; Order PL-132, § 308-12-040, filed 9/25/72; Rule 8, filed 10/26/62.]

[Title 308 WAC—p 39]

WAC 308-12-050 Registration by reciprocity. Pursuant to RCW 18.08.400, the board will recommend to the director that the director grant a certificate of registration to a currently registered architect in another state or territory of the United States, the District of Columbia, or another country provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants. Documentation of NCARB certification may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.350.

(2) That the applicant provides a typed summary analysis of chapter 18.08 RCW and chapter 308-12 WAC. The summary must include an analysis of each section of chapter 18.08 RCW and chapter 308-12 WAC in sufficient detail to demonstrate a thorough understanding of the law and rules as determined by the board.

(3) That the board will require an oral interview of any candidate for registration by reciprocity, except that the oral interview may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

(4) That the architect's base state license is not delinquent or inactive. The current base state license cannot be under suspension, disciplinary restrictions, or in process of disciplinary review. Reciprocity applicants are held to the same qualifications as initial applicants for registration.

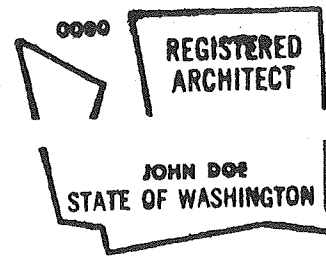
[Statutory Authority: RCW 18.08.360, 89-17-038 (Order PM 857), § 308-12-050, filed 8/10/89, effective 9/10/89. Statutory Authority: RCW 18.08.340(1) and 18.08.400, 88-09-066 (Order PM 720), § 308-12-050, filed 4/20/88. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a), 86-04-088 (Order PL 579), § 308-12-050, filed 2/5/86. Statutory Authority: 1985 c 37 § 5, 85-21-065 (Order PL 560), § 308-12-050, filed 10/17/85. Statutory Authority: RCW 18.08.130, 85-05-010 (Order PL 517), § 308-12-050, filed 2/11/85; 84-04-028 (Order PL 458), § 308-12-050, filed 1/25/84; 83-04-071 (Order PL 422), § 308-12-050, filed 2/2/83; Order PL-132, § 308-12-050, filed 9/25/72; Order 691102, § 308-12-050, filed 11/26/69; Rule 9, filed 11/19/64, 10/26/62.]

WAC 308-12-080 Approved schools of architecture. The board adopts the current *List of Accredited Schools of Architecture* as published by the National Architectural Accrediting Board.

[Statutory Authority: 1985 c 37 § 5, 85-21-065 (Order PL 560), § 308-12-080, filed 10/17/85. Statutory Authority: RCW 18.08.130, 83-04-071 (Order PL 422), § 308-12-080, filed 2/2/83; 79-01-058 (Order PL-294), § 308-12-080, filed 12/27/78; Order PL 178, § 308-12-080, filed 10/23/74; Order PL-132, § 308-12-080, filed 9/25/72.]

WAC 308-12-081 The seal. Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered architect, state of Washington." The seal with the registrant's countersignature shall appear on every drawing filed

with public authorities. A facsimile of the seal appears herewith.



No architect's stamp or countersignature shall be affixed to any drawings not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect. An architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that architect.

[Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a), 86-04-088 (Order PL 579), § 308-12-081, filed 2/5/86. Statutory Authority: 1985 c 37 § 5, 85-21-065 (Order PL 560), § 308-12-081, filed 10/17/85. Statutory Authority: RCW 18.08.130, 83-04-071 (Order PL 422), § 308-12-081, filed 2/2/83.]

WAC 308-12-083 Identification of registrant. In order to promote public awareness and prevent misunderstanding, architectural firms shall identify the active, licensed architect, responsible for the architectural activities of the firm, pursuant to the following provisions:

(1) Where a firm name is that of a deceased, retired or previous principal, the firm shall within three years after such death, retirement, or departure, designate an active licensed principal in all communications such as telephone directories, announcements, brochures, business cards, letterheads, promotional literature, and other media intended for public display or circulation.

(2) Architectural corporations, licensed under the authority of RCW 18.08.420, shall identify the designated architect in either the firm's name or separately as in subsection (1) of this section.

(3) When a firm uses an assumed business name, an architect responsible for the firm's architectural services shall be clearly identified as in subsection (1) of this section with the name of the firm.

[Statutory Authority: RCW 18.08.420 and 18.08.310, 87-19-095 (Order PM 676), § 308-12-083, filed 9/17/87.]

WAC 308-12-085 Corporations or joint stock associations. (1) For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23A RCW, the corporation or joint stock association shall file with the board a letter of application containing a statement of the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period. The application shall be signed and attested by a corporate officer.

(2) In addition to the application for certificate of authorization, the corporation or joint stock association

shall file with the board the documentation and information specified in RCW 18.08.420.

(3) The designated architect responsible for the practice of architecture by said corporation shall be regularly employed in that office having direct knowledge and supervisory control of such work. No individual will be the designated architect at more than one place of business or one company at any one time.

[Statutory Authority: RCW 18.08.420. 87-19-095 (Order PM 676), § 308-12-085, filed 9/17/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-085, filed 10/17/85.]

WAC 308-12-115 Definitions. (1) Accredited architectural degree—A professional degree received from the current list of accredited schools of architecture as published by the National Architectural Accrediting Board.

(2) Practical architectural work experience—Practical work experience performing activities involved in the practice of architecture, as defined in RCW 18.08.320, under the direct supervision of an architect. The board may approve similar practical work experience for full or partial credit and will accept intern development program experience as defined in the IDP training guidelines.

(3) Intern development program (IDP)—An internship program designed to provide a formal means of evaluating training, to recognize the intern-architects' professional development by compiling a continuing, comprehensive record of their internship training and to ensure intern-architects of a range of exposures that will help qualify them to take the professional examination.

(4) Supervision—The word "supervision" in RCW 18.08.320 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, maintenance of a safe place to work, or any safety in, on, or about the site of the work.

(5) Principal—The word "principal" as used herein shall mean an architect who is registered in this state; who is a shareholder, if the practice is through a professional service corporation; or a partner if the practice is through a partnership; or the proprietor if the practice is through a proprietorship; or the designated architect of a stock corporation; and is the person in charge of the architectural practice, either alone or in concert with others who qualify as herein described.

(6) Direct supervision—The phrase, "under the direct supervision of an architect" as used in connection with architectural work experience for qualification and eligibility for the examination shall refer to any of the following conditions or situations.

(a) The supervising architect is an employer who is knowledgeable of the performance and competence of the applicant.

(b) The supervising architect works for the same employer as the applicant, and is either the direct superior

of the applicant, or a co-worker knowledgeable and responsible for the efforts of the applicant.

[Statutory Authority: RCW 18.08.320. 87-19-095 (Order PM 676), § 308-12-115, filed 9/17/87. Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-115, filed 10/17/85.]

WAC 308-12-140 Examination—Qualifications of candidates. All candidates who had taken any part of the architectural examination prior to July 28, 1985 shall remain eligible to take the examination after July 28, 1985.

[Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-140, filed 2/5/86.]

WAC 308-12-145 Acceptable work experience. The board shall accept all qualifying practical work experience up to the date of the examination for which the candidate is sitting.

[Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-145, filed 2/5/86.]

WAC 308-12-150 Work experience defined. (1) In order to receive credit from the board for full-time practical architectural work experience, the applicant must be employed for at least thirty-five hours per week for a minimum of ten consecutive weeks.

(2) In order to receive credit from the board for part-time practical architectural work experience, the applicant must be employed for at least twenty hours per week in periods of six or more consecutive months.

(3) If the applicant is certified by the National Council of Architectural Registration Boards (NCARB) as having successfully completed the architectural Intern Development Program, such work experience may be used in lieu of subsections (1) and (2) of this section, to satisfy the work experience requirements of RCW 18.08.350.

(4) Work experience may be accrued simultaneously while educational credit is being accrued.

[Statutory Authority: RCW 18.08.350. 87-19-095 (Order PM 676), § 308-12-150, filed 9/17/87. Statutory Authority: RCW 18.08.340 and 18.08.350 (3)(a). 86-04-088 (Order PL 579), § 308-12-150, filed 2/5/86.]

WAC 308-12-320 Renewal of licenses. (1) The annual license renewal date for architects shall be the architect's birth date. Licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-12-312. Architects whose renewal fees are delinquent will be listed with the state building officials.

[Statutory Authority: RCW 18.08.130. 85-05-010 (Order PL 517), § 308-12-320, filed 2/11/85; 83-04-071 (Order PL 422), § 308-12-320, filed 2/2/83; Order PL 262, § 308-12-320, filed 1/13/77.]

WAC 308-12-321 Competence. (1) In practicing architecture, an architect shall act with reasonable care and competence, and shall apply the technical knowledge and skill which is ordinarily applied by architects of good standing, practicing in the same locality.

(2) In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers, and other qualified persons) as to the intent and meaning of such regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of such laws and regulations.

(3) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific technical areas involved.

(4) No person shall be permitted to practice architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

[Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-321, filed 10/17/85.]

WAC 308-12-322 Conflict of interest. (1) An architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed to and agreed to (such disclosure and agreement to be in writing) by all interested parties.

(2) If an architect has any business association or direct or indirect financial interest which is substantial enough to influence his or her judgment in connection with his or her performance of professional services, the architect shall fully disclose in writing to his or her client or employer the nature of the business association or financial interest, and if the client or employer objects to such association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

(3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

(4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

[Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-322, filed 10/17/85.]

WAC 308-12-323 Full disclosure. (1) An architect, making public statements on architectural questions, shall disclose when he or she is being compensated for making such statement.

(2) An architect shall accurately represent to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

(3) If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable state or municipal building laws and regulations and which will, in the architect's

judgment, materially affect adversely the safety to the public of the finished project, the architect shall:

(a) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable state or municipal building laws and regulations,

(b) Refuse to consent to the decision, and

(c) In circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his objection, terminate his services with reference to the project.

In the case of a termination in accordance with subsection (c), the architect shall have no liability to his or her client or employer on account of such termination.

(4) An architect shall not deliberately make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal.

(5) An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

(6) An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the board.

[Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-323, filed 10/17/85.]

WAC 308-12-324 Compliance with laws. (1) An architect shall not, in the conduct of his or her architectural practice, knowingly violate any state or federal criminal law.

(2) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

(3) An architect shall comply with the registration laws and regulations governing his or her professional practice in any United States jurisdiction.

[Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-324, filed 10/17/85.]

WAC 308-12-325 Professional conduct. (1) Each office maintained for the preparation of drawings, specifications, reports, or other professional work shall have an architect resident and regularly employed in that office having direct knowledge and supervisory control of such work.

(2) An architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

(3) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

[Statutory Authority: 1985 c 37 § 5. 85-21-065 (Order PL 560), § 308-12-325, filed 10/17/85.]

WAC 308-12-326 Architect fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	\$ 50.00
Examination (initial or retake full)	300.00
Registration fee	35.00
Registration renewal	45.00
Late renewal	15.00
Certificate replacement	15.00
Examination proctor fee	50.00
Registration (without full examination)	250.00
Exam retake:	
Division A: Predesign	30.00
Division B: Site design	65.00
Division C: Building design	80.00
Division D: Structural—General	15.00
Division E: Structural—Lateral forces	10.00
Division F: Structural—Long span	10.00
Division G: Mechanical, plumbing, electrical and safety systems	30.00
Division H: Materials and methods	30.00
Division I: Construction documents and services	30.00
Duplicate license	15.00
Certification	25.00
Corporations:	
Certificate of authorization	250.00
Certificate of authorization renewal	100.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-12-326, filed 5/1/87.]

Chapter 308-13 WAC

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

WAC

308-13-005	Definitions.
308-13-010	State board of registration.
308-13-015	Powers and duties of the board.
308-13-020	Qualifications for admittance to the examination.
308-13-022	Reexamination.
308-13-025	Proctoring.
308-13-032	Licensing examination.
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308-13-042	Board procedure on examination grading appeals.
308-13-050	Registration by reciprocity.
308-13-100	Reinstatement.
308-13-110	Landscape architect listings.
308-13-150	Landscape architect fees.
308-13-160	Renewal of licenses.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-13-030	Examinations. [Statutory Authority: RCW 18.96.060, 80-05-141 (Order PL-343), § 308-13-030, filed 5/7/80; Order PL 246, § 308-13-030, filed 4/26/76; Order 2472, § 308-13-030, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
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308-13-035	Qualifications for reexamination. [Order PL-135, § 308-13-035, filed 11/13/72; Order 2472, § 308-13-035, filed 12/16/69.] Repealed by 85-23-045 (Order PL 567), filed 11/18/85. Statutory Authority: RCW 18.96.060.
308-13-060	Registration of exemption. [Order 2472, § 308-13-060, filed 12/16/69.] Repealed by Order PL-135, filed 11/13/72.
308-13-070	Applicant's qualifications. [Order 2472, § 308-13-070, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-080	Certificates, seals. [Statutory Authority: RCW 18.96.060, 80-05-141 (Order PL-343), § 308-13-080, filed 5/7/80; Order 2472, § 308-13-080, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-090	Withdrawal of registrant. [Order 2472, § 308-13-090, filed 12/16/69.] Repealed by 85-04-029 (Order PL 511), filed 1/31/85. Statutory Authority: RCW 18.96.060.
308-13-120	Landscape architects—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-13-120, filed 9/25/80; Order PL 206, § 308-13-120, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-13-150.

WAC 308-13-005 Definitions. (1) "Registered college" as used in RCW 18.96.070 means a college or school listed under the landscape architectural accreditation board's list of schools having accredited programs in landscape architecture.

(2) "Entire examination" as referred to in RCW 18.96.090 means the written and graphic examination approved by the board, including the plant identification examination.

(3) The word "principal" as used in this chapter means a member of a firm offering landscape architectural services to the public who is a landscape architect, a shareholder and director of landscape architecture if the practice is through a corporation, a partner if the practice is through a partnership or the owner if the practice is through a sole proprietorship.

(4) "UNE" means the Uniform National Examination for landscape architects.

[Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-005, filed 1/31/85.]

WAC 308-13-010 State board of registration. (1) Meetings. The Washington state board of registration for landscape architects, hereinafter called the board, shall hold an annual public meeting during April of each year for the purpose of election of board officers and any other business of a public nature.

(2) Officers. At the annual public meeting, the board shall elect a chairman, a vice chairman, and a secretary for the ensuing year. The secretary may delegate the office's responsibilities in all or in part to the executive secretary.

[Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-010, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-010, filed 5/7/80; Order 2472, § 308-13-010, filed 12/16/69.]

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

(1) Determine the qualifications for examination.

(2) Approve registered colleges of landscape architecture for acceptance of educational qualifications in lieu of experience per RCW 18.96.070.

(3) Hold examinations of qualified persons who shall apply for registration as landscape architects.

(4) Examine and act on applications for registration by reciprocity and make recommendations to the director of licensing for issuance or refusal thereof.

(5) Examine and act on applications for reinstatement of licenses which have been suspended or revoked.

(6) Investigate and hold hearings on complaints against registrants and advise the director of findings of evidence of violation of chapter 18.96 RCW.

[Statutory Authority: RCW 18.96.060, 86-16-013 (Order PM 607), § 308-13-015, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-015, filed 1/31/85; Order 2472, § 308-13-015, filed 12/16/69.]

WAC 308-13-020 Qualifications for admittance to the examination. Applicants shall file with the director of licensing on or before March 15 an application, on forms provided by the board, accompanied by fee and verification of academic and practical training and such additional evidence as may be required to satisfy the board that the applicant has the following qualifications:

(1) Possession of good moral character, verified by five references, three from landscape architects and two from other persons.

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

(3) A minimum of seven years of any combination of academic and practical training experience approved by the board, e.g.

(a) **ACADEMIC TRAINING**

(i) With a passing grade, 32 semester credit hours or 48 quarter credit hours is considered to be one year. Any fraction, one-half year or greater, will be counted one-half year, and less than one-half year will not be counted.

(ii) A degree in landscape architecture or credits from a registered college will be weighted at one hundred percent with a four year maximum credit for academic training.

(iii) Credits in landscape architecture from a college not registered may be weighted up to seventy-five percent with a three year maximum credit for academic training.

(iv) Credits in architecture or civil engineering will be weighted at fifty percent with a two year maximum credit for academic training.

(b) **PRACTICAL TRAINING**

(i) Practical training experience, work in landscape architecture and related work experience, will be measured in calendar years.

(ii) No training prior to graduation from high school will be accepted.

(iii) At least one year of practical training experience shall be attained after termination of academic training.

(iv) Employment duration less than three months will not be counted.

(v) One-third of the required minimum practical training must be under the direct supervision of a landscape architect.

(vi) Work under the direct supervision of a landscape architect will be weighted at one hundred percent, no limit.

(vii) Work under the direct supervision of an architect, engineer, city or urban planner, nurseryman or landscape contractor will be weighted at seventy-five percent, in any combination limited to two-thirds of the required training experience.

[Statutory Authority: RCW 18.96.060 and 18.96.070, 88-05-025 (Order PM 707), § 308-13-020, filed 2/12/88. Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-020, filed 1/31/85; Order PL 246, § 308-13-020, filed 4/26/76; Order 2472, § 308-13-020, filed 12/16/69.]

WAC 308-13-022 Reexamination. A new application is not required. Retake applicant is responsible for sending the fees for those sections of the examination required to be retaken, and for notifying the board of any change of address or day time telephone number. Notice and fees must be postmarked on or before March 15th, to qualify for the June examination.

[Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-022, filed 1/31/85.]

WAC 308-13-025 Proctoring. Candidates for examination who have acquired two-thirds of their required practical training, but cannot achieve the balance of their required work experience under the direct supervision of a landscape architect, may appeal to the board to acquire the required experience through the proctoring program.

Based on a review of the applicant's academic and work experience, the board may approve the applicant's selection of a landscape architect proctor who will review and critique the applicant's work for the balance of the practical experience required. The proctoring process must involve one or more face-to-face meetings per month with the proctor. The proctor will provide the board a written report for each proctoring session. Proctoring experience will be weighted at one hundred percent of actual experience working for a landscape architect.

The proctoring program must be approved by the board before credit may be accrued. No retroactive credit may be approved for proctoring reviews conducted prior to board approval. The proctoring program consists of a minimum of twelve months, and culminates with the board's acceptance of the proctor's report of program completion.

The application fee for the proctoring program shall be included in the application fee for examination as specified in the schedule of landscape architect fees.

[Statutory Authority: RCW 18.96.060 and 18.96.070, 88-15-041 (Order PM 746), § 308-13-025, filed 7/15/88. Statutory Authority: RCW 18.96.060, 85-04-029 (Order PL 511), § 308-13-025, filed 1/31/85.]

WAC 308-13-032 Licensing examination. The form of the examination required of applicants shall consist of a written and graphic examination. Subject to the provisions of RCW 18.96.090 the board adopts the Uniform National Examination, "UNE," prepared by the Council

of Landscape Architectural Registration Boards (CLARB) as its examination, to test the applicant's qualifications and minimum competency for registration.

The board shall periodically, and in no event not less than once every year, review the passing grade score established by CLARB to ensure that such score conforms with the provisions of RCW 18.96.090. The board may convert raw scores received from CLARB to conform to the passing grade percentage established in RCW 18.96.090.

(1) Procedure for admittance to the "UNE":

(a) Upon completion of the qualifications for admittance to the "UNE" under WAC 308-13-020, submit the completed application provided by the board, including fees. The complete application, including fees, must be postmarked by March 15th or earlier to be considered for the next scheduled examination.

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

(c) Examination fees are refundable when notice of withdrawal is given prior to the examination application deadline, March 15th.

(d) A completed application includes:

(i) Green application form LA 656-3 with notarization;

(ii) Three landscape architect references;

(iii) Two references from related design professionals;

(iv) Transcript of academic experience showing courses taken and degree awarded;

(v) Verification of work experience;

(vi) Application and examination fees.

(e) Notice of acceptance, along with preexamination information, will be mailed to accepted applicants approximately six weeks in advance of the examination, accompanied by specific details regarding the time and place of the examination.

The written examination, the "UNE," is administered over a two-day period in June each year. The examinees are tested on their ability to exercise value judgments in actual landscape architecture situations.

(2) Examination scoring:

(a) The written parts of the examination are machine scored. The graphic parts of the examination are graded in a manner prescribed by the landscape architect board members.

(b) To pass the examination, an applicant must achieve a passing score of seventy-five percent on each of the six sections of the examination.

(c) Applicants are notified of their grades by mail. No grades are given by telephone.

(d) Reexamination information is given on the examination grade sheet. NO OTHER NOTICE MAY BE GIVEN. See WAC 308-13-025 for reexamination information.

[Statutory Authority: RCW 18.96.060 and 18.96.090. 88-12-018 (Order PM 726), § 308-13-032, filed 5/24/88. Statutory Authority: RCW 18.96.060. 85-23-045 (Order PL 567), § 308-13-032, filed 11/18/85; 85-04-029 (Order PL 511), § 308-13-032, filed 1/31/85.]

(1989 Ed.)

WAC 308-13-040 Review of examinations. (1) Candidates who fail to pass design problems of the Uniform National Examination may review the failed portions of the examination subject to the conditions set forth in subsection (2) of this rule. Sections of the examination which have been passed and objective portions of the examination may not be reviewed by the candidate.

(2) All examination reviews must be scheduled within thirty days from the date of the examination scores. All examinations must be reviewed at the offices of the board of registration for landscape architects, between the hours of 8:00 a.m. and 5:00 p.m. during normal working days. All candidates reviewing the Uniform National Examination shall be given a maximum of four hours to review said examination. No examinations may be taken from the offices of the board. Only the candidate may review the failed portion of his or her examination, and only one review per candidate shall be scheduled.

[Statutory Authority: RCW 18.96.060. 86-16-013 (Order PM 607), § 308-13-040, filed 7/25/86; 85-04-029 (Order PL 511), § 308-13-040, filed 1/31/85; 80-05-141 (Order PL-343), § 308-13-040, filed 5/7/80; Order 2472, § 308-13-040, filed 12/16/69.]

WAC 308-13-041 Appeal of examination score. (1) Candidates who fail the design problems of the Uniform National Examination may appeal their failing score to the board. The appeal must be in writing and upon a form provided by the board.

(2) The appeal must be filed immediately following the candidate's review and must be given to a member of the board's staff.

(3) When appealing a failing score, the candidate shall identify himself or herself by number, not by name.

(4) When appealing a failing score, the candidates shall specify those areas in which he or she believes that a grading error was made. The candidate must be reasonably specific with regard to what portion or portions of the examination contain a grading error.

[Statutory Authority: RCW 18.96.060. 86-16-013 (Order PM 607), § 308-13-041, filed 7/25/86.]

WAC 308-13-042 Board procedure on examination grading appeals. (1) The board shall review all examination appeals in executive session of its meetings and board members shall not discuss the examination results or appeal results until after the board takes final action with respect to an appeal.

(2) The board shall consider only those alleged errors in grading raised by a candidate when he or she appeals an examination. Any errors not brought to the board's attention by the candidate shall not be considered by the board.

(3) The board will increase the score of an applicant only when such increase will result in the applicant's passing a problem. The board will not increase points of an applicant in the instance where even after such an increase, the applicant still fails the problem.

(4) The board may, in its discretion, reduce the points given to an applicant in an appealed question, if, after

review, the board determines that an error was made in the candidate's favor.

[Statutory Authority: RCW 18.96.060. 86-16-013 (Order PM 607), § 308-13-042, filed 7/25/86.]

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

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

(b) Having satisfactorily completed the Uniform National Examination required of applicants for registration in Washington;

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

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

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

(iii) Employment: Statements of previous landscape architect employers covering full time employment for a minimum of three years when the applicant has an accredited degree in landscape architecture or seven years of experience working with landscape architects or a combination of seven years of education and experience, approved by the board.

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

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

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

(3) Certification: National certification by the council of landscape architectural registration boards shall be recognized by this board as satisfactory evidence for registration by reciprocity, provided the applicant has taken and passed the UNE and such certification is current and valid at the time of application for registration, and after the candidate's file has been received and approved by the board.

[Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-050, filed 1/31/85; Order PL 206, § 308-13-050, filed 11/5/75; Order PL 169, § 308-13-050, filed 6/19/74; Order PL-135, § 308-13-050, filed 11/13/72; Order 2472, § 308-13-050, filed 12/16/69.]

WAC 308-13-100 Reinstatement. A hearing with the board will be required of any person applying for restoration of a suspended or revoked license. The fee for

reissue of license shall be the then current annual renewal fee.

[Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-100, filed 1/31/85; Order 2472, § 308-13-100, filed 12/16/69.]

WAC 308-13-110 Landscape architect listings. Where a firm name does not identify the licensed landscape architect, specifically, or persons identified in a firm title are not all landscape architects, firm name listings in telephone directories, announcements, brochures, business cards, letterheads, promotional literature, and other media intended for public display or circulation, shall clearly identify the landscape architect(s) responsible for the firm's landscape architectural work in this state.

No firm name shall include the surname of a person who is not presently or was not previously associated in the practice as a landscape architect with the named entity or its members or predecessors.

[Statutory Authority: RCW 18.96.060. 85-04-029 (Order PL 511), § 308-13-110, filed 1/31/85; Order PL 169, § 308-13-110, filed 6/19/74; Order PL-135, § 308-13-110, filed 11/13/72.]

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

Title of Fee	Fee
Application fee:	
Nonrefundable examination or reexamination (entire) fee	290.00
Refundable fee for issuance of certificate	100.00
Total application fee	390.00
Reexamination:	
Section 1 only	17.00
Section 2 only	23.00
Section 3 only	84.00
Section 4 only	78.00
Section 5 only	53.00
Section 6 only	35.00
Renewal (3 years)	180.00
Late renewal penalty	60.00
Duplicate license	15.00
Reciprocity fee (filing and investigation fee)	150.00
Certification	25.00
Replacement certificate	20.00

[Statutory Authority: RCW 43.24.086. 88-04-027 (Order PM 702), § 308-13-150, filed 1/26/88. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

WAC 308-13-160 Renewal of licenses. (1) Effective with the renewal period beginning June 30, 1987, the annual renewal date for landscape architects will be changed to a three year renewal period. Conversion to this renewal system will be accomplished as follows:

(a) Current licensees, whose licenses expire June 30, 1987, and whose birthdates fall in the months of July, August, September or October, will be required to pay a

fee equal to one year's renewal fee, or one third of the current three year renewal fee, in order to extend their licenses to expire on June 30, 1988. Subsequent renewals will be for a three year period.

(b) Current licensees, whose licenses expire June 30, 1987, and whose birthdates fall in the months of November, December, January or February, will be required to pay a fee equal to two years' renewal fees, or two thirds of the current three year renewal fee, in order to extend their licenses to expire on June 30, 1989. Subsequent renewals will be for a three year period.

(c) Current licensees, whose licenses expire June 30, 1987, and whose birthdates fall in the months of March, April, May or June, will be required to pay a fee equal to the current three year renewal fee in order to extend their licenses to expire on June 30, 1990. Subsequent renewals will be for a three year period.

(2) On or before June 30, 1987, all new or initial landscape architects licenses will be issued for a three year period with subsequent renewals for a three year period.

(3) Following completion of the conversion to a three year renewal period, licensees will renew every three years on or before June 30.

[Statutory Authority: RCW 46.24.086 [43.24.086] and 18.96.110. 88-01-022 (Order PM 696), § 308-13-160, filed 12/9/87.]

Chapter 308-20 WAC

COSMETOLOGY—BARBER—MANICURIST RULES

WAC

308-20-010	Definitions.
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308-20-150	Student appeal—Examination eligibility denial by the school.
308-20-155	Procedure for applicants requiring special accommodations for licensure examination.
308-20-160	Release of results of examination.
308-20-171	Passing scores on all examinations.
308-20-180	Posting of license.
308-20-190	Restricted license.
308-20-205	License renewal—Penalties.
308-20-210	Cosmetology fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-20-200	Fees. [Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-200, filed 9/12/84.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
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WAC 308-20-010 Definitions. (1) Achievement indicators—form—form designed and used by the school to record achievement rating of student learning objectives.

(2) Chemical compounds formulated for professional use only—compounds containing hazardous chemicals in a form not generally sold to the public; such as, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances or corrosive materials.

(3) Curriculum—detailed course of study.

(4) Student learning objectives—measurable outcomes expected to occur as the result of instruction.

(5) Instructional objectives—measurable evaluation of the attainment of the student learning objectives.

(6) Terminal learning objectives—final outcomes expected to occur at the completion of a course of study as a result of instruction.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-010, filed 9/12/84. Formerly chapters 308-16 and 308-24 WAC.]

WAC 308-20-020 Term of course—Examination eligibility. A school shall not require students to remain in school after the completion of any course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 800 hours of barber training as approved by the director may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director may apply for examination to be licensed as a cosmetologist. Cosmetology training consists of a 500 hour manicurist course, the 800 hour barber course and an additional 300 hours of training in the performance of all chemical services as approved by the director.

Any person who has the same qualifications as a cosmetologist and who has completed at least 500 hours of instruction in cosmetology teaching techniques and lesson planning in a school may apply for examination to be licensed as a cosmetology instructor.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-020, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-020, filed 9/12/84.]

WAC 308-20-030 Curriculum structure. Each curriculum shall be designed to prepare students for at least beginning employment/job entry.

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs for each curriculum offered by the school.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-030, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-030, filed 9/12/84.]

WAC 308-20-040 Application for school license. With each school application, the following items must be included before a school license will be approved by the department:

- (1) Names and addresses of all school owners;
- (2) Names and addresses of all school operators or managers;
- (3) Names and addresses of all instructors responsible for the training of students. The department must be notified, in writing, when a change of instructor staff occurs;
- (4) A copy of the curriculum for each course the school intends to offer. A cosmetology school must submit a curriculum for manicurist, barber and chemical services; a barber school must submit a barber curriculum; a manicurist school must submit a manicurist curriculum. Any school offering cosmetology instructor training must submit a curriculum in cosmetology teaching techniques and lesson planning. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter. A copy of the instructional objectives, student learning objectives, terminal learning objectives and achievement indicator form for each curriculum must be submitted with the application. The achievement indicator form must include the school name and address preprinted on the form;
- (5) Each school will submit, at the time of application, a catalog, bulletin or other printed material which contains accurate and current information regarding the operation and requirements of the school. Supplements to the catalog/bulletin are to be fastened to the publication and, if such information supersedes any information contained elsewhere in the catalog/bulletin, it must be clearly indicated on the supplement. The catalog/bulletin is to be made available to all students prior to enrollment and must include, but not be limited to, the following information:
 - (a) Names of all owners and/or managers.
 - (b) Names and qualifications of all instructors.
 - (c) Beginning and ending dates of training, including hours of operation, and observed holidays.
 - (d) Placement assistance, if any.
 - (e) Policy outlining acceptable conduct of students including grounds for dismissal and readmission.
 - (f) School policy on absences, leave, tardiness, and make-up work.
 - (g) School policy and regulations regarding student progress including expected rate of progress, minimum acceptable grades, penalties for unsatisfactory progress, and the rights of students to appeal.
 - (h) Total cost to students including registration fee, books, supplies, equipment, tuition, lab fees, or any other associated cost for which the student is liable.
 - (i) A description of each course to include total hours, the course objectives and the method of instruction. (E.g., classroom lab, etc.) and any certificate or credentials awarded upon completion.
 - (j) Cancellation and refund policies.

(6) Each school shall submit a copy of the enrollment contract or agreement. The contract/agreement must include at least the following:

- (a) The school's cancellation and refund policy;
- (b) Adequate information to clearly define the terms of the agreement between the student and the school, including but not limited to:
 - (i) The name and address of the school and student.
 - (ii) The date training is to begin, and the number of hours of instruction.
 - (iii) An itemized list of all costs incurred by the student to complete the training. Such costs shall include tuition and registration fees, books, supplies, and equipment and all other charges made by the school. Methods of payment or payment schedule must be clearly stated.
- (c) A statement acknowledging receipt of the copy of the school's catalog/brochure and enrollment agreement by the student;
- (d) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution.
- (7) A description of the school facilities and equipment. This may be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;
- (8) A surety bond as established by WAC 308-20-060 shall be submitted with the application for school licensure. No school shall be approved until the surety bond is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (8) of this section.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-040, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. 87-21-010 (Order PM 681), § 308-20-040, filed 10/9/87. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-040, filed 9/12/84.]

WAC 308-20-050 Change in ownership of school. If a change involving twenty-five or more percent of school ownership occurs, a new license application must be submitted with proof of ownership, or percentage of ownership, by the new owners. A new application must then be submitted to the department within fifteen days of change of ownership. Such notification is to include any changes made in curriculum, management personnel, instructional staff, tuition or registration fee, catalog, brochure, contract or surety bond.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-050, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-050, filed 9/12/84.]

WAC 308-20-060 Surety bond requirement for schools. Every currently licensed school and every applicant for a new or renewed school license is required to have a surety bond which meets legal requirements. Surety bonds shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the bond shall be one thousand dollars or five percent of the annual gross tuition collected by the school, whichever is greater. The bond

shall not exceed twenty-five thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition.

(2) At the time of licensing each school shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The bond may be continuous or renewable at the time of renewal of license: *Provided*, That the bond shall cover the full period during which a school is licensed unless the surety has been released as provided in subsection (4) of this section.

(3) The bond shall be executed by the licensed school as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for protection of unearned prepaid student tuition.

(4) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian.

The director shall give the school at least thirty days' written notice prior to the release of the surety to the effect that upon release of the surety the school license will be null and void by operation of RCW 19.72.130 until a new and sufficient surety bond is filed in the same manner and amount as the bond being terminated. Students shall not receive credit for instruction received during any time a school bond is not in effect.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-060, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. 87-21-010 (Order PM 681), § 308-20-060, filed 10/9/87. Statutory Authority: 1984 c 308. 84-21-096 (Order PL 491), § 308-20-060, filed 10/19/84.]

WAC 308-20-070 Training guidelines. A numerical rating scale shall be used to evaluate and record student progress on the achievement indicator form.

The student's competency in attaining learning objectives is to be rated on a scale of "1-4" as follows:

4. Job ready—Can completely perform the job safely and independently.
3. Moderately competent—Can perform job completely and safely with limited supervision.
2. Limited competency—Requires instruction and close supervision in order to perform a task safely.
 1. No exposure—No experience or knowledge in this area.

Schools will design instructional objectives which promote student progress from a beginning "1" rating to completion "4" rating within the specified hours required for each course. Each month the school shall provide each student with a current copy of his/her achievement indicator form.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-070, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-070, filed 9/12/84.]

WAC 308-20-080 Course outline of training requirements.

(1989 Ed.)

COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL
--------	--

Barber services
training:

- | | |
|--|---|
| 1. Shampooing | 2 |
| 2. Haircutting or
trimming | 2 |
| 3. Arranging, dressing,
curling or waving
(excluding chemical services) | 2 |
| 4. Sanitation of materials,
equipment and tools | 3 |
| 5. Safety <ol style="list-style-type: none"> (a) The use of
materials, equipment
and tools (b) Recognition
of diseases or disorders
of the skin, scalp or hair | 3 |

Manicurist services
training:

- | | |
|---|---|
| 1. Application and removal
of artificial nails | 2 |
| 2. Sanitation of materials,
equipment and tools to
provide the service | 3 |
| 3. Safety <ol style="list-style-type: none"> (a) In the use
of materials, equipment and
tools to provide a service (b) In the recognition of a
disease or disorder of the
nail or skin (c) Use of chemicals formulated
for professional use only | 3 |
| 4. Skin care involving hot
compresses or massage | 2 |
| 5. Skin care involving
electrical appliances | 2 |
| 6. Temporary removal of
superfluous hair <ol style="list-style-type: none"> (a) Mechanical (b) Chemical (c) Electrical | 2 |

Cosmetology chemical
services training:

- | | |
|--|---|
| 1. Permanent waving <ol style="list-style-type: none"> (a) Sectioning and wrapping (b) Preperm test curl (c) Solution application (d) Processing (e) Neutralizing | 2 |
|--|---|

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COURSE	MINIMUM ACHIEVEMENT REQUIRED BEFORE STUDENTS MAY WORK ON CUSTOMERS IN SCHOOL
2. Chemical relaxing	
(a) Sectioning	2
(b) Strand test	2
(c) Relaxer application	2
(d) Processing	2
(e) Neutralizing	2
3. Hair coloring or bleaching	
(a) Predisposition test	2
(b) Strand test	2
(c) Measurement and mixing of chemicals	2
(d) Application of chemicals	2
(e) Removal of chemicals	2
4. Safety	
(a) In the storage, mixing and use of chemicals	3
(b) In the uses of materials, equipment and tools to provide a service	3
5. Sanitation of all materials, equipment and tools to provide a service	3

All ratings are to be recorded at least monthly on each student's achievement indicator form. All ratings should reflect job readiness rather than a grade given in class. The suggested job readiness completion rating for all procedures is "4."

[Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-080, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-080, filed 9/12/84.]

WAC 308-20-090 Student credit for training. (1) Only those hours of instruction received under the direction of a licensed instructor and on the premises of the licensed school may be credited toward the hourly training requirement.

(2) Students shall not receive credit for training received during any period the school license is void, expired, suspended, revoked, or otherwise not currently in effect.

(3) Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring.

(4) Students transferring from another state, country or territory may, at the school's discretion, receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each course; (b) student learning objective credit after successfully demonstrating to the school that the objectives have been met.

[Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-090, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-090, filed 9/12/84.]

WAC 308-20-100 Recording student hours. Each school shall record student hours daily and provide to each student monthly accumulated totals of all hours obtained for each course offered. Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place. Up to date monthly accumulated hourly totals shall be recorded as they are achieved: The original report will be kept on file at the school and a copy provided to the student each month.

[Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-100, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-100, filed 9/12/84.]

WAC 308-20-105 Curriculum for instructor-trainees. Licensed schools wishing to offer training for cosmetology instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

(1) Training in instructional methods covering the following subjects or units:

(a) Methods of teaching cosmetology:

(i) Lesson planning to meet instructional objectives;

(ii) Student learning principles for student learning objectives;

(iii) Classroom management; and

(iv) Four-step method.

(b) Occupational analysis and advisory committees:

(i) Develop system for analysis;

(ii) Charting and categorizing;

(iii) Validating; and

(iv) Organizing and working with advisory committees.

(c) Course organization:

(i) Develop instruction from analysis;

(ii) Organize and prioritize;

(iii) Group and sequence learning units;

(iv) Test and evaluate; record progress of students on achievement indicators; and

(v) Teaching aids.

(d) Student leadership development:

(i) How to be effective;

(ii) Vocational Industrial Clubs of America or student leadership organization;

(iii) Personality and conduct;

(iv) Interpersonal relationships; and

(v) Customer relations.

(e) One of the following topics or units:

(i) Testing and rating;

(ii) Audio visual materials;

(iii) Philosophy of vocational education; or

(iv) Techniques in individualized instruction.

(2) Training in clinic supervision and management covering the application of teaching techniques as follows:

(a) Practical classroom and clinic services:

(i) Sanitation of all tools, implements, equipment, and work areas; and

(ii) Safety involved in providing any service to members of the public.

(b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.

(c) Reception area management:

(i) Customer relations;

(ii) Use of cash register; and

(iii) Telephone techniques.

(d) Student's practical assignments.

(e) Motivational supervision.

(f) Student assistance.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-105, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-105, filed 9/12/84.]

WAC 308-20-107 Use and training of instructor-trainees. (1) Cosmetology instructor-trainees cannot be used to replace a licensed instructor for the training of students. Instructor-trainees must be under the direct supervision of a licensed instructor at all times.

(2) "Direct supervision" means the licensed cosmetology instructor shall:

(a) Inspect a substantial portion of the instructor-trainee's work;

(b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours of training received. Provided, that "direct supervision" shall not require that the licensed cosmetology instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed cosmetology instructor and the instructor-trainee be constantly in the same room.

(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance notice, in writing, of the name and address of each person who will receive instruction as a cosmetology instructor-trainee.

(4) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee unless the person holds a current, valid cosmetology license or is currently eligible for licensure as a cosmetologist and has the same qualifications as a cosmetologist.

(5) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.

(6) No cosmetology instructor-trainee may receive any wage or commission.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-107, filed 9/14/88.]

(1989 Ed.)

WAC 308-20-109 Instructor-trainee credit for training. Each cosmetology school shall daily record instructor-trainee hours of instruction received in cosmetology teaching techniques and in lesson planning. The cosmetology school shall provide to each instructor-trainee monthly accumulated totals of hours of instruction the instructor-trainee has received. Except for instruction received in an otherwise state approved teacher training program, only those hours of instruction received under the direct supervision of a licensed instructor and on the premises of the licensed school may be credited toward the instructor-trainee hourly training requirement.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-109, filed 9/14/88.]

WAC 308-20-110 Minimum school safety standards. (1) Each licensed school or institution will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to ensure that sanitation and safety measures are applied for the maximum protection of the public, students or models used by students or instructors.

(2) An adequate supply of hot and cold running water must be provided for the benefit of the student's and consumer's health, safety and welfare.

(3) Clean towels shall be provided for each customer and shall be laundered after every use.

(4) Robes or gowns used by customers must be laundered after every use. Towels, robes and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers.

(5) A separate area with an adequate supply of hot and cold running water, shall be designated as a dispensary for the dispensing of supplies and for the cleaning of tools, equipment and materials.

(6) Wet sanitizer—fresh, clean solution shall be placed daily in a clean container for the sanitizing of combs, brushes and other tools or implements.

(7) Chemicals must be stored in compliance with state and local laws to ensure maximum protection against fires, fumes, corrosion of containers or contamination. Flammable liquids that have a flash point below 100°F and vapor pressure not exceeding 40 lbs per square inch under 100°F must be provided adequate ventilation in storage so that normal leakage of such vapors from containers will be diluted enough to prevent spark from igniting them. Reducing or oxidizing materials must be stored separately from powerful oxidizing agents. Storage areas shall be posted "flammable liquids." Acids must be stored in a cool, well ventilated area void of sources of ignition. Metal shelves used to store acids must be painted or otherwise rendered immune to attack by acids. Corrosive materials must be kept in a cool, well ventilated area. Materials should be inspected regularly and corroded containers must be discarded immediately.

(8) Approved fire extinguishers must be kept in vicinity of storage area.

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(9) Adequate toilet facilities shall be provided for the use of customers, employees and students. The use of common towels and bar soap is prohibited.

(10) Shampoo bowls will be kept clean and free of hair in traps.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-110, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-110, filed 9/12/84.]

WAC 308-20-120 Examination construction and content. Examinations for cosmetologists, barbers and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices includes but is not necessarily limited to, the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees. The examination for a cosmetology instructor's license will cover lesson planning and cosmetology teaching techniques.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-120, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-120, filed 9/12/84.]

WAC 308-20-130 Examination objectives. The following objectives will constitute the basis for written examination questions for the cosmetologist's, barber's, and manicurist's license:

(1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.

(2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing as applies to each course of study.

(3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.

(4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber or manicurist occupation.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-130, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-130, filed 9/12/84.]

WAC 308-20-140 Examination--Application. Examinations are administered monthly. Examination schedules will be published by the director and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the required number of hours in the approved course of study.

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Each application submitted must include a sworn statement of both the student and the school owner or manager that all statements on the application are true and correct. Each application must be complete in every respect, including fee, before the applicant may be scheduled for examination.

Applications and fees for examination must be date stamped received into the department of licensing no later than the first day of the month to be scheduled for the following month's examination. (For example: Must be received by August 1 to be scheduled for September examination.) Only when the date received stamp is omitted or illegible, will the postmark by the postal service be substituted.

Any person who either (1) fails to appear as scheduled for an examination, or (2) fails to request to be rescheduled at least seven days prior to scheduled examination date shall forfeit fee for examination, except in cases of emergency as determined by the department.

Applications and fees for reexamination must be received by the Professional Licensing Division at 1300 Quince Street, Olympia, Washington on or before the 20th of the month to be scheduled for the following month's examination.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-140, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-140, filed 9/12/84.]

WAC 308-20-150 Student appeal--Examination eligibility denial by the school. Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has obtained the required course hours, the student may appeal. An appeal must be submitted to the department, in writing, stating specific reasons why the student feels he/she is eligible. An appeal must be submitted with a completed examination application, accompanied by the required fee and copy of achievement indicator form showing completion of hours and learning objectives.

A school owner or manager is required to respond in writing stating the reason for refusal to sign. The school owner or manager shall provide documentation of events or reasons which substantiate his/her refusal to sign. A school's failure to respond within twenty days may result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-150, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-150, filed 9/12/84.]

WAC 308-20-155 Procedure for applicants requiring special accommodations for licensure examination.

(1) An applicant for a licensure examination who, due to a specific physical, mental or sensory impairment, requires special accommodation in examination procedures, may submit a written request for the specific accommodation needed.

(a) The applicant must submit an individualized written opinion from a physician or other specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific licensure examination; and

(iii) Stating what special accommodation is necessary. The applicant must also submit to the department a signed and notarized authorization, authorizing the specifically identified physician or other specialist to discuss the matter with the department of licensing's representative.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department of licensing at least eight weeks in advance of the examination date and must be accompanied by a completed application and the application fee.

(c) Only readers and translators provided by the department may be used for reading/translating the examination.

(d) Applicants who pass the cosmetology examination with the assistance of a reader/translator will be issued a license with the following printed restriction: "Requires Reading Supervision For Product Usage When Performing Chemical Services." If a licensee with a license restriction successfully retakes the chemical services portion of the examination without the assistance of a reader or translator, a new license will be issued without the restriction.

(2) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-155, filed 9/14/88.]

WAC 308-20-160 Release of results of examination. (1) The department of licensing will notify applicants of examination results by mail only.

(2) Applicants who pass the examination will receive their license to practice.

(3) Applicants who fail shall receive a letter of notification to retake the examination and a retake application. Failing scores will be included in the notification.

(4) Examination papers completed by the applicant will be maintained by the division of professional licensing and will be made available for inspection, by appointment, with the applicant or applicant's agent. Agents of the applicant must submit a letter of authorization with notarized signature of the applicant before inspection of examination papers will be permitted. Papers are not to be duplicated or removed from this office. Notes may not be made on any examination material.

[Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-160, filed 9/12/84.]

WAC 308-20-171 Passing scores on all examinations. Passing scores are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist advisory board.

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The passing score on the barber, manicurist, and chemical services examinations is 76 percent. An applicant who receives a passing score of not less than 76 percent shall be entitled to a license.

Applicants for a barber license will be required to obtain a passing score on the barber examination.

Applicants for a manicurist license will be required to obtain a passing score on the manicurist examination.

Applicants for a cosmetology license will be required to obtain a passing score on the barber examination, the manicurist examination and the chemical services examination. No one will be licensed to perform chemical services until successfully passing all three examinations.

If a cosmetology applicant passes the barber examination, a barber license will be issued upon request.

If a cosmetology applicant passes the manicurist examination, a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for a manicurist license will be required.

Applicants for cosmetology instructor license will be required to obtain a converted score of eighty on the instructor's examination.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-171, filed 9/14/88. Statutory Authority: RCW 18.16.090, 18.16.020(11) and 18.16.030(2). 87-01-006 (Order PM 614), § 308-20-171, filed 12/5/86. Statutory Authority: 1984 c 208 § 7(2). 85-01-044 (Order PL 502), § 308-20-171, filed 12/13/84.]

WAC 308-20-180 Posting of license. All licenses required by this chapter shall be posted in a location within the place of business that is easily observed by members of the public for whom services are performed.

The address of the division of professional licensing shall be provided to consumers as the agency to handle complaints not resolved by the licensee.

[Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-180, filed 9/12/84.]

WAC 308-20-190 Restricted license. Should the director restrict the licensee's scope of practice, the licensee shall surrender the unrestricted license to the department of licensing so the stated restriction can be affixed to the license and the license returned to the licensee. All restricted licenses must be posted at the work station of the individual in clear view of the public. Services beyond those authorized by the restricted license may not be performed by the licensee until the restriction is removed from the license.

[Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-190, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-190, filed 9/12/84.]

WAC 308-20-205 License renewal--Penalties. (1) Each individual license shall be renewed on or before the birthdate expiration date shown on the license. Failure to renew the license by the expiration date will result in a penalty fee determined by the director. Licenses may be reinstated up to three years by payment of all renewal fees and a penalty fee for the period for which the license had lapsed.

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(2) Each school license shall be renewed on or before July 1st as indicated by the expiration date on the license. Failure to renew the school license by the expiration date will result in a penalty fee determined by the director. Students shall not receive credit for instruction received during any period a school license is expired.

[Statutory Authority: RCW 18.16.030, 88-19-047 (Order PM 772), § 308-20-205, filed 9/14/88. Statutory Authority: 1984 c 208, 84-19-020 (Order PL 480), § 308-20-205, filed 9/12/84.]

WAC 308-20-210 Cosmetology fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
Renewal	10.00
Late renewal penalty	10.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
Renewal	25.00
Late renewal penalty	25.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Manicurist:	
Examination application	25.00
Renewal	10.00
Late renewal penalty	10.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
School:	
License application	150.00
Renewal	150.00
Late renewal penalty	150.00
Duplicate	15.00
Barber:	
Examination application	25.00
Renewal	10.00
Late renewal penalty	10.00
Out-of-state application	25.00
Duplicate	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-20-210, filed 5/1/87.]

Chapter 308-25 WAC DENTAL HYGIENISTS

WAC

308-25-010	Application for examination.
308-25-015	Examination.
308-25-035	Examination results.
308-25-050	Renewal of licenses.

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308-25-065	Dental hygiene fees.
308-25-070	Dismissal from examination.
308-25-080	General provisions.
308-25-090	Mandatory reporting.
308-25-100	Health care institutions.
308-25-110	Dental hygienist associations or societies.
308-25-120	Health care service contractors and disability insurance carriers.
308-25-130	Professional liability carriers.
308-25-140	Courts.
308-25-150	State and federal agencies.
308-25-160	Cooperation with investigation.
308-25-170	Standards of dental hygiene conduct or practice.
308-25-300	AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-25-020	The examination. [Statutory Authority: RCW 43.24.020 and 43.24.024, 83-07-051 (Order PL 430), § 308-25-020, filed 3/18/83; 82-11-068 (Order PL 398), § 308-25-020, filed 5/14/82; 82-06-043 (Order 672), § 308-25-020, filed 3/2/82.] Repealed by 84-04-088 (Order PL 459), filed 2/1/84. Statutory Authority: RCW 18.29.031.
308-25-025	The examination. [Statutory Authority: RCW 18.29.031, 84-10-063 (Order PL 466), § 308-25-025, filed 5/2/84; 84-04-088 (Order PL 459), § 308-25-025, filed 2/1/84.] Repealed by 86-09-014 (Order PL 585), filed 4/7/86. Statutory Authority: RCW 18.29.031.
308-25-030	Examination results. [Statutory Authority: RCW 18.29.031, 85-10-026 (Order PL 528), § 308-25-030, filed 4/24/85; 84-04-088 (Order PL 459), § 308-25-030, filed 2/1/84. Statutory Authority: RCW 43.24.020 and 43.24.024, 82-11-068 (Order PL 398), § 308-25-030, filed 5/14/82; 82-06-043 (Order 672), § 308-25-030, filed 3/2/82.] Repealed by 86-09-014 (Order PL 585), filed 4/7/86. Statutory Authority: RCW 18.29.031.
308-25-040	Examination review procedures. [Statutory Authority: RCW 43.24.020 and 43.24.024, 82-11-068 (Order PL 398), § 308-25-040, filed 5/14/82; 82-06-043 (Order 672), § 308-25-040, filed 3/2/82.] Repealed by 84-04-088 (Order PL 459), filed 2/1/84. Statutory Authority: RCW 18.29.031.
308-25-060	Dental hygienist—Fees. [Statutory Authority: RCW 43.24.020 and 43.24.024, 82-06-043 (Order 672), § 308-25-060, filed 3/2/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-25-065.
308-25-200	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 29, 84-21-090 (Order PL 483), § 308-25-200, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-039 (Order PL 552), filed 9/12/85. Statutory Authority: RCW 18.29.075.

WAC 308-25-010 Application for examination. (1) To be eligible for the dental hygiene examination the applicant must have attained the age of eighteen years or be going to attain such age before the date of the examination, and must be a graduate from a dental hygiene school approved by the director of the department of licensing. The director adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental hygiene schools and current January 1981 and has approved all and only those dental hygiene schools which were accredited by the commission as of January 1981. Other dental hygiene schools which apply for director's approval and which meet these adopted standards to the

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director's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the director.

(2) Application blanks for the examination may be secured from the Division of Professional Licensing, P.O. Box 9649, Olympia, Washington, upon request. The application must be completed in every respect and must reach the division of professional licensing in Olympia, at least sixty days prior to the examination. The application must include:

- (a) The required examination fee;
- (b) Either the national board IBM card or a notarized copy of the national board certificate. Applicants who have not passed the national board will be given a Washington state written examination;
- (c) Two photos of the applicant taken within the year immediately preceding the application.

(3) The only acceptable proof of graduation from an approved dental hygiene school is an official transcript from such school, or a verified list of graduating students from the dean or director of the dental hygiene school. The verified list of candidates will only be acceptable from applicants who have graduated within 45 days of the examination date for which they are applying. An applicant may complete application requirements and be scheduled for the examination before graduation, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean or director has been received by the division of professional licensing of the department of licensing on or before the day of the examination.

(4) Upon establishing examination eligibility, the division of professional licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the director or the director's authorized agent throughout the practical examination.

(5) Applicants will be required to furnish documentary evidence of malpractice liability insurance covering their performance during the examination.

[Statutory Authority: RCW 43.24.020 and 43.24.024. 82-11-068 (Order PL 398), § 308-25-010, filed 5/14/82; 82-06-043 (Order 672), § 308-25-010, filed 3/2/82.]

WAC 308-25-015 Examination. (1) The dental hygiene examination will consist of both written and practical tests.

- (a) Written tests—The written tests will include:
 - (i) Written theory test. National board will be accepted in lieu of the written theory test.
 - (ii) Washington state written test. All applicants must successfully complete a written test covering anesthesia, restorative dentistry, Washington state dental hygiene practice, and other subjects related to dental hygiene practice.

- (b) Practical tests—The practical tests will include:
 - (i) Patient evaluation test which will include a health history, extraoral and intraoral examination, periodontal charting and radiographs.

- (ii) Prophylaxis test which will include a clinical demonstration of a prophylaxis to consist of the removal of deposits from and the polishing of the surfaces of the teeth.

- (iii) Anesthesia test which will include applicants demonstrating the administration of a local anesthetic.

- (iv) Restorative test which will include demonstrating the insertion, condensation, carving and polishing of amalgam restorations.

(2) Each applicant must furnish a patient for the patient evaluation test, prophylaxis test and anesthesia test. Patients must be at least eighteen years of age with a minimum of twenty-four teeth. A patient shall not be a dentist, dental student, or dental hygiene student. The state dental hygiene examining committee and the school of dentistry assume no responsibility regarding the work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination.

(3) The committee may, at its discretion, give a test in any other phase of dental hygiene. Candidates will receive information concerning each examination.

(4) The applicant will comply with all written instructions provided by the board.

[Statutory Authority: RCW 18.29.031. 86-09-014 (Order PL 585), § 308-25-015, filed 4/7/86.]

WAC 308-25-035 Examination results. (1) In order to pass the examination the applicant must:

- (a) Attain a score of 65% in the written theory test, OR submit proof of successful completion of the national board of dental hygiene examination;
- (b) Successfully complete the patient evaluation practical test;
- (c) Successfully complete the prophylaxis practical test;
- (d) Successfully complete the anesthetic practical test;
- (e) Successfully complete the restorative practical test; and,
- (f) Successfully complete the Washington state written test.

(2) An applicant who passes at least three of the following tests may elect to retake only the tests failed: *Provided*, That if the applicant has not passed all tests at the next examination administration offered then the entire examination must be retaken. The tests are:

- (a) Patient evaluation practical;
- (b) Prophylaxis case practical;
- (c) Anesthetic practical;
- (d) Restorative practical; and,
- (e) Washington state written test.

[Statutory Authority: RCW 18.29.031. 86-09-014 (Order PL 585), § 308-25-035, filed 4/7/86.]

WAC 308-25-050 Renewal of licenses. The annual license renewal date for the licensed dental hygienists is hereby changed to coincide with the licensee's birthdate.

[Statutory Authority: RCW 43.24.020 and 43.24.024. 82-06-043 (Order 672), § 308-25-050, filed 3/2/82.]

WAC 308-25-065 Dental hygiene fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application examination and reexamination	\$100.00
Renewal	55.00
Reciprocity	100.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-25-065, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-25-065, filed 8/10/83. Formerly WAC 308-25-060.]

WAC 308-25-070 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the committee may be dismissed from the examination and all of his or her work will be rejected. Such conduct will include but not be limited to the following:

- Giving or receiving aid, either directly or indirectly, during the examination process.
- Failure to follow directions relative to the conduct of the examination, including termination of procedures.
- Endangering the life or health of a patient.

[Statutory Authority: RCW 18.29.031, 84-04-088 (Order PL 459), § 308-25-070, filed 2/1/84. Statutory Authority: RCW 43.24.020 and 43.24.024, 82-06-043 (Order 672), § 308-25-070, filed 3/2/82.]

WAC 308-25-080 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Dental hygienist" means a person licensed pursuant to chapter 18.29 RCW.

(6) "Mentally or physically disabled dental hygienist" means a dental hygienist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dental hygiene with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-25-080, filed 6/30/89.]

WAC 308-25-090 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

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(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dental hygienist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-25-090, filed 6/30/89.]

WAC 308-25-100 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home shall report to the department when any dental hygienist's services are terminated or are restricted based on a determination that the dental hygienist has either committed an act or acts which may constitute unprofessional conduct or that the dental hygienist may be unable to practice with reasonable skill or safety to the client by reason of a mental or physical condition.

[Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-25-100, filed 6/30/89.]

WAC 308-25-110 Dental hygienist associations or societies. The president or chief executive officer of any dental hygienist association or society within this state shall report to the department when an association or society determines that a dental hygienist has committed unprofessional conduct or that a dental hygienist may not be able to practice dental hygiene with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-25-110, filed 6/30/89.]

WAC 308-25-120 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and

48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dental hygienist has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-120, filed 6/30/89.]

WAC 308-25-130 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to dental hygienists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dental hygienist's incompetency or negligence in the practice of dental hygiene. Such organization or institution shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dental hygienist's alleged incompetence or negligence in the practice of dental hygiene.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-130, filed 6/30/89.]

WAC 308-25-140 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed dental hygienists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-140, filed 6/30/89.]

WAC 308-25-150 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dental hygienist is employed to provide client care services, to report to the department whenever such a dental hygienist has been judged to have demonstrated his/her incompetency or negligence in the practice of dental hygiene, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dental hygienist. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-150, filed 6/30/89.]

WAC 308-25-160 Cooperation with investigation.

(1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-25-160, filed 6/30/89.]

WAC 308-25-170 Standards of dental hygiene conduct or practice. The purpose of defining standards of dental hygiene conduct or practice is to identify minimum responsibilities of the registered dental hygienist licensed in Washington in health care settings and as provided in the Dental Hygiene Practice Act, chapter 18.29 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW. The standards provide consumers with information about quality care and provides the director guidelines to evaluate safe and effective care. Upon entering the practice of dental hygiene, each individual assumes the responsibility, public trust, and a corresponding obligation to adhere to the standards of dental hygiene practice.

(1) Dental hygiene provision of care.

The dental hygienist shall:

(a) Accurately and systematically collect, permanently record, and update data on the general and oral health status of the client.

(b) Communicate collected data to the appropriate health care professional.

(c) Take into consideration the dental hygiene assessment, the client treatment goals, appropriate sequencing of procedures, and currently accepted scientific knowledge in developing a dental hygiene plan.

(i) The dental hygiene plan shall include preventative and therapeutic care to promote and maintain the clients' oral health.

(ii) Where appropriate, the dental hygiene plan shall be compatible with the treatment plan of other licensed health care professionals.

(d) Communicate the dental hygiene plan to the client and/or legal guardian.

The client and/or legal guardian or where appropriate other health care professionals are to be informed of the progress and results of dental hygiene care and clients' self-care.

(e) Continually re-evaluate client progress related to the attainment of their oral health goals. Implement additional dental hygiene treatment and client self-care as appropriate.

(2) Professional responsibilities.

The licensed dental hygienist shall have knowledge of the statutes and regulations governing dental hygiene

practice and shall function within the legal scope of dental hygiene practice.

[Statutory Authority: RCW 18.29.076 and 18.130.050(12), 89-16-096 (Order PM 858), § 308-25-170, filed 8/2/89, effective 9/2/89.]

WAC 308-25-300 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270, 88-22-077 (Order PM 786), § 308-25-300, filed 11/2/88.]

[Title 308 WAC—p 58]

**Chapter 308-26 WAC
DISPENSING OPTICIANS**

WAC

308-26-005	Definitions.
308-26-010	Registration of apprentices.
308-26-011	Comments.
308-26-015	Application for examination.
308-26-016	Approval of prescribed courses in opticianry.
308-26-017	Dispensing optician examination.
308-26-025	Examination appeal procedures.
308-26-045	Dispensing optician fees.
308-26-055	General provisions.
308-26-065	Mandatory reporting.
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308-26-095	Health care service contractors and disability insurance carriers.
308-26-105	Professional liability carriers.
308-26-115	Courts.
308-26-125	State and federal agencies.
308-26-135	Cooperation with investigation.
308-26-200	AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-26-020	Fees. [Statutory Authority: RCW 18.34.070, 82-21-035 (Order PL 408), § 308-26-020, filed 10/15/82; Order PL 220, § 308-26-020, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-26-040.
308-26-030	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 32, 84-21-093 (Order PL 486), § 308-26-030, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-040 (Order PL 555), filed 9/12/85. Statutory Authority: RCW 18.34.135.
308-26-040	Fees. [Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-26-040, filed 8/10/83. Formerly WAC 308-26-020.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

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 308-26-010 Registration of apprentices. (1) Registration of an apprentice shall be requested by the physician, optometrist or dispensing optician who intends to provide the training for and direct supervision of the apprentice's work, on a form provided by the director.

(2) Separate registrations shall be required if an individual receives his apprenticeship training from more than one licensee.

(3) In determining whether or not an individual has completed his apprenticeship, within the minimum of three years or the maximum of six years, only the apprenticeship training received subsequent to the date that the apprentice was formally registered with the director will be considered: *Provided,* That an individual who has been registered in an apprentice-type program by an agency of the state of Washington, which program has been approved by the director, and who has been trained and directly supervised by a licensed physician, optometrist, or dispensing optician while in such program, may have all such training considered toward fulfillment of his apprenticeship, whether such training occurred before or after his formal registration with the director: *Provided, further,* That this exemption is not to be construed or applied in any manner which would except any person from any provision of RCW 18.34.030: *Provided, further,* That before such training may be considered toward fulfillment of his apprenticeship, formal registration of the individual must be requested by the physician, optometrist, or dispensing optician who has trained and supervised the individual, in retrospective accordance with subsections (1), (2) and (4) of this section, on a form provided by the director.

(4) The licensee initially requesting the registration of an apprentice shall notify the director whenever he terminates the apprenticeship training, unless such termination is concluded by reason of the apprentice becoming licensed as a dispensing optician.

(5) After registration, the apprentice shall notify the director, in writing and within thirty days, of any name or address change.

[Order PL 241, § 308-26-010, filed 2/26/76; Order PL-106, § 308-26-010, filed 2/2/71.]

WAC 308-26-011 Comments. In order to facilitate comments on the apprentice's performance, the name, business address and business telephone number of the departmental supervisor or the supervising optician, optometrist or physician shall be posted in public view on the premises where the apprentice works.

[Statutory Authority: RCW 18.04.040, 78-07-073 (Order PL-289), § 308-26-011, filed 6/30/78.]

WAC 308-26-015 Application for examination. (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the director.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) Examination fees are not refundable. If an applicant is unable to attend his scheduled examination, and so notifies the director in writing at least 7 days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he may retake the examination if he pays the statutory examination fee.

(5) Applications and fees for examination must be submitted to the division of professional licensing, department of licensing, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

[Statutory Authority: RCW 18.34.040 and 18.34.080, 84-08-019 (Order PL 464), § 308-26-015, filed 3/27/84; Order PL-106, § 308-26-015, filed 2/2/71.]

WAC 308-26-016 Approval of prescribed courses in opticianry. The director, pursuant to RCW 18.34.070, hereby adopts the accreditation standards of the American Board of Opticianry of the National Academy of Opticianry, "Essentials of an Accredited Educational Program for Ophthalmic Dispensers," in effect as of March 4, 1979. The director approves all and only those institutions accredited by, and in good standing with, the American Board of Opticianry of the National Academy of Opticianry in accordance with these accreditation standards as of March 4, 1979. Other institutions which apply for the director's approval and which meet the standards to the director's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the director.

The director reserves the right to withdraw approval of any course in opticianry which ceases to meet the approval of the director or the American Board of Opticianry of the National Academy of Opticianry after

notifying the school in writing and granting it an opportunity to contest the director's proposed withdrawal.

[Statutory Authority: RCW 18.34.040 and 18.34.070(5). 80-01-070 (Order 327), § 308-26-016, filed 12/21/79.]

WAC 308-26-017 Dispensing optician examination.

(1) Every qualified applicant shall pass an examination with a score of at least seventy percent in each of the three examination sections: Written contact lenses, written basic optical concepts to include anatomy and physiology, and practical. Subject to subsection (2), any applicant obtaining a score of less than 70% in any section will only be required to retake the section(s) in which a grade of less than 70% was obtained.

(2) Applicants failing an examination section may retake the section(s) failed at the next scheduled examination. Failure to pass the entire examination after three consecutive regularly scheduled examinations (emergencies may be considered) shall require reexamination on all three sections.

[Statutory Authority: RCW 18.34.040 and 18.34.080. 84-08-019 (Order PL 464), § 308-26-017, filed 3/27/84. Statutory Authority: RCW 18.34.080. 82-11-056 (Order PL 397), § 308-26-017, filed 5/13/82.]

WAC 308-26-025 Examination appeal procedures.

(1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the dispensing optician examining committee of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of notification of the examination results. The committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia for an appointment to appear personally to review incorrect answers on the written portion of failed examination, and score sheets on the failed practical portion of the examination.

(b) The candidate will be provided a form to complete in the department of licensing office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining committee.

(e) The candidate may not bring in notes or texts for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining committee will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the dispensing optician examining committee pursuant to the administrative procedures act. Such written request for hearing must be received by the department of licensing within twenty days of the postmark of the result of the committee's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts and documents;

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

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

[Statutory Authority: RCW 43.24.060. 87-22-019 (Order PM 688), § 308-26-025, filed 10/27/87.]

WAC 308-26-045 Dispensing optician fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Optician:	
Full examination (or reexamination)	\$200.00
Reexamination—Practical only	30.00
Reexamination—Written (basic) only	25.00
Reexamination—Written (contact lens) only	25.00
Renewal	125.00
Late renewal penalty	75.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-26-045, filed 5/1/87.]

WAC 308-26-055 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Dispensing optician" means a person licensed pursuant to chapter 18.34 RCW.

(6) "Mentally or physically disabled dispensing optician" means a dispensing optician who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dispensing with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-055, filed 6/30/89.]

WAC 308-26-065 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dispensing optician being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-065, filed 6/30/89.]

WAC 308-26-075 Health care institutions. The chief administrator or executive officer of any hospital or nursing home or their designee shall report to the department when any dispensing optician's services are terminated or are restricted based on a determination that the dispensing optician has either committed an act or acts which may constitute unprofessional conduct or that the dispensing optician may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-075, filed 6/30/89.]

WAC 308-26-085 Dispensing optician associations or societies. The president or chief executive officer of any dispensing optician association or society within this state shall report to the department when the association or society determines that a dispensing optician has committed unprofessional conduct or that a dispensing optician may not be able to practice dispensing of optical goods with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-085, filed 6/30/89.]

WAC 308-26-095 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dispensing optician has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-095, filed 6/30/89.]

WAC 308-26-105 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to dispensing opticians shall send a complete report to the department of

any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dispensing optician's incompetency or negligence in the practice of opticianry. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dispensing optician's alleged incompetence or negligence.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-105, filed 6/30/89.]

WAC 308-26-115 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed dispensing opticians, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-115, filed 6/30/89.]

WAC 308-26-125 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dispensing optician is employed to provide client care services, to report to the department whenever such a dispensing optician has been judged to have demonstrated his/her incompetency or negligence in the practice of opticianry, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dispensing optician. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-125, filed 6/30/89.]

WAC 308-26-135 Cooperation with investigation.
(1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the

settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-26-135, filed 6/30/89.]

WAC 308-26-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-26-200, filed 11/2/88.]

Chapter 308-28 WAC
CHIROPRACTIC EXAMINERS BOARD

Reviser's note: See Title 113 WAC, Chiropractic Disciplinary Board, and Title 114 WAC, Board of Chiropractic Examiners.

Chapter 308-29 WAC
COLLECTION AGENCIES AND REPOSSESSION SERVICES

WAC

308-29-010	Definitions.
308-29-020	Financial statement.
308-29-030	License records.
308-29-045	Collection agency fees.
308-29-050	Suit or judgment notification.
308-29-060	Sale of a licensed collection agency.
308-29-070	Disclosure of rate of interest.
308-29-080	Notice to credit reporting bureaus.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-29-040	Collection agency—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-29-040, filed 9/25/80; Order PL 221, § 308-29-040, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-29-045.
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WAC 308-29-010 Definitions. For the purpose of administering chapter 19.16 RCW, the following terms shall be considered in the following manner:

(1) "Branch office" shall mean any location physically separated from the principal place of business of a licensee from which the licensee or his employees conduct any activity meeting the criteria of a collection agency under the definition of that term in RCW 19.16.100.

(2) "Repossession services" conducted by any person, firm, partnership, trust, joint venture, association or corporation, shall not be considered within the definition of collection agency in RCW 19.16.100, unless such person, firm, partnership, trust, joint venture, association or corporation is repossessing or is attempting to repossess property for a third party and is authorized by such third party to accept cash or any other thing of value from the debtor in lieu of actual repossession.

[Order PL-123, § 308-29-010, filed 5/17/72.]

WAC 308-29-020 Financial statement. Each applicant for a collection agency license shall be required to submit a current financial statement of assets and liabilities. Such statement will be submitted in the manner and form as may be prescribed by the director. Whenever a licensee applies for annual license renewal, such licensee will be required to submit a certification as to the financial solvency of the collection agency.

[Order PL-123, § 308-29-020, filed 5/17/72.]

WAC 308-29-030 License records. (1) Each licensee shall notify the director in writing within ten days after any change in ownership of a proprietorship or any

change in owners, officers, directors, or managing employee of each office location. Such notification shall consist of reporting the individual's name, position, home address and effective date of change.

(2) Each licensee shall advise the department in writing of any additional information regarding the change or changes in subsection (1) of this section that the department may seek within ten days after the receipt of such a request from the department.

[Statutory Authority: RCW 19.16.410. 87-11-064 (Order PM 653), § 308-29-030, filed 5/20/87; Order PL-141, § 308-29-030, filed 12/18/72.]

WAC 308-29-045 Collection agency fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Collection agency—Main office:	
Original application	\$ 350.00
Investigation (nonrefundable)	250.00
Renewal	525.00
Late renewal penalty	300.00
Reregistration fee after 30 days	1,425.00
Duplicate license	15.00
Certification	25.00
Branch office:	
Original application	300.00
Renewal	300.00
Late renewal penalty	150.00
Reregistration fee after 30 days	750.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-29-045, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-29-045, filed 11/2/83; 83-17-031 (Order PL 442), § 308-29-045, filed 8/10/83. Formerly WAC 308-29-040.]

WAC 308-29-050 Suit or judgment notification. (1) Every licensee shall, within twenty days, notify the director in writing of any judgment entered in any court whatsoever, the subject matter of which involves any of the practices prohibited in RCW 19.16.250 or any of the grounds set forth in RCW 19.16.120 (4)(c), 19.16.120 (4)(d) or 19.16.120 (4)(f), and in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party therein.

(2) Every licensee shall, within twenty days after service or knowledge thereof, notify the director in writing of the filing of a petition in bankruptcy, or any tax lien or warrant, or of the filing of any suit, complaint, counterclaim or cross claim served or filed in any court in which the licensee or any owner, officer, director or managing employee of a nonindividual licensee is named a party and which involves any alleged violation of RCW 19.16.210 or which is or purports to be brought on behalf of the state of Washington or three or more persons or entities.

(3) The notification in writing shall be by certified or registered mail and shall identify the name or names of

all parties plaintiff and defendant, the court in which the action is commenced, and the cause number assigned to the action.

[Statutory Authority: RCW 19.16.410, 79-06-084 (Order PL-306), § 308-29-050, filed 6/1/79.]

WAC 308-29-060 Sale of a licensed collection agency. Whenever a licensee intends to sell or otherwise transfer his or its interest 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:

(1) 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.

(2) Whether buyer or seller has the responsibility for all payments due customers on or before the effective date of sale.

(3) Whether buyer or seller has the responsibility for maintaining and preserving the accounting records as prescribed by RCW 19.16.230(3).

(4) Whether buyer is restricted from or is authorized to use the seller's collection agency's business name.

(5) The buyer (transferee) or seller (transferor) shall provide notice of the sale or transfer to the seller's or transferor's clients with open accounts. The sale or transfer document shall provide which party to the sale or transfer is responsible for providing said notice.

[Statutory Authority: RCW 19.16.410, 87-11-064 (Order PM 653), § 308-29-060, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-060, filed 6/27/86; 79-06-084 (Order PL-306), § 308-29-060, filed 6/1/79.]

WAC 308-29-070 Disclosure of rate of interest. Whenever a collection agency is required pursuant to RCW 19.16.250 (8)(c) to disclose to the debtor that interest charges are being added to the original obligation, the collection agency must also disclose to the debtor the rate of interest; said rate of interest not to exceed the legal maximum rate pursuant to chapter 19.52 RCW.

[Statutory Authority: RCW 19.16.410, 87-11-064 (Order PM 653), § 308-29-070, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-070, filed 6/27/86.]

WAC 308-29-080 Notice to credit reporting bureaus. In the event a collection agency informs a credit reporting bureau of the existence of a claim, the collection agency shall, within forty-five days of satisfaction of said claim, notify the credit reporting bureau that said claim has been satisfied.

[Statutory Authority: RCW 19.16.410, 87-11-064 (Order PM 653), § 308-29-080, filed 5/20/87; 86-14-051 (Order PM 602), § 308-29-080, filed 6/27/86.]

Chapter 308-30 WAC NOTARIES PUBLIC

WAC

308-30-010 Size and form of notary seal or stamp.

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308-30-020	Maximum fees that may be charged by notaries public.
308-30-030	Applications for appointment as notary public.
308-30-040	Resignation or revocation of notary appointment.
308-30-050	Replacement of lost or stolen notary seals or stamps.
308-30-060	Department to be notified of change of name or address.
308-30-070	Requests for evidence of authenticity.
308-30-080	Appeals of denials and revocations of notary appointments.
308-30-090	Forms.
308-30-100	Fees.

WAC 308-30-010 Size and form of notary seal or stamp. A notary seal shall be one and five-eighths inches minimum in diameter. If a notary stamp is used the following requirements shall apply:

(1) The type shall be a minimum of 8 point type.

(2) The stamp shall be minimum one and five-eighths inches in diameter. If a rectangular stamp is used the minimum dimensions shall be one inch wide by one and five-eighths inches long.

(3) The imprint shall be affixed with indelible ink only.

(4) The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted.

[Statutory Authority: 1985 c 156 §§ 5 and 20, 85-24-025 (Order PL 571), § 308-30-010, filed 11/26/85, effective 1/1/86.]

WAC 308-30-020 Maximum fees that may be charged by notaries public. A notary public need not charge fees for notarial services. The following are the maximum fees that may be charged by notaries public for the following services:

(1) Witnessing or attesting a signature with or without seal or stamp, three dollars.

(2) Taking acknowledgment, or verification upon oath or affirmation, one or two persons, with or without seal or stamp, three dollars.

(3) Taking acknowledgment, or verification upon oath or affirmation, each person over two, two dollars.

(4) Certifying or attesting a copy, with or without seal or stamp, three dollars.

(5) Receiving or noting a protest of a negotiable instrument, two dollars.

(6) Being present at demand, tender, or deposit, and noting the same, besides mileage at the rate of one dollar per mile, two dollars.

(7) For copying any instrument or record, per folio, besides certificate and seal or stamp, two dollars.

(8) Administering an oath or affirmation, two dollars.

(9) Certifying that an event has occurred or an act has been performed, three dollars.

[Statutory Authority: 1985 c 156 §§ 5 and 20, 85-24-025 (Order PL 571), § 308-30-020, filed 11/26/85, effective 1/1/86.]

WAC 308-30-030 Applications for appointment as notary public. Applications for appointment as notary public may be obtained from the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, WA 98504. Every application for appointment as a notary public shall be accompanied by a

fee of fifteen dollars and shall in all ways comply with the requirements of section 2, chapter 156, Laws of 1985.

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-030, filed 11/26/85, effective 1/1/86.]

WAC 308-30-040 Resignation or revocation of notary appointment. Voluntary resignation by a notary public shall be submitted in writing to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504. No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the above address.

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-040, filed 11/26/85, effective 1/1/86.]

WAC 308-30-050 Replacement of lost or stolen notary seals or stamps. When a notary seal or stamp is lost or stolen the department of licensing, professional licensing division is to be notified by a written statement, signed by the notary public, setting forth the fact that the notary seal or stamp has been lost or stolen. The notary public may then obtain a replacement notary seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained, either the original or the replacement seal or stamp shall be surrendered to the department of licensing, professional licensing division.

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-050, filed 11/26/85, effective 1/1/86.]

WAC 308-30-060 Department to be notified of change of name or address. When a notary public changes his or her name or address, the department of licensing, professional licensing division, is to be notified in writing of such name and/or address change. The notification of name change shall be accompanied by a five dollar fee which shall include the cost of issuance of a duplicate certificate showing the new name. There are no charges for address changes.

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-060, filed 11/26/85, effective 1/1/86.]

WAC 308-30-070 Requests for evidence of authenticity. Requests for evidences of authenticity of notarial commission must be writing, accompanied by a five dollar fee, and mailed to the Department of Licensing, Professional Licensing Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504.

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-070, filed 11/26/85, effective 1/1/86.]

(1989 Ed.)

WAC 308-30-080 Appeals of denials and revocations of notary appointments. Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the Department of Licensing, Professional Licensing Division, Notary Section, (for mail P.O. Box 9649) (in person 1300 Quince Street), Olympia, Washington 98504. The written notification of appeal must be received by the above address within twenty days of the date of denial or revocation of the notary appointment or the right to appeal is deemed waived. When the notification of appeal is mailed, the postmarked date will be deemed the date of receipt by the department of licensing. Procedures on appeal will be as provided in the Administrative Procedure Act, chapter 34.04 RCW, and rules adopted thereunder.

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-080, filed 11/26/85, effective 1/1/86.]

WAC 308-30-090 Forms. The forms in section 10, chapter 156, Laws of 1985 are only suggested forms with the sufficient information included. These forms may be used; however, when a specific form is required by a specific statute, the required form shall be used.

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-090, filed 11/26/85, effective 1/1/86.]

WAC 308-30-100 Fees. The following fees shall be charged by the director of the department of licensing:

Title of Fee	Fee
Application for notary appointment	\$15.00
Renewal of notary appointment	15.00
Duplicate certificate of appointment (including change of name)	5.00
Evidence of verification of notarial commission	5.00
Apostille	5.00

[Statutory Authority: 1985 c 156 §§ 5 and 20. 85-24-025 (Order PL 571), § 308-30-100, filed 11/26/85, effective 1/1/86.]

Chapter 308-31 WAC PODIATRY

WAC

308-31-001	Board officers.
308-31-010	Examinations.
308-31-020	Definitions.
308-31-025	Scope of practice.
308-31-030	Approved schools of podiatric medicine.
308-31-040	Identification of licensees.
308-31-050	Presumption of responsibility for advertisements.
308-31-055	Podiatry fees.
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308-31-100	Delegation of acts to unlicensed persons.
308-31-110	Acts that may be delegated to an unlicensed person.
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308-31-500	Professional and ethical standards.
308-31-510	Patient abandonment.
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308-31-530	Prohibited transactions.
308-31-540	Soliciting patients.

308-31-550	Excessive fees.
308-31-560	Maintenance of patient records.
308-31-570	Inventory of legend drugs and controlled substances.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-31-015	Examinations required for licensure. [Statutory Authority: RCW 18.22.015, 87-04-050 (Order PM 638), § 308-31-015, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-015, filed 1/4/84.] Repealed by 88-11-034 (Order 733), filed 5/13/88. Statutory Authority: RCW 18.22.015(8).
308-31-200	Uniform Disciplinary Act. [Statutory Authority: RCW 18.22.017, 85-04-028 (Order PL 510), § 308-31-200, filed 1/31/85.] Repealed by 85-15-058 (Order PL 535), filed 7/17/85. Statutory Authority: RCW 18.22.015(8).
308-31-300	License renewal fee. [Order PL-163, § 308-31-300, filed 3/18/74.] Repealed by Order PL 226, filed 11/5/75.
308-31-310	Podiatry—Fees. [Statutory Authority: RCW 43.24-.085, 80-14-022 (Order 356), § 308-31-310, filed 9/25/80; Order PL 226, § 308-31-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-31-055.

WAC 308-31-001 Board officers. In addition to electing a board member to serve as chairperson as required by RCW 18.22.014, the board shall also elect a vice-chairperson and a secretary from among its members.

The board shall schedule an annual election of members to the above named offices.

[Statutory Authority: RCW 18.22.015(8), 86-01-041 (Order PL 573), § 308-31-001, filed 12/13/85.]

WAC 308-31-010 Examinations. (1) In order to be licensed to practice podiatry in the state of Washington, all applicants except those who are seeking licensure by endorsement from another state under subsection (6) of this section, must pass Part I and Part II of the national examination prepared by the National Board of Podiatry Examiners in addition to an examination approved by the Washington state podiatry board as the state examination.

(2) Every applicant for a podiatry license shall be required to pass the state examination with a grade of at least 75.

(3) The board shall approve the method of grading each examination, and shall apply such method uniformly to all applicants taking the examination.

(4) The board and the department shall not disclose any applicant's examination score to anyone other than the applicant, unless requested to do so in writing by the applicant.

(5) The applicant will be notified, in writing, of his or her examination scores.

(6) Applicants for licensure who have been licensed by examination in another state or who have successfully passed the examinations given by the National Board of Podiatry Examiners will be required to pass the state approved examination. If the examination taken in another state is the Virginia examination and the applicant passed the Virginia examination on or after June 1988

the applicant shall be deemed to have passed the approved examination in this state.

(7) Applicants failing the state approved examination whether taken in this or another state in which the Virginia examination was taken after June 1988 may be reexamined no more than three times. Applicants who have failed the state approved examination three times may petition the board to be permitted to retake the examination on additional occasions and the applicant must provide satisfactory evidence to the board that he or she has taken remedial measures to increase his or her likelihood of passing the examination. If the applicant does not provide satisfactory evidence to the board, the board shall deny the request to retake the examination until such time that the applicant can provide satisfactory evidence of remedial measures undertaken to increase his or her likelihood of passing the examination.

[Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604, 89-02-047 (Order PM 813), § 308-31-010, filed 12/30/88. Statutory Authority: RCW 18.22.015(8), 88-11-034 (Order 733), § 308-31-010, filed 5/13/88. Statutory Authority: RCW 18.22.015 and 18.22.010(5), 86-22-042 (Order PM 624), § 308-31-010, filed 11/3/86. Statutory Authority: 1982 c 21 § 10, 83-03-032 (Order 418), § 308-31-010, filed 1/14/83; Order PL 250, § 308-31-010, filed 5/28/76; Order PL 128, § 308-31-010, filed 7/7/72.]

WAC 308-31-020 Definitions. (1) Chiropractic and podiatry shall be synonymous.

(2) "Board" shall mean the Washington state podiatry board.

(3) "Director" shall mean the director of the department of licensing.

(4) "Supervision" shall mean that a licensed podiatrist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized and directed the procedures to be performed. A podiatrist shall be physically present in the treatment facility while the procedures are performed.

(5) "Treatment facility" means a podiatric office or connecting suite of offices, podiatric clinic, room or area with equipment to provide podiatric treatment, or the immediately adjacent rooms or areas. A treatment facility does not extend to any other area of a building in which the treatment facility is located.

(6) "Unlicensed person" means a person who is not a podiatrist duly licensed pursuant to the provisions of chapter 18.22 RCW.

[Statutory Authority: RCW 18.22.015, 84-02-077 (Order PL 450), § 308-31-020, filed 1/4/84; Order PL 128, § 308-31-020, filed 7/7/72.]

WAC 308-31-025 Scope of practice. (1) An "ailment of the human foot" as set forth in RCW 18.22.010 is defined as any condition, symptom, disease, complaint, or disability involving the functional foot. The functional foot includes the anatomical foot and any muscle, tendon, ligament, or other soft tissue structure directly attached to the anatomical foot and which impacts upon or affects the foot or foot function and osseous structure up to and including the articulating surfaces of the ankle joint.

(2) In diagnosing or treating the ailments of the functional foot, a podiatrist is entitled to utilize medical, surgical, mechanical, manipulative, radiological, and electrical treatment methods and the diagnostic procedure or treatment method may be utilized upon an anatomical location other than the functional foot. The diagnosis and treatment of the foot includes diagnosis and treatment necessary for preventive care of the well foot.

(3) A podiatrist may examine, diagnose, and commence treatment of ailments for which differential diagnoses include an ailment of the human foot. Upon determination that the condition presented is not an ailment of the human foot, the podiatrist shall obtain an appropriate consultation or make an appropriate referral to a licensed health care practitioner authorized by law to treat systemic conditions. The podiatrist may take emergency actions as are reasonably necessary to protect the patient's health until the intervention of a licensed health care practitioner authorized by law to treat systemic conditions.

(4) A podiatrist may diagnose or treat an ailment of the human foot caused by a systemic condition provided an appropriate consultation or referral for the systemic condition is made to a licensed health care practitioner authorized by law to treat systemic conditions.

(5) A podiatrist shall not administer a general or spinal anesthetic, however, a podiatrist may treat ailments of the human foot when the treatment requires use of a general or spinal anesthetic provided that the administration of the general or spinal anesthetic is by or under the supervision of a physician authorized under chapter 18.71 or 18.57 RCW.

[Statutory Authority: RCW 18.22.015, 87-09-045 (Order PM 643), § 308-31-025, filed 4/14/87; 87-04-050 (Order PM 638), § 308-31-025, filed 2/3/87.]

WAC 308-31-030 Approved schools of podiatric medicine. For the purpose of the laws relating to podiatric medicine, the board approves the following list of schools of podiatric medicine: California College of Podiatric Medicine, San Francisco, California; College of Podiatric Medicine and Surgery, Des Moines, Iowa; New York College of Podiatric Medicine, New York, New York; Ohio College of Podiatric Medicine, Cleveland, Ohio; Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania; Dr. William Scholl College of Podiatric Medicine, Chicago, Illinois.

[Statutory Authority: RCW 18.22.015 and 18.22.010(5), 86-22-042 (Order PM 624), § 308-31-030, filed 11/3/86. Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-030, filed 1/14/83.]

WAC 308-31-040 Identification of licensees. Each person licensed pursuant to chapter 18.22 RCW must be clearly identified to the public as a doctor of podiatry at every establishment in which he or she is engaged in the practice of podiatry. Such identification must indicate the name of the licensee at or near the entrance to the licensee's office. Only the names of people actually practicing at a location may appear at that location or in

any advertisements or announcements regarding that location. The name of an individual who has previously practiced at a location may remain in use in conjunction with that location for a period of no more than one year from the date that person ceases to practice at the location.

[Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-040, filed 1/14/83.]

WAC 308-31-050 Presumption of responsibility for advertisements. Any licensed doctor of podiatry whose name, office address or place of practice is mentioned in any advertisement of any kind or character shall be presumed to have caused, allowed, permitted, approved and sanctioned such advertising and shall be presumed to be personally responsible for the content and character thereof. Once sufficient evidence of the existence of the advertisement has been introduced at any hearing before the board of podiatry, the burden of establishing proof to rebut this presumption by a preponderance of the evidence shall be upon the doctor of podiatry.

[Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-050, filed 1/14/83.]

WAC 308-31-055 Podiatry fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	500.00
Late renewal penalty	10.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086, 89-17-156, § 308-31-055, filed 8/23/89, effective 9/23/89; 87-18-031 (Order PM 667), § 308-31-055, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-31-055, filed 11/2/83; 83-17-031 (Order PL 442), § 308-31-055, filed 8/10/83. Formerly WAC 308-31-310.]

WAC 308-31-057 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989, persons applying for licensure shall submit, in addition to other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(3) Renewal of licenses. For the renewal on June 30, 1989, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, suspended, or revoked status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 18.22.015 and 1988 c 206 § 604. 89-02-047 (Order PM 813), § 308-31-057, filed 12/30/88.]

WAC 308-31-060 Advertisements prior to licensure prohibited. Any individual who has not been licensed to practice as a podiatrist by the state of Washington is prohibited from advertising as practicing podiatry in this state, by any means including placement of a telephone listing in any telephone directory.

[Statutory Authority: 1982 c 21 § 10. 83-03-032 (Order 418), § 308-31-060, filed 1/14/83.]

WAC 308-31-100 Delegation of acts to unlicensed persons. The purpose of WAC 308-31-110 and 308-31-120 is to establish guidelines on delegation of duties to persons who are not licensed to practice podiatry. The podiatry laws of Washington state authorize the delegation of certain duties to nonpodiatric personnel and prohibit the delegation of certain other duties. The licensed podiatrist is ultimately responsible for all treatments performed at his direction. Duties that may be delegated to a person not licensed to practice podiatry may be performed only under the supervision of a licensed podiatrist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or pedal health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds that it is necessary to adopt the following definitions and regulations.

[Title 308 WAC—p 68]

[Statutory Authority: RCW 18.22.015. 87-04-050 (Order PM 638), § 308-31-100, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-100, filed 1/4/84.]

WAC 308-31-110 Acts that may be delegated to an unlicensed person. A podiatrist may allow an unlicensed person to perform the following acts under the podiatrist's supervision.

(1) Patient education in foot hygiene.

(2) Deliver a sedative drug in an oral dosage form to patient.

(3) Give preoperative and postoperative instructions.

(4) Assist in administration of nitrous oxide, analgesia or sedation, but the unlicensed person shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the podiatrist. Patients must never be left unattended while nitrous oxide analgesia or sedation is administered to them. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.

(5) Take health histories.

(6) Determine rate and quality of patient's radial pulses.

(7) Measure the patient's blood pressure.

(8) Perform a plethysmographic or doppler study.

(9) Observe the nature of the patient's shoes and hose.

(10) Observe and report wearing patterns on the patient's shoes.

(11) Assist in obtaining material for a culture-sensitivity test.

(12) Take scrapings from the skin or nails of the feet, prepare them for microscopic and culture examination.

(13) Perform weightbearing and nonweightbearing x-rays.

(14) Photograph patient's foot disorder.

(15) Debride hyperkeratotic lesions of the foot.

(16) Remove and apply dressing and/or padding.

(17) Make necessary adjustments to the biomechanical device.

(18) Produce impression casting of the foot.

(19) Produce the following:

(a) Removable impression insoles and modifications.

(b) Protective devices for alleviating or dispersing pressure on certain deformities or skin lesions such as ulcers, corns, calluses, digital amputation stumps (e.g., latex shields).

(20) Apply strap and/or pad to the foot and/or leg.

(21) Prepare the foot for anesthesia as needed.

(22) Know the indications for and application of cardiopulmonary resuscitation (CPR).

(23) Prepare and maintain a surgically sterile field.

(24) Apply flexible cast (e.g., Unna Boot).

(25) Apply cast material for immobilization of the foot and leg.

(26) Remove sutures.

(27) Debride nails.

(28) Administer physical therapy as directed by the podiatrist.

(29) Counsel and instruct patients in the basics of:

(a) Their examination, treatment regimen and prophylaxis for a problem.

(b) Patient and family foot health promotion practices.

(c) Patient and family care of specific diseases affecting the foot (e.g., diabetes, cerebrovascular accident, arthritis).

(d) Performing certain exercises and their importance.

(30) Give patient or family supplementary health education materials.

[Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-110, filed 1/4/84.]

WAC 308-31-120 Acts that may not be performed by unlicensed persons. No podiatrist shall allow an unlicensed person who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures:

(1) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human feet or adjacent structures.

(2) Any administration of general, spinal, or injected local anesthetic of any nature in connection with a podiatric operation.

(3) Suture.

(4) Determine the rate and quality of patient's pedal pulses.

(5) Perform and quantitate a neurological, musculoskeletal, or dermatological examination.

(6) Palpation of the feet or lower extremities.

(7) Any interprofessional communication.

(8) Perform a biomechanical examination.

[Statutory Authority: RCW 18.22.015. 87-04-050 (Order PM 638), § 308-31-120, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-120, filed 1/4/84.]

WAC 308-31-500 Professional and ethical standards. In addition to those standards specifically expressed in chapter 18.22 RCW and chapter 18.130 RCW, the board adopts the standards that follow in governing or regulating the practice of podiatrists within the state of Washington.

Podiatry is that specialty of medicine and research that seeks to diagnose, treat, correct and prevent ailments of the human foot. A podiatrist shall hold foremost the principal objectives to render appropriate podiatric services to the society and to assist individuals in the relief of pain or correction of abnormalities, and shall always endeavor to conduct himself or herself in such a manner to further these objectives.

The podiatrist owes to his or her patients a reasonable degree of skill and quality of care. To this end, the podiatrist shall endeavor to keep abreast of new developments in podiatric medicine and surgery and shall pursue means that will lead to improvement of his or her knowledge and skill in the practice of podiatry. "Quality of care" consists of the following elements:

(1) Necessity of care.

(2) Appropriateness of service rendered in view of the diagnosis.

(3) Utilization of services (over or under).

(4) Quality of service(s) rendered.

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(5) Whether the service(s) reported had been actually rendered.

[Statutory Authority: RCW 18.22.015. 87-09-045 (Order PM 643), § 308-31-500, filed 4/14/87; 87-04-050 (Order PM 638), § 308-31-500, filed 2/3/87; 84-02-077 (Order PL 450), § 308-31-500, filed 1/4/84.]

WAC 308-31-510 Patient abandonment. The podiatrist shall always be free to accept or reject a particular patient, but once care is undertaken, the podiatrist shall not neglect the patient as long as that patient cooperates with, requests, and authorizes the podiatric services for the particular problem.

[Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-510, filed 1/4/84.]

WAC 308-31-520 Exercise of professional judgment and skills. A podiatrist shall not accept patients under terms or conditions that interfere with the free exercise of the podiatrist's professional judgment or infringe upon the utilization of his or her professional skills.

[Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-520, filed 1/4/84.]

WAC 308-31-530 Prohibited transactions. A podiatrist shall not compensate or give anything of value to a representative of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual podiatrist in a news item.

[Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-530, filed 1/4/84.]

WAC 308-31-540 Soliciting patients. A podiatrist shall not participate in the division of fees or agree to split or divide fees received for podiatric services with any person for bringing or referring patients.

[Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-540, filed 1/4/84.]

WAC 308-31-550 Excessive fees. Fees charged by podiatrists for professional services rendered to patients must not be excessive. Such fees may not exceed those in accord with the usual, customary and reasonable charges in the particular community. Complaints regarding excessive charges will be evaluated by the board on an individual basis governed by the following definitions of usual, customary and reasonable fees, as used herein:

(1) "Usual" is defined as the usual fee which is charged for a given service by an individual podiatrist in his practice (i.e., his or her own usual fee).

(2) "Customary" is defined as that range of usual fees charged by podiatrists of similar training and experience for the same service within a given metropolitan or specific geographic area.

(3) "Reasonable" is defined as a fee which meets the above two criteria or, in the opinion of the board, is justifiable in the circumstances of the particular case in question. This rule is intended to assist in applying RCW 18.22.151(13), which was repealed effective June

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11, 1986; therefore, this rule applies only to conduct prior to June 11, 1986.

[Statutory Authority: RCW 18.22.015 and 18.22.010(5). 86-22-042 (Order PM 624), § 308-31-550, filed 11/3/86. Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-550, filed 1/4/84.]

WAC 308-31-560 Maintenance of patient records.

Any podiatrist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the podiatrist in an orderly, accessible file and shall be readily available for inspection by the Washington state podiatry board or its authorized representative.

[Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-560, filed 1/4/84.]

WAC 308-31-570 Inventory of legend drugs and controlled substances. Every podiatrist shall maintain a record of all legend drugs and controlled substances that he or she has prescribed or dispensed. This record shall include the date prescribed or the date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed. The record of the medication prescribed or dispensed will be clearly indicated on the patient record.

[Statutory Authority: RCW 18.22.015. 84-02-077 (Order PL 450), § 308-31-570, filed 1/4/84.]

**Chapter 308-32 WAC
DEBT ADJUSTERS**

WAC

308-32-015	Nonparticipating creditors—Terms to be included in contract.
308-32-020	Blind advertising.
308-32-030	Deceptive advertising.
308-32-040	Advertising—Rates of charge.
308-32-050	Maintenance of advertising copy.
308-32-060	Return of license.
308-32-070	Application—Fingerprints required.
308-32-080	Application and fees.
308-32-090	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-32-010	Nonparticipating creditors. [Order 2, § 308-32-010, filed 3/13/68.] Repealed by Order 5, filed 8/20/68, effective 10/1/68.
308-32-300	License renewal fee. [Order PL-163, § 308-32-300, filed 3/18/74.] Repealed by 79-08-062 (Order 307), filed 7/23/79. Statutory Authority: RCW 18.28.170.
308-32-310	Fees. [Statutory Authority: RCW 18.28.170. 79-08-062 (Order 307), § 308-32-310, filed 7/23/79; Order PL 211, § 308-32-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-32-090.

WAC 308-32-015 Nonparticipating creditors—Terms to be included in contract. Every contract between

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a licensee and a debtor shall include a provision that the licensee shall notify the debtor in writing within five days of notification to the licensee by a creditor that the creditor refuses to accept payment pursuant to the contract between the licensee and the debtor. No fee shall be charged for an indebtedness when the creditor involved refuses to accept payment.

[Statutory Authority: RCW 18.28.170. 79-08-062 (Order 307), § 308-32-015, filed 7/23/79; Order 5, § 308-32-015, filed 8/20/68, effective 10/1/68.]

WAC 308-32-020 Blind advertising. Licensees shall not use "blind" advertisements. An example of "blind" advertising is an advertisement giving only telephone number, post office, or newspaper box numbers, or name other than that of the licensee. Advertisements shall include the name of the advertiser.

[Order 2, § 308-32-020, filed 3/13/68.]

WAC 308-32-030 Deceptive advertising. Deceptive advertising shall include, but not be limited to:

(a) Advertising copy designed to frighten or alarm a reader by emphasizing the possibility of attachments, repossessions, loss of jobs, garnishments, or similar statements.

(b) Any advertisement containing a representation or inference that a licensee will pay bills or will prevent attachments, repossessions, loss of jobs, threats or garnishments.

(c) Any advertisement containing a representation of a proposed schedule of payments unless such advertisement includes a statement that the proposed schedule will be based upon an analysis of the debtor's financial condition and the debtor's ability to pay and upon the agreement of the creditors of the debtor.

[Order 2, § 308-32-030, filed 3/13/68.]

WAC 308-32-040 Advertising—Rates of charge. An advertisement shall not contain any reference to rates of charge unless the charges are specifically set forth in the advertisement.

[Order 2, § 308-32-040, filed 3/13/68.]

WAC 308-32-050 Maintenance of advertising copy. (a) Each licensee shall maintain a file of all advertising copies for a period of at least one year after use, which advertising copy file shall be maintained for inspection by the department.

(b) All advertising copies shall have noted thereon the name or names of all advertising media used and the dates when such advertisements appeared.

(c) In the case of radio or television advertising, unless full text of such announcements is maintained for the aforesaid prescribed time by the broadcasting station or stations and is there available, the licensee shall cause a voice transcription or written copy of the full text of such announcement to be prepared and retained for said one year period.

[Order 2, § 308-32-050, filed 3/13/68.]

WAC 308-32-060 Return of license. When a licensee ceases to be in the business of debt adjusting or when the employment of a licensee with a debt adjusting agency is terminated, the license shall be returned to the department.

[Order 2, § 308-32-060, filed 3/13/68.]

WAC 308-32-070 Application--Fingerprints required. Each applicant for a debt adjuster license shall submit his fingerprints to the department as part of his application.

[Order 2, § 308-32-070, filed 3/13/68.]

WAC 308-32-080 Application and fees. Any individual person applying for a debt adjusting license shall file a completed application together with the investigation, licensing and examination fees with the professional licensing division of the department of licensing at least fifteen days before the date of the examination. Only one examination may be taken for each examination fee and application submitted. The director, at his or her discretion, may waive subsequent investigation fees for individual applicants.

[Statutory Authority: RCW 18.28.170, 87-21-011 (Order PM 686), § 308-32-080, filed 10/9/87; Order 5, § 308-32-080, filed 8/20/68, effective 10/1/68.]

WAC 308-32-090 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Agencies:	
Investigation fee	\$100.00
Original application	200.00
Renewal	250.00
Late renewal penalty	250.00
Debt adjuster:	
Investigation fee	100.00
Exam or reexam	150.00
Original application	300.00
Renewal	300.00
Duplicate license	5.00
Late renewal penalty	300.00

[Statutory Authority: 1983 c 168 § 12, 83-22-060 (Order PL 446), § 308-32-090, filed 11/2/83; 83-17-031 (Order PL 442), § 308-32-090, filed 8/10/83. Formerly WAC 308-32-310.]

Chapter 308-33 WAC

EMPLOYMENT AGENCIES--FEE SCHEDULES

WAC	
308-33-011	Fees.
308-33-020	Director's review of fees and contracts.
308-33-030	Manner of setting forth fees in agency contracts.
308-33-060	Informing applicants of agency fee after employment gained.
308-33-071	Signing of contracts.
308-33-080	Contract term guidelines.
308-33-090	Branch office--Defined.
308-33-095	Examinations.

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308-33-105 Employment agency fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-33-010 Excessive fees. [Order 337001, § 308-33-010, filed 2/26/70, effective 4/1/70.] Repealed by Order PL-142, filed 1/24/73. Later enactment, see WAC 308-33-011.
- 308-33-015 Request for excess fees. [Order PL-142, § 308-33-015, filed 1/24/73.] Repealed by 81-02-031 (Order PL 359), filed 1/5/81. Statutory Authority: RCW 19.31.070.
- 308-33-040 Resume selling--Generally. [Order PL 118, § 308-33-040, filed 3/22/72, effective 4/21/72.] Repealed by 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.
- 308-33-050 Restrictions on agencies selling resumes. [Order PL 118, § 308-33-050, filed 3/22/72, effective 4/21/72.] Repealed by 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.
- 308-33-070 Signing of contracts; employer paid fee contracts. [Order PL 118, § 308-33-070, filed 3/22/72, effective 4/21/72.] Repealed by Order PL-142, filed 1/24/73. Later enactment, see WAC 308-33-071.
- 308-33-100 Employment agency--Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-33-100, filed 9/25/80; Order PL 272, § 308-33-100, filed 7/26/77, effective 9/21/77; Order PL 213, § 308-33-100, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-33-105.

WAC 308-33-011 Fees. (1) The fees which employment agencies may contract to charge applicants shall not be regulated. However, no agency shall use a fee schedule or contract which has not been approved for use by the director as provided for in RCW 19.31.050.

(2) Although fees are not regulated, no employment agency shall require by contract or otherwise that an applicant make payments in any one month period in an amount which exceeds the applicant's gross earnings for that period.

(3) In the event of termination an applicant shall be required to pay no more than twenty percent of the gross earnings actually received, or the full placement fee set forth in the contract with the agency, whichever is less, if the applicant was employed for sixty days or less.

If the employment is terminated after sixty days, the applicant shall be obligated for the full placement fee set forth in the contract with the agency.

(4) The applicant may submit payroll information to the agency within seventy days after reporting to work for reevaluation to reflect a fee based on actual gross earnings for the first sixty days.

[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-011, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-011, filed 1/5/81; Order PL 272, § 308-33-011, filed 7/26/77, effective 9/21/77; Order PL 243, § 308-33-011, filed 4/1/76; Order PL-142, § 308-33-011, filed 1/24/73. Formerly WAC 308-33-010.]

WAC 308-33-020 Director's review of fees and contracts. The contracts and fee schedules will be reviewed by the director as necessary. Failure to review the fee schedules and contracts, however, shall in no way affect the validity or effectiveness of the existing and director-approved fee schedules and contracts.

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[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-020, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-020, filed 1/5/81; Order PL-142, § 308-33-020, filed 1/24/73; Order 337001, § 308-33-020, filed 2/26/70, effective 4/1/70.]

WAC 308-33-030 Manner of setting forth fees in agency contracts. (1) The fee to be charged an applicant, under usual circumstances, must be set forth in the employment agency contract under the following headings:

- (a) Monthly salary.
- (b) The range of agency's fee expressed in dollars.
- (c) Agency's fee as a percentage of the expected monthly compensation.

(2) The agency may list, in addition to the monthly salary and agency fee as a percentage of the expected monthly compensation, the annual salary and agency fee as a percentage of the expected annual compensation.

(3) An agency must set forth additional information concerning its fees within its contract as required by law and the rules in support thereof.

(4) Agencies may not indicate, either orally or in writing, that their contract and fee schedules have been "approved" or in any way "recommended" by the state. However, a licensee may indicate that their contracts are "approved for use."

[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-030, filed 10/21/87; 81-02-031 (Order PL 359), § 308-33-030, filed 1/5/81; Order PL-142, § 308-33-030, filed 1/24/73; Order 337001, § 308-33-030, filed 2/26/70, effective 4/1/70.]

WAC 308-33-060 Informing applicants of agency fee after employment gained. As soon as practicable after an applicant has accepted employment through the efforts of an employment agency, the applicant shall be notified of the amount of the agency fee in a form containing at least the following information:

- (1) Amount of fee expressed in dollars;
- (2) Expected monthly or annual salary (whichever the fee is based upon); and
- (3) Date applicant began or is to begin employment.

[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-060, filed 10/21/87; Order PL 118, § 308-33-060, filed 3/22/72, effective 4/21/72.]

WAC 308-33-071 Signing of contracts. (1) Before a contract shall be signed by an applicant the applicant must have an opportunity to discuss the contract and its terms with an authorized representative of the agency.

(2) The applicant must be given a signed carbon or duplicate copy of the contract immediately after signing.

(3) In the event an applicant seeks only positions in which the fee is paid by the employer, the agency shall note such fact on all contracts prior to signature by the applicant.

(4) The provisions of subsection (3) above shall not preclude the agency from having an applicant sign a contract obligating him or her for a fee in the event the applicant terminates within sixty days and the employer is reimbursed by the agency.

(5) Any contracts in accordance with subsection (4) shall contain the necessary information required by

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RCW 19.31.040 and shall be approved by the director prior to its use by an agency.

[Order PL 272, § 308-33-071, filed 7/26/77, effective 9/21/77; Order PL-142, § 308-33-071, filed 1/24/73. Formerly WAC 308-33-070.]

WAC 308-33-080 Contract term guidelines. Contract terms that are acceptable to the director for use in employment agency contracts will be made available upon request.

[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-080, filed 10/21/87; Order PL-142, § 308-33-080, filed 1/24/73.]

WAC 308-33-090 Branch office—Defined. A branch office is defined to mean any location physically separated from the principal place of business of a licensee from which the licensee or his employees conduct any activity meeting the criteria of an employment agency under the definition of that term in RCW 19.31-.020.

[Order PL-142, § 308-33-090, filed 1/24/73.]

WAC 308-33-095 Examinations. (1) Examinations for general managers shall be written and shall consist of multiple choice questions covering the subject matter set forth in RCW 19.31.100, as now or hereafter amended.

(2) The minimum passing grade for the examination shall be seventy-five percent.

(3) Examinations will be conducted before the fifteenth of each month at locations specified by the director.

(4) Applications and fees for examination must be received by the department by the first of each month to be scheduled for the examination to be held the following month.

(5) Applicants failing examination shall submit a fee on each occasion of application for reexamination.

(6) General managers who have passed the examination and do not remain active in the employment agency business shall, if not so actively engaged for longer than one year, be required to retake and pass the examination prior to being qualified to serve as a general manager.

(7) Examination fees are not refundable.

(8) This section shall take effect June 1, 1987.

[Statutory Authority: RCW 19.31.070, 87-21-088 (Order PM 658), § 308-33-095, filed 10/21/87; Order PL 272, § 308-33-095, filed 7/26/77, effective 9/21/77.]

WAC 308-33-105 Employment agency fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Agencies:	
Original application and license	\$250.00
Renewal	225.00
Transfer of license	150.00
Duplicate license	15.00

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Title of Fee	Fee
New/amended contract or fee schedule review	50.00
Branch office:	
Original application and license	100.00
Renewal	125.00
Transfer of license	25.00
Duplicate license	15.00
General manager exam fee	65.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-33-105, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-22-060 (Order PL 446), § 308-33-105, filed 11/2/83; 83-17-031 (Order PL 442), § 308-33-105, filed 8/10/83. Formerly WAC 308-33-100.]

**Chapter 308-34 WAC
NATUROPATHY**

WAC

308-34-110	Eligibility for licensure examination.
308-34-120	Licensure examination.
308-34-130	Release of examination results.
308-34-140	Reexaminations.
308-34-150	Examination appeals.
308-34-160	Renewal of licenses.
308-34-170	Naturopathic physician licensing fees.
308-34-180	Continuing competency program.
308-34-190	License reinstatement.
308-34-310	Applicants educated and/or licensed in another country.
308-34-320	Licensing by endorsement.
308-34-330	Reciprocity or waiver of examination requirements.
308-34-410	Approval of colleges of naturopathic medicine.
308-34-420	Provisional approval of colleges of naturopathic medicine.
308-34-430	Full approval of colleges of naturopathic medicine.
308-34-440	Unapproved college of naturopathic medicine.
308-34-450	Appeal of director's decisions.
308-34-460	Standards for approval of colleges of naturopathic medicine.
308-34-470	Postgraduate hours in the study of mechanotherapy.
308-34-480	Site review procedures for approval of college of naturopathic medicine.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-34-010	Definitions. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-010, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-020	Scope and purpose. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-020, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-030	Provisional approval. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-030, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-040	Full approval. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-040, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-050	Eligibility. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-050, filed 4/14/82.] Repealed by 89-02-051 (Order PM

308-34-060	815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1). Application procedure. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-060, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-070	Standards. [Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-070, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-080	Review procedures. [Statutory Authority: RCW 18.36.040, 87-21-011 (Order PM 686), § 308-34-080, filed 10/9/87. Statutory Authority: RCW 18.36.040 and 43.24.020, 85-01-018 (Order PL 500), § 308-34-080, filed 12/10/84. Statutory Authority: Chapter 18.36 RCW, 82-09-043 (Order PL 396), § 308-34-080, filed 4/14/82.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-090	Naturopathic physician fees. [Statutory Authority: RCW 43.24.086, 87-18-031 (Order PM 667), § 308-34-090, filed 8/27/87.] Repealed by 89-02-051 (Order PM 815), filed 1/3/89. Statutory Authority: RCW 18.36A.060(1).
308-34-100	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 34, 84-21-091 (Order PL 484), § 308-34-100, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-036 (Order PL 553), filed 9/12/85. Statutory Authority: RCW 18.36.135.

WAC 308-34-110 Eligibility for licensure examination. (1) Graduates holding a degree/diploma from a college of naturopathic medicine approved by Washington state department of licensing shall be eligible to take the examination, provided all other requirements of RCW 18.36A.090 are met.

(2) All applicants shall file with the department a completed application, with the required fee, at least 60 days prior to the exam.

(3) Applicants shall request that the college of naturopathic medicine send official transcripts directly to the department.

(4) Applicants who have filed the required applications, whose official transcript has been received by the department, and who meet all qualifications shall be notified of their eligibility, and only such applicants will be admitted to the exam.

[Statutory Authority: RCW 18.36A.060, 88-14-009 (Order PM 742), § 308-34-110, filed 6/24/88.]

WAC 308-34-120 Licensure examination. (1) The licensure examination shall consist of the following components and tests:

(a) Basic science component which may include but not be limited to tests in the following subjects: Pathology, anatomy, physiology, microbiology and biochemistry.

(b) Clinical science component which may include but not be limited to tests in the following subjects: Physical diagnosis; nutrition; physical medicine; botanical medicines and toxicology; psychological and lifestyle counseling; emergency medicine, basic skills and public health; lab and x-ray diagnosis.

(c) Law of the state and administrative regulations as they relate to the practice of naturopathic medicine.

(d) The department, at its discretion, may require tests in other subjects. Candidates will receive information concerning additional tests prior to the examination.

(2) Candidates may take the basic science component of the exam after two years of training. A candidate who has achieved a passing score on the basic science component after two years of training must achieve a passing score on the clinical science component and the state law test within twenty-seven months after graduation; otherwise, the candidate's basic science component exam results will be null and void and the candidate must again take the basic science component of the exam. All exam candidates are required to obtain a passing score on all tests before a license is issued. A candidate who takes the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

(3) Examinations shall be conducted twice a year.

(4) The minimum passing score for each test in the examination is seventy-five.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-120, filed 6/24/88.]

WAC 308-34-130 Release of examination results.

(1) Candidates shall be notified of examination results by mail only.

(2) Candidates who successfully complete all components and tests of the examination shall receive a license to practice as a naturopathic physician provided all other requirements are met.

(3) Candidates who fail any test in the examination shall be so notified and shall be sent an application to retake the examination.

(4) A candidate's examination scores shall be released only to the candidate unless the candidate has requested, in writing, that the examination scores also be released to a specific school, individual, or entity.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-130, filed 6/24/88.]

WAC 308-34-140 Reexaminations. (1) A candidate wishing to retake the examination or any portion thereof must file with the department the required reexamination fees and an application to retake the examination at least sixty days before the administration of the exam.

(2) A candidate must retake the entire basic science component if he or she failed to achieve a passing score in three or more basic science tests. A candidate must retake the entire clinical science component if he or she failed to achieve a passing score in four or more clinical science tests. A candidate must retake any test(s) for which the candidate failed to achieve a passing score.

(3) A candidate who failed to achieve a passing score in three or more basic science tests and/or four or more clinical science tests must achieve a passing score on those tests within the next two administrations of the examination. A candidate who does not achieve a passing score within those next two administrations of the exam will be required to retake the entire component.

(4) A candidate must achieve passing scores on all tests in the entire exam within a twenty-seven month period; otherwise the candidate's exam results are null and void and the candidate must retake the entire exam. Provided: WAC 308-34-120(2) shall apply to a candidate who took the basic science component of the exam after two years in training.

(5) A candidate is required to pay a reexamination fee to retake the exam or any portion thereof.

(6) A candidate who took the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-140, filed 6/24/88.]

WAC 308-34-150 Examination appeals. (1) Any candidate who takes the licensure examination and does not pass may request informal review of his or her examination results. This request must be in writing and must be received by the department within thirty days of the date of service of notification of the examination results. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia for an appointment to appear personally to review questions answered incorrectly and the incorrect answers on the written portion of failed examination.

(b) The candidate will be provided a form to complete in the department of licensing office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the department.

(e) The candidate may not bring in notes, texts, or resource material for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The department will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before an

administrative law judge. The hearing will be conducted pursuant to the administrative procedures act. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order. Such written request for hearing must be received by the department of licensing within twenty days of the date of service of the result of the department's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

- (a) The simplification of issues;
- (b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;
- (c) The possibility of obtaining stipulations, admission of facts and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and,
- (f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-150, filed 6/24/88.]

WAC 308-34-160 Renewal of licenses. (1) The license renewal date shall coincide with the licensee's birthdate.

(2) Licensees may renew their licenses at the annual renewal fee rate, for one year, from birth date to next birth date.

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(3) The late renewal penalty provision will be applied as follows: Before the expiration date of the individual's license, the director shall mail the licensee a notice for renewal of license. The licensee must return such renewal notice, and proof of having met continuing educational requirements, along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice for renewal shall not relieve or exempt such licensee from the requirements of license renewal by the licensee's birthdate. Should the licensee fail to renew his or her license prior to the expiration date, he or she is subject to the late renewal penalty fee.

(4) Any licensee failing to renew his or her license within one year from expiration must reapply for licensing in accordance with the section of this chapter pertaining to license reinstatement.

(5) Failure to renew a license shall invalidate the license and all privileges granted by the license.

(6) A licensee's annual renewal fees may be prorated during the transition period while renewal dates are changed to coincide with the licensee's birthdate.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-160, filed 6/24/88.]

WAC 308-34-170 Naturopathic physician licensing fees. (1) The following fees are payable to the department of licensing.

Title of Fee	Amount
Application/examination/reexamination	\$275.00
Pregraduate basic science examination	75.00
License renewal	250.00
Late renewal penalty	175.00
Duplicate license	15.00
Certification	25.00

(2) Fees submitted to and processed by the department are nonrefundable.

[Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-34-170, filed 10/5/88. Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-170, filed 6/24/88.]

WAC 308-34-180 Continuing competency program.

(1) Beginning with license renewal dates after July 31, 1989, each naturopathic physician licensed under these rules shall complete 20 hours of continuing education each year in courses approved by the director. Prior approval of courses shall be available by application to the director. Only courses in diagnosis and therapeutics as listed in RCW 18.36A.040 shall be eligible for credit.

(2) Along with the license renewal form and fee for license renewal dates after July 31, 1989, the licensee shall submit a completed sworn certification, on a form to be provided by the department, of completion of the twenty hours of continuing education. Failure to submit the sworn certification will result in nonrenewal of the license.

(3) It is the responsibility of the licensee to maintain appropriate records or evidence of compliance with the continuing education requirement. The department may,

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in its discretion require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements.

(4) A material false statement on the sworn certification, or failure to provide proof of completion of continuing education requirements when proof is required in the department's discretion, is grounds for disciplinary action, including but not limited to, suspension, revocation, or nonrenewal of the license.

(5) Continuing education hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(6) In emergency situations, such as personal or family illness, the department may in its discretion, for good cause shown, waive all or part of the continuing education requirement for a particular one year period for an individual licensee. The department may require such verification of the emergency as is necessary to prove its existence.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-180, filed 6/24/88.]

WAC 308-34-190 License reinstatement. (1) Any naturopathic physician whose license has expired must pay the current application fee and penalty fee, if applicable, and apply for reinstatement on an application form provided by the department. The application shall include an explanation for the license lapse and a chronology of the applicant's professional activities since last renewal.

(2) Any licensee who has been out of active practice for one year or more or has allowed his or her license to lapse for a period of three years or more, may, at the discretion of the director, be required to pass the licensing examination in order to determine the applicant's fitness to practice naturopathic medicine.

(3) In all cases, any person seeking to reinstate a license which has lapsed for one year or more must present satisfactory evidence of having completed at least twenty hours of approved continuing education for each year since his or her license expired, lapsed, or otherwise was not current and valid.

[Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-190, filed 6/24/88.]

WAC 308-34-310 Applicants educated and/or licensed in another country. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure.

(a) Satisfactory completion of a basic naturopathic medical program in a naturopathic school or college officially approved by the country where the school is located.

(i) The naturopathic education program at the time of graduation shall be equivalent to or exceed the minimum required standards for Washington state approved colleges of naturopathic medicine.

(ii) Any deficiencies in the naturopathic medical program shall be satisfactorily completed in a Washington state approved college of naturopathic medicine.

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(b) Applicants licensed under the laws of a country outside of the United States or its territories shall be required to take the current licensing examinations noted in WAC 308-34-120: *Provided*, That those persons meeting the requirements of WAC 308-34-320, (Licensing by endorsement), are exempt from this requirement.

(c) All other requirements of chapter 18.36A RCW and this chapter must be met, including the requirement that the applicant be of good moral character; not have engaged in unprofessional conduct; and not be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) Applicants for examination shall:

(a) File with the department a completed notarized license application with the required fee at least sixty days prior to examination.

(b) Request the college of naturopathic medicine to submit an official transcript directly to the department.

(c) Request the licensing agency in the country of original license to submit evidence of licensure to the department.

(d) If the applicant's original documents (education and licensing) are on file in another state, the applicant may request that the other state send to the department notarized copies in lieu of the originals.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-310, filed 1/3/89.]

WAC 308-34-320 Licensing by endorsement. A license to practice as a naturopathic physician in the state of Washington may be issued without examination at the discretion of the director provided the applicant meets all of the following requirements:

(1) The candidate has graduated from and holds a degree/diploma from a college of naturopathic medicine approved by the state or jurisdiction where the school is located and which prepares candidates for licensure as a naturopathic physician: *Provided*, That such program at the time of the candidate's graduation is equivalent to or exceeds the minimum naturopathic medical educational standards required for Washington state approved schools;

(2) The candidate holds a current valid license in good standing to practice as a naturopathic physician in another state or jurisdiction. Official written verification of such licensure status must be received by the department from the other state or jurisdiction;

(3) The candidate has completed and filed with the department a notarized application for licensure by endorsement, a true and correct copy of the current valid license, and the required application fee;

(4) The candidate has successfully passed a naturopathic physician licensure examination in another state or jurisdiction. Written official verification of successful completion of the licensure examination and of licensure in good standing must be requested of the state or jurisdiction by the candidate and must be received by the department directly from the state or jurisdiction;

(5) The candidate must meet all other requirements of chapter 18.36A RCW and this chapter, including the

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requirement that the applicant be of good moral character; not have engaged in unprofessional conduct; and not be unable to practice with reasonable skill and safety as a result of a physical or mental impairment; and

(6) The state or jurisdiction in which the candidate is currently licensed grants similar privilege of licensure without examination to candidates who are licensed in Washington as naturopathic physicians.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-320, filed 1/3/89.]

WAC 308-34-330 Reciprocity or waiver of examination requirements. Reciprocity or waiver of examination requirements may be granted for certain examinations administered by other states or jurisdictions. These examinations must include the clinical and the basic science sections. The minimum passing score will depend upon the quality of the examination, but must be equivalent to or better than the score of seventy-five which is required in WAC 308-34-120. Reciprocity or waiver shall be in accordance with the reciprocal agreement in place with that state or jurisdiction.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-330, filed 1/3/89.]

WAC 308-34-410 Approval of colleges of naturopathic medicine. (1) The minimum educational requirement for licensure to practice naturopathic medicine in Washington is graduation from a naturopathic college approved by the director which teaches adequate courses in all subjects necessary to the practice of naturopathic medicine.

(2) These rules provide the standards and procedures by which naturopathic colleges may obtain approval by the director in order that graduates of those schools may be permitted to take examinations for license.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-410, filed 1/3/89.]

WAC 308-34-420 Provisional approval of colleges of naturopathic medicine. Provisional approval is the initial approval given to a previously unapproved program while the program is undergoing the process of gaining full program approval. The director may grant provisional approval to a naturopathic college which has been in continuous operation for at least one year. Provisional approval may be granted for a period not to exceed two and one-half years and may not be renewed or extended. Provisional approval shall neither imply nor assure eventual approval.

(1) In order to obtain provisional approval, a naturopathic college must demonstrate compliance with, or adequate planning and resources to achieve compliance with, the standards contained in this chapter and chapter 18.36A RCW.

(2) The procedures for application, examination, review and revocation of provisional approval shall be the same as those specified for full approval in this chapter.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-420, filed 1/3/89.]

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WAC 308-34-430 Full approval of colleges of naturopathic medicine. (1) Full approval of a college of naturopathic medicine is the approval given a program that meets the requirements of chapter 18.36A RCW and this chapter. Colleges of naturopathic medicine seeking approval shall apply to the director on a form and in a manner prescribed by the director.

(2) The director may grant full approval to naturopathic colleges which have demonstrated compliance with the standards contained in this chapter and chapter 18.36A RCW.

(3) To be eligible for full approval a naturopathic college must have been in continuous operation for a period of at least three years.

(4) After approval by the director, periodic reports may be required. Failure to conform to or maintain established standards may result in loss of approval. No naturopathic college shall receive approval for a period longer than five years. Prior to the expiration of the period of approval, the college must apply to the director for renewal of approval. The director shall review the application and make a final decision of approval or disapproval in not more than one hundred twenty days.

(5) If a naturopathic college fails to maintain the required standards or fails to report significant institutional changes, including changes in location, within ninety days of the change, the director may revoke or suspend approval. The director may contact a naturopathic college at any time, either through an evaluation committee or representative, to audit, inspect or gather information concerning the operating of the school or college.

(6) After suspension of approval of a naturopathic college, the director may reinstate approval upon receipt of satisfactory evidence that the college meets the standards of chapter 18.36A RCW and this chapter.

(7) After revocation of approval of a naturopathic college, a college may seek provisional approval, if otherwise qualified.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-430, filed 1/3/89.]

WAC 308-34-440 Unapproved college of naturopathic medicine. An "unapproved college of naturopathic medicine" is a program that has been removed from the director's list of approved colleges of naturopathic medicine for failure to meet the requirements of chapter 18.36A RCW and/or this chapter, or a program that has never been approved by the director.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-440, filed 1/3/89.]

WAC 308-34-450 Appeal of director's decisions. A college of naturopathic medicine deeming itself aggrieved by a decision of the director affecting its approval status shall have the right to appeal the director's decision in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 18.36A.060(1). 89-02-051 (Order PM 815), § 308-34-450, filed 1/3/89.]

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WAC 308-34-460 Standards for approval of colleges of naturopathic medicine. The following standards shall be used by the director in considering a naturopathic college's application for approval:

(1) Objectives. The objectives of the institution shall be clearly stated and address the preparation for the naturopathic physician to provide patient care. The implementation of the objectives should be apparent in the administration of the institution, individual course objectives, and in the total program leading to graduation.

(2) Organization. The institution shall be incorporated under the laws of the state of its residence as an education corporation. Control shall be vested in a board of directors composed of naturopathic physicians and others. No less than one-third plus one of the directors shall be naturopathic physicians. Under no circumstances shall more than one-third of the directors have administrative or instructional positions in the college. The directors must demonstrate collective responsibility in their knowledge of, and policy decisions consistent with, the objectives of the college; support of college programs and active participation in college governance; and selection and oversight of the chief administrative officer.

(3) Administration. The education and experience of directors, administrators, supervisors, and instructors should be sufficient to ensure that the student will receive educational services consistent with institutional objectives. The administration of the institution shall be such that the lines of authority are clearly drawn. The institution shall present with its application a catalog and a brief, narrative explanation of how the administration of the institution is, or is to be, organized and how the administrative responsibility for each of the following is, or is to be, managed:

- (a) Faculty and staff recruitment;
- (b) Personnel records management;
- (c) Faculty pay scale and policies;
- (d) Standards and practices relating to evaluation, improvement of instruction, promotion, retention and tenure;
- (e) Admissions policies including procedures used to solicit students;
- (f) Development and administration of policies governing rejection and retention of students, job placement, and student counseling and advising services;
- (g) Curriculum requirements;
- (h) Tuition and fee policies; and
- (i) Financial management policies.

(4) Financial condition. The institution shall demonstrate its financial stability by submitting certified audits once every three years and, reports, or other appropriate evidence annually.

(5) Records. The institution shall maintain an adequately detailed system of records for each student beginning with application credentials through the entire period of attendance. The records, including matriculation, attendance, grades, disciplinary action and financial accounts, shall be the permanent property of the institution, to be safeguarded from all hazards and not to be loaned or destroyed.

(6) Educational credentials.

(a) Upon satisfactory completion of the educational program, the student shall receive a degree from the institution indicating that the course of study has been satisfactorily completed by the student.

(b) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript which specifies all courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer or by examination.

(c) Upon request, all student records and transcripts shall be made available to the director.

(7) Catalog. The institution shall publish a current catalog at least every two years containing the following information:

- (a) Name and address of the school;
- (b) Date of publication;
- (c) Admission requirements and procedures;
- (d) A statement of tuition and other fees or charges for which a student is responsible and a statement on refund policies;
- (e) A school calendar designating the beginning and ending dates of each term, vacation periods, holidays, and other dates of significance to students;
- (f) Objectives of the institution;
- (g) A list of trustees (directors), administrative officers and faculty members including titles and academic qualifications;
- (h) A statement of policy about standards of progress required of students, including the grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory progress, probation, and reentry, if any;
- (i) A description of each course indicating the number of hours and course content, and its place in the total program;
- (j) A description of facilities and major equipment, including library, laboratory and clinical training facilities;
- (k) Statements on the nature and availability of student financial assistance, counseling, housing, and placement services, if any;

(l) A statement indicating whether the school is recognized by other agencies or associations for the licensing or certification of naturopathic physicians; and

(m) Any other material facts concerning the institution which are reasonably likely to affect the decision of the potential student.

(8) Admission policies and procedures. The institution shall not deny admission to a prospective student because of sex, race, color, religion, physical handicap and/or ethnic origin.

(9) Attendance. The institution shall have a written policy relative to attendance.

(10) Curriculum. The curriculum of the institution shall be designed and presented to meet or exceed the requirements of this chapter. Each student shall complete a minimum of three thousand hours instruction, which shall include no less than two hundred post-graduate hours in the study of mechanotherapy. A minimum total clinical training shall be one thousand one

hundred hours, of which no less than eight hundred hours shall be training with student actively involved in diagnosis and treatment in accordance with RCW 18.36A.050(3). The remainder, if any, may be preceptorships overseen by the college. The clinical training shall be in naturopathic procedures. The following standards are intended not as an exact description of a college's curriculum, but rather as guidelines for the typical acceptable program. It is expected that the actual program taught by each naturopathic college will be prepared by the academic departments of the college to meet the needs of their students and will exceed the outline present here. The director's policy is to preserve the autonomy and uniqueness of each naturopathic college, and to encourage innovative and experimental programs to enhance the quality of education in colleges of naturopathic medicine.

(a) Basic science

Anatomy (includes histology and embryology)
 Physiology
 Pathology
 Biochemistry
 Public health (includes public health, genetics, microbiology, immunology)
 Naturopathic philosophy
 Pharmacology

(b) Clinical sciences

(i) Diagnostic courses

Physical diagnosis
 Clinical diagnosis
 Laboratory diagnosis
 Radiological diagnosis

(ii) Therapeutic courses

Materia medica (botanical medicine)
 Homeopathy
 Nutrition
 Physical medicine
 (includes mechanical and manual manipulation, hydrotherapy, and electrotherapy)
 Psychological medicine

(iii) Specialty courses

Organ systems (cardiology, dermatology, endocrinology, EENT, gastroenterology)
 Human development (gynecology, obstetrics, pediatrics, geriatrics)
 State law and regulations as they relate to the practice of naturopathy
 Medical emergencies
 Office procedures

(iv) Clinical externship/preceptorship

(11) Academic standards. The institution must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(12) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught; advanced degrees in their respective disciplines are expected. The faculty should participate in development and evaluation of curriculum

instructional methods and facilities; student discipline, welfare, and counseling; establishment of administrative and educational policies; scholarly and professional growth. Provisions shall be made to allow and encourage faculty involvement in these noninstructional functions, including a plan for peer observation and evaluation among faculty. The institution shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty. The institution shall have stated policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance and appeals procedures. The institution shall submit to the director for each faculty member a resume which includes the following information.

(a) Academic rank or title;

(b) Degree(s) held, the institution(s) that conferred the degree(s), the date(s) thereof, and whether earned or honorary;

(c) Other qualifying training or experience;

(d) Name and course number of each course taught;

(e) Other noninstructional responsibilities, if any, and the proportion of the faculty member's time devoted to them; and

(f) The length of time associated with the institution.

(13) Library. The library shall be staffed, equipped and organized to adequately support the instruction, and research of students and faculty.

(14) Clinical training. The clinical facilities shall be adequate in size, number and resources to provide all aspects of naturopathic diagnosis and treatment. There shall be properly equipped rooms for consultation, physical examination and therapy, and a pharmacy, laboratory, and radiological equipment each consistent with the definition of practice in chapter 18.36A RCW as now or hereafter amended. A licensed and adequately experienced naturopathic physician must be in direct supervision of and have final decision in the diagnosis and treatment of patients by students, and must be present in the clinic at all times when the clinic is open.

(15) Physical plant, materials and equipment. The institution shall own or enjoy the full use of buildings and equipment adequate to accommodate the instruction of its students, and administrative and faculty offices. There shall be adequate facilities of the safekeeping of valuable records. The plant and grounds, equipment and facilities shall be maintained in an efficient, sanitary, and presentable condition. All laws relating to safety and sanitation and other regulations concerning public buildings shall be observed. There shall be sufficient personnel employed to carry out proper maintenance.

(16) Cancellation and refund policy. The institution shall maintain a fair and equitable policy regarding refund of the unused portion of tuition fees and other charges in the event a student fails to enter the course, or withdraws at any time prior to completion of the course. Such a policy shall be in keeping with generally accepted practices of institutions of higher education.

(17) Other information. The applicant institution shall provide any other information about the institution and its programs as required by the director.

[Statutory Authority: RCW 18.36A.060(1), 89-02-051 (Order PM 815), § 308-34-460, filed 1/3/89.]

WAC 308-34-470 Postgraduate hours in the study of mechanotherapy. The minimum of 200 postgraduate hours in the study of mechanotherapy required by RCW 18.36A.090(1) must meet the following criteria: To be considered "postgraduate" hours in the study of mechanotherapy, hours of study must constitute classroom training which is in addition to the mechanotherapy training provided to physicians who do not practice mechanotherapy. The postgraduate hours in the study of mechanotherapy may be classroom training in the following:

- (1) Manipulation of the osseous joints of the body.
- (2) Radiography training that is specific to the performance of manual manipulation when such training is in addition to the radiology training provided to physicians who do not practice manual manipulation.
- (3) Diagnostic training that is specific to the performance of manual manipulation when such training is in addition to the diagnostic training provided to physicians who do not practice manual manipulation.
- (4) Use of physical modalities training that is specific to the performance of manual manipulation when such training is in addition to physical modalities training provided to physicians who do not practice manual manipulation.

[Statutory Authority: RCW 18.36A.060(1), 89-02-051 (Order PM 815), § 308-34-470, filed 1/3/89.]

WAC 308-34-480 Site review procedures for approval of college of naturopathic medicine. The director may send a representative or an examining or evaluation committee to inspect any institution requesting approval as a college of naturopathic medicine. Such inspections may be at any reasonable time during the normal operating hours of the institution. The report of the representative or committee and the institution's response shall be submitted as part of the documentation necessary for the director's action on the institution's application for approval. Expenses incurred for the site review shall be the responsibility of the program requesting approval.

[Statutory Authority: RCW 18.36A.060(1), 89-02-051 (Order PM 815), § 308-34-480, filed 1/3/89.]

Chapter 308-37 WAC

DENTISTRY--LICENSE DISPLAY--REPORTS-- RECORDS--INVENTORY REQUIREMENTS-- PRESCRIBING PRACTICES

WAC

308-37-100	Display of licenses.
308-37-110	Maintenance and retention of patient records.
308-37-120	Report of patient injury or mortality.
308-37-130	Recording requirements for all prescription drugs.
308-37-135	Recording requirement for scheduled drugs.
308-37-140	Prescribing, dispensing or distributing drugs.
308-37-150	Patient abandonment.
308-37-160	Representation of care, fees, and records.
308-37-170	Disclosure of provider services.

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308-37-180 Disclosure of membership affiliation.
308-37-190 Specialty representation.

WAC 308-37-100 Display of licenses. The license of any dentist, dental hygienist or other individual licensed pursuant to the laws of Washington to engage in any activity being performed in the premises under the supervision or control of a licensed dentist, shall be displayed in a place visible to individuals receiving services in the premises, and readily available for inspection by any designee of the dental disciplinary board.

[Statutory Authority: RCW 18.32.640, 81-06-013 (Order PL 373), § 308-37-100, filed 2/20/81.]

WAC 308-37-110 Maintenance and retention of patient records. Any dentist who treats patients in the state of Washington shall maintain complete treatment records regarding patients treated. These records shall include, but shall not be limited to x-rays, treatment plans, patient charts, patient histories, correspondence, financial data and billing. These records shall be retained by the dentist for five years in an orderly, accessible file and shall be readily available for inspection by the dental disciplinary board or its authorized representative: *Provided*, That x-rays or copies of records may be forwarded to a second party upon the patient's or authorized agent's written request. Also, office records shall state the date on which the records were released, method forwarded and to whom, and the reason for the release. A reasonable fee may be charged the patient to cover mailing and clerical costs.

[Statutory Authority: RCW 18.32.640, 82-07-043 (Order PL 392), § 308-37-110, filed 3/17/82; 81-06-013 (Order PL 373), § 308-37-110, filed 2/20/81.]

WAC 308-37-120 Report of patient injury or mortality. All licensees engaged in the practice of dentistry shall submit a complete report of any patient mortality or other incident which results in temporary or permanent physical or mental injury requiring hospitalization of said patient during, or as a direct result of dental procedures or anesthesia related thereto. This report shall be submitted to the dental disciplinary board within thirty days of the occurrence.

[Statutory Authority: RCW 18.32.640, 81-06-013 (Order PL 373), § 308-37-120, filed 2/20/81.]

WAC 308-37-130 Recording requirements for all prescription drugs. An accurate record of [the] [any] medication[s] prescribed or dispensed will be clearly indicated on the patient history. This record shall include the date prescribed or the date dispensed, the name of the patient prescribed or dispensed to, the name of the medication, and the dosage and amount of the medication prescribed or dispensed.

[Statutory Authority: RCW 18.32.640(1), 83-04-050 (Order PL 423), § 308-37-130, filed 2/1/83; 81-06-013 (Order PL 373), § 308-37-130, filed 2/20/81.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-37-135 Recording requirement for scheduled drugs. When Schedule II, III, IV or V drugs as described in chapter 69.50 RCW are stocked by the dental office for dispensing to patients, an inventory control record must be kept in such a manner as to identify disposition of such medicines and such records shall be available for inspection.

[Statutory Authority: RCW 18.32.640(1). 83-04-050 (Order PL 423), § 308-37-135, filed 2/1/83.]

WAC 308-37-140 Prescribing, dispensing or distributing drugs. No dentist shall prescribe, dispense or distribute any controlled substance or legend drug for other than dentally-related conditions.

[Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-37-140, filed 2/20/81.]

WAC 308-37-150 Patient abandonment. The attending dentist, without reasonable cause, shall not neglect, ignore, abandon, or refuse to complete the current procedure for a patient. If the dentist chooses to withdraw responsibility to a patient of record, the dentist shall: (1) Advise the patient that termination of treatment is contemplated and that another dentist should be sought to complete the current procedure and for future care; and (2) advise the patient that the dentist will remain reasonably available under the circumstances for up to 15 days from the date of such notice to render emergency care related to that current procedure.

[Statutory Authority: RCW 18.32.640(1). 84-21-072 (Order PL 490), § 308-37-150, filed 10/17/84; 84-05-070 (Order PL 460), § 308-37-150, filed 2/22/84.]

WAC 308-37-160 Representation of care, fees, and records. Dentists shall not represent the care being rendered to their patients or the fees being charged for providing such care in a false or misleading manner, nor alter patient records, such as but not limited to, misrepresenting dates of service or treatment codes.

[Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-160, filed 2/19/85.]

WAC 308-37-170 Disclosure of provider services. In order that patients and the public are adequately informed of the provider of dental services, a dentist who is personally present operating as a dentist or personally overseeing the operations being performed in a dental office, over fifty percent of the time that such office is being operated, shall identify himself or herself in any representation to the public associated with such office or practice and shall provide readily visible signs designating his or her name at such respective office entrances or office buildings. Any representation that omits such a listing of dentists is misleading, deceptive, or improper conduct. Dentists who are present or overseeing operations under this rule less than fifty percent of the time shall identify themselves to patients prior to services being initiated or rendered in any fashion. Every office shall have readily available a list of the names of dentists who are involved in such office less than fifty percent of the time.

(1989 Ed.)

[Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-170, filed 2/19/85.]

WAC 308-37-180 Disclosure of membership affiliation. It shall be misleading, deceptive or improper conduct for any dentist to represent that he or she is a member of any dental association, society, organization, or any component thereof where such membership in fact does not exist.

[Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-180, filed 2/19/85.]

WAC 308-37-190 Specialty representation. (1) It shall be misleading, deceptive or improper conduct for a dentist to represent or imply that he or she is a specialist or use any of the terms to designate a dental specialty such as:

- (a) Endodontist
- (b) Oral or maxillofacial surgeon
- (c) Oral pathologist
- (d) Orthodontist
- (e) Pediatric dentist
- (f) Periodontist
- (g) Prosthodontist
- (h) Public health

or any derivation of these specialties unless he or she is entitled to such specialty designation under the guidelines or requirements for specialties approved by the Commission on Dental Accreditation and the Council on Dental Education of the American Dental Association in effect on January 1, 1988, or such guidelines or requirements as subsequently amended and approved by the dental disciplinary board, or other such organization recognized by the board.

(2) A dentist not currently entitled to such specialty designation shall not represent that his or her practice is limited to providing services in a specialty area without clearly disclosing in the representation that he or she is a general dentist. A specialist who represents services in areas other than his or her specialty is considered a general dentist.

[Statutory Authority: RCW 18.32.640. 89-08-095 (Order PM 826), § 308-37-190, filed 4/5/89. Statutory Authority: RCW 18.32.640(1). 85-05-040 (Order PL 520), § 308-37-190, filed 2/19/85.]

Chapter 308-38 WAC

GUIDELINES FOR DELEGATION OF DUTIES TO PERSONS NOT LICENSED AS DENTISTS

WAC

308-38-100	Purpose.
308-38-110	Definitions.
308-38-120	Acts that may be performed by unlicensed persons.
308-38-130	Acts that may not be performed by unlicensed persons.
308-38-140	Acts that may be performed by licensed dental hygienists under general supervision.
308-38-150	Acts that may be performed by licensed dental hygienists under close supervision.
308-38-160	Acts that may not be performed by dental hygienists.

WAC 308-38-100 Purpose. The purpose of this chapter is to establish guidelines on delegation of duties

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to persons who are not licensed to practice dentistry. The dental laws of Washington state authorized the delegation of certain duties to nondentist personnel and prohibit the delegation of certain other duties. By statute, the duties that may be delegated to a person not licensed to practice dentistry may be performed only under the supervision of a licensed dentist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or oral health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The dentist is ultimately responsible for the services performed in his or her office and this responsibility cannot be delegated. The board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds that it is necessary to adopt the following definitions and regulations.

[Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-100, filed 8/18/81.]

WAC 308-38-110 Definitions. (1) "Dental disciplinary board" shall mean the board created by RCW 18.32.560.

(2) "Dental examining board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the department of licensing.

(4) "Close supervision" shall mean that a licensed dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. A dentist shall be physically present in the treatment facility while the procedures are performed. Close supervision does not require a dentist to be physically present in the operatory; however, an attending dentist must be in the treatment facility and be capable of responding immediately in the event of an emergency.

(5) "Treatment facility" means a dental office or connecting suite of offices, dental clinic, room or area with equipment to provide dental treatment, or the immediately adjacent rooms or areas. A treatment facility does not extend to any other area of a building in which the treatment facility is located.

(6) "General supervision" means supervision of dental procedures based on examination and diagnosis of the patient and subsequent instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist in the treatment facility during the performance of those procedures.

(7) "Unlicensed person" means a person who is neither a dentist duly licensed pursuant to the provisions of chapter 18.32 RCW nor a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW.

(8) "Oral prophylaxis" means the preventive dental procedure of scaling and polishing which includes complete removal of calculus, soft deposits, plaque, stains and the smoothing of unattached tooth surfaces. The objective of this treatment shall be creation of an environment in which hard and soft tissues can be maintained in good health by the patient.

(9) "Coronal polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with rubber cap or brush and a polishing agent.

This procedure shall not be intended or interpreted as an oral prophylaxis as defined in WAC 308-38-110(8) a procedure specifically reserved to performance by a licensed dentist or dental hygienist. Coronal polishing may, however, be performed by dental assistants under close supervision as a portion of the oral prophylaxis. In all instances, however, a licensed dentist shall determine that the teeth need to be polished and are free of calculus or other extraneous material prior to performance of coronal polishing by a dental assistant.

(10) "Root planing" means the process of instrumentation by which the unattached surfaces of the root are made smooth by the removal of calculus and/or deposits.

(11) "Periodontal soft tissue curettage" means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap.

(12) "Debridement at the periodontal surgical site" means curettage and/or root planing after reflection of a flap by the supervising dentist. This does not include cutting of osseous tissues.

(13) "Luxation" is defined as an integral part of the surgical procedure of which the end result is extraction of a tooth. Luxation is not a distinct procedure in and of itself. It is the dislocation or displacement of a tooth or of the temporomandibular articulation.

(14) "Incising" is defined as part of the surgical procedure of which the end result is removal of oral tissue. Incising, or the making of an incision, is not a separate and distinct procedure in and of itself.

(15) "Elevating soft tissues" is defined as part of a surgical procedure involving the use of the periosteal elevator to raise flaps of soft tissues. Elevating soft tissue is not a separate and distinct procedure in and of itself.

(16) "Suturing" is defined as the readaption of soft tissue by means of stitches as a phase of an oral surgery procedure. Suturing is not a separate and distinct procedure in and of itself.

[Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-110, filed 8/18/81.]

WAC 308-38-120 Acts that may be performed by unlicensed persons. A dentist may allow an unlicensed person to perform the following acts under the dentist's close supervision:

- (1) Oral inspection, with no diagnosis.
- (2) Patient education in oral hygiene.
- (3) Place and remove the rubber dam.
- (4) Hold in place and remove impression materials after the dentist has placed them.
- (5) Take impressions solely for diagnostic and opposing models.
- (6) Take impressions and wax bites solely for study casts.
- (7) Remove the excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.

- (8) Perform coronal polish.
- (9) Give fluoride treatments.
- (10) Place periodontal packs.
- (11) Remove periodontal packs or sutures.
- (12) Placement of a matrix and wedge for a silver restoration after the dentist has prepared the cavity.
- (13) Place a temporary filling (as ZOE) after diagnosis and examination by the dentist.
- (14) Apply tooth separators as for placement for Class III gold foil.
- (15) Fabricate, place, and remove temporary crowns or temporary bridges.
- (16) Pack and medicate extraction areas.
- (17) Deliver a sedative drug capsule to patient.
- (18) Place topical anesthetics.
- (19) Placement of retraction cord.
- (20) Polish restorations at a subsequent appointment.
- (21) Select denture shade and mold.
- (22) Acid etch.
- (23) Apply sealants.
- (24) Place dental x-ray film and expose and develop the films.
- (25) Take intra-oral and extra-oral photographs.
- (26) Take health histories.
- (27) Take and record blood pressure and vital signs.
- (28) Give preoperative and postoperative instructions.
- (29) Assist in the administration of nitrous oxide analgesia or sedation, but shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the dentist. Patients must never be left unattended while nitrous oxide-oxygen analgesia or sedation is administered to them. The dentist must be present at chairside during the entire administration of nitrous oxide and oxygen analgesia or sedation if any other central nervous system depressant has been given to the patient. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.
- (30) Select orthodontic bands for size.
- (31) Place and remove orthodontic separators.
- (32) Prepare teeth for the bonding or orthodontic appliances.
- (33) Fit and adjust headgear.
- (34) Remove fixed orthodontic appliances.
- (35) Remove and replace archwires and orthodontic wires.
- (36) Take a facebow transfer for mounting study casts.

[Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-120, filed 8/18/81.]

WAC 308-38-130 Acts that may not be performed by unlicensed persons. No dentist shall allow an unlicensed person who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures.

- (1) Any removal of or addition to the hard or soft natural tissue of the oral cavity.
- (2) Any placing of permanent or semi-permanent restorations in natural teeth.

(3) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure.

(4) Any administration of general or injected local anesthetic of any nature in connection with a dental operation.

(5) Any oral prophylaxis, except coronal polishing as a part of oral prophylaxis as defined in WAC 308-38-110(9) and 308-38-120(8).

(6) Any scaling procedure.

(7) The taking of any impressions of the teeth or jaws, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.

(8) Intra-orally adjust occlusal of inlays, crowns, and bridges.

(9) Intra-orally finish margins of inlays, crowns, and bridges.

(10) Cement or recement, permanently, any cast restoration or stainless steel crown.

(11) Incise gingiva or other soft tissue.

(12) Elevate soft tissue flap.

(13) Luxate teeth.

(14) Curette to sever epithelial attachment.

(15) Suture.

(16) Establish occlusal vertical dimension for dentures.

(17) Try-in of dentures set in wax.

(18) Insertion and post-insertion adjustments of dentures.

(19) Endodontic treatment — open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal.

[Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-130, filed 8/18/81.]

WAC 308-38-140 Acts that may be performed by licensed dental hygienists under general supervision. A dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

(1) Oral inspection and measuring of periodontal pockets, with no diagnosis.

(2) Patient education in oral hygiene.

(3) Take intra-oral and extra-oral radiographs.

(4) Apply topical preventive or prophylactic agents.

(5) Polish and smooth restorations.

(6) Oral prophylaxis and removal of deposits and stains from the surfaces of the teeth.

(7) Record health histories.

(8) Take and record blood pressure and vital signs.

(9) Perform sub-gingival and supra-gingival scaling.

(10) Perform root planing.

[Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-140, filed 8/18/81.]

WAC 308-38-150 Acts that may be performed by licensed dental hygienists under close supervision. In addition to the acts performed under section WAC 308-38-120, a dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's close supervision:

- (1) Perform soft-tissue curettage.
- (2) Give injections of a local anesthetic.
- (3) Place restorations into the cavity prepared by the dentist, and thereafter could carve, contour, and adjust contacts and occlusion of the restoration.
- (4) Administer nitrous oxide analgesia.
- (5) Apply sealants.

[Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-150, filed 8/18/81.]

WAC 308-38-160 Acts that may not be performed by dental hygienists. No dentist shall allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures:

- (1) Any surgical removal of tissue of the oral cavity, except for soft-tissue curettage, as defined in WAC 308-38-110(11).
- (2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician.
- (3) Any diagnosis for treatment or treatment planning.
- (4) The taking of any impression of the teeth or jaw, or the relationship of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.
- (5) Intra-orally adjust occlusal of inlays, crowns, and bridges.
- (6) Intra-orally finish margins of inlays, crowns, and bridges.
- (7) Cement or recement, permanently, any cast restorations or stainless steel crowns.
- (8) Incise gingiva or other soft tissue.
- (9) Elevate soft tissue flap.
- (10) Luxate teeth.
- (11) Curette to sever epithelial attachment.
- (12) Suture.
- (13) Establish occlusal vertical dimension for dentures.
- (14) Try-in of dentures set in wax.
- (15) Insertion and post-insertion adjustments of dentures.
- (16) Endodontic treatment—open, extirpate pulp, ream and file canals, establish length of tooth, and fill root canal.

[Statutory Authority: RCW 18.32.640. 81-17-054 (Order PL 382), § 308-38-160, filed 8/18/81.]

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Chapter 308-39 WAC GUIDELINES FOR SAFE ADMINISTRATION OF ANESTHETIC AGENTS FOR DENTAL PROCEDURES

WAC

308-39-100	Purpose.
308-39-110	Definitions.
308-39-120	Standards for dental administration of anesthesia.

WAC 308-39-100 Purpose. The purpose of this chapter is to establish guidelines upon which the safety of administration of anesthetic agents can be measured. The dental laws of the state of Washington permit any licensed dentist to administer such agents. Morbidity and mortality can be associated therewith. Training, experience, adequate equipment and competent staff can minimize such risk. The dental disciplinary board is empowered and directed to identify unsafe practices, equipment and conditions and direct corrective action. These guidelines represent the basis upon which unsafe dental anesthesia practices would be judged. The board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds it necessary to adopt the following definitions and standards.

[Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-39-100, filed 2/20/81.]

WAC 308-39-110 Definitions. (1) "Dental disciplinary board" shall mean the board created by RCW 18.32.560.

(2) "Dental examining board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the department of licensing.

(4) "General anesthesia" is a controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or non-pharmacologic method, or combination thereof.

(5) "Sedation" is a depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by pharmacologic or non-pharmacologic method, or combination thereof.

(6) "Regional anesthesia" consists of the use of any drug, element, or other material which results in a state of insensibility of a circumscribed area, or the loss of sensation of some definite, localized area, without inhibition of conscious processes.

[Statutory Authority: RCW 18.32.640(1). 82-16-087 (Order PL 403), § 308-39-110, filed 8/4/82. Statutory Authority: RCW 18.32.640. 81-06-013 (Order PL 373), § 308-39-110, filed 2/20/81.]

WAC 308-39-120 Standards for dental administration of anesthesia. The dental disciplinary board adopts the following guidelines for its use when considering and

investigating complaints and charges of malpractice, unsafe conditions and practices involving the dental administration of anesthesia; and for analyzing anesthesia equipment, staff, procedures and training:

(1) A dentist currently licensed in the state of Washington who has a minimum of one year of training in anesthesiology and related subjects beyond the undergraduate dental school level, or its equivalent, sponsored by an accredited hospital or an accredited dental school; or is eligible to take the examination for certification, or has been certified, (a) as a fellow in general anesthesia of the American Society of Dental Anesthesiologists according to the standards as of January 1, 1982, or (b) by the American Association of Oral and Maxillofacial Surgeons according to the standards as of December 1979 shall be presumed adequately prepared to use or administer general anesthesia;

(2) Successful completion of a course with a minimum of sixty clock hours instruction beyond the undergraduate dental school level sponsored by an accredited hospital or accredited dental school, including instruction in safety and management of emergencies, shall be considered necessary in order for a dentist to administer sedation other than nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone.

(3) A dentist will be presumed eligible to administer nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone, if he or she has successfully completed a course containing a minimum of fourteen clock hours of either undergraduate dental school or post graduate instruction. This instruction must include actual experience with the administration of nitrous oxide.

(4) When using local or regional anesthetic agents for dental patients the dentist shall be capable of reasonably handling procedure problems and emergencies incident to the use and administration of local anesthetic agents.

Dentists who comply with the above-listed guidelines or who can show evidence of competence and skill by virtue of experience and/or comparable alternate training, shall be presumed by the dental disciplinary board to have appropriate credentials for the use of anesthetics.

Dentists shall be capable of managing and treating any untoward reaction or emergency incident to the administration of any regional anesthesia, sedation, or general anesthesia that he/she may administer. The dentist should have certification in CPR with a periodic update not to exceed two years. The dentist shall be responsible for the competence of his/her staff in cardiopulmonary resuscitation.

[Statutory Authority: RCW 18.32.640(1), 82-16-087 (Order PL 403), § 308-39-120, filed 8/4/82. Statutory Authority: RCW 18.32.640, 81-06-013 (Order PL 373), § 308-39-120, filed 2/20/81.]

Chapter 308-40 WAC DENTISTRY

WAC

308-40-010 Maintenance of records.
308-40-020 Prescriptions.

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308-40-040 A rule applicable to dental technicians.
308-40-101 Examination eligibility and application.
308-40-102 Examination content.
308-40-103 Dismissal from examination.
308-40-104 Examination results.
308-40-105 Practical examination review procedures.
308-40-106 Written examination review procedures.
308-40-110 Graduates of nonaccredited schools.
308-40-125 Dentist fees.
308-40-130 Renewal of licenses.
308-40-140 AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-40-030 Previous rules and regulations repealed. [Order, § 3, filed 3/23/60.] Repealed by 88-13-131 (Order PM 740), filed 6/22/88. Statutory Authority: RCW 18.32.040 and 18.130.050.

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 No. 295), filed 3/13/79. Statutory Authority: RCW 18.32.040.

308-40-111 Preclinical exam waiver. [Statutory Authority: RCW 18.32.040, 79-04-011 (Order 295, Resolution No. 295), § 308-40-111, filed 3/13/79.] Repealed by 85-07-046 (Order PL 524), filed 3/19/85. Statutory Authority: RCW 18.32.040.

308-40-120 Dentistry—Fees. [Statutory Authority: RCW 43.24-.085, 80-14-022 (Order 356), § 308-40-120, filed 9/25/80; Order PL 218, § 308-40-120, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-40-125.

WAC 308-40-010 Maintenance of records. Every dentist who operates a dental office in the state of Washington must maintain a comprehensive written and dated record of all services rendered to his patients. In offices where more than one dentist is performing the services the records must specify the dentist who performed the services. Whenever requested to do so, by the director of licenses, or his authorized representative, the dentist shall supply documentary proof:

(1) That he is the owner or purchaser of the dental equipment and/or the office he occupies.

(2) That he is the lessee of the office and/or dental equipment.

(3) That he is, or is not, associated with other persons in the practice of dentistry, including prosthetic dentistry, and who, if any, the associates are.

(4) That he operates his office during specific hours per day and days per week, stipulating such hours and days.

[Order, § 1, filed 3/23/60.]

WAC 308-40-020 Prescriptions. Every dentist who operates a dental office in the state of Washington must write a valid prescription to the dental laboratory or dental technician with whom he or she intends to place an order for the making, repairing, altering or supplying of artificial restorations, substitutes or appliances to be

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worn in the human mouth. A separate prescription must be submitted to the dental laboratory or dental technician for each patient's requirements. Such prescriptions, to be valid, must be written in duplicate and contain the date, the name and address of the dental laboratory or the dental technician, the name and address of the patient, description of the basic work to be done, the signature of the dentist serving the patient for whom the work is being done and the dentist's license certificate number. The original prescription shall be referred to the dental laboratory or the dental technician and the carbon copy shall be retained for five years, by the dentist, in an orderly, accessible file and shall be readily available for inspection by the director of licenses or his authorized representative.

[Statutory Authority: RCW 18.32.040, 82-04-024 (Order PL 391), § 308-40-020, filed 1/26/82; Order, § 2, filed 3/23/60.]

WAC 308-40-040 A rule applicable to dental technicians. RCW 18.32.030 provides in part:

"The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

"(6) The making, repairing, altering or supplying of artificial restorations, substitutes, appliances, or materials for the correction of disease, loss, deformity, malposition, dislocation, fracture, injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts; providing the same are made, repaired, altered or supplied pursuant to the written instructions and order of a licensed dentist which may be accompanied by casts, models or impressions furnished by said dentist, and said prescriptions shall be retained and filed for a period of not less than three years and shall be available to and subject to the examination of the director of licenses or his authorized representatives."

To acquire exemption from the law prohibiting the practice of dentistry, dental technicians must comply with the above-quoted provisions. The form of the required prescription is defined in the rules set forth above.

[Order, filed 3/23/60.]

WAC 308-40-101 Examination eligibility and application. (1) To be eligible for the dental examination, the applicant must be a graduate from a dental school approved by the Washington state board of dental examiners. The board of dental examiners adopts those standards of the American Dental Association's Commission on Accreditation which were relevant to accreditation of dental schools and current in January 1981 and has approved all and only those dental schools which were accredited by the commission as of January 1981. Other dental schools which apply for board approval and which meet these adopted standards to the board's satisfaction will be approved, but it is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(2) To be eligible for the dental examination the applicant must provide certification of the successful completion of the National Dental Examination Parts I and II.

(3) Applications for the examination may be secured from the state of Washington department of licensing. The application must be completed in every respect, and reach the state of Washington department of licensing at least sixty days prior to the examination.

(4) The only acceptable proof of graduation from an approved dental school is an official transcript from such school, or a verified list of graduating students from the dean of the dental school. The verified list of students will only be acceptable from applicants who have graduated within forty-five days of the examination for which they are applying. An applicant may complete his/her other application requirements and be scheduled for the examination before he/she has graduated, but no applicant will be admitted to the examination unless the official transcript or the verified list from the dean has been received by the 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 department of licensing.

(6) Upon establishing examination eligibility, the department of licensing will mail to each applicant examination forms, instructions and schedule. It is imperative that the applicant bring this information to the examination as it will be used by the board throughout the practical examination.

[Statutory Authority: RCW 18.32.040 and 18.130.050, 88-13-131 (Order PM 740), § 308-40-101, filed 6/22/88. Statutory Authority: RCW 18.32.040, 82-04-024 (Order PL 391), § 308-40-101, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040, 81-08-043 (Order PL 374), § 308-40-101, filed 3/31/81; 80-05-063 (Order PL 342), § 308-40-101, filed 4/22/80. Statutory Authority: RCW 18.32.040, 79-04-011 (Order 295, Resolution No. 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, except as provided in (c) of this subsection.

(b) Practical/practice: The content of the practical/practice section shall consist of procedures or subjects as determined by the board.

(c) The board may, at its discretion, give an examination in any other subject under (a) or (b) of this subsection, whether in written and/or practical form. The applicant will receive information concerning such examination.

(2) Each applicant must furnish his or her own patient for all phases, as may be required, of the practical/practice examination. Patients must be at least eighteen years of age, and shall not be a dentist, dental student, dental hygienist or dental hygiene student. The state board of dental examiners and the school of dentistry assume no responsibility regarding work done on

patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance prior to the first day of the examination.

(3) An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students, hygienists, undergraduate hygienists are not acceptable as assistants. Assistants must complete a form of eligibility.

[Statutory Authority: RCW 18.32.040(4) and 18.32.120. 89-06-075 (Order PM 819), § 308-40-102, filed 3/1/89. Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-102, filed 6/22/88. Statutory Authority: RCW 18.32.040. 87-09-097 (Order PM 649), § 308-40-102, filed 4/22/87; 86-08-046 (Order PL 583), § 308-40-102, filed 3/27/86; 84-07-050 (Order PL 462), § 308-40-102, filed 3/21/84; 83-08-021 (Order PL 431), § 308-40-102, filed 3/29/83; 82-04-024 (Order PL 391), § 308-40-102, filed 1/26/82; 79-04-011 (Order 295, Resolution No. 295), § 308-40-102, filed 3/13/79.]

WAC 308-40-103 Dismissal from examination. Any applicant whose conduct interferes with the evaluation of professional competency by the board may be dismissed from the examination and all work will be rejected. Such conduct shall include but not be limited to the following:

(a) Presentation of purported carious lesions which are artificially created, whether or not the applicant created them.

(b) Presentation of radiographs which have been mislabeled, altered, or contrived to represent other than the patient's true condition, whether or not the misleading radiograph was created by the applicant.

(c) Giving or receiving aid, either directly or indirectly, during the examination process.

(d) Failure to follow directions relative to the conduct of the examination, including termination of treatment procedures.

(e) Gross disregard for and/or mutilation of the hard or soft tissues.

[Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-103, filed 6/22/88. Statutory Authority: RCW 18.32.040. 82-04-024 (Order PL 391), § 308-40-103, filed 1/26/82.]

WAC 308-40-104 Examination results. (1) In order to pass the examination, the applicant must pass the theory section and the practical section of the examination.

(2) Failure on two or more phases of the practical section under WAC 308-40-102 (1)(b) will require reexamination on the entire examination. An applicant who fails only one phase will be required to be reexamined only on the phase failed: *Provided*, That if the applicant who has failed only one phase has not taken and passed the failed phase by the next examination administration offered, then the entire practical section must be retaken.

(3) Applicants who fail the examination, or a phase of the examination, as provided in subsection (2) of this section may apply for reexamination by completing an application and submitting the appropriate fee to the division of professional licensing.

(4) An applicant who fails to appear for examination at the designated time and place shall forfeit the examination fee, unless he or she has notified the department of licensing at least thirty days prior to the scheduled examination of his or her inability to appear. If an applicant notifies the department thirty days or more prior to the designated examination date that he or she will not be appearing, the examination fee will be carried over only to the next regularly scheduled examination. Examination fees are nonrefundable.

[Statutory Authority: RCW 18.32.640. 89-01-083 (Order PM 809), § 308-40-104, filed 12/20/88. Statutory Authority: RCW 18.32.040. 85-16-113 (Order PL 547), § 308-40-104, filed 8/7/85; 84-11-025 (Order PL 467), § 308-40-104, filed 5/11/84; 82-04-024 (Order PL 391), § 308-40-104, filed 1/26/82.]

WAC 308-40-105 Practical examination review procedures. (1) Any candidate who takes the practical examination for licensure as a dentist and does not pass may request informal review by the examining board of his or her examination results. This request must be in writing and must be received by the department within twenty days of the postmark of notification of the examination results. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination procedure, or bias, prejudice, or discrimination in the examination process.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia to request that copies of the score sheets on the failed practical portion of the examination be provided.

(b) The candidate will be provided a form to complete in defense of examination performance. Such form must be returned to the department within fifteen days.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference, requests for special consideration, or reexamination of the patient will not be considered by the examining board.

(e) The examining board will schedule a closed session meeting to review the examination, score sheets, and form completed by the candidate for the purpose of informal review.

(f) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the examining board, pursuant to the Administrative Procedure Act. Such written request for hearing must be received by the department of licensing within twenty days of the postmark of the notification of the results of the board's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific

reason(s) why the candidate feels the results of the examination should be changed. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination procedure, or bias, prejudice, or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

- (a) The simplification of issues;
- (b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;
- (c) The possibility of obtaining stipulations, admission of facts, and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and
- (f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before an administrative law judge or a board member, as decided by the board.

(5) In the event there is a prehearing conference, the administrative law judge or board member shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading, and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the basis for his or her challenge of the examination results unless amended by a prehearing order. The board will not consider reexamination of the patient. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

[Statutory Authority: RCW 18.32.040 and 18.32.120. 89-13-052 (Order PM 834), § 308-40-105, filed 6/19/89. Statutory Authority: RCW 18.32.040 and 18.130.050. 88-13-131 (Order PM 740), § 308-40-105, filed 6/22/88. Statutory Authority: RCW 18.32.040. 87-09-097 (Order PM 649), § 308-40-105, filed 4/22/87; 82-04-024 (Order PL 391), § 308-40-105, filed 1/26/82. Statutory Authority: RCW 18.29.030 and 18.32.040. 80-18-009 (Order 363), § 308-40-105, filed 11/24/80; 80-05-063 (Order PL 342), § 308-40-105, filed 4/22/80.]

WAC 308-40-106 Written examination review procedures. (1) Any candidate who takes the written examination phase of the dental examination and does not pass may request informal review by the examining board of his or her examination results. This request must be in writing and must be received by the department within twenty days of the postmark of notification of the examination results. The examining board will not set aside its prior determination unless the candidate

shows, by a preponderance of evidence, significant error in examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(2) The procedure for filing an informal review is as follows:

(a) The department of licensing office will schedule in Olympia an appointment to appear personally to review the score sheets on the failed written portion of the examination.

(b) The candidate will be provided a form to complete in the department of licensing office in Olympia in defense of examination performance.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining board.

(e) The candidate may not bring in notes, texts, or other individuals except for an attorney, for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining board will schedule a closed session meeting to review the examination, score sheets and form completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the examining board, pursuant to the administrative procedure act. Such written request for hearing must be received by the department of licensing within twenty days of the postmark of the notification of the results of the board's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining board will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, significant error in examination content or procedure, or bias, prejudice, or discrimination in the examination process.

(4) Before the hearing is scheduled the parties shall attempt by informal means to resolve the following:

- (a) The simplification of issues;
- (b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;
- (c) The possibility of obtaining stipulations, admission of facts and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and,
- (f) Such other matters as may aid in the disposition of the proceeding.

If the parties are unable to resolve any of these issues informally, either party shall request a prehearing conference to be held before an administrative law judge or a board member, as decided by the board.

(5) In the event there is a prehearing conference, the administrative law judge or board member shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the basis for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

[Statutory Authority: RCW 18.32.040 and 18.32.120. 89-13-052 (Order PM 834), § 308-40-106, filed 6/19/89.]

WAC 308-40-110 Graduates of nonaccredited schools. The following requirements apply to persons who are graduates of dental schools or colleges not accredited by the American Dental Association Commission on Accreditation.

(1) A person who has issued to him or her a degree of doctor of dental medicine or doctor of dental surgery by a nonaccredited dental school listed by the World Health Organization, or by a nonaccredited dental school approved by the board of examiners, shall be eligible to take the examination given by the board in the theory and practice of the science of dentistry upon furnishing all of the following:

(a) Certified copies of dental school diplomas.

(b) Official dental school transcripts.

(c) Proof of identification by an appropriate governmental agency; provided, however, that alternate arrangements may be made for political refugees.

(d) Effective February 1, 1985, satisfactory evidence of the successful completion of at least two additional predoctoral or postdoctoral academic years of dental school education at a dental school approved pursuant to WAC 308-40-101(1) and a certification by the dean of that school that the candidate has achieved the same level of didactic and clinical competence as expected of a graduate of that school.

(2) Upon completion of the requirements in (1), an applicant under this section will be allowed to take the examination pursuant to WAC 308-40-102 and will be subject to the applicable provisions of WAC 308-40-101: *Provided, however,* That individuals who had fulfilled the requirements for application prior to the requirement of (1)(d) and who have applied by January

31, 1985, may be allowed one opportunity to pass the clinical (practical) examination in 1985.

[Statutory Authority: RCW 18.32.040. 84-23-062 (Order PL 496), § 308-40-110, filed 11/21/84; 83-08-021 (Order PL 431), § 308-40-110, filed 3/29/83; 82-04-024 (Order PL 391), § 308-40-110, filed 1/26/82; Order PL 253, § 308-40-110, filed 7/13/76; Order PL 194, § 308-40-110, filed 7/2/75.]

WAC 308-40-125 Dentist fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (examination and reexamination)	\$400.00
Partial retake	120.00
Renewal	165.00
Late renewal penalty	200.00
Reciprocity application	400.00
Duplicate license	15.00
Certification	25.00
Investigation fee	25.00

[Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-40-125, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-40-125, filed 8/10/83. Formerly WAC 308-40-120.]

WAC 308-40-130 Renewal of licenses. (1) Effective with the renewal period beginning October 1, 1977, the annual license renewal date for dentists will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of September 30, 1977. Licensed dentists desiring to renew their license will be required to pay a fee of fifteen dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following September 30, 1978.

(b) On and after October 1, 1977, all new or initial dentist licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee within thirty days of license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-40-120.

[Order PL 262, § 308-40-130, filed 1/13/77.]

WAC 308-40-140 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Implementation.

(a) Renewal of license. Effective with the renewal period beginning July 1, 1989 and ending June 30, 1990, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (3).

(b) Reinstatement of licenses. Effective July 1, 1989 and ending June 30, 1990, all persons making application for reinstatement of a license on lapsed or disciplinary status shall show evidence of compliance with the education requirements of subsection (3).

(c) Licenses on disciplinary status. Effective July 1, 1989 and ending June 30, 1990, all persons whose license is currently suspended or revoked shall submit evidence to show compliance with the education requirements of subsection (3).

(3) AIDS education and training.

(a) Acceptable education and training. The board will accept formal lecture-type education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of seven clock hours. As an alternative to formal lectures, the board will also accept education and training obtained through videos and/or self-study materials: *Provided*, That such videos and/or self-study materials must include a written examination that is graded by the provider of the materials.

All education and training shall include the subjects of prevention, transmission and treatment of AIDS, and information on the Washington State AIDS Omnibus Bill, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education has been completed after January 1, 1986;

(ii) Keep records for two years documenting attendance or description of the learning and any examination scores and/or copy of the examination: *Provided*, That persons whose license is on lapsed or disciplinary status must keep such records for two years following reinstatement of the license;

(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place or that an examination was taken.

[Statutory Authority: 1988 c 206 § 604. 89-11-053 (Order PM 837), § 308-40-140, filed 5/17/89.]

Chapter 308-41 WAC

LICENSING UNDER THE DRUGLESS THERAPEUTICS LAW

WAC
308-41-025 Fees.

[Title 308 WAC—p 90]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-41-010 License renewal fee. [Order PL 166, § 308-41-010, filed 4/2/74.] Repealed by Order PL 225, filed 11/5/75. Later promulgation, see WAC 308-41-020.
- 308-41-020 Drugless therapist—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-41-020, filed 9/25/80; Order PL 225, § 308-41-020, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-41-025.

WAC 308-41-025 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and exam	\$150.00
License renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Certification	15.00

[Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-41-025, filed 8/10/83. Formerly WAC 308-41-020.]

Chapter 308-42 WAC

PHYSICAL THERAPISTS

WAC

- 308-42-010 Definitions.
- 308-42-040 Examinations—When held.
- 308-42-045 Examination.
- 308-42-060 Reciprocity—Requirements for licensure.
- 308-42-070 Reinstatement.
- 308-42-075 Physical therapy fees.
- 308-42-090 Applications.
- 308-42-110 Application due date.
- 308-42-120 Renewal of license.
- 308-42-121 Change of address or name—Notification of department.
- 308-42-122 Approved physical therapy schools.
- 308-42-123 AIDS education and training.
- 308-42-125 Applicants from unapproved schools.
- 308-42-130 Initial evaluation—Referral—Nonreferral—Recommendations—Follow-up.
- 308-42-135 Supportive personnel—Supervision.
- 308-42-136 Physical therapist assistant supervision ratio.
- 308-42-140 Supportive personnel identification.
- 308-42-145 Special requirements for physical therapist assistant utilization.
- 308-42-150 Professional conduct principles.
- 308-42-155 Division of fees—Rebating—Financial interest—Endorsement.
- 308-42-160 Physical therapy records.
- 308-42-210 General provisions.
- 308-42-220 Mandatory reporting.
- 308-42-230 Health care institutions.
- 308-42-240 Physical therapy associations or societies.
- 308-42-250 Health care service contractors and disability insurance carriers.
- 308-42-260 Professional liability carriers.
- 308-42-270 Courts.
- 308-42-280 State and federal agencies.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-42-020 Registration certificates—Signed by examining committee. [Order 704207, § 308-42-020, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order

- PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-025 Application for registration—Process. [Order PL 191, § 308-42-025, filed 5/29/75.] Repealed by 83-05-032 (Order PL 426), filed 2/10/83. Statutory Authority: RCW 18.74.020.
- 308-42-030 Examining committee—Chairman to be designated. [Statutory Authority: RCW 18.74.020, 83-05-032 (Order PL 426), § 308-42-030, filed 2/10/83; Order 704207, § 308-42-030, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-035 Examination committee—Meetings. [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.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-050 Probationary certificates—Foreign trained applicants. [Order PL 191, § 308-42-050, filed 5/29/75; Order 704207, § 308-42-050, filed 8/7/70, effective 9/15/70.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-055 Probationary certificates—Domestic trained applicants. [Statutory Authority: RCW 18.74.020, 80-14-011 (Order PL-354), § 308-42-055, filed 9/22/80.] Repealed by 84-03-055 (Order PL 455), filed 1/18/84. Statutory Authority: RCW 18.74.023.
- 308-42-080 Registration renewal fee. [Order PL 149, § 308-42-080, filed 9/18/73.] Repealed by Order PL 219, filed 11/5/75. Later promulgation, see WAC 308-42-100.
- 308-42-100 Physical therapist—Fees. [Statutory Authority: RCW 43.24.085, 80-14-022 (Order 356), § 308-42-100, filed 9/25/80; Order PL 219, § 308-42-100, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-42-075.
- 308-42-200 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 43, 84-17-031 (Order PL 476), § 308-42-200, filed 8/8/84.] Repealed by 85-18-087 (Order PL 549), filed 9/4/85. Statutory Authority: RCW 18.74.028.

WAC 308-42-010 Definitions. For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation" means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean an individual who shall have received an associate degree as a physical therapist assistant from an approved school, or a graduate of an approved school of physical therapy who has not been licensed to practice physical therapy in Washington state.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at

such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

(9) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(10) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(11) "Spinal manipulation" or "manipulative mobilization" is defined as movement beyond the normal physiological range of motion.

[Statutory Authority: RCW 18.74.023(3), 89-21-007, § 308-42-010, filed 10/6/89, effective 11/6/89; 88-23-014 (Order PM 789), § 308-42-010, filed 11/7/88. Statutory Authority: RCW 18.74.023, 84-13-057 (Order PL 471), § 308-42-010, filed 6/19/84; Order PL 191, § 308-42-010, filed 5/29/75; Order 704207, § 308-42-010, filed 8/7/70, effective 9/15/70.]

WAC 308-42-040 Examinations—When held. (1) Examinations of applicants for licensure as physical therapists shall be held at least twice a year at the time and location prescribed by the board.

(2) 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 will be withheld until a diploma, official transcript or certification letter from the registrar's office certifying completion of all requirements for degree or certificate in physical therapy is received by the department.

[Statutory Authority: RCW 18.74.023, 87-08-065 (Order PM 644), § 308-42-040, filed 4/1/87; 84-03-055 (Order PL 455), § 308-42-040, filed 1/18/84. Statutory Authority: RCW 18.74.020, 83-05-032 (Order PL 426), § 308-42-040, filed 2/10/83; 79-05-035 (Order PL 302), § 308-42-040, filed 4/24/79; Order PL 191, § 308-42-040, filed 5/29/75; Order 704207, § 308-42-040, filed 8/7/70, effective 9/15/70.]

WAC 308-42-045 Examination. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as prepared by the Professional Examining Service of New York. A passing score is not less than sixty percent raw score on each of the three examination parts.

(2) If a candidate fails to receive a passing score on the examination, he or she will be required to retake only the section(s) failed.

(3) Where necessary, applicant's score will be rounded off to the nearest whole number.

[Statutory Authority: RCW 18.74.023, 86-19-063 (Order PM 619), § 308-42-045, filed 9/16/86; 84-17-032 (Order PL 477), § 308-42-

045, filed 8/8/84. Statutory Authority: RCW 18.74.020, 83-05-032 (Order PL 426), § 308-42-045, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-045, filed 9/15/81; Order PL 191, § 308-42-045, filed 5/29/75.]

WAC 308-42-060 Reciprocity—Requirements for licensure. (1) Before reciprocity is extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the board shall determine the qualifications of the applicant as prescribed by law based in part on the Professional Examining Service examination with not less than sixty percent raw score on each of the three examination parts.

(2) If the decision to extend reciprocity is based on an examination other than the Professional Examining Service, the board shall determine if such examination is equivalent to that required by the laws of this state.

(3) The board shall not recommend to the director that a person be registered as a physical therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the Professional Examining Service examination, or other examination equivalent to that required by the laws of this state.

[Statutory Authority: RCW 18.74.023, 86-19-063 (Order PM 619), § 308-42-060, filed 9/16/86; 84-17-032 (Order PL 477), § 308-42-060, filed 8/8/84. Statutory Authority: RCW 18.74.020, 83-05-032 (Order PL 426), § 308-42-060, filed 2/10/83; 81-19-071 (Order PL 384), § 308-42-060, filed 9/15/81; Order PL 191, § 308-42-060, filed 5/29/75; Order 704207, § 308-42-060, filed 8/7/70, effective 9/15/70.]

WAC 308-42-070 Reinstatement. [(1)] Any physical therapist who fails to renew the license within thirty days of the date set by the director for renewal shall automatically lapse. The licensee may, within three years from the date of lapse and upon recommendation of the board, request the license be revived by paying all back fees and a penalty fee determined by the director.

(2) If a license has lapsed more than three years, the license may be revived under the following conditions:

(a) The board may require reexamination of an applicant who has not been continuously engaged in lawful practice in another state or territory, or

(b) Waive reexamination in favor of evidence of continuing education satisfactory to the board.

[Statutory Authority: RCW 18.74.023, 84-03-055 (Order PL 455), § 308-42-070, filed 1/18/84. Statutory Authority: RCW 18.74.020, 83-05-032 (Order PL 426), § 308-42-070, filed 2/10/83.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-42-075 Physical therapy fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application—Examination (two or more parts—initial/retake)	\$100.00

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Title of Fee	Fee
Application—Examination (one part—initial/retake)	60.00
Reciprocity application	100.00
License renewal	35.00
Late renewal penalty	35.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-42-075, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-42-075, filed 8/10/83. Formerly WAC 308-42-100.]

WAC 308-42-090 Applications. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the educational requirements of AIDS education as set forth in WAC 308-42-123.

[Statutory Authority: RCW 18.74.023(3), 88-23-014 (Order PM 789), § 308-42-090, filed 11/7/88.]

WAC 308-42-110 Application due date. All examination applications must be submitted no later than sixty days prior to the examination.

[Statutory Authority: RCW 18.74.020, 79-05-035 (Order PL 302), § 308-42-110, filed 4/24/79.]

WAC 308-42-120 Renewal of license. (1) The annual license renewal date for physical therapists shall coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) Effective January 1, 1989, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-42-123. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

(3) Licensees are responsible for annual renewal of a license whether or not they receive notification from the department.

[Statutory Authority: RCW 18.74.023(3), 89-21-008, § 308-42-120, filed 10/6/89, effective 11/6/89; 88-23-014 (Order PM 789), § 308-42-120, filed 11/7/88. Statutory Authority: RCW 18.74.023, 84-03-055 (Order PL 455), § 308-42-120, filed 1/18/84. Statutory Authority: RCW 43.24.140, 80-04-057 (Order 337), § 308-42-120, filed 3/24/80.]

WAC 308-42-121 Change of address or name—Notification of department. Any physical therapy licensee who moves from the address named in his or her application or license or who changes his or her name shall within 10 days thereafter notify the department in writing of his or her old and new addresses or of the former and new names.

[Statutory Authority: RCW 18.74.023(3), 89-21-009, § 308-42-121, filed 10/6/89, effective 11/6/89.]

WAC 308-42-122 Approved physical therapy schools. The board adopts the standards of the American Physical Therapy Association for the approval of physical therapy schools. Individuals who have a baccalaureate degree in physical therapy or who have a baccalaureate degree and a certificate or advanced degree from an institution of higher learning accredited by the American Physical Therapy Association will be considered qualified under RCW 18.74.030(2).

[Statutory Authority: RCW 18.74.023. 85-10-002 (Order PL 525), § 308-42-122, filed 4/18/85.]

WAC 308-42-123 AIDS education and training. (1) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the education; and

(c) Be prepared to validate, through submission of these records, that education has taken place.

[Statutory Authority: RCW 18.74.023(3). 88-23-014 (Order PM 789), § 308-42-123, filed 11/7/88.]

WAC 308-42-125 Applicants from unapproved schools. Applicants who have not graduated from a physical therapy program approved by the board must submit an application for review by the board. Supporting documentation will include but not be limited to:

(a) Official transcript from the physical therapy program showing degree date, and

(b) Evaluation report of transcripts from a credentialing service recognized by the board. If the qualifications are substantially equal to those required of graduates of board approved schools the applicant will be eligible to write the examination being administered in Washington: *Provided*, If the applicant has taken the examination recognized by the board in another state or territory, or District of Columbia and the scores reported meet Washington requirements, such applicant may be exempted from the examination in Washington at the discretion of the board.

(1989 Ed.)

[Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-125, filed 6/19/84.]

WAC 308-42-130 Initial evaluation--Referral--Nonreferral--Recommendations--Follow-up. (1) Initial evaluation of a nonreferral patient shall include history, chief complaint, examination, and recommendation for treatment.

(2) Direct referral of a patient by an authorized health care practitioner may be by telephone, letter, or in person: *Provided, however*, If the instructions are oral, the physical therapist may administer treatment accordingly, but must make a notation for his/her record describing the nature of the treatment, the date administered, the name of the person receiving treatment, and the name of the referring authorized health care practitioner.

(3) The physical therapist will follow-up each referral or nonreferral with the appropriate recordkeeping as defined in WAC 308-42-160.

[Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-130, filed 6/19/84.]

WAC 308-42-135 Supportive personnel--Supervision. Supervision of supportive personnel requires that the supervisor perform the following activities:

(1) Provide initial evaluation of the patient.

(2) Develop a treatment plan and program, including long and short-term goals.

(3) Assess the competence of supportive personnel to perform assigned tasks.

(4) Select and delegate appropriate portions of the treatment plan and program.

(5) Direct and supervise supportive personnel in delegated functions.

(6) Reevaluate the patient and adjust the treatment plan as acceptable physical therapy practice requires, consistent with the delegated health care task.

(7) Provide discharge planning.

[Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-135, filed 8/8/84.]

WAC 308-42-136 Physical therapist assistant supervision ratio. The number of full time equivalent physical therapist assistants utilized in any physical therapy practice shall not exceed twice in number the full time equivalent licensed physical therapists practicing therein.

[Statutory Authority: RCW 18.74.023. 85-11-049 (Order PL 531), § 308-42-136, filed 5/16/85.]

WAC 308-42-140 Supportive personnel identification. All supportive personnel shall wear an identification badge identifying them as either a physical therapist assistant or a physical therapist aide as appropriate. Supportive personnel shall not use any term or designation which indicates or implies that he or she is licensed or registered in the state of Washington.

[Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-140, filed 6/19/84.]

WAC 308-42-145 Special requirements for physical therapist assistant utilization. The physical therapist assistant may function under immediate, direct or indirect supervision if the following requirements are met:

(1) Patient reevaluation must be performed by a supervising licensed physical therapist every five visits or once a week if treatment is performed more than once a day.

(2) Any change in the patient's condition not consistent with planned progress or treatment goals necessitates a reevaluation by the licensed physical therapist before further treatment is carried out.

[Statutory Authority: RCW 18.74.023(3). 89-19-007 (Order PM 859), § 308-42-145, filed 9/8/89, effective 10/9/89. Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-145, filed 8/8/84.]

WAC 308-42-150 Professional conduct principles.

(1) The patient's lawful consent is to be obtained before any information related to the patient is released, except to the consulting or referring authorized health care practitioner and/or authorized governmental agency(s).

(a) Physical therapists are responsible for answering legitimate inquiries regarding a patient's physical dysfunction and treatment progress, and

(b) Information is to be provided to insurance companies for billing purposes only.

(2) Physical therapists are not to compensate to give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of, or in return for, professional publicity in a news item. A paid advertisement is to be identified as such unless it is apparent from the context it is a paid advertisement.

(3) It is the licensee's responsibility to report any unprofessional, incompetent or illegal acts which are in violation of chapter 18.74 RCW or any rules established by the board.

[Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-150, filed 6/19/84.]

WAC 308-42-155 Division of fees—Rebating—Financial interest—Endorsement. (1) Physical therapists are not to directly or indirectly request, receive or participate in the dividing, transferring, assigning, rebating or refunding of an unearned fee, or to profit by means of a credit or other valuable consideration such as an unearned commission, discount, or gratuity in connection with the furnishing of physical therapy services.

(2) Physical therapists who practice physical therapy as partners or in other business entities may pool fees and moneys received, either by the partnership or other entity, for the professional services furnished by any physical therapist member or employee of the partnership or entity. Physical therapists may divide or apportion the fees and moneys received by them, in the partnership or other business entity, in accordance with the partnership or other agreement.

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(3) There shall be no rebate to any health care practitioner who refers or authorizes physical therapy treatment or evaluation as prohibited by chapter 19.68 RCW.

(4) Physical therapists are not to influence patients to rent or purchase any items which are not necessary for the patient's care.

[Statutory Authority: RCW 18.74.023. 84-13-057 (Order PL 471), § 308-42-155, filed 6/19/84.]

WAC 308-42-160 Physical therapy records. In order to maintain the integrity of physical therapy practice, the physical therapist is responsible for obtaining all necessary information, such as medical history, contraindications or, if a direct referral from an authorized health care practitioner, special instructions. The physical therapist shall document the consultation of a nonreferral patient. The evaluation and treatment plan shall be written according to acceptable physical therapy practice consistent with the delegated health care task.

[Statutory Authority: RCW 18.74.023. 84-17-032 (Order PL 477), § 308-42-160, filed 8/8/84.]

WAC 308-42-210 General provisions. (1) "Unprofessional conduct" as used in these regulations shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Board" means the physical therapy board, whose address is:

Department of Licensing
Division of Professional Programs Management
P.O. Box 9649
Olympia, WA 98504

(5) "Physical therapist" means a person licensed pursuant to chapter 18.74 RCW.

(6) "Mentally or physically disabled physical therapist" means a physical therapist who has either been determined by a court to be mentally incompetent or mentally ill or who is unable to practice physical therapy with reasonable skill and safety to patients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-210, filed 8/28/87.]

WAC 308-42-220 Mandatory reporting. (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address and telephone number of the person making the report.

(b) The name and address and telephone numbers of the physical therapist being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid the evaluation of the report.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-220, filed 8/28/87.]

WAC 308-42-230 Health care institutions. The chief administrator or executive officer of any hospital or nursing home shall report to the board when any physical therapist's services are terminated or are restricted based on a determination that the physical therapist has either committed an act or acts which may constitute unprofessional conduct or that the physical therapist may be mentally or physically disabled.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-230, filed 8/28/87.]

WAC 308-42-240 Physical therapy associations or societies. The president or chief executive officer of any physical therapy association or society within this state shall report to the board when an association or society determines that a physical therapist has committed unprofessional conduct or that a physical therapist may not be able to practice physical therapy with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety or welfare. The report required by this subsection shall be made without regard to whether the license holder appeals, accepts or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-240, filed 8/28/87.]

WAC 308-42-250 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A and 48.44 RCW operating in the state of Washington, shall report to the board all final determinations that a physical therapist has engaged in overcharging for services or has engaged in overutilization of services or has charged fees for services not actually provided.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-250, filed 8/28/87.]

WAC 308-42-260 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to physical therapists shall send a complete report of any malpractice settlement, award or payment as a result of a claim or action for damages alleged to have been caused by an insured physical therapist's incompetency or negligence in the practice of physical therapy.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-260, filed 8/28/87.]

WAC 308-42-270 Courts. The board requests the assistance of all clerks of trial courts within the state to report all professional malpractice judgments and all convictions of licensed physical therapists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-270, filed 8/28/87.]

WAC 308-42-280 State and federal agencies. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physical therapist is employed to provide patient care services, to report to the board whenever such a physical therapist has been judged to have demonstrated his/her incompetency or negligence in the practice of physical therapy, or has otherwise committed unprofessional conduct; or is a mentally or physically disabled physical therapist.

[Statutory Authority: RCW 18.130.070. 87-18-040 (Order PM 675), § 308-42-280, filed 8/28/87.]

**Chapter 308-44 WAC
ENGINEERS AND LAND SURVEYORS**

Reviser's note: See Title 196 WAC, Professional Engineers and Land Surveyors, Board of Registration for.

**Chapter 308-48 WAC
FUNERAL DIRECTORS AND EMBALMERS**

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308-48-800	Funeral director/embalmer fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-48-020	Misconduct enumerated in statute. [Rule 2, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
308-48-090	Absence of licensee. [Order PL 273, § 308-48-090, filed 8/1/77; Rule 9, filed 9/17/64.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
308-48-115	Director's designees. [Order PL 273, § 308-48-115, filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
308-48-120	Apprentices—Credit limitation for prior employment. [Rules, § 1, filed 10/5/67.] Repealed by 86-15-022 (Order PM 604), filed 7/11/86. Statutory Authority: RCW 18.39.175(4).
308-48-130	College credit. [Rules, § 2, filed 10/5/67.] Repealed by 86-15-022 (Order PM 604), filed 7/11/86. Statutory Authority: RCW 18.39.175(4).
308-48-170	Collegiate level hours. [Order PL 122, § 308-48-170, filed 5/9/72.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
308-48-175	Application to national boards—Embalmers. [Order PL 273, § 308-48-175, filed 8/1/77; Order PL-259, § 308-48-175, filed 12/7/76.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
308-48-19001	Definition—Employ. [Order PL 273, § 308-48-190 (codified as WAC 308-48-19001), filed 8/1/77.] Repealed by 83-04-021 (Order PL 420), filed 1/26/83. Statutory Authority: 1982 c 66 § 12.
308-48-250	Fees. [Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-48-250, filed 8/10/83. Formerly WAC 308-48-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
308-48-300	License renewal fee. [Order PL-163, § 308-48-300, filed 3/18/74.] Repealed by Order PL 207, filed 11/5/75. Later promulgation, see WAC 308-48-310.
308-48-310	Funeral directors and embalmers—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-48-310, filed 9/25/80; Order PL 273, § 308-48-310, filed 8/1/77; Order PL-259, § 308-48-310, filed 12/7/76; Order PL 207, § 308-48-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-48-250.
308-48-320	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 35. 84-21-132 (Order PL 492), § 308-48-320, filed 10/24/84.] Repealed by 85-19-013 (Order PL 550), filed 9/6/85. Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176.

WAC 308-48-010 Definitions. For the purpose of these rules, the following terms shall be construed in the following manner:

(1) "Funeral director," "embalmer," and "funeral establishment" shall have the same meaning as provided in RCW 18.39.010.

(2) "Board" shall mean the state board of funeral directors and embalmers.

(3) "Licensee" shall mean any person or entity holding a license issued by the director.

(4) "In its employ" as used in RCW 18.39.148 shall include personnel who are employed on a part-time basis as well as personnel who are employed on a full-time basis.

Any prohibition in these rules and regulations stated as against a licensee or apprentice shall be taken and treated as a prohibition against such action by the licensee or apprentice in his own proper person, directly or indirectly, or by agent, servant, employee or associate, or through any person, firm or corporation, and as a prohibition against such action known and permitted by him and operating or tending to operate for his benefit from whatever source.

[Statutory Authority: RCW 18.39.175(4). 86-15-022 (Order PM 604), § 308-48-010, filed 7/11/86. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-010, filed 1/26/83; Rule 1, filed 9/17/64.]

WAC 308-48-030 Restrictions. (1) Licensees in all their licensed activities, shall comply with all applicable Washington state laws, rules and regulations related to health or the handling or disposal of human remains.

(2) No licensee, apprentice, employee or agent of the licensee, in handling a dead body, shall perform any unnecessary act which will tend to affect adversely the dignity or the respectful and reverential handling and burial or other customary disposal of the dead.

(3) The care and preparation for burial or other disposition of all human dead bodies shall be private. No one shall be allowed in the embalming or preparation rooms while a dead body is being embalmed or during the course of an autopsy except the licensee, his authorized employees, and public officials in the discharge of their duties. This rule shall not apply to duly authorized doctors and nurses employed in a case, nor to members of the immediate family of the deceased or those authorized to be present by the decedent's next of kin.

(4) Every licensee shall provide a written itemization of any property, money, jewelry, possessions or other items of significant value found on a body in the licensee's care, custody or control to the decedent's next of kin or the proper authorities.

[Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-030, filed 3/28/88. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-030, filed 1/26/83; Rule 3, filed 9/17/64.]

WAC 308-48-031 Embalming and preparation room. (1) Embalming. No embalming of a body of a deceased person shall be performed in a funeral establishment except in a room set aside exclusively for embalming or other preparation of a body of a deceased

person. Such room shall be maintained and kept in a clean sanitary condition.

(2) Embalming and preparation room. Every embalming and preparation room shall be constructed, equipped and maintained as follows:

(a) The surfaces of the floor, walls, and ceiling shall be covered with tile or other hard, smooth, impervious washable material.

(b) The room shall be adequately lighted and adequately ventilated. The ventilation shall be provided by an exhaust fan or by an appropriate air-conditioning unit which will completely remove objectionable fumes.

(c) The room shall be equipped and provided with hot and cold running water, a utility sink, and cabinets, closets or shelves for instruments and supplies.

(d) The room shall be equipped with adequate sewage and waste disposal and drainage facilities and systems.

(e) The doors shall be tight closing and rigid and any windows of the room shall be so maintained as to obstruct any view into such room. The room's entry door(s) must be labeled "Private" or "Authorized Entry Only."

(f) The embalming or preparation table shall be nonporous.

(g) The room shall be equipped with proper and convenient covered receptacles for refuse, bandages, cotton, and other waste materials.

[Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-031, filed 3/28/88.]

WAC 308-48-040 Control of dead bodies. (1) No licensee shall, directly or indirectly, assume control of any dead body without having first obtained authority therefore from the person or persons lawfully entitled thereto, or their responsible representatives or, in a proper case, a public official lawfully entitled to such control.

(2) A licensee in charge of a dead body shall be governed by the directions of those lawfully entitled to such control as aforesaid, as to matters relating to the preparation, handling and final disposal of such body (including steps in preparation, autopsy, embalming, dressing, viewing, photographing; type of clothing, casket, box or vault; cremation; time, place, type and manner of funeral ceremonies and burial or other customary disposal) insofar as public health and laws will permit.

(3) Whenever any dead human body shall have been in the lawful possession of any person, firm, corporation or association for a period of one year or more, or whenever the cremated remains of any dead human body have been in the lawful possession of any person, firm, corporation or association for a period of two years or more, upon submission of evidence to the effect that such person, firm, corporation or association has made unsuccessful efforts to have the person or persons responsible for the remains, provide for disposition of same, special permits for such disposition may be secured from the state department of health.

[Rule 4, filed 9/17/64.]

WAC 308-48-050 Confidence. No licensee or apprentice shall divulge any confidence, privacy or secrets

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of the domestic life in any home wherein he may be called upon to serve, and this prohibition shall include any information as to illness, cause of death, financial affairs or transactions, and any other information customarily considered confidential, obtained while serving in such licensed capacity. This prohibition shall not prevent the divulging to any person lawfully entitled or properly authorized to receive same.

[Rule 5, filed 9/17/64.]

WAC 308-48-060 Against concealment of crime.

(1) No licensee or apprentice shall remove or embalm a dead body when he has information indicating crime or intentional violence in connection with the cause of death, until permission is first obtained from a county coroner or other qualified official.

(2) Any licensee or apprentice having or obtaining, as a result of his services, any information in relation to a possible crime shall forthwith communicate such information to a proper law-enforcement officer.

(3) No licensee or apprentice shall do any act knowing that it will conceal evidence of crime.

(4) No embalmer or apprentice embalmer shall knowingly use any fluid or compound which is in violation of federal or state law, in the embalming of a dead body.

[Statutory Authority: RCW 18.39.175(4). 86-15-022 (Order PM 604), § 308-48-060, filed 7/11/86; Rule 6, filed 9/17/64.]

WAC 308-48-070 Fraud and deceit. No licensee or apprentice shall practice any fraud or deceit of any kind in connection with his licensed activities, and he shall not misrepresent any merchandise or service which he offers for sale.

[Rule 7, filed 9/17/64.]

WAC 308-48-075 Display of licenses. (1) A licensee must display a license in each location where he/she is employed. Legal duplicates provided by the department at a fee to be determined by the director will be displayed when a licensee is employed at more than one location. The display of photocopies is prohibited.

[Statutory Authority: RCW 18.39.175(4). 87-11-063 (Order PM 652), § 308-48-075, filed 5/20/87.]

WAC 308-48-080 Improper use of license. No licensee shall place, permit to be placed or authorize the placement of his license in any establishment of place of business unless he be an owner, part owner or bona fide employee of such place of business, nor shall he lend his license (or any copy thereof) for use by any establishment or place of business in which he has no such interest, nor shall he suffer any establishment or place of business to pretend or represent that it is legally qualified to perform funeral directing or embalming by any such improper use of his license.

[Rule 8, filed 9/17/64.]

WAC 308-48-085 Funeral establishments--Inspections. (1) Funeral establishments licensed under the provisions of chapter 18.39 RCW will be inspected at least

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once each year by the duly appointed department inspector.

(2) Inspections shall cover the areas of sanitation and public health as well as conformity with applicable statutes and rules.

[Statutory Authority: RCW 18.39.157(4) [18.39.175(4)]. 88-08-015 (Order PM 716), § 308-48-085, filed 3/28/88; Order PL 273, § 308-48-085, filed 8/1/77.]

WAC 308-48-100 Improper methods for seeking business. No licensee, apprentice nor other person associated with a funeral establishment shall solicit business or shall offer any inducement, pecuniary or otherwise, for employing solicitors, agents, canvassers or others for the purpose of securing or attempting to secure business regarding deceased persons or persons whose death is imminent. Licensees shall not use donations, gifts, bonuses or acts of service designed to place the recipient in a position of obligation or indebtedness; and such persons shall neither transfer nor offer to transfer any property or service as payment of or in token for business secured, influenced or otherwise provided or in promise thereof. This regulation is intended to prohibit solicitation regarding deceased persons or persons whose death is imminent or who, because of their particular circumstances, are vulnerable to undue influence. This regulation does not prohibit the general advertising, solicitation, or sales of prearrangement funeral service contracts.

[Statutory Authority: RCW 18.39.175 (4) and (5). 85-19-014 (Order PL 551), § 308-48-100, filed 9/6/85; Rule 10, filed 9/17/64.]

WAC 308-48-110 Revocation of license. No individual whose license has been revoked shall be eligible for licensure as a funeral director or embalmer in this state for a period of five years from the date of such revocation. Upon expiration of the 5-year period, such individual may apply for reinstatement provided he successfully retakes the examination and meets all the minimum requirements of RCW 18.39.035.

[Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-110, filed 1/26/83; Order PL 273, § 308-48-110, filed 8/1/77; Rule 11, filed 9/17/64.]

WAC 308-48-140 Licenses--Applicants from other states. To qualify pursuant to RCW 18.39.130 for licensure as an applicant from another state, an applicant must furnish proof satisfactory to the department that his professional education and experience are comparable to the minimum requirements set out in RCW 18.39.035 and 18.39.045, including proof that the applicant:

(1) Is currently licensed in good standing in another state or territory of the United States;

(2) If an applicant for a funeral director license has successfully completed a funeral director licensure examination in another state or the national board examination, and the current preparation and transportation, public health and state law portions of the Washington examination;

(3) If an applicant for an embalmer's license, has successfully completed an embalmer license examination in another state or the national board examination, and the current preparation and transportation, public health and state law portions of the Washington examination;

(4) Has completed 60 semester or 90 quarter hours of study at an accredited college or institution of higher learning or the equivalent;

(5) For a funeral director's license, has completed at least a one year apprenticeship under a licensed funeral director in the state where originally licensed;

(6) For an embalmer's license, has completed a two year apprenticeship under the supervision of a licensed embalmer and graduated from a school of mortuary science recognized by the board.

Applicants may substitute a year of full time employment as a licensed funeral director or embalmer for each required year of apprenticeship.

[Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-48-140, filed 6/6/88; 86-15-022 (Order PM 604), § 308-48-140, filed 7/11/86. Statutory Authority: RCW 18.39.130, as amended by SHB 871. 83-01-111 (Order PL 416), § 308-48-140, filed 12/21/82; Order 700801, § 308-48-140, filed 8/25/70.]

WAC 308-48-145 Approval of embalming schools and accrediting associations. (1) The board, in approving courses of instruction in embalming schools pursuant to RCW 18.39.035(2), adopts the standards of the American Board of Funeral Service Education, Inc. which are relevant to the accreditation of embalming schools and current on April 23, 1983, and approves all and only those schools which were accredited by, and in good standing with, the Board of Funeral Service Education, Inc. pursuant to those standards or as subsequently revised, and approved by the board. Other embalming schools which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of a school to apply for approval and of an applicant to ascertain whether or not a school has been approved by the board.

(2) The board, in approving associations accrediting schools, colleges or universities providing a two-year college course pursuant to RCW 18.39.045, approves of accrediting groups recognized by the Council on Post-secondary Accreditation (COPA). The board adopts the standards of COPA relevant to the recognition of accrediting groups as of May 15, 1982 and approves all and only those groups recognized and in good standing with COPA pursuant to those standards or as subsequently revised, and approved by the board. Other accrediting associations which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of an association to apply for approval and of an applicant to ascertain whether or not a school, college or university has been accredited by an association approved by the board.

(3) In both (1) and (2), the board reserves the right to withdraw approval of any course of instruction in an embalming school or any association accrediting a school, college or university providing a two-year college course which ceases to meet the approval of the board

and/or the American Board of Funeral Service Education, Inc. or COPA.

[Statutory Authority: RCW 18.39.175(4), 18.39.035(2) and 18.39.045. 84-11-059 (Order PL 468), § 308-48-145, filed 5/18/84.]

WAC 308-48-150 Course of training--Funeral director apprentice. (1) For the purposes of RCW 18.39.035, the term "one year course of training" shall include assisting a licensed funeral director in conducting at least twenty-five funerals and assisting in the burial and/or final disposition of at least twenty-five human bodies.

(2) The term "one year" shall consist of at least eighteen hundred hours of employment and cannot be completed in a period of time less than one calendar year.

[Statutory Authority: RCW 18.39.175(4), 86-15-022 (Order PM 604), § 308-48-150, filed 7/11/86; Order PL-259, § 308-48-150, filed 12/7/76; Order PL 122, § 308-48-150, filed 5/9/72.]

WAC 308-48-160 Course of training--Embalmer's apprentice. (1) For the purposes of RCW 18.39.035, the term "two year course of training" shall include the embalming of at least fifty human bodies under the supervision of a licensed embalmer.

(2) The term "two year" shall consist of at least thirty-six hundred hours of employment and cannot be completed in a period of time less than two calendar years.

[Statutory Authority: RCW 18.39.175(4), 86-15-022 (Order PM 604), § 308-48-160, filed 7/11/86; Order PL-259, § 308-48-160, filed 12/7/76; Order PL 122, § 308-48-160, filed 5/9/72.]

WAC 308-48-165 Examination subjects. Effective March 1, 1983, the following examinations will be administered to all funeral director and embalmer license applicants:

(1) For funeral directors, the funeral service arts exam covering sociology, psychology and counseling, funeral directing and professional relationships, business law, funeral service law, funeral merchandising and accounting;

(2) For embalmers, the funeral service science exam covering embalming, restorative art, microbiology, pathology, chemistry and anatomy.

Applicants will also be required to successfully complete a state exam in the following subjects:

(3) For funeral directors, signs of death, sanitary science and state law governing the practice of funeral directing, and the preparation, burial, disposal or shipment of human remains;

(4) For embalmers, physiology, sanitary science and state law governing the practice of embalming, and the preparation, burial, disposal or shipment of human remains.

[Statutory Authority: RCW 18.39.175(4), 86-15-022 (Order PM 604), § 308-48-165, filed 7/11/86. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-165, filed 1/26/83.]

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WAC 308-48-180 Renewal of licenses. (1) The annual license renewal date for embalmers and funeral directors is hereby changed to coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to next birth anniversary date.

(3) Under the staggered license renewal system, the late payment penalty provision will be applied as follows:

(a) Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee.

[Order PL 207, § 308-48-180, filed 11/5/75; Order PL 171, § 308-48-180, filed 5/20/74.]

WAC 308-48-185 Funeral establishments--License expiration. Funeral establishment licenses issued pursuant to chapter 18.39 RCW, as now or hereafter amended, shall expire annually on June 30.

[Order PL 273, § 308-48-185, filed 8/1/77.]

WAC 308-48-190 Examination fee. Examination fees paid pursuant to the provisions of RCW 18.39.070(1) are not refundable unless the applicant notifies the department in writing at least 15 days prior to the scheduled exam date that he will not appear.

[Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-190, filed 1/26/83; Order PL-249, § 308-48-190, filed 5/21/76.]

WAC 308-48-200 Report of apprenticeship termination, transfer and credit. (1) The responsibility for notifying the director, department of licensing of apprenticeship registration and termination rests with the employing funeral director or embalmer pursuant to RCW 18.39.120. In order to protect the status of the apprentice in cases where the employing licensee fails to initiate the required report of termination or registration, the affected apprentice should initiate and ensure submission of same. Such report must be submitted within thirty days of the termination or registration of the apprentice's employment, setting forth the information required for apprenticeship credit. The report shall be certified by signature of the supervising employer.

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(2) A transfer of apprenticeship report shall be submitted by the apprentice or his new employer to the director, department of licensing, within thirty days of his hiring by a new supervising employer. Such report is to be signed by the apprentice and his new supervising employer. No apprenticeship credit shall be allowed for period worked between the time of transfer and the reporting of same unless such report is submitted within the required thirty days of such transfer. No credit for apprenticeship shall be allowed for any period during which the apprentice is not [duly] [duty] registered pursuant to RCW 18.39.120, except as provided for in WAC 308-48-120. In the event an apprentice's supervising employer dies or is otherwise incapable of certifying apprenticeship credit, such credit may be given by certification of the apprentice of credit due or by certification by another licensee who has knowledge of the work performed and the credit due: Provided, That in either such case, documentation or reasonable proof of such credit may be required by the director.

[Statutory Authority: RCW 18.39.120 and 18.39.175. 88-01-024 (Order PM 697), § 308-48-200, filed 12/9/87. Statutory Authority: RCW 18.39.175. 83-04-020 (Order PL 419), § 308-48-200, filed 1/26/83; Order PL-249, § 308-48-200, filed 5/21/76.]

WAC 308-48-210 Establishment licensure. (1) It is the intent of the board that the establishment licensure process serve to protect consumers by identifying to the department all locations subject to inspection and regulation. Establishments are encouraged to procure an individual license for each location.

(2) Branches of an establishment may operate under the general license of the establishment, pursuant to RCW 18.39.145 and 18.39.148 and the following terms and conditions:

(a) Branch(es) must operate under the same name as the general establishment.

(b) Branch(es) must be identified by location on the general establishment license.

(c) Branch(es) must display a duplicate of the general license.

(d) Branch(es) must have a licensed funeral director and embalmer in its employ and available to provide any services requiring the professional skills of a licensee.

(e) The failure of a branch to meet the standards of an establishment may result in cancellation of the entire general establishment license, pursuant to RCW 18.39-.148.

[Statutory Authority: RCW 18.39.175(4). 87-11-063 (Order PM 652), § 308-48-210, filed 5/20/87.]

WAC 308-48-350 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

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(2) Application for licensure or apprenticeship registration. Effective January 1, 1990 persons applying for licensure or apprenticeship registration shall submit evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses or apprenticeship registration. Effective with the renewal period beginning January 1, 1990, ending December 31, 1990, all persons making application for licensure renewal or apprenticeship registration shall submit evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of four and one half clock hours and shall include, but is not limited to, the following: Prevention, transmission and treatment of AIDS.

(b) Implementation. Effective January 1, 1990, the requirement for licensure, apprenticeship registration, renewal, or reinstatement of any license or apprenticeship registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

(5) Continuing education. The AIDS education requirement may be counted towards the fulfillment of the continuing education requirement.

[Statutory Authority: RCW 70.24.270. 89-04-002 (Order PM 793), § 308-48-350, filed 1/19/89.]

WAC 308-48-510 Continuing education requirements--Purpose. Continuing education activities, approved by the board of funeral directors and embalmers, shall be required as a condition of renewal of funeral director and embalmer licenses and of apprentice funeral director and apprentice embalmer registration, in order to maintain and improve the quality of their services to the public.

[Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-510, filed 12/19/84.]

WAC 308-48-520 Effective date of continuing education requirement. (1) The effective date of the continuing education requirement will be two years after the 1985 renewal date. Therefore, the required number of hours must first be met by the 1987 license renewal date.

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(2) With respect to any individual, the regulation will become effective on the 1987 renewal or two years after initial licensure in this state, whichever is later.

(3) Acceptable courses taken after January 1, 1985 may be included in the first computation of continuing education hours necessary for renewal.

[Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-520, filed 12/19/84.]

WAC 308-48-530 Continuing education basic requirement—Amount. (1) Every individual licensed as a funeral director and/or embalmer shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such licenses.

(2) Every individual registered as an apprentice funeral director and/or apprentice embalmer shall be required to complete ten hours of approved continuing education every two years as a condition of renewal of such registration.

(3) Continuing education credits in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(4) The department shall not renew a license or registration or issue a new license or registration to any person who has failed to submit evidence of completion of ten hours of approved continuing education for the prior two-year period.

[Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-530, filed 12/19/84.]

WAC 308-48-540 Continuing education requirement to reinstate lapsed license or registration. Any person seeking to reinstate a license or registration which has lapsed for less than one year must comply with the continuing education requirements for regular renewal of the license or registration. Any person seeking to reinstate a license or registration which has lapsed for one year or longer must present satisfactory evidence of having completed at least ten hours of approved continuing education activities for each two-year period prior to his or her reinstatement.

[Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-540, filed 12/19/84.]

WAC 308-48-550 Continuing education reporting requirement. (1) The licensee or registrant shall submit an affidavit certifying compliance with the continuing education requirement on the form provided by the board. The affidavit shall be submitted with license or registration renewal fee every two years.

(2) A material misstatement of information on the continuing education report shall be grounds for disciplinary action, including nonrenewal, suspension or revocation of license or registration.

[Statutory Authority: RCW 18.39.120 and 18.39.175. 88-01-024 (Order PM 697), § 308-48-550, filed 12/9/87. Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-550, filed 12/19/84.]

WAC 308-48-560 Continuing education documentation may be required. The board of funeral directors and embalmers reserves the right to require any licensee or

registrant to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the sworn statement in order to demonstrate compliance with the continuing education requirement. It is therefore the responsibility of each licensee or registrant to maintain records, certificates or other evidence of compliance with the continuing education requirements.

[Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-560, filed 12/19/84.]

WAC 308-48-570 Continuing education discretionary exception for emergency situation. In emergency situations, such as personal or family sickness, the board of funeral directors and embalmers may waive, for good cause shown, all or part of the continuing education requirement for a particular two-year period for an individual licensee or registrant. The board will require such verification of the emergency as is necessary to prove its existence.

[Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-570, filed 12/19/84.]

WAC 308-48-580 Board approval of continuing education activities. All continuing education activities, to satisfy the licensure/registration requirements, must be approved by the board of funeral directors and embalmers. Further, the board shall certify the number of hours to be awarded for participation in each approved continuing education activity.

[Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-580, filed 12/19/84.]

WAC 308-48-590 Qualification for board approval of continuing education activities. (1) In order for a continuing education activity to qualify for board approval, the following qualifications must be met:

(a) The activity must contribute directly to the professional competency of the licensee or registrant;

(b) The activity must relate to the practice of mortuary science or, for a registrant, be a course required for initial licensure;

(c) The activity must be conducted by individuals who are considered by the board to be knowledgeable in the subject matter of the program by virtue of education, training, or experience.

(2) The board may approve as continuing education activities courses, lectures, seminars, correspondence or homestudy programs, or other instructional programs which meet the above qualifications and which the board determines would be beneficial in improving the knowledge or service capability of licensees and registered apprentices.

[Statutory Authority: RCW 18.39.120 and 18.39.175. 88-01-024 (Order PM 697), § 308-48-590, filed 12/9/87. Statutory Authority: RCW 18.39.175 (4) and (6) and 18.39.176. 85-19-013 (Order PL 550), § 308-48-590, filed 9/6/85. Statutory Authority: 1984 c 279 § 53(b). 85-01-077 (Order PL 504), § 308-48-590, filed 12/19/84.]

WAC 308-48-600 Procedure for obtaining board approval of continuing education activity. (1) An application for approval of continuing education activity must be submitted to the board no less than ninety days before the activity is scheduled to commence. The board shall notify the applicant of approval or disapproval within forty-five days of submission of the application.

(2) The board may require examples of teaching materials and descriptive information about any continuing education activity and refuse approval of any continuing education activity that does not meet the qualifications.

(3) The board may monitor any approved activity and, upon a subsequent significant variation in the program, may disapprove any part of the credit hours. The board shall determine the manner in which attendance at all approved courses shall be monitored, recorded, and submitted to the department. Any organization sponsoring a continuing education activity shall make a written record of licensees and registrants in attendance and send a signed record to the board within thirty days of completion of the activity.

(4) The board may grant post approval or disapprove participation in a nonapproved continuing education activity. If participation in such activity is approved, the board may consider and determine the number of hours of credit which shall be given for such participation. The board may determine that such nonapproved activities satisfy any, all, or none of the requirements. A petition for credit under this post approval subsection must be filed with the board within thirty days after completion of the activity. Such petition shall include documentation as the board may require. Failure to comply with these provisions shall be sufficient grounds to refuse credit.

[Statutory Authority: 1984 c 279 § 53(b), 85-01-077 (Order PL 504), § 308-48-600, filed 12/19/84.]

WAC 308-48-700 Definitions. Unless the context clearly requires otherwise, the following definitions shall apply:

(1) "Authorizing agent" means the person or persons legally entitled to order the cremation of the human remains.

(2) "Cremated remains" means the remaining bone fragments after cremation.

(3) "Cremation" means the reduction of a human body by combustion or calcination to its lowest elements.

(4) "Cremation chamber" means the enclosed space within which the cremation process takes place.

(5) "Cremation container" means the case in which the human remains should be delivered to the crematory to be placed in the cremation chamber for cremation.

(6) "Crematory" means the legal entity which conducts cremations or the building or area of a building that houses the cremation chamber and holding facility.

(7) "Holding facility" means an area designated for the retention of human remains prior to disposition.

(8) "Human remains" means the body of a deceased person.

(9) "Processed remains" means bone fragments reduced to unidentifiable dimensions by pulverization after

foreign materials are removed; sometimes referred to as ashes.

(10) "Sealable container" means any container in which processed remains can be placed and sealed to prevent leakage of contents and the entrance of foreign materials.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6, 85-21-066 (Order PL 561), § 308-48-700, filed 10/17/85.]

WAC 308-48-710 Identification of human remains. A crematory shall not take custody of unidentified human remains. Before acceptance of human remains, the crematory shall verify that identification is attached to the cremation container or to the remains. Upon acceptance of human remains for cremation, the crematory shall make a permanent signed record of the following:

(1) Name of deceased;

(2) Date of death;

(3) Place of death;

(4) Name and relationship of authorizing agent;

(5) Name of firm engaging crematory services.

(6) Color, shape and outside covering of any casket or description of any alternative container or other covering to be consumed with the body.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6, 85-21-066 (Order PL 561), § 308-48-710, filed 10/17/85.]

WAC 308-48-720 Holding human remains for cremation. (1) Human remains designated for cremation will be cremated without unreasonable delay.

(2) When the crematory is unable to cremate the human remains immediately upon taking custody, the crematory shall provide a holding facility. The holding facility shall:

(a) Comply with any applicable public health law;

(b) Preserve the dignity of the human remains;

(c) Recognize the personal integrity and health of the crematory personnel.

(3) A crematory shall not hold the human remains for cremation unless it is contained within an individual, rigid and closed cremation container. The cremation container shall meet the following standards:

(a) Be composed of a suitable combustible material. If the remains are delivered to the crematory in a noncombustible container, the authorizing agent shall be informed of the disposition of the container if it is not actually used in the cremation process. Any transfer of human remains to combustible containers at the crematory shall be in accordance with the provisions of chapter 18.39 RCW and regulations adopted thereunder and applicable health laws.

(b) Be rigid enough for handling with ease.

(c) Protect the health and safety of the crematory personnel.

(d) Provide proper covering for the human remains.

(4) A crematory shall not accept for holding a human remains within a cremation container having evidence of body fluid leakage.

(5) Human remains that are not embalmed shall be held only within a refrigerated facility or in compliance with applicable public health regulations.

(6) Holding facilities shall be secure from access by all unauthorized persons.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-720, filed 10/17/85.]

WAC 308-48-730 Cremation of human remains. (1) Cremation will not take place until the necessary permits and consents are issued by the health department and/or coroner/medical examiner or prosecuting attorney.

(2) Immediately prior to being placed within the cremation chamber, the identification of the human remains shall be verified by the crematory and placed near the cremation chamber control panel where it shall remain until the cremation is complete.

(3) A crematory may not simultaneously cremate more than one human remains within the same cremation chamber unless written authorization to do so from the authorizing agent of each human remains to be cremated has been received after full and adequate disclosure regarding the manner of cremation. A written authorization shall exempt the crematory from all liability for commingling of cremated remains.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-730, filed 10/17/85.]

WAC 308-48-740 Processing of cremated remains.

(1) Upon completion of the cremation, the residual of the cremation process shall be removed from the cremation chamber and the chamber swept clean. The residual shall be placed within an individual container and the identification removed from the control panel area and attached to the container or tray.

(2) All cremated remains shall undergo final processing to comply with applicable legal requirements. Any identifiable residual other than bone fragments shall be manually removed and the fragments then reduced to five millimeters or less unless otherwise instructed by the authorizing agent. An exception to the five millimeter requirement shall be granted at the request of the authorizing agent for cremated remains which will be placed in a cemetery, mausoleum, columbarium or building devoted exclusively to religious purposes.

(3) All body prosthesis, bridgework or similar items removed from the cremated remains shall be disposed of by the crematory as directed by the authorizing agent. No other materials shall be removed from the cremated remains.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-740, filed 10/17/85.]

WAC 308-48-750 Packaging and storage of cremated or processed remains. (1) The entire cremated or processed remains shall be placed in a sealable container or in such container as may have been ordered by the authorizing agent, and the identification of the cremated or processed remains noted on the container.

(2) Should the cremated or processed remains not adequately fill the container, the space may be filled with

suitable packing material that will not become integrated with the cremated or processed remains and securely closed.

(3) If the entire cremated or processed remains will not fit within the dimensions of the designated receptacle, the remainder shall be placed in a separate container or, upon written permission of the authorizing agent, be disposed of according to the established procedures of the crematory.

(4) When an unfirm temporary container is used, the container shall be placed within a sturdy container and all seams sealed to increase the security and integrity of that container. The outside of the container shall be clearly identified with the name of the deceased person whose processed or cremated remains are contained therein.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-750, filed 10/17/85.]

WAC 308-48-760 Disposition of cremated or processed remains. (1) A crematory shall keep an accurate record of all cremations performed and disposition of the remains as required by law. The record shall include the dates of the following: Death, issuance of permit, delivery of remains to crematory, cremation, processing of cremated remains, and packaging of cremated or processed remains. (See also WAC 308-48-710.)

(2) When cremated or processed remains have been in the possession of a crematory, funeral establishment, or cemetery as originally authorized by the authorizing agent without instructions and/or payment for final disposition for a period of two years or more, prior to disposition the entity holding the remains must endeavor to contact the authorizing agent by registered mail for disposition instructions. The authorizing agent must be informed of the procedures that may be followed if disposition instructions are not received.

(3) If contact cannot be made with the authorizing agent and/or disposition instructions are not received within 60 days, the entity holding cremated or processed remains may arrange for permanent disposition of the remains in any legal manner. If disposition is to be made in a cemetery, such disposition may be in an individual, common, or community grave, crypt or niche from which individual recovery of the cremated remains may or may not be possible. No entity making disposition of remains under this procedure shall be liable for the nonrecoverability of the remains.

(4) A permanent record of the name of the deceased, place of death, crematory and location of the disposition shall be maintained by the entity which arranged for permanent disposition of the remains.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-760, filed 10/17/85.]

WAC 308-48-770 Endorsement required. No crematory owned or operated by or located on property licensed as a funeral establishment shall conduct cremations without first having applied for and obtained an endorsement for crematory operations from the board of funeral directors and embalmers. The endorsement

shall be prominently displayed on the crematory premises.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-770, filed 10/17/85.]

WAC 308-48-780 Crematories--Inspections. Crematories regulated under the authority of chapter 18.39 RCW are subject to inspection at least once each year by the inspector of funeral directors and embalmers to ensure compliance with Washington state laws and regulations related to health or the handling or disposal of human remains.

[Statutory Authority: RCW 18.39.175 as amended by 1985 c 402 § 6. 85-21-066 (Order PL 561), § 308-48-780, filed 10/17/85.]

WAC 308-48-790 Crematory endorsements--Registration--Expiration. Crematory endorsements shall expire annually on June 30.

[Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-48-790, filed 6/6/88. Statutory Authority: RCW 18.39.175(4) as amended by 1985 c 402 § 6. 86-05-031 (Order PL 581), § 308-48-790, filed 2/19/86.]

WAC 308-48-800 Funeral director/embalmer fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmers:	
State examination or reexamination	\$150.00
Renewal	75.00
Late renewal penalty	40.00
Duplicate	15.00
Reciprocity application	50.00
Certification	25.00
Embalmer apprentice:	
Apprentice application	50.00
Apprentice renewal	35.00
Duplicate	15.00
Certification	25.00
Funeral director:	
State examination or reexamination	200.00
Renewal	125.00
Late renewal penalty	100.00
Duplicate	15.00
Certification	25.00
Funeral director apprentice:	
Apprentice application	75.00
Apprentice renewal	45.00
Duplicate license	15.00
Certification	25.00
Funeral establishment:	
Original application	250.00
Renewal	200.00
Preneed application	50.00
Preneed renewal	30.00
Financial statement fee	25.00
Crematory endorsement registration	50.00
Endorsement renewal	40.00

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

Chapter 308-49 WAC

PREARRANGEMENT FUNERAL SERVICES

WAC

308-49-100	Purpose.
308-49-120	Effective date and scope.
308-49-130	Definitions.
308-49-140	Registration.
308-49-150	Prearrangement funeral service contract form requirements.
308-49-160	Requirements as to trust funds.
308-49-170	Annual statement requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-49-180	Renewal of certificate of registration. [Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-180, filed 1/26/83.] Repealed by 87-18-053 (Order PM 677), filed 9/1/87. Statutory Authority: RCW 18.39.290 and 18.39.320.
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WAC 308-49-100 Purpose. The purpose of this chapter is to implement the provisions of chapter 66, Laws of 1982 1st ex. sess., by establishing rules for the registration of funeral establishments which enter into prearrangement funeral service contracts and to establish uniform minimum requirements for such contracts and prearrangement trust funds.

[Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-100, filed 1/26/83.]

WAC 308-49-120 Effective date and scope. These regulations shall be effective on March 1, 1983, and shall be applicable to all prearrangement funeral service contracts entered into in this state on and after that date.

[Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-120, filed 1/26/83.]

WAC 308-49-130 Definitions. Unless the context clearly requires otherwise, the following definitions shall apply throughout this chapter:

(1) "Prearrangement funeral service contract" means any contract, other than a contract entered into by an insurance company, under which, for a specified consideration paid in advance in a lump sum or by installments, a funeral establishment promises upon the death of a beneficiary named or implied in the contract, to furnish funeral merchandise or services.

(2) "Funeral merchandise or services" shall mean those services normally performed and merchandise normally provided by funeral establishments including the sale of burial supplies and equipment, but excluding the sale by a cemetery of lands or interests therein, services incidental thereto, markers, memorials, monuments, equipment, crypts, niches or vaults.

(3) "Qualified public depository" means a depository defined by RCW 39.58.010 (state banks or trust companies, national banking associations, and certain branches of foreign banks), a credit union as governed by chapter

31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated and governed by any act of Congress, in which prearrangement funeral service contract funds are deposited by any funeral establishment.

(4) "Funeral establishment" means a place of business licensed under RCW 18.39.145.

[Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-130, filed 1/26/83.]

WAC 308-49-140 Registration. (1) Before entering into any prearrangement funeral service contracts in this state, a funeral establishment shall first obtain a certificate of registration from the board. To apply for registration, a funeral establishment must file an application on forms approved by the board of funeral directors and embalmers, which includes:

(a) The name, address, and telephone number of the funeral establishment;

(b) The name and license number of the person at the funeral establishment responsible for supervising the sale of funeral merchandise or service on a prearrangement basis;

(c) A statement of the establishment's current financial condition and an explanation of how the establishment plans to offer, market and service prearrangement contracts including:

(i) The type of business organization which operates the funeral establishment, e.g., sole proprietorship, partnership, or corporation and a list of all officers, directors, partners and managers by name and title, and any person owning more than ten percent of the business;

(ii) A balance sheet and a profit and loss statement for the most recently concluded fiscal year and/or other such fiscal documents as the board may require;

(d) The prearrangement funeral contract forms the establishment proposes to use need not be in final printed form when submitted; however, a copy of the final printed form shall be filed with the board before the form is used;

(e) Identification of the qualified public depository the establishment will use with an explanation of the depository's manner of operating and managing the prearrangement funeral service contract trust fund, together with copies of any contract or trust agreement to be entered into in connection with such trust fund, and, if a single trust fund is to be established and maintained with respect to several prearrangement funeral service contracts, a complete explanation of the manner in which records will be maintained to allocate the interest, dividends, increases or accretions and the share of such fund to each contract.

(2) Upon review of the application, the board may require additional information or explanation prior to registration or refusing to register the funeral establishment.

(3) The application shall be accompanied by a check payable to the state treasurer in the amount required by the director for issuance of the certificate of registration.

[Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-49-140, filed 6/6/88. Statutory Authority: RCW 18.39-.290 and 18.39.320. 87-18-053 (Order PM 677), § 308-49-140, filed 9/1/87. Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-140, filed 1/26/83.]

WAC 308-49-150 Prearrangement funeral service contract form requirements. (1) The terms of prearrangement funeral service contracts are of substantial importance to both consumers and the establishment. Contracts therefore should be written in language that can be easily understood by all parties and printed or typed in easily readable type size and style.

(2) Every contract shall include the following information:

(a) The name of the purchaser and the beneficiary of the contract;

(b) A description of the services and merchandise to be provided, if specific merchandise and services are to be furnished, and a statement clearly setting forth whether the purchase price paid fully pays for such services and merchandise or if the purchase price is to be applied toward the cost of such services and merchandise when they are provided;

(c) The total purchase price to be paid under the contract and the manner and terms which will govern payment;

(d) Information about the prearrangement funeral service trust fund and the amount to be deposited in the trust fund, and either designate the particular qualified public depository which will be used or provide a means whereby a purchaser or beneficiary may ascertain the depository;

(e) A statement to the purchaser of the contract that the funds deposited under the contract, plus accruals thereon, shall be withdrawable from the depository under the following circumstances and conditions;

(i) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been furnished and delivered in accordance therewith; or

(ii) If the funeral establishment files a verified statement with the depository that the prearrangement funeral merchandise and services covered by the contract have been cancelled in accordance with its terms;

(f) A statement that any purchaser or beneficiary who has entered into a prearrangement funeral service contract shall have the right to receive, on making such demand of the funeral establishment, a refund of the entire amount paid on the contract (including any amounts not deposited, interest charges paid under chapter 63.14 RCW), together with all interest, dividends, increases, or accretions to the fund;

(g) A statement that the contract will automatically terminate if the funeral establishment goes out of business, becomes insolvent or bankrupt, makes an assignment for the benefit of creditors, or for any other reason is unable to fulfill the obligations under the contract; and that, in such event, and upon demand by the purchaser or beneficiary of the contract, the depository of

the contract funds will refund to the purchaser or beneficiary all funds deposited under the contract, unless otherwise ordered by a court of competent jurisdiction.

(3) Such contract shall be dated and be executed by the purchaser and by the funeral establishment through its owner, officer or managing agent.

(4) If a retail installment transaction is involved, the contract shall comply with the requirements of chapter 63.14 RCW.

[Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-150, filed 1/26/83.]

WAC 308-49-160 Requirements as to trust funds.

(1) A funeral establishment must record with the director the name of each qualified public depository which it uses in connection with its prearrangement funeral service contracts. In the event it transfers its trust funds from one qualified public depository to another, it shall notify the director of such change at least 15 days in advance of the change.

(2) Until services and merchandise are furnished pursuant to the contract, not more than 15% of the cash purchase price of each prearrangement funeral service contract, excluding sales tax, may be retained by the funeral establishment. The funeral establishment must deposit no less than the last 85% of the proceeds received on each prearrangement funeral service contract, excluding sales tax, no later than the twentieth day of the month following receipt of each payment thereon, in a qualified public depository which has been recorded with the director pursuant to subsection (1) of this section.

(3) The qualified public depository must agree in writing with the funeral establishment to permit withdrawal of the funds the depository holds under a prearrangement funeral service contract, plus accruals thereon, in accordance with the requirements of chapter 18.39 RCW.

(4) A qualified public depository holding funds under a prearrangement funeral service contract must agree with the funeral establishment that the depository will continue to hold the prearrangement funeral service trust fund of the particular funeral establishment even though the funeral establishment may not renew its certificate of registration or has such certificate suspended, revoked or nonrenewed. This shall not prevent a transfer of funds to another qualified public depository.

(5) A purchaser or beneficiary shall be entitled to be informed of the amount of the deposit attributable to his or her prearrangement funeral service contract, and either the funeral establishment or the depository shall provide the purchaser or beneficiary with such information at least once each year.

[Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-160, filed 1/26/83.]

WAC 308-49-170 Annual statement requirements.

(1) Each registered funeral establishment shall file with the board annually, ninety days after the end of its fiscal year, a true and accurate statement of its financial condition, transactions and affairs for the preceding fiscal year.

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(2) The statement shall include a balance sheet and a profit and loss statement for the preceding fiscal year and/or other such fiscal documents as the board may require.

(3) The funeral establishment shall list any changes in its officers, directors, managers or partners or any change in ownership greater than ten percent which have occurred in the preceding fiscal year.

(4) With respect to each prearrangement funeral service contract trust fund, the following information shall be provided:

(a) The name of the depository and the account number;

(b) The number of outstanding contracts at the beginning of the fiscal year;

(c) The total amount paid in by the holders of such contracts pertinent to the trust fund;

(d) The total amount deposited in the trust account;

(e) The number of new contracts issued during the fiscal year;

(f) The amount paid in on such new contracts and the amount deposited in the trust fund for such contracts;

(g) The number of individuals withdrawing from the contracts, the principal amount paid to them and the amount of interest, dividends, or accretions, separately stated, paid to them.

(h) The number of cases where prearrangement funeral merchandise and services covered by the contract have been furnished and delivered and the amount transferred out of the trust fund to the funeral establishment for such services;

(i) The number of outstanding contracts as of the end of the fiscal year and the amount being held in trust for such contracts.

(5) The annual report form shall include verification from the depository as to the amount of money held in funeral prearrangement trust as of the reporting date.

(6) The annual statement shall be accompanied by a fee as determined by the director, payable to the state treasurer.

[Statutory Authority: RCW 18.35.175(4). 88-13-010 (Order PM 737), § 308-49-170, filed 6/6/88. Statutory Authority: RCW 18.39.290 and 18.39.320. 87-18-053 (Order PM 677), § 308-49-170, filed 9/1/87. Statutory Authority: 1982 c 66 § 12. 83-04-021 (Order PL 420), § 308-49-170, filed 1/26/83.]

Chapter 308-50 WAC

REGULATION AND PRACTICE OF HEARING AID FITTERS AND DISPENSERS

WAC

308-50-010	Examinations.
308-50-020	Reexaminations.
308-50-035	Examination review and appeal procedures.
308-50-040	Refunds on examination fee.
308-50-090	Trainees.
308-50-100	Termination of trainee sponsorship.
308-50-110	Minimum standards of equipment.
308-50-120	Standards for equipment calibration.
308-50-130	Minimal standards of practice.
308-50-140	Bait advertising.

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- 308-50-150 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts.
- 308-50-160 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties.
- 308-50-170 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character of business, etc.
- 308-50-180 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of physician.
- 308-50-190 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use of words "prescription," "diagnosis," etc.
- 308-50-200 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to visibility, construction, etc.
- 308-50-210 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception as to batteries.
- 308-50-220 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Deception representing novelty of products.
- 308-50-240 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Advertising of parts, accessories or components.
- 308-50-250 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Endorsements, etc.
- 308-50-260 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Used or rebuilt products.
- 308-50-270 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Association with the state of Washington.
- 308-50-280 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Tests, acceptance or approval.
- 308-50-290 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Use, imitation or simulation of trademarks, etc.
- 308-50-295 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Defamation of competitors or false disparagement of their products.
- 308-50-310 Personal disclosure.
- 308-50-320 Documentation of referrals.
- 308-50-330 Purchaser rescission rights.
- 308-50-350 Renewal of license.
- 308-50-380 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or other material facts during telephone solicitations.
- 308-50-390 Minimum standards for fitting and dispensing locations.
- 308-50-400 Notice of availability and location of follow-up services.
- 308-50-410 Surety bonding—Security in lieu of bonding.
- 308-50-420 Reasonable cause for rescission.
- 308-50-430 Procedure for declaratory ruling.
- 308-50-440 Hearing aid fitter/dispenser fees.
- 308-50-500 AIDS prevention and information education requirements.
- 308-50-060 Place(s) of business in Washington. [Order PL 159, § 308-50-060, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
- 308-50-070 Mobile hearing aid dispensing units. [Order PL 159, § 308-50-070, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
- 308-50-080 Temporary or itinerant activities prohibited. [Statutory Authority: RCW 18.35.140. 81-09-030 (Order PL 375), § 308-50-080, filed 4/13/81; Order PL 159, § 308-50-080, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
- 308-50-230 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting business establishment. [Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-230, filed 7/3/84; Order PL 159, § 308-50-230, filed 2/8/74.] Repealed by 86-09-064 (Order PL 586), filed 4/17/86. Statutory Authority: RCW 18.35.161.
- 308-50-300 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Canvassing. [Order PL 159, § 308-50-300, filed 2/8/74.] Repealed by 85-10-024 (Order PL 526), filed 4/24/85. Statutory Authority: RCW 18.35.161.
- 308-50-340 Fees. [Order PL 222, § 308-50-340, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-50-375.
- 308-50-375 Fees. [Statutory Authority: RCW 43.24.086. 84-22-061 (Order PL 494), § 308-50-375, filed 11/7/84. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-50-375, filed 8/10/83. Formerly WAC 308-50-340.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.

WAC 308-50-010 Examinations. (1) The examination required of applicants shall be in three parts: One written and two practical.

(2) The minimum passing grade shall be seventy percent for each part to pass the required examination for licensure.

(3) In addition to those subjects listed in RCW 18.35.070, the examination shall test the knowledge of the applicant in the basic act governing hearing aid fitter/dispensers and rules and regulations promulgated pursuant to this act.

(4) Applications for examination shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

[Statutory Authority: RCW 18.35.161(4). 89-08-096 (Order PM 828), § 308-50-010, filed 4/5/89. Statutory Authority: RCW 18.35.161(3). 87-14-030 (Order PM 654), § 308-50-010, filed 6/26/87. Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-010, filed 4/4/84; Order PL 190, § 308-50-010, filed 5/23/75; Order PL 159, § 308-50-010, filed 2/8/74.]

WAC 308-50-020 Reexaminations. (1) Should an applicant fail any part of the examination, he/she may apply to the department to retake the failed part of the examination.

(2) All reexaminations shall be conducted at the next regularly scheduled examination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-50-030 Failure to appear at examination. [Order PL 159, § 308-50-030, filed 2/8/74.] Repealed by Order PL 190, filed 5/23/75.
- 308-50-050 Failure to renew license. [Order PL 222, § 308-50-050, filed 11/5/75; Order PL 159, § 308-50-050, filed 2/8/74.] Repealed by 84-08-062 (Order PL 463), filed 4/4/84. Statutory Authority: RCW 18.35.161.
- 308-50-055 Medical certification. [Order PL 190, § 308-50-055, filed 5/23/75.] Repealed by 81-09-030 (Order PL 375), filed 4/13/81. Statutory Authority: RCW 18.35.140.

(3) Any person who fails to qualify for licensure after three consecutive regularly scheduled examinations shall be required to take the entire examination. A waiver may be granted upon a showing of emergency circumstances.

[Statutory Authority: RCW 18.35.161. 89-04-017 (Order PM 818), § 308-50-020, filed 1/23/89. Statutory Authority: RCW 18.35.161(3). 87-14-030 (Order PM 654), § 308-50-020, filed 6/26/87. Statutory Authority: RCW 18.35.161. 84-19-019 (Order PL 479), § 308-50-020, filed 9/12/84; Order PL 222, § 308-50-020, filed 11/5/75; Order PL 159, § 308-50-020, filed 2/8/74.]

WAC 308-50-035 Examination review and appeal procedures. (1) Each applicant who is administered the examination for licensure and does not pass any part of the examination will be provided information indicating the area of the examination in which the applicant was deficient with the notice of the examination results.

(2) Any applicant who does not pass a part of the examination may request an informal review by the council of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of the notice of examination results.

(3) The procedure for the informal review is as follows:

(a) An applicant submitting a written request for an informal review by the deadline described in subsection (2) of this section will be contacted by the department to arrange an appointment to appear personally in the Olympia office to review the part or parts of the examination failed.

(b) The applicant will be provided a form to complete in the Olympia office in defense of examination answers and/or examination performance.

(c) The applicant will be identified only by applicant number for the purpose of this procedure. Letters of reference or requests for special consideration will not be read or considered by the council.

(d) That applicant may bring textbooks or published material for use in completing the informal review, but such material must be retained by the Olympia office until the council has completed the informal review request submitted by the applicant.

(e) The applicant will not be allowed to take any notes or materials from the office upon leaving.

(f) The information submitted to the council for its consideration in the informal review must state the specific reason or reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reviewed could result in a passing score in the examination.

(g) The council will schedule a closed session meeting to conduct the informal review of the material submitted by the applicant.

(h) The applicant will be notified in writing of the results of the informal review.

(4) Any applicant who is not satisfied with the result of the examination review may request that a formal hearing be held before the council pursuant to the Administrative Procedure Act. Such a hearing request must be received by the department within thirty days of postmark of the notification of the result of the council's informal review of the applicant's examination results. The request must be in writing and must state the specific reasons why the results of the examination should be changed. The council will not modify examination results unless the applicant can prove or show conclusive evidence of error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The council will not consider a challenge to the examination unless the total revised score including the questions or sections to be reconsidered could result in a passing score in the examination.

(5) The hearing will not be scheduled until the applicant and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

(a) The simplification of issues;

(b) The necessity of amendments to the notice of specific reasons for the examination result modification;

(c) The possibility of obtaining stipulations, admission of facts and documents;

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

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(6) The administrative law judge shall enter an order which recites the actions taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(7) Applicants will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the applicant has identified as the basis for a change in the examination score.

[Statutory Authority: RCW 18.35.161. 89-14-007 (Order PM 848), § 308-50-035, filed 6/22/89; 89-04-017 (Order PM 818), § 308-50-035, filed 1/23/89. Statutory Authority: RCW 18.35.161(3). 87-14-030 (Order PM 654), § 308-50-035, filed 6/26/87.]

WAC 308-50-040 Refunds on examination fee. (1) Applicants who notify the department at least sixty days prior to the next regularly scheduled examination that they are withdrawing their application will have their examination fee refunded.

(2) Applicants who have not notified the department within the required sixty days or who do not appear for their originally scheduled examination shall not be entitled to a refund.

[Order PL 159, § 308-50-040, filed 2/8/74.]

WAC 308-50-090 Trainees. (1) A trainee may not fit and dispense a hearing aid or be in physical contact with a client or patient unless the sponsor to whom the trainee is registered or a fitter/dispenser duly licensed under this act designated by the sponsor is physically present or on the premises with and supervising his/her actions at all times during the first ninety days the trainee is testing the hearing or fitting or dispensing hearing aids. The extent of direction and supervision of the trainee while on the premises after the first ninety days of a trainee licensure shall be at the discretion of the trainee sponsor.

(2) During the first ninety days of his or her licensure, a trainee shall wear an identification badge readily visible to the public which identifies him or her as a trainee.

(3) A trainee licensed less than ninety days shall not make housecalls and test the hearing or dispense hearing aids unless a licensed fitter/dispenser is physically present with and supervising his or her actions at all times.

(4) A trainee licensed more than ninety days may, at the discretion of the sponsor, make unsupervised housecalls: *Provided*, That effective February 1, 1985, no trainee shall make housecalls unless a licensed fitter/dispenser is physically present with and supervising his or her actions at all times.

(5) A trainee who loses his or her sponsor for any reason shall not continue his or her trainee status with a new sponsor until a new trainee application has been filed and payment of this license fee required by RCW 18.35.060 (1)(c) and as determined by the director as provided in RCW 43.24.086 as now or hereafter amended has been received by the department: *Provided*, That, if a trainee obtains a new sponsor and submits the required application within fifteen days of the withdrawal of his or her previous sponsor, the fee shall be that required of a transfer of sponsor.

(6) If a sponsor dies or withdraws from business, it shall be the responsibility of the trainee to report the loss of such sponsorship to the department in writing within ten days of such occurrence.

(7) Trainees shall, if completing a sales contract, sign his or her name, "trainee," and license number on the contract.

(8) If trainees use business cards, the cards shall indicate "trainee."

[Statutory Authority: RCW 18.35.161, 84-19-018 (Order PL 478), § 308-50-090, filed 9/12/84; Order PL 159, § 308-50-090, filed 2/8/74.]

WAC 308-50-100 Termination of trainee sponsorship. (1) The sponsor of a trainee who desires to terminate the responsibilities of sponsorship shall provide the trainee written notice of such termination, giving reasons, and shall immediately notify the department by registered or certified mail, of the termination of such sponsorship.

(2) In the event the trainee quits or terminates for any reason, the sponsor shall notify the department immediately by registered or certified mail.

(3) The sponsor of such terminating trainee shall be responsible for the trainee until such time as the notification of such termination is deposited in the United States mail.

[Statutory Authority: RCW 18.35.161, 84-08-062 (Order PL 463), § 308-50-100, filed 4/4/84; Order PL 159, § 308-50-100, filed 2/8/74.]

WAC 308-50-110 Minimum standards of equipment. Minimum equipment in the fitting and dispensing of hearing aids shall include:

(1) Access to a selection of hearing aid models, and hearing aid supplies and services sufficiently complete to accommodate the various user needs.

(2) Facilities for the personal comfort of customers.

(3) A test environment with background noise no greater than American National Standards Institute specifications (S3.1-1960 (R-1971)) plus 15 dB.

(4) Pure tone audiometer calibrated in accordance with WAC 308-50-120.

(5) Equipment appropriate for conducting speech audiometry (testing).

[Statutory Authority: RCW 18.35.161, 84-19-019 (Order PL 479), § 308-50-110, filed 9/12/84; Order PL 159, § 308-50-110, filed 2/8/74.]

WAC 308-50-120 Standards for equipment calibration. All electronic equipment utilized by licensees for the determination of audiometric thresholds for pure tones and for speech shall conform to all current standards of the American National Standards Institute (at present, ANSI S3.6 - 1969). Licensees shall insure that all such audiometric equipment has been evaluated electrically and acoustically at least once each year, adjusted or repaired if necessary, and that conformity with such standards was determined at that time. Records of such calibration shall be permanently maintained by licensees and shall be available for inspection at any time by the department. No licensee shall be permitted to certify as to the calibration of his own equipment unless authorized to do so by the department. In addition, all licensees shall utilize routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than on a daily basis, to generally determine that it is in normal working order.

[Statutory Authority: RCW 18.35.161, 84-08-062 (Order PL 463), § 308-50-120, filed 4/4/84; Order PL 159, § 308-50-120, filed 2/8/74.]

WAC 308-50-130 Minimal standards of practice. Minimum procedures in the fitting and dispensing of hearing aids shall include:

(1) Obtain case history to include the following:

(a) As required by WAC 308-50-320, documentation of referrals, or as otherwise required by this chapter.

(b) Historical evaluation to include inquiry regarding hearing loss, onset of loss, and any associated symptoms including significant noise in the ears, vertigo, acute or chronic dizziness, nausea, earaches, or other such discomfort which may indicate the presence of medical illness. Specific inquiry should be made to determine if hearing loss has been sudden or rapidly progressive in

the past ninety days, if there has been any active drainage or infection in ears during the past ninety days, and if there are any specific physical problems which may relate to the use of a hearing aid.

(2) Examination of the ears should be done to reasonably determine if any of the following conditions exist:

- (a) Impacted ear wax.
- (b) Foreign body within the ear canal.
- (c) Discharge in the ear canal.
- (d) Presence of inflammation or irritation of the ear canal.
- (e) Perforation of the ear drum.
- (f) Any other abnormality.

(3) Hearing testing shall be performed to include the following:

(a) Hearing loss, or residual hearing, shall be established for each ear using puretone threshold audiometry by air and bone conduction with effective masking as required.

(b) Appropriate live voice or recorded speech audiometry by ear phones to determine the following: Speech reception threshold, most comfortable level, uncomfortable level, and the speech discrimination percent.

(c) Hearing testing shall be conducted in the appropriate environment as required by WAC 308-50-110, minimum standards of equipment, or as otherwise required by this chapter.

(d) When puretone audiometry indicates an air-bone gap of 15db or more, 500, 1000, and 2000 Hz, the presence of unilateral hearing loss, or any inconsistent audiometric findings, the client shall be advised of the potential help available through medical treatment. Should the client decline to consider such methods, or if the client has previously been appropriately treated or has been advised against such procedures, an appropriate notation shall be made in the client's record.

(e) In the event a client is referred to a licensee by an M.A. audiologist, otologist, otolaryngologist, or by a fitter/dispenser duly licensed under chapter 18.35 RCW, and the audiometric results obtained within the previous six months are provided to the licensee as a part of this referral, the applicable provisions of WAC 308-50-130 shall not be required. However, a confirmatory audiometric examination is recommended.

(4) Medical evaluation requirements:

(a) If the prospective hearing aid user is eighteen years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirements of (b) of this subsection provided that the hearing aid dispenser:

- (i) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;
- (ii) Does not in any way actively encourage the prospective user to waive such a medical evaluation;
- (iii) Affords the prospective user the opportunity to sign the following statement:

I have been advised by (hearing aid fitter/dispenser name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation before purchasing a hearing aid; and

(iv) Provides the prospective user with a copy of the signed waiver statement.

(b) Except as provided in (a) of this subsection, a hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid. The medical evaluation must have taken place within the preceding six months.

(5) Selection and fitting of the hearing aid shall include the following:

(a) Provide information regarding the selection of the most appropriate method and model for amplification for the needs of the client.

(b) Provide the user with the cost of the recommended aids and services.

(c) Provide for or have available an appropriate custom made ear mold.

(d) Provide final fitting of the hearing aid to ensure physical and operational comfort.

(e) Provide adequate instructions and appropriate post-fitting adjustments to ensure the most successful use of the hearing aid.

(6) Keeping records on every client to whom the licensee renders service in connection with the dispensing of a hearing aid. Such records shall be preserved for at least three years after the dispensing of the first hearing aid to the client. If other hearing aids are subsequently dispensed to that client, cumulative records must be maintained for at least three years after the latest dispensing of an aid to that client. The records must be available for the department inspection and will include:

- (a) Client's case history.
- (b) Source of referral and appropriate documents.
- (c) Medical clearance for the hearing aid user or the waiver set forth in subsection (4)(a)(iii) of this section which has been signed after being fully informed that it is in the best health interest to seek medical evaluation.
- (d) Copies of any contracts and receipts executed in connection with the fitting and dispensing of each hearing aid provided.

(e) A complete record of tests, test results, and services provided except for minor services.

(f) All correspondence specifically related to the service given the client or the hearing aid or aids dispensed to the client.

[Statutory Authority: RCW 18.35.161, 89-04-017 (Order PM 818), § 308-50-130, filed 1/23/89; 84-19-018 (Order PL 478), § 308-50-130, filed 9/12/84; Order PL 159, § 308-50-130, filed 2/8/74.]

WAC 308-50-140 Bait advertising. It shall be unethical to engage in bait advertising. In determining whether there has been a violation of this rule, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product or service, but was made for the purpose of contacting prospective purchasers and selling them a product, service or products other than

the product or service offered. In addition to the procedures outlined in chapter 18.35 RCW, other acts or practices which are considered bait advertising include:

(1) The creation, through the initial offer or advertisement, of a false impression of the product offered in any material respect;

(2) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer;

(3) The disparagement, by acts or words, of the product offered, or the disparagement of the guarantee, credit terms, availability of service, repairs or parts, or in any other respect, in connection with it;

(4) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer;

(5) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter; and

(6) The failure to have available a quantity of the advertised product at the advertised price sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth above be present in order to establish that a particular offer is violative of this rule.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-140, filed 7/3/84; Order PL 159, § 308-50-140, filed 2/8/74.]

WAC 308-50-150 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or material facts. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to misrepresent:

(1) The grade, quality, quantity, origin, novelty, price, cost, terms of sale, use, construction, size, composition, dimensions, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, or physiological benefits of any hearing aid or the psychological well-being induced by a hearing aid;

(2) Any service or adjustment offered, promised, or to be supplied to purchasers of any hearing aid;

(3) Any material fact pertaining to the manufacture, distribution or marketing of any hearing aid; or

(4) The scientific or technical knowledge, training, experience or other qualifications of a licensee, or of his employees, relating to the selection, fitting, adjustment, maintenance or repair of industry products;

(5) Misrepresent shall mean making misleading, deceiving, improbable or untruthful representations or in any other material respect, the character, extent or type of his/her business except as provided in WAC 308-50-170.

(6) The reparability, including the cost thereof, or the adequacy of a prospective purchaser's own hearing aid(s) or ancillary equipment.

[Statutory Authority: RCW 18.35.161. 84-19-018 (Order PL 478), § 308-50-150, filed 9/12/84; Order PL 159, § 308-50-150, filed 2/8/74.]

WAC 308-50-160 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Guarantees and warranties. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent in advertising or otherwise that a hearing aid is "guaranteed" without clear and conspicuous disclosure of:

(1) The nature and extent of the guarantee, and

(2) Any material conditions or limitations in the guarantee which are imposed by the guarantor, and

(3) The manner in which the guarantor will perform thereunder, and

(4) The identity of the guarantor. (The necessary disclosure requires that any guarantee made by the licensee which is not backed up by the manufacturer must clearly state that the guarantee is offered by the licensee only.)

Representations that a hearing aid is "guaranteed for life" or has a "lifetime guarantee," in addition to meeting the above requirements, shall contain a conspicuous disclosure of the meaning of "life" or "lifetime" as used (whether that of the purchaser, the product or otherwise).

Guarantees shall not be used which under normal conditions are impractical of fulfillment or which are for such a period of time or are otherwise of such nature as may have the tendency to mislead purchasers or prospective purchasers into the belief that the hearing aid so guaranteed has a greater degree of serviceability, durability or performance capability in actual use than is true in fact.

This rule has application not only to "guarantees" but also to "warranties," to purported "guarantees" and "warranties," and to any promise or representation in the nature of a "guarantee" or "warranty."

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-160, filed 7/3/84; Order PL 159, § 308-50-160, filed 2/8/74.]

WAC 308-50-170 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Character of business, etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent, unless it is true, directly or indirectly through the use of any word or term in his corporate or trade name, in his advertising or otherwise:

(1) That he is a manufacturer of hearing aids or devices, or of batteries, parts, or accessories therefor;

(2) That he is the owner or operator of a factory or producing company manufacturing such products; or

(3) That he owns or maintains a laboratory devoted to hearing aid research, testing, experimentation, or development.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-170, filed 7/3/84; Order PL 159, § 308-50-170, filed 2/8/74.]

WAC 308-50-180 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Use of physician. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to represent directly or by implication, unless it is true:

(1) That the services or advice of a physician have been used in the designing or manufacturing of hearing aids or in the selection, fitting, adjustment, maintenance or repair of hearing aids.

(2) The prohibitions of this rule are applicable to the use of the terms "doctor," "physician," "otologist" or "otolaryngologist"; to any abbreviations, variations or derivatives of such terms; and to the use of any symbol, depiction, or representation having a medical or osteopathic connotation.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-180, filed 7/3/84; Order PL 159, § 308-50-180, filed 2/8/74.]

WAC 308-50-190 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Use of words "prescription," "diagnosis," etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use, in advertising or otherwise, the words "prescribe," "prescription," "diagnose," "diagnosis," or "diagnostic" or any abbreviation, variation or derivative thereof or symbol therefor, in his business name or in referring to or describing his service, business, business activity or any industry product, unless such licensee is a licensed physician or such licensee clearly reveals that the use of such term(s) refers to a function or action or activity which has been or will be performed only by a licensed physician.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-190, filed 7/3/84; Order PL 261, § 308-50-190, filed 12/21/76; Order PL 190, § 308-50-190, filed 5/23/75; Order PL 159, § 308-50-190, filed 2/8/74.]

WAC 308-50-200 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Deception as to visibility, construction, etc. A licensee shall not:

(1) Represent, directly or by implication, through the use of such words or expressions as "invisible," "hidden," "hidden hearing," "completely out of sight," "conceal your deafness," "hear in secret," "unnoticed even by your closest friends," "no one will know you are hard of hearing," "your hearing loss is your secret," "no one need know you are wearing a hearing aid," "hidden or out of sight when inserted in the ear canal," or by any other words or expressions of similar import, that any hearing aid, device, or part is hidden or cannot be seen unless such is the fact.

(2) Use in advertising the words or expressions "no cord," "cordless," "one hundred percent cordless," "no unsightly cord dangling from your ear," "no wires," "no tell-tale wires," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that a

plastic tube (or similar device) runs from the instrument to the ear if such is the fact.

(3) Use in advertising the words or expressions, "no button," "no ear button," "no buttons or receivers in either ear," or other words or expressions of similar import, unless such representations are true and unless, in close connection therewith and with equal prominence, a clear and adequate disclosure is made that an earmold or plastic tip is inserted in the ear if such is the fact.

(4) Represent, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features such as the absence of anything in the ear, or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in most cases of hearing loss this type of instrument is not suitable.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-200, filed 7/3/84; Order PL 159, § 308-50-200, filed 2/8/74.]

WAC 308-50-210 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Deception as to batteries. Licensees shall not represent directly or by implication, that batteries sold only by such licensees, or bearing a specified brand, label, or other identifying mark, are the only ones suitable for use in a particular type or make of hearing aid or device when such is not a true fact.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-210, filed 7/3/84; Order PL 159, § 308-50-210, filed 2/8/74.]

WAC 308-50-220 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Deception representing novelty of products. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent to purchasers or prospective purchasers any statement or statements which have the capacity and tendency or effect of misleading or deceiving them into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle, when such is not the fact.

Representations of the following or similar types, when not fully justified by the facts, are among those prohibited by this rule: "Amazing new discovery," "revolutionary new invention," "radically new and different," "sensational new laboratory development," "remarkable new electronic device," "brand-new invention," "marvelous new hearing invention," "new scientific aid," "miracle," "automatic noise suppression (ans)," "automatic," "word separator," "computer," "computerized," "computer circuitry," and "continuous adoptive tone (cat)."

[Statutory Authority: RCW 18.35.161. 84-14-100 (Order PL 469), § 308-50-220, filed 7/3/84; Order PL 159, § 308-50-220, filed 2/8/74.]

WAC 308-50-240 Unfair or deceptive practices, unethical conduct and unfair methods of competition-- Advertising of parts, accessories or components. It shall

be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to use or cause to be used, any type of advertising or promotional literature depicting or describing a part, accessory, or component of any hearing aid or device, such as a battery on a finger, a transistor held in the hand, etc., in such manner as to have the capacity and tendency to mislead or deceive purchasers or prospective purchasers into the erroneous belief that the said part, accessory or component is all that needs to be worn or carried.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-240, filed 7/3/84; Order PL 159, § 308-50-240, filed 2/8/74.]

WAC 308-50-250 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Endorsements, etc. It shall be an unfair or deceptive practice, unethical conduct or unfair method of competition for a licensee to advertise or otherwise represent:

(1) That the particular individual, organization, or institution endorses, uses or recommends such licensee's hearing aids, devices, or other industry products when such is not the fact; or

(2) That a particular individual wears such licensee's hearing aids or devices when such is not the fact.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-250, filed 7/3/84; Order PL 159, § 308-50-250, filed 2/8/74.]

WAC 308-50-260 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Used or rebuilt products. (1) A licensee may not represent, directly or indirectly, that any industry product or part thereof is new, unused, or rebuilt, when such is not the fact.

(2) In the marketing of a hearing aid which has been used, or which contains used parts, a licensee shall make full and nondeceptive disclosure of such fact in all advertising and promotional literature relating to the product, on the container, box or package in which such product is packed or enclosed and, if the product has the appearance of being new, on the product itself. The required disclosure may be made by use of such words as "used," "secondhand," "repaired," or "rebuilt," whichever most accurately describes the product involved.

(3) A licensee shall not misrepresent the identity of the rebuilder of a hearing aid. If the rebuilding of a hearing aid was done by other than the original manufacturer, a licensee shall disclose such fact wherever the original manufacturer is identified.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-260, filed 7/3/84; Order PL 159, § 308-50-260, filed 2/8/74.]

WAC 308-50-270 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Association with the state of Washington. A licensee shall not represent in any manner that (s)he is endorsed by or associated with the state of Washington or any of its administrative bodies when such is not the case.

(1989 Ed.)

Nothing in this rule is to preclude the licensee from verifying upon request that (s)he is licensed by the state to engage in the fitting and dispensing of hearing aids.

[Statutory Authority: RCW 18.35.161. 85-05-020 (Order PL 518) § 308-50-270, filed 2/13/85; Readopted by 84-14-100 (Order PL 469), § 308-50-270, filed 7/3/84; Order PL 159, § 308-50-270, filed 2/8/74.]

WAC 308-50-280 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Tests, acceptance or approval. A licensee shall not:

(1) Represent or use any seals, emblems, shields or other insignia which represent, directly or by implication, in any manner that a hearing aid or device has been tested, accepted, or approved by any individual, concern, organization, group, or association, unless such is the fact and unless the hearing aid or device has been tested by such individual, concern, organization, group or association in such manner as reasonable to insure the quality and performance of the instrument in relation to its intended usage and the fulfillment of any material claims made, implied or intended to be supported by such representation or insignia.

(2) Represent that a hearing aid or device tested, accepted, or approved by any individual, concern, organization, group or association has been subjected to tests based on more severe standards of performance, workmanship and quality than is in fact true.

(3) Make any other false, misleading or deceptive representation respecting and testing, acceptance or approval of a hearing aid or device by any individual, concern, organization, group or association.

(Note: Under this rule, it is not necessary for each individual hearing aid or device to be tested where the method employed is a sample testing and full and non-deceptive disclosure of this fact is given in all advertising and otherwise.)

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-280, filed 7/3/84; Order PL 159, § 308-50-280, filed 2/8/74.]

WAC 308-50-290 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Use, imitation or simulation of trademarks, etc. A licensee shall not:

(1) Imitate or simulate the trademarks, trade names, brands or labels of competitors with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(2) Use in his advertising the name, model name or trademark of a particular manufacturer of hearing aids in such manner as to imply a relationship with the manufacturer that does not exist or otherwise to mislead or deceive purchasers or prospective purchasers.

(3) Use any trade name, corporate name, trademark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature or origin of any product of the industry or of any material used therein, or which is false, deceptive or misleading in any other material respect.

[Title 308 WAC—p 113]

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-290, filed 7/3/84; Order PL 159, § 308-50-290, filed 2/8/74.]

WAC 308-50-295 Unfair or deceptive practices, unethical conduct and unfair methods of competition--Defamation of competitors or false disparagement of their products. (1) It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their testing procedures, testing equipment, business methods, selling prices, values, credit terms, policies, or services.

(Note: The use of "bait" or "blind" advertisements as a means of accomplishing such defamation or false disparagement is deemed to be within the prohibitions of this rule.)

(2) Under this rule, it is an unfair trade practice for an industry member:

(a) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them; or

(b) To represent falsely that competitors are unreliable but that the disparager is not; or

(c) To quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to shown, demonstrate, or represent competitive models as being the current models when such is not the fact.

[Statutory Authority: RCW 18.35.161. Readopted by 84-14-100 (Order PL 469), § 308-50-295, filed 7/3/84; Order PL 190, § 308-50-295, filed 5/23/75.]

WAC 308-50-310 Personal disclosure. A licensee who contacts a prospective purchaser away from the licensee's place of business must:

(1) When the contact is in person, present the prospective purchaser with written notice of:

(a) His or her name, the name of his or her business firm, his or her business address and telephone number;

(b) The number of his or her license.

(2) Telephone contact with prospective purchasers must disclose the name of the licensee, name of his or her business firm and purpose of call.

[Statutory Authority: RCW 18.35.161. 85-23-065 (Order PL 563), § 308-50-310, filed 11/19/85; Order PL 159, § 308-50-310, filed 2/8/74.]

WAC 308-50-320 Documentation of referrals. A licensee or trainee shall document the name of the referral source for all persons who are fit with a hearing aid. Documentation shall consist of a name and address of the referral source and the date of such referral. Should the referral source be the person being fit with the hearing aid, this information shall also be recorded as the referral source.

[Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-320, filed 4/24/85; Order PL 159, § 308-50-320, filed 2/8/74.]

[Title 308 WAC--p 114]

WAC 308-50-330 Purchaser rescision rights. In addition to the receipt and disclosure information required by RCW 18.35.030, 63.14.040 and 63.14.120, every retail agreement for the sale of a hearing aid shall contain or have attached the following notice to buyer in ten point boldface type or larger on the front page in reasonable proximity to the purchaser signature line.

The notice of additional rights must be made known to the purchaser before the contract is executed. Such knowledge shall be demonstrated by the signature of the purchaser following a statement of those "additional rights" or following a statement on the face of the contract that the purchaser has been advised and is aware of the "additional rights." The "additional rights" must be provided in writing to the purchaser by the licensee and be in ten point boldface type or larger.

NOTICE TO BUYER

(1) Do not sign this agreement before you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.

(2) You are entitled to a copy of this agreement at the time you sign it.

(3) You may cancel this agreement if it was solicited in person, and you sign it, at a place other than the seller's business address shown on the agreement, by sending notice of such cancellation by certified mail, return receipt requested, to the seller at his address shown on the agreement, which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing this agreement; you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this agreement.

ADDITIONAL RIGHTS

In addition to the rights and remedies provided for under the above circumstances, you, the purchaser, have the right to rescind the transaction for other than the seller's breach if, for reasonable cause, you return the hearing aid or hold it at the seller's disposal and the hearing aid is in its original condition less normal wear and tear, and you send a notice to the licensee's regular place of business by certified mail, return receipt requested. The notice should state that the transaction is cancelled pursuant to RCW 18.35.190(3) and must be mailed not later than thirty days following the date of delivery. Reasonable cause does not include a mere change of mind or cosmetic concerns.

In the event of cancellation under RCW 18.35.190(3), or as otherwise provided by law, the licensee must, without further request, refund to you postmarked within ten days after such cancellation, all deposits, including down payment, less fifteen percent of the total purchase price or one hundred dollars per hearing aid, whichever is less. He must also return all goods traded in.

You, the buyer, shall incur no additional liability for such cancellation. If you have taken the steps described above to cancel the purchase and subsequently agree with the seller to extend the trial or rescision period, you remain entitled to receive the refund upon demand made

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within sixty days of the original date of delivery or such other time as agreed to in writing by both parties. Written notice of the last date for demanding a refund is to be provided to you at the time the trial or recision period is extended.

[Statutory Authority: RCW 18.35.161. 86-09-064 (Order PL 586), § 308-50-330, filed 4/17/86; Order PL 190, § 308-50-330, filed 5/23/75; Order PL 159, § 308-50-330, filed 2/8/74.]

WAC 308-50-350 Renewal of license. The annual license renewal date for hearing aid fitters and dispensers is the licensee's birthdate. Individuals making application for examination and initial license, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

[Statutory Authority: RCW 18.35.161. 89-04-017 (Order PM 818), § 308-50-350, filed 1/23/89. Statutory Authority: 1983 c 39 § 7. 83-23-056 (Order PL 447), § 308-50-350, filed 11/15/83.]

WAC 308-50-380 Unfair or deceptive practices, unethical conduct and unfair methods of competition—Misrepresenting products, services, personnel or other material facts during telephone solicitations. It shall be an unfair or deceptive practice, unethical conduct or an unfair method of competition for a licensee to make, or cause to be made, any misrepresentations of products, services, personnel or material facts when using telephone solicitation. This shall include, but not be limited to, a licensee or agent of the licensee, indicating to a prospective purchaser that an anonymous person has referred the purchaser's name to the licensee when such is not the case.

[Statutory Authority: RCW 18.35.161. 85-05-020 (Order PL 518) § 308-50-380, filed 2/13/85.]

WAC 308-50-390 Minimum standards for fitting and dispensing locations. (1) The hours of business of each hearing aid establishment shall be prominently and continuously displayed and visible to the public at each regular place or places of business owned or operated by that establishment.

(2) All such regular place or places of business or any activities emanating therefrom shall meet the minimum standards for facilities and equipment essential for the testing of hearing and the fitting and dispensing of hearing aids as set forth in WAC 308-50-110.

(3) The term "place or places of business" means a location where a licensee engages or intends to engage in the fitting and dispensing of hearing aids at a permanent address(es) open to the public on a regular basis.

[Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-390, filed 4/24/85.]

WAC 308-50-400 Notice of availability and location of follow-up services. Every licensee shall provide to a hearing aid purchaser, in writing prior to the signing of the contract, notice of availability of services. The notice shall include the specific location of the follow-up service, including date and time if applicable.

[Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-400, filed 4/24/85.]

WAC 308-50-410 Surety bonding—Security in lieu of bonding. Every establishment shall file a bond or security in lieu of a bond as required by RCW 18.35.240. An establishment means any facility engaged in the fitting and dispensing of hearing aids. For bonding purposes, a facility means any established place at a permanent address, open to the public on a regular basis, adapted primarily for housing and operating equipment which a fitter/dispenser uses to perform tests and procedures for selection and adaptation of hearing aids, and attended by a licensed fitter/dispenser. Activities emanating from a bonded establishment which project fitting and dispensing services from the establishment to temporary locations for the convenience of the public shall be regarded as functions of that establishment and need not be bonded separately. Examples of such activities include mobile fitting and dispensing units, home visitations, community center visitations, and itinerant services provided at public places of commerce or accommodation.

[Statutory Authority: RCW 18.35.161. 85-10-024 (Order PL 526), § 308-50-410, filed 4/24/85.]

WAC 308-50-420 Reasonable cause for recision. The purchaser of the hearing aid(s) may rescind the purchase and recover moneys in accordance with RCW 18.35.190(2) for reasonable cause. The term "reasonable cause" is defined to include the following:

(1) Any material misstatement of fact or misrepresentation by the licensee regarding the hearing aid(s) or fitting and dispensing services to be provided which the purchaser relied on or which induced the purchaser into making the agreement;

(2) Failure by the licensee to provide the purchaser with the hearing aid(s) and fitting and dispensing services which conform to those specified in the purchase agreement between the parties;

(3) Diagnosis of a medical condition unknown to the purchaser at the time of purchase, which precludes the purchaser from using the hearing aid(s);

(4) Failure by the licensee to remedy a significant material defect of the hearing aid(s) within a reasonable period of time in accordance with RCW 18.35.190(2)(c);

(5) The hearing aid(s) and/or fitting and dispensing services would not be in accordance with accepted practices of the industry; and

(6) The licensee fails to meet any standard of conduct prescribed in the laws regarding the fitting and dispensing of hearing aids and this failure adversely affects in any way the transaction which the purchaser seeks to rescind.

[Statutory Authority: RCW 18.35.161. 89-04-017 (Order PM 818), § 308-50-420, filed 1/23/89; 86-09-064 (Order PL 586), § 308-50-420, filed 4/17/86.]

WAC 308-50-430 Procedure for declaratory ruling.

(1) In accord with RCW 34.04.080, on petition of any interested person, the council may issue a declaratory ruling with respect to the applicability to any person,

property, or state of facts of any rule or statute enforceable by it.

(2) Such interested person shall submit the petition for declaratory ruling in written form to the council's departmental staff.

(3) The petition shall set forth, at a minimum, the following:

- (a) The name of the person(s) seeking the ruling,
- (b) The person's or persons' interest in the subject matter of the petition,
- (c) The rule or statute at issue,
- (d) A concise statement of the facts at issue, and
- (e) A statement by the petitioner that he or she understands that he or she waives any possible objections to the council's fitness to hear the same matter as a disciplinary case should the council decline to issue a declaratory ruling or should the council issue a ruling contrary to the petitioner(s) argument and the facts otherwise warrant prosecution.

(4) The council shall make the preliminary decision whether or not to accept the petition at the first meeting subsequent to the department's receipt of the request or as soon thereafter as reasonably possible.

(5) If the council accepts the petition, the matter may be referred to committee, but shall ultimately be decided by a quorum of the council.

(6) The party or parties to the petition may request leave to present argument which may or may not be heard at the discretion of the council.

(7) The ruling shall be binding, pursuant to RCW 34.04.080, if issued after argument and stated to be binding between the council and the petitioner.

[Statutory Authority: RCW 18.35.161. 86-09-064 (Order PL 586), § 308-50-430, filed 4/17/86.]

WAC 308-50-440 Hearing aid fitter/dispenser fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Trainee:	
Initial application	\$300.00
Trainee transfer of sponsor—Within fifteen days	75.00
Trainee transfer of sponsor—Over fifteen days	100.00
Extension of trainee license	200.00
Fitter/dispenser:	
Examination or reexamination (full)	500.00
Partial reexamination	175.00
Initial license	250.00
Renewal	200.00
Late renewal penalty	150.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-50-440, filed 8/27/87.]

WAC 308-50-500 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989 persons who submit an application for a license to fit/dispense hearing aids or who submit an application for a trainee permit shall submit, prior to being granted a license and in addition to the other requirements for licensure, evidence to show compliance with the educational requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning July 1, 1989 and ending June 30, 1990, all persons making application of licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education and training.

(a) Acceptable education and training. The council will accept education and training that is consistent with the topical outline available from the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The licensee or applicant for licensure shall:

- (i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;
- (ii) Keep records for two years documenting attendance and description of the learning;
- (iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-106 (Order PM 797), § 308-50-500, filed 11/22/88.]

**Chapter 308-51 WAC
MESSAGE PRACTITIONERS**

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-51-020 Licenses. [Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-020, filed 12/13/84; Order PL 255, § 308-51-020, filed 8/20/76; Order PL 231, § 308-51-020, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-030 Massage licensing—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-51-030, filed 9/25/80; Order PL 255, § 308-51-030, filed 8/20/76; Order PL 231, § 308-51-030, filed 10/30/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-51-200.
- 308-51-040 Denial, suspension or revocation of license. [Order PL 231, § 308-51-040, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-060 Facility standards. [Order PL 231, § 308-51-060, filed 10/30/75.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-070 Communicable disease control. [Order PL 231, § 308-51-070, filed 10/30/75.] Repealed by 88-14-097 (Order PM 743), filed 7/6/88. Statutory Authority: RCW 18.108.025.
- 308-51-080 Inspection of massage premises. [Order PL 238, § 308-51-080, filed 2/9/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-150 Massage business licensee reports. [Order PL 255, § 308-51-150, filed 8/20/76.] Repealed by 88-11-011 (Order PM 725), filed 5/10/88. Statutory Authority: RCW 18.108.025.
- 308-51-190 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 48. 84-21-092 (Order PL 485), § 308-51-190, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-037 (Order PL 554), filed 9/12/85. Statutory Authority: RCW 18.108.075.
- 308-51-200 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-51-200, filed 11/2/83; 83-17-031 (Order PL 442), § 308-51-200, filed 8/10/83. Formerly WAC 308-51-030.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.

WAC 308-51-010 Applications. Application forms for licensure shall be prepared by the director and shall provide for the statement of all information required for the license in question. An applicant shall be required to furnish to the director a current photograph of passport size, approximately two inches by two inches, with the original application and satisfactory evidence to establish that all requirements for the license have been fulfilled

by the applicant, including the requirement that the applicant be of good moral character and is not in violation of chapter 18.130 RCW.

[Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-010, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070. 85-01-043 (Order PL 501), § 308-51-010, filed 12/13/84. Statutory Authority: RCW 18.108.020. 81-11-005 (Order PL 379), § 308-51-010, filed 5/11/81; Order PL 255, § 308-51-010, filed 8/20/76; Order PL 231, § 308-51-010, filed 10/30/75.]

WAC 308-51-021 Reciprocity. The board, at its discretion, and subject to the laws pertaining to the licensing of massage practitioners may endorse a massage practitioner license issued by the proper authorities of any other state, territory, or foreign jurisdiction upon payment of the application fee and initial license fee and submission of evidence satisfactory to the board:

(1) That such other state, territory, or foreign jurisdiction maintains a system and standard of education and examination for massage practitioners which is substantially equivalent to that required in Washington;

(2) That such applicant provides proof, in a manner approved by the department, that the education and examination requirements of the alternative state, territory, or foreign jurisdiction are equivalent to that of Washington;

(3) That such applicant successfully demonstrates, to the satisfaction of the board, a working knowledge of Washington laws pertaining to the practice of massage;

(4) That such applicant has not had any disciplinary action taken against himself/herself including a license revocation or suspension in any state, territory, or foreign jurisdiction in which the applicant has received a massage practitioner's license or reciprocal endorsement;

(5) That such applicant, after meeting the preceding requirements, must submit the application fee, initial license fee and is subject to annual renewal fees and late penalty fees.

[Statutory Authority: RCW 18.108.025. 88-19-048 (Order PM 770), § 308-51-021, filed 9/14/88.]

WAC 308-51-050 Equipment and sanitation. (1) All practitioners utilizing hydrotherapies including but not limited to cabinet, vapor or steam baths, whirlpool, hot tub or tub baths shall have available adequate shower facilities.

(2) All cabinets, showers, tubs, basins, massage or steam tables, hydrotherapy equipment, and all other fixed equipment used shall be thoroughly cleansed and shall be rendered free from harmful organisms by the application of an accepted bactericidal agent.

(3) Combs, brushes, shower caps, mechanical, massage and hydrotherapy instruments, or bathing devices that come in contact with the body shall be sterilized or disinfected by modern and approved methods and instruments. Devices, equipment or parts thereof having been used on one person shall be sterilized or disinfected before being used on another person.

(4) Impervious material shall cover, full length, all massage tables or pads, directly under fresh sheets and linens or disposable paper sheets.

(5) All single service materials and clean linen such as sheets, towels, gowns, pillow cases and all other linens used in the practice of massage, shall be furnished by the practitioner for the use of each client. Linens shall be stored in a sanitary manner.

(6) All towels and linens used for one person shall be laundered or cleaned before they are used by any other person.

(7) All soiled linens shall be immediately placed in a covered receptacle.

(8) Soap and clean towels shall be provided by the practitioner for use by clients and employees.

(9) All equipment shall be clean, well maintained and in good repair.

[Statutory Authority: RCW 18.108.025, 88-11-011 (Order PM 725), § 308-51-050, filed 5/10/88; Order PL 231, § 308-51-050, filed 10/30/75.]

WAC 308-51-100 Scope of examination. (1) The examination for a massage practitioner's license shall, except as noted in subsection (2) of this section, consist of written questions as well as a practical demonstration of massage therapy.

(2) An applicant handicapped by blindness will not be subject to a written examination. A blind applicant will be asked questions orally to appropriately test the range and depth of his/her knowledge of the subjects shown in subsection (3) of this section.

(3) Questions will be sufficient in number to satisfy the board of massage that the applicant has been given an adequate opportunity to express his or her knowledge relating to subjects as stated in RCW 18.108.073(2).

(4) The practical demonstration of massage will be conducted before the examiner(s) and the applicant will be required to perform massage therapy. The following will be evaluated:

- (a) Professional manner,
- (b) Lubrication,
- (c) Overall demonstration of work: Pressure, rhythm, smoothness, organization,
- (d) Interaction with client,
- (e) Effleurage,
- (f) Petrissage,
- (g) Friction,
- (h) Vibration,
- (i) Tapotement,
- (j) Joint demonstration and Swedish gymnastics,
- (k) Specific muscle demonstration,
- (l) Client endangerment,
- (m) Draping and turning,
- (n) Treatment of various conditions.

[Statutory Authority: RCW 18.108.025, 88-11-011 (Order PM 725), § 308-51-100, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070, 85-01-043 (Order PL 501), § 308-51-100, filed 12/13/84. Statutory Authority: RCW 18.108.020, 80-01-018 (Order PL 329, Resolution No. 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. Each applicant must obtain a grade of 70 or better on each portion of the examination before being considered by

the board to be technically qualified for licensing as a massage practitioner.

[Statutory Authority: RCW 18.108.025, 88-11-011 (Order PM 725), § 308-51-110, filed 5/10/88. Statutory Authority: RCW 18.108.020 and 18.108.070, 85-01-043 (Order PL 501), § 308-51-110, filed 12/13/84. Statutory Authority: RCW 18.108.020, 79-10-042 (Order 314, Resolution No. 9/79), § 308-51-110, filed 9/13/79; Order PL 248, § 308-51-110, filed 5/25/76.]

WAC 308-51-120 Frequency and location of examinations. (1) The board will normally conduct practical examinations in March and September of each year.

(2) Written examinations will be conducted at least twenty days prior to scheduled practical examinations. Applicants will be required to pass the written examination prior to being scheduled for the practical examination.

(3) Written and practical examinations will be conducted at a location within the state as determined by the director, with due consideration to be given to the residential location of the examinees and the availability and costs of required facilities and services.

(4) A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination dates. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Examination fees are nonrefundable. Should an applicant fail to appear for examination at the designated time and place, he shall forfeit the examination fee unless he has notified the division of professional licensing of his inability to appear for the scheduled examination at least five days before the designated time. With the required five days notice, a candidate may request to be rescheduled for examination any time within two years of the time they submitted their original application.

[Statutory Authority: RCW 18.108.020, 83-23-077 (Order PL 448), § 308-51-120, filed 11/18/83; 80-01-017 (Order PL 330, Resolution No. 12/79), § 308-51-120, filed 12/13/79; Order PL 248, § 308-51-120, filed 5/25/76.]

WAC 308-51-125 Examination appeal procedures.

(1) Any candidate who takes the state examination for licensure and does not pass either the written examination or the practical examination, may request review of the results of either examination by the Washington state board of massage.

(a) The board will not modify examination results unless the candidate presents clear and convincing evidence of error in the examination content or procedure, or bias, prejudice or discrimination in the examination process.

(b) The board will not consider any challenges to examination scores unless the total of the potentially revised score would result in issuance of a license.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date

on the letter of notification of examination results sent to the candidate.

(b) The following procedures apply to an appeal of the results of the written examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must appear personally in the department office in Olympia for an examination review session. The candidate must contact the department to make an appointment for the exam review session.

(ii) The candidate's incorrect answers will be available during the review session. The candidate will be given a form to complete in defense of the examination answers. The candidate must specifically identify the challenged questions on the examination and must state the specific reason(s) why the candidate believes the results should be modified.

(iii) The candidate will be allowed one-half the time originally allotted to take the examination for this review session.

(iv) The candidate may not bring in any resource material for use while completing the informal review form.

(v) The candidate will not be allowed to remove any notes or materials from the office upon completing the review session.

(c) The following procedures apply to an appeal of the results of the practical examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must, within thirty days of the date on the letter of notification of exam results, request in writing a breakdown of the candidate's scores in the various areas of the examination.

(ii) The candidate will be sent the breakdown and will also be provided a form to complete in defense of the candidate's examination performance. The candidate must complete the form and specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results should be modified. This form must be returned to the department within fifteen days of the date on the letter of breakdown sent to the candidate.

(d) The board will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate. The candidate will be notified in writing of the board decision.

(i) The candidate will be identified only by candidate number for the purpose of this review.

(ii) Letters of referral or requests for special consideration will not be read or considered by the board.

(e) Any candidate who is not satisfied with the results of the informal examination review may request a formal hearing before the board to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for formal hearing must be received by the department within twenty days of the date on the notice of the results of the board's informal review.

(c) The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedure Act, chapter 34.04 RCW.

(g) The candidate will be notified in writing of the board decision.

[Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-125, filed 5/10/88. Statutory Authority: RCW 18.108.020. 87-21-049 (Order PM 685), § 308-51-125, filed 10/15/87.]

WAC 308-51-130 Reexamination. An applicant who has failed to pass the examination may apply for reexamination, provided the required reexamination fee is submitted. An applicant must successfully complete the written examination or oral in lieu of written where appropriate, prior to being scheduled for the practical examination. If an applicant fails to successfully pass the practical examination within two years of passing the written examination, he/she must retake the written examination before being eligible to again attempt the practical examination.

[Statutory Authority: RCW 18.108.020. 80-04-012 (Order PL 336), § 308-51-130, filed 3/10/80; Order PL 248, § 308-51-130, filed 5/25/76.]

WAC 308-51-140 Special examination. An applicant who states that the applicant cannot read or speak the English language with sufficient facility to take the written or practical examination may elect one of the following options:

(1) To have the examination read in English; or

(2) Take the examination with the assistance of a translator.

The applicant must notify the department of the applicant's need for a translator at the time of filing an application to take the massage exam.

The translator shall not define or translate from English to the requested language any medical terms, conditions, or treatments.

[Statutory Authority: RCW 18.108.025. 88-19-048 (Order PM 770), § 308-51-140, filed 9/14/88; 88-11-011 (Order PM 725), § 308-51-140, filed 5/10/88; Order PL 248, § 308-51-140, filed 5/25/76.]

WAC 308-51-210 Massage fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
[Massage practitioner:]	
Written examination and reexamination	\$ 60.00
Practical examination and reexamination	80.00
Reciprocity	50.00
Initial License	80.00
Renewal	70.00

Title of Fee	Fee
Late Renewal Penalty	75.00
Certification	25.00
Duplicate License	15.00

[Statutory Authority: RCW 43.24.086. 88-24-042 (Order PM 788), § 308-51-210, filed 12/6/88; 87-18-031 (Order PM 667), § 308-51-210, filed 8/27/87.]

Reviser's note: RCW 34.05.395 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 308-51-220 Reexamination for assurance of competency. (1) An applicant for licensure who has been previously licensed shall retake both the practical and written portions of the examination and achieve passing scores before relicensure under any one of the following circumstances:

(a) The applicant has been unlicensed voluntarily for more than thirty-six calendar months; or

(b) The applicant's license has been revoked or suspended by reason of a disciplinary action by the director of the department of licensing.

(2) The director may require reexamination in any disciplinary order, based upon findings and conclusions relative to the competency of a licensee to practice massage before issuing an unconditional license.

(3) Whenever reexamination is required, the licensee shall pay the appropriate fees set forth in WAC 308-51-210.

[Statutory Authority: RCW 18.108.025. 88-11-011 (Order PM 725), § 308-51-220, filed 5/10/88.]

WAC 308-51-230 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Massage practitioner" means an individual licensed under chapter 18.108 RCW.

(6) "Mentally or physically disabled massage practitioner" means a massage practitioner who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice massage therapy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-230, filed 6/30/89.]

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WAC 308-51-240 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the massage practitioner being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-240, filed 6/30/89.]

WAC 308-51-250 Health care institutions. The chief administrator or executive officer of any hospital or nursing home or their designee shall report to the department when any massage practitioner's services are terminated or are restricted based on a determination that the massage practitioner has either committed an act or acts which may constitute unprofessional conduct or that the massage practitioner may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-250, filed 6/30/89.]

WAC 308-51-260 Massage practitioner associations or societies. The president or chief executive officer of any massage practitioner association or society within this state shall report to the department when the association or society determines that a massage practitioner has committed unprofessional conduct or that a massage practitioner may not be able to practice massage therapy with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-260, filed 6/30/89.]

(1989 Ed.)

WAC 308-51-270 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a massage practitioner has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-270, filed 6/30/89.]

WAC 308-51-280 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to massage practitioners shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured massage practitioner's incompetency or negligence in the practice of massage. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the massage practitioner's alleged incompetence or negligence in the practice of massage therapy.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-280, filed 6/30/89.]

WAC 308-51-290 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed massage practitioners, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-290, filed 6/30/89.]

WAC 308-51-300 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a massage practitioner is employed to provide client care services, to report to the department whenever such a massage practitioner has been judged to have demonstrated his/her incompetency or negligence in the practice of massage therapy, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled massage practitioner. These requirements do not supersede any state or federal law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-300, filed 6/30/89.]

WAC 308-51-310 Cooperation with investigation. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen

calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-51-310, filed 6/30/89.]

WAC 308-51-320 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of

any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-51-320, filed 11/2/88.]

Chapter 308-51A WAC EDUCATION

WAC

308-51A-010	Definitions.
308-51A-020	Approval of school, program, or apprenticeship program.
308-51A-030	Scope and purpose.
308-51A-040	Training.
308-51A-050	Curriculum—Academic standards—Faculty—Student clinic.
308-51A-060	Health, sanitation, and facility standards.

WAC 308-51A-010 Definitions. For the purpose of administering chapter 18.108 RCW, the following terms shall be considered in the following manner:

(1) A massage school is an institution which has the sole purpose of offering training in massage therapy.

(2) A massage program is training in massage therapy offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(3) An apprentice is defined, for purposes of this chapter, as one who has successfully completed:

(a) One hundred thirty hours of instruction in anatomy, physiology, and kinesiology including palpation, range of motion and physics of joint function. There must be a minimum of forty hours of kinesiology.

(b) Fifty hours of instruction in pathology, including indications and contraindications to massage therapy and palpations.

(c) Certification in American Red Cross first aid and American Heart Association CPR or the equivalent.

The above courses must be successfully completed within five years immediately preceding entry into an apprenticeship agreement. The apprentice then shall receive complete training in:

(i) Hydrotherapy (fifteen hours);

(ii) Theory and practice of massage therapy (two hundred fifty hours) at a minimum to include Swedish and deep tissue techniques, remedial gymnastics, body mechanics of the practitioner, and medical treatments. A maximum of fifty of these hours may include time spent in a student clinic; and

(iii) Clinical practices (fifty-five hours), at a minimum to include hygiene, recordkeeping, medical terminology, professional ethics, business management, human behavior, client interaction, and state and local laws. Training in hydrotherapy, theory and practice of massage therapy, and clinical practices shall be completed in no less than six months or longer than two years from the date of entry into an apprenticeship program.

(4) A massage apprenticeship is training in massage therapy which is offered by a qualified massage practitioner to an apprentice on the basis of an apprenticeship agreement between the massage practitioner and the apprentice. Such agreement shall comply with the educational standards as set forth in this chapter. A qualified massage practitioner is defined as a person that shall have not less than three years full-time experience in the practice of massage immediately preceding the function as an apprenticeship trainer of massage therapy in an apprenticeship agreement and shall be licensed under this chapter and currently engaged in the practice of massage.

Hereinafter, qualified massage practitioner is referred to as apprenticeship trainer, and apprenticeship program is referred to as program.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-010, filed 6/9/88.]

WAC 308-51A-020 Approval of school, program, or apprenticeship program. The board may accept proof of AMTA, (American Massage Therapy Association), approval of a school or program in lieu of the requirements contained in this chapter. Approval in this manner may be requested on a form provided by the department. The board will consider for approval any school, program, or apprenticeship program which meets the requirements as outlined in this chapter.

(1) Approval of any other school or program may be requested on a form provided by the department.

(2) Application for approval of a school or program, shall be made by the authorized representative of the school or the administrator of the apprenticeship agreement.

(3) The authorized representative of the school or the administrator of the apprenticeship program may request approval of the school or program, as of the date of the application or retroactively to a specified date.

(4) The application for approval of a school or program shall include, but not be limited to, documentation required by the board pertaining to: Syllabus, qualifications of instructors, facilities, outline of curriculum plan specifying all subjects and length in hours such subjects are taught, class objectives, and a sample copy of one of each of the following exams: Anatomy, physiology, and massage therapy.

(5) Any school or program that is required to be licensed by private vocational education (see chapter 28C.10 RCW or Title 28B RCW), or any other statute, must complete these requirements before being considered by the board for approval.

(6) The board will evaluate the application and, if necessary, conduct a site inspection of the school or program, prior to granting approval by the board.

(7) Upon completion of the evaluation of the application, the board may grant or deny approval or grant approval conditioned upon appropriate modification to the application.

(8) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant's school or program may request a review within thirty days of the board's adverse decision/action. Should a request for review of an adverse action be made after thirty days following the board's action, the contesting party may obtain review only by submitting a new application.

(9) The authorized representative of an approved school or program or the administrator of an apprenticeship agreement shall notify the board of significant changes with respect to information provided on the application within sixty days.

(10) The board may inspect or review an approved school or program at reasonable intervals for compliance. Approval may be withdrawn if the board finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(11) The authorized representative of a school or administrator of an agreement must immediately correct the deficiencies which resulted in withdrawal of the board's approval.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-020, filed 6/9/88.]

WAC 308-51A-030 Scope and purpose. (1) The minimum educational requirements for licensure to practice massage therapy in Washington is successful completion of a course of study from a massage school or program approved by the board.

(2) The purpose of this chapter is to provide a set of standards and procedures by which massage schools or programs may obtain approval by the board in order that graduates of those schools or programs may be permitted to take examinations for licensure.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-030, filed 6/9/88.]

WAC 308-51A-040 Training. The training in massage therapy shall consist of a minimum of five hundred hours. An hour of training is defined as fifty minutes of actual instructional time. Certification in American Red Cross first aid and American Heart Association CPR or the equivalent shall be required. This requirement is in addition to the five hundred hours of training in massage therapy. These five hundred hours are not to be completed in less than six months and shall consist of the following:

(1) One hundred thirty hours of anatomy, physiology, and kinesiology including palpation, range of motion, and physics of joint function. There must be a minimum of forty hours of kinesiology.

(2) Fifty hours of pathology including indications and contraindications to massage therapy and palpations.

(3) Two hundred fifty hours of theory and practice of massage therapy, at a minimum to include Swedish and deep tissue techniques, remedial gymnastics, body mechanics of the practitioner, and medical treatments. A maximum of fifty of these hours may include time spent in a student clinic.

(4) Fifteen hours of hydrotherapy.

(5) Fifty-five hours of clinical practices, at a minimum to include hygiene, recordkeeping, medical terminology, professional ethics, business management, human behavior, client interaction, and state and local laws.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-040, filed 6/9/88.]

WAC 308-51A-050 Curriculum--Academic standards--Faculty--Student clinic. (1) The curriculum of the school or program shall be designed and presented to meet or exceed the requirement of five hundred hours.

(2) Academic standards. The school or apprenticeship trainer shall regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(3) Faculty. Apprenticeship trainers and faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught. The apprenticeship trainer and faculty should develop and evaluate the curriculum instructional methods and facilities; student discipline, welfare, and counseling; assist in the establishment of administrative and educational policies, and scholarly and professional growth. Schools or programs shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty.

(4) Student clinic (optional program). The clinical facilities shall be adequate in size, number, and resources to provide for student practice of massage therapy on the general public. There shall be properly equipped rooms for consultations, massage therapy, and equipment as required in the practice of massage. A faculty member who is a licensed massage practitioner and adequately experienced in massage therapy must be present in the clinic at all times the clinic is open and in direct supervision of, and have final decision in, the massage therapy which is rendered to clients by students.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-050, filed 6/9/88.]

WAC 308-51A-060 Health, sanitation, and facility standards. All programs will have adequate facilities and equipment available for students learning massage therapy. All facility equipment will be maintained in accordance with local rules and ordinances in addition to those imposed by chapter 308-51 WAC. Instructional and practice equipment shall be similar to that found in common occupational practice. An adequate reference library, appropriate to the subjects being taught, shall be available.

[Statutory Authority: RCW 18.108.025. 88-13-038 (Order PM 739), § 308-51A-060, filed 6/9/88.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

Chapter 308-52 WAC

MEDICAL EXAMINERS

WAC

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308-52-020 Requirement for processing reciprocal applications. [Rules (part), filed 12/18/63.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.
 308-52-050 Failure in more than one subject. [Order PL 136, § 308-52-050, filed 11/16/72; Rules (part), filed 12/18/63.] Repealed by 78-04-028 (Order PL 284, Resolution No. 78-139), filed 3/14/78. Statutory Authority: RCW 18.71.017.
 308-52-110 Reciprocity or waiver applications for license. [Order PL 136, § 308-52-110, filed 11/16/72; Rules (part), filed 1/12/65.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.
 308-52-130 Physicians' assistants. [Order PL 275, § 308-52-130, filed 10/12/77; Order PL 180, § 308-52-130, filed 12/3/74; Order PL 167, § 308-52-130, filed 4/17/74; Order PL 114, § 308-52-130, filed 10/13/71.] Repealed by 79-06-055 (Order PL 301), filed 5/22/79. Statutory Authority: RCW 18.71A.020.
 308-52-137 Physicians' assistants—Classification. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-137, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.
 308-52-142 Physicians' assistants—Registration fee. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-142, filed 3/14/78.] Repealed by 86-12-031 (Order PM 599), filed 5/29/86. Statutory Authority: RCW 18.71A.020.
 308-52-143 Physicians' assistants—Reregistration fee. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-143, filed 3/14/78.] Repealed by 86-12-031 (Order PM 599), filed 5/29/86. Statutory Authority: RCW 18.71A.020.
 308-52-144 Physicians' assistants—Simultaneous registration of Type C assistants. [Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-144, filed 3/14/78.] Repealed by 81-03-078 (Order PL 368), filed 1/21/81. Statutory Authority: RCW 18.71A.020.
 308-52-145 Birthday renewal registration implementation. [Statutory Authority: RCW 18.71A.020. 80-15-031 (Order PL-353), § 308-52-145, filed 10/8/80.] Repealed by 86-12-031 (Order PM 599), filed 5/29/86. Statutory Authority: RCW 18.71A.020.
 308-52-200 Definitions. [Order PL 110, § 308-52-200, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
 308-52-210 National board of medical examiners. [Order PL 110, § 308-52-210, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
 308-52-220 State board reciprocity. [Order PL 110, § 308-52-220, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
 308-52-230 Washington state basic science examination. [Order 146, § 308-52-230, filed 8/16/73; Order PL 110, § 308-52-230, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
 308-52-240 Applications filed prior to January 1, 1970. [Order PL 110, § 308-52-240, filed 10/13/71.] Repealed by 79-10-040 (Order PL 316), filed 9/13/79. Statutory Authority: RCW 18.71.017.
 308-52-250 Internship defined. [Order 146, § 308-52-250, filed 8/16/73.] Repealed by 81-03-079 (Order PL 369), filed 1/21/81. Statutory Authority: RCW 18.71.017.

- 308-52-300 License renewal registration fee. [Order PL 163, § 308-52-300, filed 3/18/74.] Repealed by Order PL 209, filed 11/5/75.
- 308-52-310 Physician—Fees. [Statutory Authority: RCW 43.24-.085, 80-14-022 (Order 356), § 308-52-310, filed 9/25/80; Order PL 209, § 308-52-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-52-315.
- 308-52-315 Fees. [Statutory Authority: 1983 c 168 § 12, 83-22-060 (Order PL 446), § 308-52-315, filed 11/2/83; 83-17-031 (Order PL 442), § 308-52-315, filed 8/10/83. Formerly WAC 308-52-310.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
- 308-52-520 Acupuncture experience. [Statutory Authority: RCW 18.71A.020, 79-06-055 (Order PL 301), § 308-52-520, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.
- 308-52-550 Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.71A.020, 79-06-055 (Order PL 301), § 308-52-550, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.
- 308-52-560 Acupuncture assistant utilization. [Statutory Authority: RCW 18.71A.020, 79-06-055 (Order PL 301), § 308-52-560, filed 5/22/79.] Repealed by 83-07-014 (Order PL 428), filed 3/10/83. Statutory Authority: RCW 18.71A.020.
- 308-52-670 Surgical assistant qualifications effective January 1, 1990. [Statutory Authority: RCW 18.71A.020, 89-13-002 (Order PM 850), § 308-52-670, filed 6/8/89, effective 9/30/89.] Repealed by 89-20-023, filed 9/27/89, effective 10/28/89. Statutory Authority: RCW 18.71A.020.

WAC 308-52-010 Board meetings. Regular medical board meetings shall be held at least four times yearly. Additional regular or special meetings may be called at discretion of president or quorum of the board.

[Order PL 136, § 308-52-010, filed 11/16/72; Rules (part), filed 12/18/63.]

WAC 308-52-030 Examinations. Examinations shall be given twice yearly in the months of June and December.

[Order PL 136, § 308-52-030, filed 11/16/72; Rules (part), filed 12/18/63.]

WAC 308-52-040 Foreign medical graduates. (1) Except in unusual circumstances, which shall be considered individually by the board, all graduates of foreign medical schools who were not licensed in another state prior to 1958 must have obtained the certificate granted by the educational council for foreign medical graduates or must qualify for exemption as provided for in other sections of these rules and regulations.

(2) A United States citizen or resident alien who has obtained his medical education in a medical school outside the United States, Canada, or Puerto Rico shall be eligible for licensure in the state of Washington if he has satisfied the following requirements:

(a) Has completed all of the formal academic requirements for graduation from a medical school outside the United States, provided that such medical school provides a resident course of professional instruction

equivalent to that required under RCW 18.71.055 for approval of United States and Canadian schools. An internship and/or social service in a foreign country shall not be considered to be a part of the formal academic requirements.

(b) Has successfully completed one academic year of supervised clinical training in a program approved by the board. Approval of such program shall be based on the following requirements:

(i) The program shall be sponsored by a board-approved United States medical school.

(ii) The school must provide supervision equivalent to that given undergraduate medical students.

(iii) Admission to such a program shall be contingent upon review of the applicant's academic achievement, completion of the formal academic curriculum of the foreign medical school, and the attainment of a score satisfactory to the medical school in a qualifying examination acceptable to the board such as part 1 of the national board examination, or day-1 of flex examination, or the ECFMG examination.

(iv) The program must include experience in each of the major clinical disciplines.

(c) Has completed the postgraduate clinical hospital training required by the board of all applicants for licensure.

(d) Has passed the examination required by the board of all applicants for licensure.

(3) Satisfaction of the requirements of section (2) of these rules and regulations shall substitute for the completion of any foreign internship and/or social service required by the foreign medical school or government as a condition to the awarding of a medical degree or licensure, and no such requirements shall be a condition of licensure as a physician in this state.

(4) Certification by the ECFMG shall not be a condition of licensure as a physician in this state for candidates who have successfully completed the requirements of section (2) of these rules and regulations.

(5) All persons issued a license to practice medicine and surgery by the board of medical examiners shall possess all the rights and privileges thereof, including the use of the title "doctor of medicine" and the initials "M.D."

(6) Graduates of foreign medical schools who do not qualify for licensure under these rules and regulations will be required to meet the rules previously adopted by the board.

[Statutory Authority: RCW 18.71.017, 81-03-079 (Order PL 369), § 308-52-040, filed 1/21/81; Order PL 240, § 308-52-040, filed 2/19/76; Order PL 183, § 308-52-040, filed 2/10/75; Order PL 136, § 308-52-040, filed 11/16/72; Rules (part), filed 12/18/63.]

WAC 308-52-100 Applications for examination. All applications for medical license by examination in the state of Washington shall be in the office of the professional licensing division, department of licensing no later than August 1 or February 1.

[Statutory Authority: RCW 18.71.017, 84-15-068 (Order PL 473), § 308-52-100, filed 7/18/84; Order PL 136, § 308-52-100, filed 11/16/72; Rules (part), filed 1/12/65.]

WAC 308-52-120 Approved United States and Canadian medical schools. For the purposes of the Medical Practice Act the board approves those medical schools listed as accredited medical schools in the United States set forth in Appendix II, Table I, and as accredited schools in Canada set forth in Appendix III, Table I, as published in the Journal of the American Medical Association for March 7, 1980.

[Statutory Authority: RCW 18.71.017. 81-03-079 (Order PL 369), § 308-52-120, filed 1/21/81; Order PL-278, § 308-52-120, filed 11/16/77.]

WAC 308-52-132 Emergency narcotic administration. (1) When approved by the board in the physician assistant utilization plan, a physician may issue a standing written order, authorizing his or her physician assistant to administer a Schedule II narcotic controlled substance to the physician's patient in severe pain as an emergency pain relieving measure while efforts are being made to contact a physician or transport the patient for further emergency medical care.

(2) The authorization shall only be for the direct administration of a narcotic to a patient in an emergency. A physician must personally issue any prescription for Schedule II controlled substances which are not directly administered to a patient in an emergency pursuant to this regulation.

(3) A record of the emergency narcotic administration shall be maintained which shall include the date, time, patient's name, name of the physician assistant, name and strength of narcotic drug administered and nature of emergency.

[Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-132, filed 1/21/81.]

WAC 308-52-135 Physician assistant prescriptions. A physician assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician assistant.

(a) Written prescriptions shall include the name, address and telephone number of the physician; the name and address of the patient and the date on which the prescription was written.

(b) The physician assistant shall sign such a prescription using his or her own name followed by the letters "P.A."

(c) Written prescriptions must include the physician assistant's D.E.A. registration number, or, if none, the number issued by the board of medical examiners.

(2) A physician assistant employed or extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, order pharmaceutical agents, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his supervision.

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(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician assistants may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements.

[Statutory Authority: RCW 18.71A.020. 86-12-031 (Order PM 599), § 308-52-135, filed 5/29/86; 83-07-014 (Order PL 428), § 308-52-135, filed 3/10/83; 82-03-022 (Order PL 390), § 308-52-135, filed 1/14/82; 79-10-041 (Order PL 317), § 308-52-135, filed 9/13/79; Order PL 264, § 308-52-135, filed 3/15/77.]

WAC 308-52-136 Physicians' assistants—Scope of jurisdiction. Chapter 18.71A RCW defines a physician's assistant as ". . . a person who is enrolled in, or has satisfactorily completed, a board approved program to prepare persons to practice medicine to a limited extent." The board will consider as falling within its jurisdiction all individuals who meet the above requirement, who assume responsibility for direct patient care involving patient contact and who are not registered, certified or licensed by another agency of the state.

[Statutory Authority: RCW 18.71A.020. 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-136, filed 3/14/78.]

WAC 308-52-138 Physician assistants—Program approval. No physician shall be entitled to register a physician assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(1) Standards. The board will establish standards by which programs designed to produce the various types of physician assistants shall be judged. If the council of medical education of the American Medical Association has defined "essentials" for such program, these shall be regarded as minimal criteria.

(2) Procedure.

(a) In order for a program for training physician assistants to be considered for approval by the board, the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director of the program shall also advise the board concerning the medical skills which are attained in such course, and the methods by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(b) The board will approve programs in terms of the skills attained by its graduates and the specialty for which the physician assistant is trained.

(c) Reapproval. Programs maintaining *Committee on Allied Health Education and Accreditation* standards as defined in the "essentials" of the council of medical education of the American Medical Association will continue to be approved by the board without further

review. Each approved program not maintaining the *Committee on Allied Health Education and Accreditation* standards as defined in the "essentials" of the council of medical education of the American Medical Association will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(d) Registry. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(3)(a) Where an application for program approval has been pending for one year and has not been approved due to the absence of program standards promulgated by the board, a program may apply for provisional approval.

(b) Such approval is solely for the limited purpose of allowing the program's students of the exemption contained in RCW 18.71.030(8) and shall end when the board makes a final determination as to program approval pursuant to this section.

(c) Provisional approval as defined in subsection (b) above can be granted if the program:

(i) Needs such approval in order for the clinical elements of its educational regimen to proceed on schedule;

(ii) Has established the likelihood of satisfying the relevant program approval guidelines in their current form;

(iii) Will otherwise comply with the terms of RCW 18.71.030(8); and

(iv) Agrees to such other safeguards as the board may stipulate to ensure patient safety.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-138, filed 2/23/88; 85-03-083 (Order PL 507), § 308-52-138, filed 1/18/85; 83-03-031 (Order PL 421), § 308-52-138, filed 1/14/83; 81-03-078 (Order PL 368), § 308-52-138, filed 1/21/81; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-138, filed 3/14/78.]

WAC 308-52-139 Physician assistant--Registration. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. Applications shall be made jointly by the physician and the assistant on forms supplied by the board. Applications and supporting documents must be on file in the board office prior to consideration for registration.

(3) Registration expiration and renewal. Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. A physician assistant may allow his or her registration to expire for no longer than three years and reinstate it by submitting an application with all the required documents and application fee. After three years registration expiration, the physician assistant will be considered a new

applicant and will have to meet all statutes and rules in effect at the time of the new application.

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician. Application for transfer of registration shall be made on forms provided by the board.

[Statutory Authority: RCW 18.71A.020. 89-06-077 (Order PM 822), § 308-52-139, filed 3/1/89. Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-139, filed 10/13/88. Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-139, filed 2/23/88; 86-12-031 (Order PM 599), § 308-52-139, filed 5/29/86; 82-24-013 (Order PL 412), § 308-52-139, filed 11/19/82; 81-03-078 (Order PL 368), § 308-52-139, filed 1/21/81; 80-15-031 (Order PL-353), § 308-52-139, filed 10/8/80; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-139, filed 3/14/78.]

WAC 308-52-140 Physician assistant--Utilization.

(1) Limitations, number.

(a) No physician shall supervise more than two graduate physician assistants without special authorization by the board.

(b) The number of physician assistants in excess of two who may be supervised by a single physician in settings as outlined in subsection (2) of this section shall be established by the board on an individual basis.

(2) Limitations, health care institutions. A physician assistant working in or for a hospital, clinic, long term care facility, or other health care organization shall be registered and supervised in the same manner as any other physician assistant and his or her functions shall be limited to those approved by the board. The extent to which a physician assistant may practice and write orders is subject to the bylaws of the facility. His or her responsibilities, if any, to other physicians must be defined in the application for registration. The physician may be permitted, at the discretion of the board, to utilize the physician assistant in a manner consistent with the standards set forth in WAC 308-52-150.

(3) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting, or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-140, filed 2/23/88; 86-16-054 (Order PM 609), § 308-52-140, filed 8/1/86; 86-12-031 (Order PM 599), § 308-52-140, filed 5/29/86; 83-07-014 (Order PL 428), § 308-52-140, filed 3/10/83; 82-24-013 (Order PL 412), § 308-52-140, filed 11/19/82; 82-03-022 (Order PL 390), § 308-52-140, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-140, filed 1/21/81; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-140, filed 3/14/78.]

WAC 308-52-141 Physician assistants--Responsibility of supervising physician. It shall be the responsibility of the supervising physician to insure that:

(1) Adequate supervision and review of the work of the physician assistant is provided.

(a) The supervising physician shall review and countersign pertinent notes and orders concerning patient

care provided by the physician assistant, if such care is rendered without direct consultation with the physician. The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

(b) In the temporary absence of the supervising physician, the physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The physician assistant may not function as such if these supervisory and review functions are impossible.

(2) The physician assistant employed by him, at all times when meeting or treating patients, wears an identifying badge in a prominent place on his person identifying him as a physician assistant.

(3) 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.

(4) The physician's assistant in his employ performs only those tasks which have been authorized by the board. If the physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him.

[Statutory Authority: RCW 18.71A.020. 86-12-031 (Order PM 599), § 308-52-141, filed 5/29/86; 81-03-078 (Order PL 368), § 308-52-141, filed 1/21/81; 78-04-029 (Order PL 285, Resolution No. 78-140), § 308-52-141, filed 3/14/78.]

WAC 308-52-146 Termination of supervision. Upon termination of employment, the board shall require the supervising physician and physician assistant to submit a written report including the reasons for termination of the relationship and an evaluation of the physician assistant's performance. Such report shall be submitted to the board within fifteen days following termination of supervision.

[Statutory Authority: RCW 18.71A.020. 86-24-068 (Order PM 627), § 308-52-146, filed 12/3/86.]

WAC 308-52-147 Remote site--Utilization--Limitations, geographic. (1) No physician assistant shall be utilized in a place geographically separated from the supervising physician without the express permission of the board. A remote site shall be defined as a setting physically separate from the supervising physician's primary place for meeting patients or a setting where a supervising physician is present less than twenty-five percent of the practice time of the physician assistant.

(2) Special permission may be granted to utilize a physician assistant in a remote site if:

(a) There is a demonstrated need for such utilization;

(b) Adequate provision for immediate communication between the primary or alternate physician and the physician assistant exists;

(c) A mechanism has been developed to provide for the establishment of a direct physician-patient relationship between the supervising physician and patients who may be seen initially by the physician assistant;

(d) The responsible physician spends at least ten percent of the practice time of the physician assistant in the remote office. In the case of part time or unique practice settings, the sponsoring physician may petition the board to modify the on-site requirement providing the sponsoring physician demonstrates that adequate supervision is being maintained by an alternate method. The board will consider each request on an individual basis;

(e) All patient activities, functions, services and treatment measures are properly documented in written form by the physician assistant and reviewed and countersigned by the supervising physician;

(f) The provisions of WAC 308-52-141(4) are met;

(g) The waiting room and offices of all facilities approved as remote sites must have posted a printed announcement that the (named) sponsor is responsible for all care rendered, and the (named) individual providing the care is a physician assistant. Identification of the clinic on the outside facade must include the names of the physician sponsor and the physician assistant.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-147, filed 2/23/88.]

WAC 308-52-148 Noncertified physician assistants.

(1) Individuals will be considered as noncertified physician assistants as follows:

(a) Individuals who have graduated from a board approved training program and who have not passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination.

(b) Individuals who are foreign medical graduates who have been certified by the Educational Commission for Foreign Medical Graduates (ECFMG).

(2) On or after March 1, 1988, applicants for original registration will be designated noncertified and considered for registration as follows:

(a) A noncertified physician assistant may perform services for which he or she has been trained as outlined in the procedure reference and guideline established by the board.

(i) The noncertified physician assistant may not practice in a remote site, or prescribe controlled substances unless specially approved by the board.

(ii) A noncertified physician assistant and supervising physician shall ensure that, with respect to each patient, all activities, functions, services and treatment measures are immediately and properly documented in written form by the noncertified physician assistant. Every written entry shall be reviewed and countersigned by the supervising physician within two working days unless a different time period is authorized by the board.

(3) The application for registration of a noncertified physician assistant must include a detailed plan describing the manner in which the noncertified physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the specialized, noncertified physician assistant based upon

the curriculum of the program from which the noncertified physician assistant graduated as contained in the files of the board. In the case of the noncertified family practice (primary care) and non-certified pediatric physician assistants, the board will issue a list of tasks which noncertified physician assistants are commonly trained to perform. No physician assistant shall be registered to perform tasks not contained in the program approval.

(4) It shall be the responsibility of the supervising physician to ensure that adequate supervision and review of the work of the noncertified physician assistant is provided.

(a) In the temporary absence of the supervising physician, the noncertified physician assistant may carry out those tasks for which they are registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(b) The noncertified physician assistant may not function as such if these supervisory and review functions are impossible.

(5) The noncertified physician assistant, at all times when meeting or treating patients, must wear an identifying badge in a prominent place on his or her person identifying him or her as a physician assistant.

(6) No noncertified physician assistant may advertise themselves in any manner which would tend to mislead the public generally or the patients of the physician as to their role.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-148, filed 2/23/88.]

WAC 308-52-149 Certified physician assistants. (1) On or after March 1, 1988, individuals who have graduated from a board approved training program and who have passed the National Commission on Certification of Physician's Assistants (NCCPA) initial certification examination will be considered as certified physician assistants.

(2) A certified physician assistant may provide those services which he or she is competent to perform and which are consistent with the certified physician assistant's education, training, and experience.

(3) The supervising physician shall be responsible for determining the tasks and degree of supervision required for performance of special tasks in accordance with the board approved standard utilization plan. Any task or level of supervision in excess of those authorized must be supported by a written explanation describing the physician assistant's training, experience and demonstrated ability. The board may approve expanded tasks or supervision levels on an individual basis. If the certified physician assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him or her. Evidence that is satisfactory to the board must be submitted demonstrating that he or she has been trained in that function and his or her competence has been properly and adequately tested. Requests for approval of newly acquired skill may be considered

by a reviewing board member or at any regular meeting of the board.

(4) The functions of the certified physician assistant include performing diagnostic, therapeutic preventive and health maintenance services in any setting in which the physician renders care in order to allow more effective and focused application of the physician's particular knowledge and skills. The certified physician assistant is accountable for their own actions.

(5) It shall be the responsibility of the supervising physician to ensure adequate supervision and review of the work of the physician assistant is provided.

(a) The supervising physician shall review and countersign pertinent notes and orders concerning patient care provided by the physician assistant, if such care is rendered without direct consultation with the physician. The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

(b) In the temporary absence of the supervising physician, the physician assistant may carry out those tasks for which they are registered, of the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The certified physician assistant may not function as such if these supervisory and review functions are impossible.

(6) The certified physician assistant must, at all times when meeting or treating patients, wear an identifying badge in a prominent place on his or her person identifying him or her as a certified physician assistant.

(7) No certified physician assistant may advertise themselves in any manner which would tend to mislead the public generally or the patients of the physician as to their role.

[Statutory Authority: RCW 18.71A.020. 88-06-008 (Order PM 706), § 308-52-149, filed 2/23/88.]

WAC 308-52-150 Assistance or consultation with other physicians. (1) **Physician sponsor.** A physician assistant may assist or consult with a physician other than his or her sponsor or alternate concerning the care or treatment of the sponsor's patients, provided it is done with the knowledge and concurrence of the sponsor. The sponsor must maintain on file a written statement which instructs the physician assistant as to who may be assisted or consulted and under what circumstances or if no list is possible, then the method to be used in determining who may be consulted or assisted. The sponsor retains primary responsibility for the performance of his or her physician assistant.

(2) **Responsibility of a nonsponsoring physician.** A nonsponsoring physician utilizing or advising a physician assistant as indicated in section (1) of this rule, shall assume responsibility for patient services provided by a physician assistant if the physician:

(a) Knowingly requests that patient services be rendered by the physician assistant; or

(b) Knowingly consults with the physician assistant concerning the rendering of patient services.

[Statutory Authority: RCW 18.71A.020. 83-03-031 (Order PL 421), § 308-52-150, filed 1/14/83.]

WAC 308-52-160 Physician assistant applications—Denial. (1) Applications may only be denied or modified by a vote of the board. The executive secretary or application committee may refer an application to the board without giving approval.

(2) An application by a physician to supervise a physician assistant may be denied or modified under any of the following conditions:

(a) The physician assistant has not graduated from an approved program or a foreign medical school acceptable to the board;

(b) The utilization plan submitted does not meet the requirements for utilization or supervision as outlined in the regulations;

(c) The physician assistant is found to not be physically or mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine;

(d) The physician assistant's registration or other professional license(s) has been revoked, suspended or restricted by any licensing agency, or he or she has been guilty of any conduct which would constitute grounds for refusal, revocation or suspension of such registration under the laws of the state of Washington.

(e) The utilization plan delegates to the physician assistant tasks for which he or she is not adequately trained to perform;

(f) The physician sponsor or alternate has had his or her license revoked or suspended, or restricted to such degree that it could reasonably affect his or her ability to properly supervise a physician assistant. A physician's mental or physical impairment could also affect his or her ability to supervise;

(g) The physician assistant has filed with the board, any false, fraudulent or forged statement or documents for the purpose of obtaining the registration.

(3) In the event an application is denied or modified, the physician applying may request a hearing to present evidence as to why the application should be approved. Only the sponsoring physician may appeal a board decision: *Provided, however,* That if the decision reflects on the character, competence or conduct of the physician assistant, he or she will be given the opportunity to exonerate him or herself.

[Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-160, filed 11/19/82.]

WAC 308-52-165 Physician assistant qualifications effective January 1, 1990. Individuals applying to the board under chapter 18.71A RCW after December 31, 1989, shall be required to have graduated from a board approved physician assistant program and be NCCPA examination eligible.

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[Statutory Authority: RCW 18.71A.020. 89-20-023, § 308-52-165, filed 9/27/89, effective 10/28/89.]

WAC 308-52-190 Physician assistant AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the Department of Social and Health Services or any successor department with jurisdiction over public health matters as defined in 70.24 RCW.

(2) Application for registration. Effective July 1, 1989 persons who submit an application for physician assistant registration shall submit, prior to being granted a registration and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4) or shall certify that such requirements will be satisfied by the date of the applicant's first renewal.

(3) 1989 renewal of registration. Effective with the renewal period beginning July 1, 1989, through June 30, 1990, all persons making application for physician assistant renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Renewal applicants who have documented hardship which prevents obtaining the required education on AIDS may petition the board for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for registration, renewal, or reinstatement of any registration that is lapsed, inactive, or revoked or actually suspended for a term during which the physician assistant did not obtain the required AIDS education shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The physician assistant or applicant for registration shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting education and training and description of the learning;

(iii) Be prepared to validate, through submission of these records, that education and training has taken place.

[Statutory Authority: RCW 70.24.270. 89-08-063 (Order PM 831), § 308-52-190, filed 4/3/89.]

WAC 308-52-201 General continuing medical education requirements. (1) All registered physician assistants will be required to show evidence of fifty credit hours of continuing medical education by their registration renewal date in 1982.

(2) In lieu of fifty hours of continuing medical education the board will accept a current certification with the National Commission for the Certification of Physician Assistants and will consider approval of other programs as they are developed.

(3) If a registered physician assistant fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time.

[Statutory Authority: RCW 18.71A.020. 82-03-022 (Order PL 390), § 308-52-201, filed 1/14/82; 81-03-078 (Order PL 368), § 308-52-201, filed 1/21/81.]

WAC 308-52-205 Categories of creditable continuing medical education activities. (1) The board approves the following categories of creditable continuing medical education activities for physician assistants. A minimum of twenty credit hours must be earned in category I.

- Category I Continuing medical education activities with accredited sponsorship
- Category II Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience

(2) The board adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience.

[Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-205, filed 1/21/81.]

WAC 308-52-211 Continuing medical education clock hour credit requirement. (1) The credits must be earned in the year preceding application for renewal of registration.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the fifty hour continuing medical education requirement.

[Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-211, filed 1/21/81.]

WAC 308-52-215 Prior activity approval not required. (1) It will not be necessary for a physician assistant to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each individual

physician assistant's integrity in complying with this requirement.

(2) Continuing medical education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing medical education for physician assistants that constitutes a meritorious learning experience.

[Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-215, filed 1/21/81.]

WAC 308-52-221 Certification of compliance. (1) In conjunction with the application for renewal of registration a physician assistant shall submit an affidavit of compliance with the fifty hour continuing medical education requirement on a form supplied by the board.

(2) The board reserves the right to require a physician assistant to submit evidence in addition to the affidavit to demonstrate compliance with the fifty hour continuing medical education requirement. Accordingly, it is the responsibility of a physician assistant to maintain evidence of such compliance.

[Statutory Authority: RCW 18.71A.020. 81-03-078 (Order PL 368), § 308-52-221, filed 1/21/81.]

WAC 308-52-255 Postgraduate medical training defined. (1) For the purposes of this chapter, postgraduate medical training shall be considered to mean clinical training approved by the board in general medicine or surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of undergraduate medical instruction outlined in RCW 18.71-.055. Clinical performance deemed unsatisfactory by the program performance evaluation will not be accepted. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The board approves the following postgraduate clinical training courses:

(a) Programs accredited by the American Medical Association Accreditation Council for Graduate Medical Education which are listed in the 1984-85 directory of residency programs, or programs approved by the American Medical Association Accreditation Council at the time of residency.

(b) Preregistration training programs approved as of July 1, 1982 by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs at the time of residency.

[Statutory Authority: RCW 18.71.017. 89-12-053 (Order PM 849), § 308-52-255, filed 6/5/89; 85-11-048 (Order PL 530), § 308-52-255,

filed 5/16/85; 84-19-021 (Order PL 481), § 308-52-255, filed 9/12/84; 84-15-068 (Order PL 473), § 308-52-255, filed 7/18/84; 81-03-079 (Order PL 369), § 308-52-255, filed 1/21/81.]

WAC 308-52-260 Examination scores. Examinations given by the Washington state board of medical examiners:

(a) The board adopts the examination of the federation of state licensing boards as the examination given by the board.

(b) The minimal passing scores for each component of the FLEX I and II examinations shall be seventy-five percent. An applicant who chooses to take both components of the examination in a single three day sitting must obtain a passing score on both components; or receive a passing score on the FLEX I component in order for a passing score on FLEX II to be valid. A passing score on FLEX II will not be accepted if FLEX I has not been passed.

(c) An applicant must pass both components of the examination within seven years. An applicant will be required to demonstrate evidence of completion of a remedial or refresher medical course approved by the board after three failures of a single component. Time will be calculated for this subsection beginning with the June, 1989 examination. There will be no exemptions from the seven-year limitation because of failure to sit for an examination or because a remedial or refresher course was required.

(d) Applicants will be eligible to take FLEX I after completion of medical school and satisfactory verification of good standing in a board-approved postgraduate training program. FLEX II may only be taken after passing FLEX I and having completed or substantially completed the first year of postgraduate training: *Provided*, That after completing or substantially completing one year of a board-approved postgraduate training program, an applicant has the option of taking FLEX II or taking both FLEX I and FLEX II in a single sitting.

[Statutory Authority: RCW 18.71.017. 89-06-077 (Order PM 822), § 308-52-260, filed 3/1/89; 85-03-084 (Order PL 508), § 308-52-260, filed 1/18/85; 79-06-063 (Order PL 304), § 308-52-260, filed 5/23/79; 78-04-028 (Order PL 284, Resolution No. 78-139), § 308-52-260, filed 3/14/78; Order PL 240, § 308-52-260, filed 2/19/76.]

WAC 308-52-265 FLEX examination standards. Reciprocity applicants who were licensed by passing the FLEX examination will be eligible for examination waiver if the applicant received a FLEX weighted average score of at least 75. The score may be obtained in a single setting of the three-day examination or by averaging the individual day scores from different examinations. The individual day scores will be averaged according to the following formula:

Day 1 equals 1/6.

Day 2 equals 2/6.

Day 3 equals 3/6.

The overall average score shall be truncated to the nearest whole number (i.e., an average of 74.9 equals 74). Single subject averaging is not permitted. All FLEX scores must be submitted directly from the federation of

state medical boards. FLEX scores reported by other states will not be accepted.

[Statutory Authority: RCW 18.71.017. 89-12-053 (Order PM 849), § 308-52-265, filed 6/5/89.]

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. The minimum passing score will depend upon the quality of the examination using the FLEX I and II examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the National Board of Medical Examiners; or the Medical Council of Canada and holds a valid LMCC certificate obtained after 1969, 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. 86-03-056 (Order PL 577), § 308-52-270, filed 1/15/86; 85-03-084 (Order PL 508), § 308-52-270, filed 1/18/85; 78-04-028 (Order PL 284, Resolution No. 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 308-52-320 License renewal registration date and fee. (1) Effective with the renewal period beginning July 1, 1976, the annual license renewal date will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1976. Licensees desiring to renew their licenses will be required to pay a fee of fifteen dollars plus one-twelfth of that amount for each month, or fraction thereof, in order to extend their license renewal to expire on their birth anniversary date during calendar year 1977 or 1978. Example: Licensee's birthdate is September 1, therefore, the fee is computed at fifteen dollars plus three dollars and seventy-five cents for three months, or eighteen dollars and seventy-five cents.

(b) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(c) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered renewal system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to birth anniversary date.

(3) Under the staggered license renewal system the late payment penalty provision will be applied as follows:

(a) Before the expiration date of the individual's license, as a courtesy, a notice for renewal of license will be mailed to last address on file to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of

said license. Should the licensee fail to renew his or her license prior to the expiration date then the individual is subject to the statutory penalty fee. If the licensee fails to renew his or her license within three years from expiration date thereof, such individual must apply for licensing under the statutory conditions then in force.

[Order PL 242, § 308-52-320, filed 3/15/76.]

WAC 308-52-400 Scope. This regulation governs all physicians licensed pursuant to chapter 18.71 RCW who wish to renew their licenses to practice in the state of Washington.

[Order PL 247, § 308-52-400, filed 5/17/76.]

WAC 308-52-405 General requirements. (1) The Washington state board of medical examiners requires one hundred fifty credit hours of continuing education every three years.

(2) In lieu of the 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. 89-12-053 (Order PM 849), § 308-52-405, filed 6/5/89. Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-405, filed 11/18/85. Statutory Authority: RCW 18.71.017. 79-06-063 (Order PL 304), § 308-52-405, filed 5/23/79; Order PL 247, § 308-52-405, filed 5/17/76.]

WAC 308-52-406 CME requirements during cycle revision. (1) The current three year CME cycle will be revised so that approximately one-third of the licensed physicians will report their CME in each calendar year.

(2) During the implementation of the revised CME cycle, physicians must show evidence of continuing medical education as follows:

(a) Current licensees as of January 1, 1982.

(i) Physicians whose last name initial is A through G must have obtained at least fifty hours of CME by their renewal date in 1983.

(ii) Physicians whose last name initial is H through O must have obtained at least one hundred hours of CME by their renewal date in 1984.

(iii) Physicians whose last name initial is P through Z must have obtained one hundred and fifty hours by their renewal date in 1985.

(1989 Ed.)

(b) New licensees. Applicants who qualify for licensure after January 1, 1982 will comply with the CME requirements then in effect.

(3) After the revision is complete in 1985 all physicians will report one hundred and fifty hours every three years as required by WAC 308-52-405.

[Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-406, filed 11/18/85. Statutory Authority: RCW 18.71.080. 81-23-051 (Order PL 386), § 308-52-406, filed 11/18/81.]

WAC 308-52-410 Categories of creditable continuing medical education activities. The following are categories of creditable continuing medical education activities approved by the board. A maximum of sixty credit hours may be earned in each category, except Category I in which one hundred fifty hours may be obtained.

- Category I Continuing medical education activities with accredited sponsorship
- Category II Continuing medical education activities with non-accredited sponsorship
- Category III Teaching medical physicians or the allied health services
- Category IV Books, papers, publications, exhibits
- Category V Nonsupervised: Self-assessment, self-instruction, specialty board examination preparation, quality of care and/or utilization review.

[Statutory Authority: RCW 18.71.080 and 18.71A.020. 85-23-043 (Order PL 565), § 308-52-410, filed 11/18/85; Order PL 247, § 308-52-410, filed 5/17/76.]

WAC 308-52-415 Continuing medical education requirement. (1) It is mandatory that credit hours be earned in at least three categories. The credits must be earned in the thirty-six month period preceding application for renewal of licensure.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour continuing medical education requirement.

(3)(a) **Category I: Continuing medical education activities with accredited sponsorship.** A maximum of one hundred fifty credit hours may be earned in Category I. The board has approved the standards adopted by the accreditation council for continuing medical education or its designated intra-state accrediting agency, the Washington state medical association, in accrediting organizations and institutions offering continuing medical education programs, and will accept attendance at such programs offered by organizations and institutions so recognized as credit towards the licensee's continuing medical education requirement for annual renewal of licensure.

(b) **Category II: Continuing medical education activities with nonaccredited sponsorship.** A maximum of sixty credit hours may be earned by attendance at continuing medical education programs that are not approved in accordance with the provisions of Category I.

(c) **Category III: Teaching medical physicians or the allied health services.** A maximum of sixty credit hours

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may be earned for serving as an instructor of medical students, house staff, other physicians or allied health professionals from a hospital or institution with a formal training program if the hospital or institution has approved the instruction.

(d) Category IV: Books, papers, publications, exhibits.

(i) A maximum of sixty credit hours may be earned under Category IV, with specific subcategories listed below. Credit may be earned only during the thirty-six month period following presentation or publication.

(ii) Ten credit hours may be claimed for a paper, exhibit, publication, or for each chapter of a book that is authored and published. A paper must be published in a recognized medical journal. A paper that is presented at a meeting or an exhibit that is shown must be to physicians or allied health professionals. Credit may be claimed only once for the scientific materials presented. Credit should be claimed as of the date materials were presented or published.

Medical editing cannot be accepted in this or any other category for credit.

(e) Category V: Nonsupervised.

(i) A maximum of sixty credit hours may be earned under Category V. Credit may be earned only for the thirty-six month period following the year in which the study, preparation, care and/or review occurred.

(ii) Self-assessment: Credit hours may be earned for completion of a multimedia medical education program.

(iii) Self-instruction: Credit hours may be earned for the independent reading of scientific journals and books.

(iv) Specialty board examination preparation: Credit hours may be earned for preparation for specialty board certification or recertification examinations.

(v) Quality care and/or utilization review: Credit hours may be earned for participation on a staff committee for quality of care and/or utilization review in a hospital or institution or government agency.

[Statutory Authority: RCW 18.71.017, 89-12-053 (Order PM 849), § 308-52-415, filed 6/5/89. Statutory Authority: RCW 18.71.080 and 18.71A.020, 85-23-043 (Order PL 565), § 308-52-415, filed 11/18/85; Order PL 247, § 308-52-415, filed 5/17/76.]

WAC 308-52-420 Approval not required. (1) It will be unnecessary for a physician to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each individual physician's integrity in complying with this requirement.

(2) Continuing medical education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing medical education that constitutes a meritorious learning experience.

[Order PL 247, § 308-52-420, filed 5/17/76.]

WAC 308-52-425 Certification of compliance. (1)

In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hour continuing medical education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty hour continuing medical education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

[Order PL 247, § 308-52-425, filed 5/17/76.]

WAC 308-52-500 Acupuncture assistant education.

Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him or her as a practitioner of acupuncture. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the [(issuing)] [(licensing)] agency rather than from the applicant. Individuals must document their education by means of transcripts, diplomas, patient logs verified by the preceptor, or by other means requested by the board. Applicants for registration must have successfully completed the following training:

(1) The applicant must have completed a minimum of two academic years or 72 quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify. Credits granted by the college towards prior life experience will not be accepted under this requirement.

(2) The applicant must have successfully completed a course of didactic training in basic sciences and acupuncture over a period of two academic years. The basic science training must include a minimum of 250 hours or 21 quarter credits and include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and a survey in Western clinical sciences. The basic science classes must be equivalent to courses given in accredited bachelor of science programs. The acupuncture training must include a minimum of 700 hours or 58 quarter credits in acupuncture theory, and acupuncture diagnosis and treatment techniques. The board will not accept credits obtained on the basis of challenging an exam. Transfer credits from accredited colleges or board approved acupuncture programs will be accepted.

(3) The applicant must have successfully completed a course of clinical training in acupuncture over a period of one academic year. The training must include a minimum of 100 hours or 9 quarter credits of observation, which shall include case presentation and discussion. The observation portion of the clinical training may be conducted during the didactic training but will be considered part of the clinical training for calculation of hours or credits. There must also be a minimum of 350

hours or 29 quarter credits of supervised practice, consisting of 400 separate patient treatments. A minimum of 120 different patients must have been treated.

[Statutory Authority: RCW 18.71.080 and 18.71A.020, 85-23-043 (Order PL 565), § 308-52-500, filed 11/18/85. Statutory Authority: RCW 18.71A.020, 83-07-014 (Order PL 428), § 308-52-500, filed 3/10/83; 79-06-055 (Order PL 301), § 308-52-500, filed 5/22/79.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-52-502 Acupuncture--Program approval.

(1) Procedure. The board will consider for approval any school, program, apprenticeship or tutorial which meets the requirements outlined in this regulation and provides the training required under WAC 308-52-500 Acupuncture assistant education. Approval may be granted to an individual registration applicant's training, or to existing institutions which operate on a continuing basis. Clinical and didactic training may be approved as separate programs or as a joint program. Any clinical instruction conducted in this state must be approved by the board prior to initiation. The program approval process is as follows:

(a) Programs seeking approval shall file an application with the board in the format required by the board.

(b) The board will review the application and determine whether a site review is necessary (in the case of an institution) or an interview is appropriate (in the case of individual training) or approval may be granted on the basis of the application alone.

(c) The site review committee shall consist of two board members, two acupuncturists from the board's acupuncture advisory committee, and one member of the board staff. The review committee may visit the program any time during school operating hours. The committee will report to the board in writing concerning the program's compliance with each section of the regulations.

(d) After reviewing all of the information collected concerning a program; the board may grant or deny approval, or grant approval conditional upon program modifications being made. In the event of denial or conditional approval, the program may request a hearing before the board. No approval shall be extended to an institution for more than three years, at which time a request for reapproval may be made.

(e) The board expects approved programs not to make changes which will result in the program not being in compliance with the regulations. Programs must notify the board concerning significant changes in administration, faculty or curriculum. The board may inspect the school at reasonable intervals to check for compliance. Program approval may be withdrawn, after a hearing, if the board finds the program is no longer in compliance with the regulations.

(2) Didactic faculty. Didactic training may only be provided by persons who meet the criteria for faculty as stated in the council for postsecondary education's WAC

250-55-090 Personnel qualifications. Under no circumstances will an unregistered instructor perform or supervise the performance of acupuncture.

(3) Clinical faculty. Clinical training may be provided only by persons who meet the following criteria:

(a) The instructor must be a practitioner who has had a minimum of three years of full time acupuncture practice experience. One year full time acupuncture practice is defined as a minimum of one thousand patient hours.

(b) If the training is conducted in this state, the practitioner must be registered to practice in this state. In the case of a school or program, the approval of the institution will include a review of the instructor's qualifications and the training arrangements. Approval of the instructors will extend to instruction conducted within the program.

(c) Clinical training shall be established to guarantee that student apprentices shall be exposed to a broad representation of styles and techniques. The required training hours for student observation and supervised clinical practice shall be obtained from a minimum of three instructors. No more than forty percent of the clinical instruction shall be obtained from any one instructor.

(d) For training not conducted in this state to be acceptable, the instructor must be licensed by a state or country with equivalent license standards.

(4) Supervision of training. Clinical training in this state must be conducted under the general supervision of the instructor's sponsoring physician. During any given clinic period, the acupuncture instructor may not supervise more than four students. The number of students present during an observation session should be limited according to the judgment of the instructor. Supervision by the instructor during clinical training must be direct: Each diagnosis and treatment must be done with the knowledge and concurrence of the instructor. During at least the first 100 treatments, the instructor must be in the room during treatment. Thereafter, the instructor must at least be in the facility, available for consultation and assistance. A medical doctor may only supervise two acupuncture assistant instructors per clinical instruction period.

[Statutory Authority: RCW 18.71A.020, 86-16-054 (Order PM 609), § 308-52-502, filed 8/1/86; 83-07-014 (Order PL 428), § 308-52-502, filed 3/10/83.]

WAC 308-52-504 Acupuncture--Definition. (1)

Acupuncture is a traditional system of medical theory, oriental diagnosis and treatment used to promote health and treat organic or functional disorders, by treating specific acupuncture points or meridians. Acupuncture includes the following techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians.

(b) Use of electrical, mechanical or magnetic devices to stimulate acupuncture points and meridians.

(c) Moxibustion.

(d) Acupressure.

(e) Cupping.

- (f) Gwa hsa (dermal friction technique).
- (g) Infra-red.
- (h) Sonopuncture.
- (i) Laser puncture.
- (j) Dietary advice.
- (k) Manipulative therapies.
- (l) Point injection therapy (aquapuncture).

These terms are to be understood within the context of the oriental medical art of acupuncture, and as the board defines them.

[Statutory Authority: RCW 18.71A.020, 83-07-014 (Order PL 428), § 308-52-504, filed 3/10/83; 82-24-013 (Order PL 412), § 308-52-504, filed 11/19/82.]

WAC 308-52-510 Acupuncture equivalency examination. (a) Applicants for registration must pass an examination prescribed by the board.

(b) The examination shall be written and practical and shall examine the applicant's knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

(c) Each applicant shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

[Statutory Authority: RCW 18.71.080 and 18.71A.020, 85-23-043 (Order PL 565), § 308-52-510, filed 11/18/85. Statutory Authority: RCW 18.71A.020, 79-06-055 (Order PL 301), § 308-52-510, filed 5/22/79.]

WAC 308-52-515 Acupuncture examination review procedures. (1) Each applicant who takes the examination for registration and does not pass will be provided, upon written request received within thirty days of receipt of the examination results, information indicating the areas of the examination in which the applicant was deficient.

(2) Any unsuccessful applicant, after being advised by the committee of the areas of deficiency in the examination, may request informal review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty days of receipt of notification of the examination results. The request must state the specific reason or reasons why the applicant feels the results of the examination should be changed. The board will not set aside its prior determination unless the applicant proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the examination committee. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(3) The procedure for filing an informal review is as follows:

(a) Contact the Olympia board office for an appointment to appear personally to review failed examinations.

(b) Applicant will be provided a form to complete in the Olympia board office in defense of examination answers.

(c) Applicant will be identified only by applicant number for the purpose of this proceeding. Letters of reference or requests for special consideration will not be read or considered by the board.

(d) Applicant may not bring in notes or texts for use while completing the informal review form.

(e) Applicant will not be allowed to take any notes or materials from the office upon leaving.

(f) The board will schedule a closed session meeting to review the exams and forms completed by the applicant for the purpose of informal review.

(g) Applicants will be notified in writing of the results.

(4) Any applicant who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within thirty days of receipt of the result of the board's review of the examination results. The request must state the specific reason or reasons why the applicant feels the results of the examination should be changed. The board will not set aside its prior determination unless the applicant proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the committee. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(5) The hearing will not be scheduled until after the applicant and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

(a) The simplification of issues;

(b) The necessity of amendments to the notice of specific reasons for examination result change;

(c) The possibility of obtaining stipulations, admissions of fact and documents;

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

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(6) The administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(7) Applicants will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the applicant has identified as the basis for a change in the examination score.

[Statutory Authority: RCW 18.71A.020, 86-16-054 (Order PM 609), § 308-52-515, filed 8/1/86.]

WAC 308-52-530 Investigation. An applicant for an authorization to perform acupuncture shall, as part of his or her application, furnish written consent to an investigation of his or her personal background, professional training and experience by the board or any person acting on its behalf.

[Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-530, filed 5/22/79.]

WAC 308-52-540 English fluency. Each applicant must demonstrate sufficient fluency in reading, speaking and understanding the English language to enable the applicant to communicate with supervising physicians and patients concerning health care problems and treatment.

[Statutory Authority: RCW 18.71A.020. 79-06-055 (Order PL 301), § 308-52-540, filed 5/22/79.]

WAC 308-52-570 X-rays and laboratory tests. X-ray and laboratory tests are not approved techniques for use by physicians' acupuncture assistants, and use of such techniques is expressly prohibited.

[Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-570, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-570, filed 5/22/79.]

WAC 308-52-580 Ethical considerations. The following acts and practices are unethical and unprofessional conduct warranting appropriate disciplinary action:

(1) The division or "splitting" of fees with other professionals or nonprofessionals as prohibited by chapter 19.68 RCW. Specifically, a person authorized by this board shall not:

(a) Employ another to so solicit or obtain, or remunerate another for soliciting or obtaining, patient referrals.

(b) Directly or indirectly aid or abet an unlicensed person to practice acupuncture or medicine or to receive compensation therefrom.

(2) Use of testimonials, whether paid for or not, to solicit or encourage use of the registrant's services by members of the public.

(3) Making or publishing, or causing to be made or published, any advertisement, offer, statement or other form of representation, oral or written, which directly or by implication is false, misleading or deceptive.

(4) Representation of the physician's acupuncture assistant, by the assistant or the supervising physician, as a physical therapist, chiropractor, drugless healer or masseur except when the assistant is licensed as such.

[Statutory Authority: RCW 18.71A.020. 82-24-013 (Order PL 412), § 308-52-580, filed 11/19/82; 79-06-055 (Order PL 301), § 308-52-580, filed 5/22/79.]

WAC 308-52-590 Physician and surgeon fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Physician and surgeons:	
Application with examination or reexamination (both components)	\$375.00
Examination or reexamination (component I)	170.00
Examination or reexamination (component II)	195.00
Applicants (without full examination)	150.00

Title of Fee	Fee
Renewal	35.00
Late renewal penalty	15.00
Disciplinary assessment	35.00
Surcharge-impaired physician	25.00
Certification	25.00
Duplicate license	15.00
Limited license:	
Limited license application	75.00
Original license	45.00
Renewal	35.00
Duplicate license	15.00
Disciplinary assessment	35.00
Surcharge-impaired physician	25.00
Physician's assistants:	
Application	25.00
Renewal	10.00
Duplicate license	15.00

[Statutory Authority: RCW 18.72.306 as amended by 1989 c 119. 89-18-037 (Order PM 854), § 308-52-590, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 416 § 2. 87-19-130 (Order PM 680), § 308-52-590, filed 9/22/87. Statutory Authority: RCW 43.24-.086. 87-10-028 (Order PM 650), § 308-52-590, filed 5/1/87.]

WAC 308-52-600 Credentialing of physician and surgeons. All completed applications, both limited and full, must be reviewed by a member of the board prior to examination and/or licensure.

[Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-600, filed 10/13/88.]

WAC 308-52-610 Credentialing of physician assistants. All completed applications, both original and transfer, must be reviewed by a member of the board prior to registration.

[Statutory Authority: RCW 18.71.017 and 18.71A.020. 88-21-047 (Order PM 782), § 308-52-610, filed 10/13/88.]

WAC 308-52-620 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989 persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4) or shall certify that such requirements will be satisfied by the date of the applicant's first renewal.

(3) 1989 renewal of licenses. Effective with the renewal period beginning July 1, 1989, through June 30, 1990, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Renewal applicants who

have documented hardship which prevents obtaining the required education on AIDS may petition the board for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that qualifies for continuing medical education credit. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective July 1, 1989, the requirement for licensure, renewal, or reinstatement of any license that is lapsed, inactive, or revoked or actually suspended for a term during which the licensee did not obtain the required AIDS education shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting education and training and description of the learning;

(iii) Be prepared to validate, through submission of these records, that education and training has taken place.

[Statutory Authority: RCW 70.24.270. 89-06-076 (Order PM 821), § 308-52-620, filed 3/1/89.]

WAC 308-52-630 Practice of medicine—Surgical procedures. The following duties constitute the practice of medicine under chapters 18.71 and 18.71A RCW if performed by persons who are not registered, certified, or licensed by an agency of the state to perform these tasks when utilized by surgeons as assistants and are not otherwise exempted by RCW 18.71.030:

(1) Assisting surgeons in opening incisions by use of any surgical method including laser, scalpel, scissors, or cautery;

(2) Assisting surgeons in closing of incisions by use of suture material, staples, or other means;

(3) Controlling bleeding with direct tissue contact by the clamping and tying of blood vessels, cautery, and surgical clips;

(4) Suturing or stapling tissue; and

(5) Tying of closing sutures in any tissues.

[Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-630, filed 6/8/89, effective 9/30/89.]

WAC 308-52-640 Noncertified physician assistant—surgical assistant. (1) Any persons performing the tasks outlined in WAC 308-52-630 who are not licensed,

registered, or certified by an agency of the state to perform those tasks must register with the board of medical examiners as a noncertified physician assistant—surgical assistant hereinafter referred to as a surgical assistant.

(2) The board establishes the following standards for program approval for surgical assistants.

(3) The board shall require the completion of the following board approved program prior to December 31, 1989, for those applying to register as surgical assistants. Those seeking registration shall submit with their application the following:

(a) Documented proof of 4,000 hours of experience or 2,000 surgical cases as first assistants to surgeons on major surgical procedures within the five years immediately preceding the date of application for registration;

(b) Letters of reference from three practicing surgeons licensed in the state of Washington;

(c) Letters of reference from the hospital(s) in which the applicant trained or assisted the surgeons;

(d) The surgical assistant performs only those tasks which have been authorized by the board; and

(e) Document eight college level academic hours of anatomy and physiology or other didactic equivalence as approved by the board.

[Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-640, filed 6/8/89, effective 9/30/89.]

WAC 308-52-650 Basic surgical assistant duties. The surgical assistant who is not eligible to take the NCCPA certifying exam shall:

(1) Function only in the operating room as approved by the board;

(2) Only be allowed to close skin and subcutaneous tissue, placing suture ligatures, clamping, tying and clipping of blood vessels, use of cautery for hemostasis under direct supervision;

(3) Not be allowed to perform any independent surgical procedures, even under direct supervision, and will be allowed to only assist the operating surgeon;

(4) Have no prescriptive authority; and

(5) Not write any progress notes or order on hospitalized patients.

[Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-650, filed 6/8/89, effective 9/30/89.]

WAC 308-52-660 Surgical assistant—Utilization and supervision. (1) Utilization plan. The application for registration of a surgical assistant must include a detailed plan describing the manner in which the surgical assistant will be utilized. Such utilization plan shall specify which surgical assistant tasks set forth in WAC 308-52-650 will be performed by the surgical assistant.

(2) Limitations, geographic. No surgical assistant shall be utilized in a place geographically separated from the institution in which the assistant and the supervising physician are authorized to practice.

(3) Responsibility of supervising physician(s). Each surgical assistant shall perform those tasks he or she is authorized to perform only under the supervision and

control of the supervising physician(s), but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where the services are rendered. It shall be the responsibility of the supervising physician(s) to insure that:

(a) The operating surgeon in each case directly supervises and reviews the work of the surgical assistant. Such supervision and review shall include remaining in the surgical suite until the surgical procedure is complete;

(b) The surgical assistant, at all times when meeting with patients, wears an identifying badge in a prominent place on his or her person identifying him or her as a surgical assistant (noncertified physician assistant);

(c) The surgical assistant does not advertise himself or herself in any manner which would tend to mislead the public or patients as to his or her role.

[Statutory Authority: RCW 18.71A.020. 89-13-002 (Order PM 850), § 308-52-660, filed 6/8/89, effective 9/30/89.]

WAC 308-52-680 Major surgical procedures. The board defines major surgical procedures as those procedures performed in a hospital which the physician requires a first assistant and is documented in the operative report.

[Statutory Authority: RCW 18.71A.020. 89-20-023, § 308-52-680, filed 9/27/89, effective 10/28/89.]

WAC 308-52-690 Surgical assistant program requirements reconsideration. Applicants who submitted their application by December 31, 1989 and were determined as not meeting the requirements as set forth in WAC 308-52-640 may petition the board to reconsider their application with the submission of additional documentation to establish competency. The board will evaluate the additional documentation of competence on an individual case basis.

[Statutory Authority: RCW 18.71A.020. 89-20-023, § 308-52-690, filed 9/27/89, effective 10/28/89.]

Chapter 308-53 WAC

OPTOMETRY--ANNUAL LICENSE OR REGISTRATION RENEWAL FEE

WAC

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308-53-275	Practice under another optometrist's name.
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308-53-320	Examination appeal procedures.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-53-080	Examination subjects. [Statutory Authority: RCW 18.54.070(5). 83-10-052 (Order PL 433), § 308-53-080, filed 5/3/83; 82-12-077 (Order PL 399), § 308-53-080, filed 6/2/82; 80-01-088 (Order PL 326), § 308-53-080, filed 12/28/79.] Repealed by 86-13-008 (Order PM 598), filed 6/5/86. Statutory Authority: RCW 18.54.070(5).
308-53-130	Courses not presumed to qualify. [Statutory Authority: RCW 18.54.070(5). 81-06-012 (Order PL 367), § 308-53-130, filed 2/20/81; Order PL 239, § 308-53-130, filed 3/3/76.] Repealed by 89-10-030 (Order PM 839), filed 4/27/89. Statutory Authority: RCW 18.54.070(2).
308-53-160	Recordation of credit. [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.] Repealed by 85-16-054 (Order PL 545), filed 7/31/85. Statutory Authority: RCW 18.54.070(5) and 18.54.075.
308-53-190	Exemption of retired doctors of optometry from continuing education requirement. [Order PL-271, § 308-53-190, filed 7/25/77.] Repealed by 84-09-082 (Order PL 465), filed 4/18/84. Statutory Authority: RCW 18.54.070(5).
308-53-211	Minimum contact lens prescription. [Statutory Authority: RCW 18.54.070(5). 84-16-087 (Order PL 475), § 308-53-211, filed 8/1/84.] Repealed by 85-04-055 (Order PL 516), filed 2/5/85. Statutory Authority: RCW 18.54.070(5).
308-53-212	Minimum information for release of contact lens prescriptions. [Statutory Authority: RCW 18.54.070(5). 86-13-008 (Order PM 598), § 308-53-212, filed 6/5/86.] Repealed by 87-01-099 (Order PM 629), filed 12/22/86.
308-53-290	Uniform Disciplinary Act. [Statutory Authority: RCW 18.54.075 and 18.54.070(5). 85-05-009 (Order PL 519), § 308-53-290, filed 2/11/85.] Repealed by 85-16-054 (Order PL 545), filed 7/31/85. Statutory Authority: RCW 18.54.070(5) and 18.54.075.
308-53-300	Registration renewal fee. [Order PL-163, § 308-53-300, filed 3/18/74.] Repealed by Order PL 228, filed 11/6/75.

308-53-310 Optometry—Fees. [Statutory Authority: RCW 43.24-.085, 80-14-022 (Order 356), § 308-53-310, filed 9/25/80; Order PL 228, § 308-53-310, filed 11/6/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-53-020.

WAC 308-53-010 Renewal of licenses. (1) The annual license renewal date for licensed optometrists coincides with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees shall renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) All applicants for license renewal must comply with the continuing education requirements set forth in WAC 308-53-100 to 308-53-180.

[Statutory Authority: RCW 18.54.070, 88-07-047 (Order PM 710), § 308-53-010, filed 3/11/88; Order PL 239, § 308-53-010, filed 3/3/76; Order 228, § 308-53-010, filed 11/6/75; Order PL 173, § 308-53-010, filed 8/22/74.]

WAC 308-53-020 Optometry fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Examination or reexamination	\$100.00
Initial license	150.00
License renewal	160.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-53-020, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-53-020, filed 8/10/83. Formerly WAC 308-53-310.]

WAC 308-53-030 Temporary permit policy recommendation. To protect the public, the board recommends to the director that temporary permits not be issued pursuant to the discretion granted in RCW 18.53.030. However, if a temporary permit is issued the board recommends that the applicant must be under the direct and immediate supervision of a currently licensed optometrist who is at all times on the same premises.

[Statutory Authority: RCW 18.54.070, 88-07-047 (Order PM 710), § 308-53-030, filed 3/11/88. Statutory Authority: RCW 18.54.070(5), 84-09-082 (Order PL 465), § 308-53-030, filed 4/18/84; 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 the most current standards of the Council on Optometric Education, or its successor organization, of the American Optometric Association. Optometric schools and colleges which apply for board approval must meet current Council on Optometric Education standards. 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, 86-13-009 (Resolution No. PM 597), § 308-53-070, filed 6/5/86. Statutory Authority: RCW 18.54.070(5), 78-02-030 (Order PL 281), § 308-53-070, filed 1/17/78.]

WAC 308-53-075 Examination eligibility. To be eligible to take the state optometry examination, the applicant must:

(1) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry;

(2) Satisfy the application requirements for examination as published in the annual application instructions; and

(3) Have successfully completed all written parts of the National Board of Examiners in Optometry (NBEO) examinations.

[Statutory Authority: RCW 18.54.070(5), 86-13-008 (Order PM 598), § 308-53-075, filed 6/5/86.]

WAC 308-53-084 Examination subjects. Every qualified applicant for a license as an optometrist shall successfully pass all examinations. The examinations may include, but not be limited to, the following subjects and types of examination:

(1) Successful completion of a written test on Washington state law pertaining to the practice of optometry is required of all applicants.

(2) Every applicant shall complete a practical examination conducted by the board, which may include, but not be limited to: Funduscopy; lensometry; retinoscopy; biomicroscopy; tonometry; radiuscope; and two oral interviews on diagnostic and patient management procedures. Each applicant must furnish his/her own patient for the practical examination.

[Statutory Authority: RCW 18.54.070(5), 87-09-046 (Order PM 646), § 308-53-084, filed 4/14/87; 86-13-008 (Order PM 598), § 308-53-084, filed 6/5/86.]

WAC 308-53-085 Grading examinations. To successfully pass the examination, an applicant must:

(1) Pass the practical examination section with a minimum average score of seventy-five, with no score below sixty-five;

(2) Pass both oral interviews on diagnostic and patient management procedures with a minimum score of seventy-five on each interview section;

(3) Obtain a minimum score of seventy-five on the written examination on Washington state law relating to optometry.

[Statutory Authority: RCW 18.54.070(5), 87-09-046 (Order PM 646), § 308-53-085, filed 4/14/87; 86-13-008 (Order PM 598), § 308-53-085, filed 6/5/86; 84-09-082 (Order PL 465), § 308-53-085, filed 4/18/84; 83-10-052 (Order PL 433), § 308-53-085, filed 5/3/83; 82-12-077 (Order PL 399), § 308-53-085, filed 6/2/82.]

WAC 308-53-100 Continuing education requirement. Each applicant for renewal of a license to practice optometry in the state of Washington must have completed fifty hours of continuing education within the two years previous to his first renewal date, 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 18.130.180(7), 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. 88-07-047 (Order PM 710), § 308-53-100, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-100, filed 12/28/79; Order PL 239, § 308-53-100, filed 3/3/76.]

WAC 308-53-110 Credit hour defined. A credit hour is defined as one hour actually spent in a course or other work approved by the optometry board as fulfilling continuing education requirements.

[Order PL 239, § 308-53-110, filed 3/3/76.]

WAC 308-53-120 Courses presumed to qualify for credit. Courses offered by the organizations listed in this section will be presumed to qualify as continuing education courses without specific prior approval of the board, but the board reserves the authority to refuse to accept credits in any course if the board determines that the course did not provide information or training sufficient in amount or relevancy. Organizations for the purposes of this section shall include:

- (1) The American Optometric Association.
- (2) Any college or school of optometry whose scholastic standards are deemed sufficient by the board under RCW 18.53.060(2).
- (3) The Washington Optometric Association.
- (4) Any state optometric association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.
- (5) The state optometry board.
- (6) The optometry licensing authority of any other state.
- (7) The American Academy of Optometry.
- (8) The Optometric Extension Program.
- (9) The College of Optometrists and Visual Development.
- (10) The National Eye Research Foundation.
- (11) Regional congresses of any of the organizations listed in subsections (1) through (10) of this section.
- (12) The Council on Post-Graduate Education of the American Optometric Association.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-120, filed 4/27/89. Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-120, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 84-09-082 (Order PL 465), §

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308-53-120, filed 4/18/84; Order PL 239, § 308-53-120, filed 3/3/76.]

WAC 308-53-123 Credit for classes. Continuing education credit may be granted for courses sponsored by schools and professional organizations. The board will individually consider granting or denying credit for any course other than those offered by organizations approved in WAC 308-53-120.

(1) Requests for credit must be submitted at least thirty days prior to the date of the course. The request must include, as a minimum, an agenda, an outline of each offering, and a brief professional biography of each presenter. Within sixty days the board will notify the sponsor of its approval or denial of continuing education credits and the number of credits approved. If the board does not act on the continuing education credit request within sixty days after receipt, the request shall be approved as submitted.

(2) Any requests received after the thirty-day submission deadline will be considered by the board as soon as possible.

(3) In determining whether a course will be granted credit, the board may consider, among other factors: The relevancy of the course to the usual and customary practice of optometry, the correlation of the course to subjects taught in accredited colleges or schools of optometry, the speaker(s) being properly credentialed in the subject area, and the relationship to new concepts and techniques: *Provided, however,* Courses related to a single product or device will not normally be granted credit.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-123, filed 4/27/89.]

WAC 308-53-125 Post-graduate educational program. The board or its agent will, when financially possible, provide an annual post-graduate educational program.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-125, filed 4/27/89. 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. (1) Continuing education credit will be granted for preparation and admission to optometric scientific groups (for example, the Academy of Optometry). The licensee must petition the board for credit thirty days prior to the end of the reporting period and no more than five credit hours will be approved for any licensee in any reporting period.

(2) Continuing education credit will be granted for participation in formal reviews and evaluations of patient care such as peer review and case conference. Also, participation in a professional standard review organization, regional health planning council, health planning board, state health coordinating council and state health planning department, and local/county councils of state health planning council/organizations, as authorized by the state and the United States government, and other

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official representation (and not mere attendance as an observer) relating to health care agencies may be granted continuing education credit by submitting an outline of the particular activity thirty days prior to the end of the reporting period. No more than five credit hours will be approved for any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-135, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-135, filed 12/28/79.]

WAC 308-53-140 Credit for individual study, publications, and small-group study. The granting of continuing education credit for individual study, publication of scholarly papers and articles, and small-group study will be considered by the board on a case-by-case basis. Such credit may be granted if the board determines that such study or publication entails at least the same amount of work, information, or training as a regular course for which the same number of credit hours are awarded.

[Order PL 239, § 308-53-140, filed 3/3/76.]

WAC 308-53-145 Credit for reports. Continuing education credit will be given for reports on professional optometric literature. Requests for credit must be submitted to the department of licensing, professional licensing division in Olympia, at least thirty days prior to the end of the reporting period. The request should include a copy of the article being reported on and the typewritten report. Such report shall list ten descriptive basic statements from an article or sequence of articles. Professional literature approved for such reports are: American Journal of Optometry and Physiological Optics, American Optometric Association News, Contact Lens Forum, Contacto, Insight, International Contact Lens Clinic, Journal of American Optometric Association, Journal on Optometric Education, Journal of Optometric Vision Development, OEP Monthly, Optometric Management, Optometric Monthly, Optometric World, Review of Optometry, and 20/20 Magazine. Other professional literature may be submitted in advance for the board's consideration and approval. Reports shall list the title of the article(s), literature that the article(s) was taken from, the date of issuance/publication of the literature, page(s) utilized, and author(s).

Each report qualifies for one credit hour and may only be used for credit once. The maximum continuing education credit that will be granted under this section is ten credit hours for each two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-145, filed 4/27/89. Statutory Authority: RCW 18.54.070. 88-07-047 (Order PM 710), § 308-53-145, filed 3/11/88. Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-145, filed 3/21/80.]

WAC 308-53-146 Credit for preprogrammed educational materials. Continuing education credit will be granted for observation and participation in the use of

formal preprogrammed optometric educational materials, including the use of cassettes, videodiscs, videotapes, teaching machines, etc. Requests for credit must be submitted to the department of licensing, professional licensing division in Olympia, at least thirty days prior to the end of the reporting period. The request should include the title of the preprogrammed educational material, its date of issuance, its author/provider, and the length of time spent viewing/listening to the preprogrammed educational material. A synopsis of the preprogrammed educational material shall be submitted.

The maximum continuing education credit that will be granted under this section is ten credit hours for each two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-146, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-146, filed 3/21/80.]

WAC 308-53-150 Credit for lecturing. Continuing education credit will be given for the preparation and presentation of courses and lectures in optometric education, if attendance at such a course or lecture would also qualify for such credit. For each hour of credit for the initial presentation of such a course or lecture, two additional hours of credit will be granted. Requests for credit must be submitted to the department of licensing, professional licensing division in Olympia, at least thirty days prior to the end of the reporting period. The request should include a brief outline of the lecture and the length of the presentation. Credit for subsequent presentations will be individually considered upon a showing that significant additional work has been required. No more than ten hours will be approved for any licensee in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-150, filed 4/27/89; Order PL 239, § 308-53-150, filed 3/3/76.]

WAC 308-53-151 Credit for CPR training. Continuing education credit, up to five credit hours yearly, may be granted for training obtained in a cardio-pulmonary resuscitation (CPR) course where such training is provided by a currently certified CPR instructor. A request for credit must include the name of the instructor, the organization certifying the instructor, the date the instructor's certification expires, and the date, length, and location of the course.

[Statutory Authority: RCW 18.54.070(2). 89-10-030 (Order PM 839), § 308-53-151, filed 4/27/89. Statutory Authority: RCW 18.54.070(5). 82-12-077 (Order PL 399), § 308-53-151, filed 6/2/82.]

WAC 308-53-155 Dual acceptance of continuing education credits. A course otherwise acceptable for continuing education credit under the rules of this chapter will not be denied continuing education credit solely because it has been used to satisfy the continuing education requirement of another state in which the licensee is concurrently licensed.

[Order PL 256, § 308-53-155, filed 9/13/76.]

WAC 308-53-165 Certification for continuing education courses. (1) In conjunction with the application for renewal of licensure, a licensee shall submit, on a form provided by the board, an affidavit of compliance with the continuing education requirement of WAC 308-53-100.

(2) Upon request of the board, a licensee shall submit evidence in addition to the affidavit to substantiate compliance with the continuing education requirement. Accordingly, it shall be the responsibility of the licensee to maintain evidence and documentation of such compliance.

(3) It is the responsibility of the licensee to seek prior approval of the board for any continuing education credit where such credit is not automatically approved under the provisions of WAC 308-53-120 through 308-53-155, or where the licensee has any doubt as to its acceptability.

[Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-165, filed 4/27/89. Statutory Authority: RCW 18.54.070(5) and 18.54.075, 85-16-054 (Order PL 545), § 308-53-165, filed 7/31/85. Statutory Authority: RCW 18.54.070(5), 80-01-088 (Order PL 326), § 308-53-165, filed 12/28/79.]

WAC 308-53-170 Surplus credit hours. Continuing education credits in excess of the required hours earned in any reporting period may not be carried forward to a subsequent reporting period.

[Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-170, filed 4/27/89. Statutory Authority: RCW 18.54.070, 88-07-047 (Order PM 710), § 308-53-170, filed 3/11/88; Order PL 239, § 308-53-170, filed 3/3/76.]

WAC 308-53-175 Credits for practice management. Continuing education credit will be granted for courses or materials involving practice management; however, no more than ten credit hours total will be granted to any licensee for practice management courses under WAC 308-53-120 through 308-53-150 in any two-year reporting period.

[Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-175, filed 4/27/89.]

WAC 308-53-180 Discretionary exception for emergency situation. In emergency situations, such as personal or family sickness, the board may waive, for good cause shown, all or part of the continuing education requirement for a particular two-year reporting period for an individual licensee. The board will require such verification of the emergency as is necessary to prove its existence.

[Statutory Authority: RCW 18.54.070(2), 89-10-030 (Order PM 839), § 308-53-180, filed 4/27/89; Order PL 239, § 308-53-180, filed 3/3/76.]

WAC 308-53-200 Minimum equipment requirements. (1) At the minimum, every licensed optometrist must have immediate access on the premises to the following equipment and accessories, all of which must be in working condition:

- (a) Adjustable examining chair;
- (b) Phoropter/refractor;

- (c) Retinoscope;
- (d) Ophthalmoscope;
- (e) Pupillary distance measuring device;
- (f) Projector and screen; or illuminated test cabinet, or chart for distant vision testing;
- (g) Nearpoint vision testing equipment;
- (h) Lensometer/vertometer;
- (i) Tonometer;
- (j) Biomicroscope/slit lamp;
- (k) A clinically accepted visual field testing instrument or equipment.

(2) In addition to the equipment and accessories listed in subsection (1) above, if a licensed optometrist prescribes contact lenses he must have in his office the following equipment, all of which must be in working condition:

- (a) Diameter gauge;
- (b) Thickness gauge;
- (c) Cobalt or black light instrument;
- (d) Magnifier, which may separate or part of cobalt or black light instrument;
- (e) Radiuscope/contactogauge type measuring instrument;
- (f) Thickness tables;
- (g) Diopter to millimeter conversion tables;
- (h) Ophthalmometer/P.E.K. corneal measurement type instrument.

[Statutory Authority: RCW 18.54.070, 89-01-087 (Order 812), § 308-53-200, filed 12/21/88, effective 1/1/90; Order PL 256, § 308-53-200, filed 9/13/76.]

WAC 308-53-205 Mobile optometric units. (1) Doctors of optometry operating mobile units are required to maintain the minimum equipment requirements of WAC 308-53-200 in such units.

(2) Before examining a patient or filling a prescription for a patient, the doctor of optometry must provide to the patient his complete name, his business phone number, the address of his regular office, and his regular office hours. If such doctor of optometry does not maintain a business phone or regular office, he must provide this information to the patient, and must give him his personal phone number and address in place of his business number and address. If the practice of a mobile unit is owned in whole or in part by someone other than the doctor of optometry operating the mobile unit, such fact must also be provided to the patient, along with the names, phone numbers and addresses of all those who own an interest in the practice. The information required by this section may be provided to the patients by means of a sign on or near the mobile unit which the public may reasonably be expected to see and comprehend.

[Statutory Authority: RCW 18.54.070(5), 78-02-030 (Order PL 281), § 308-53-205, filed 1/17/78.]

WAC 308-53-210 Retention of minimum contact lens records. At a minimum, the following specifications for a contact lens prescription must be retained in the records of the licensed optometrist who makes the prescription:

- (1) Dioptric power;
- (2) Base curve (inside radius of curvature);
- (3) Thickness;
- (4) Secondary/peripheral curve, for PMMA lenses;
- (5) Type of edge, for PMMA lenses;
- (6) Color, if used;
- (7) Type of material used;
- (8) Special features equivalent to variable curves, fenestration, or coating.

[Order PL 256, § 308-53-210, filed 9/13/76.]

WAC 308-53-215 Contact lens advertising. Where contact lens prices are advertised, such advertisement shall clearly state: (a) The type of contact lens or lenses offered at the price(s) advertised and any exclusions or limitations therein; (b) whether examinations, dispensing, related supplies and/or other service charges are included or excluded in the advertised price(s); and (c) the manufacturer, laboratory of origin or brand name of the contact lenses.

[Statutory Authority: RCW 18.54.070(5), 81-06-012 (Order PL 367), § 308-53-215, filed 2/20/81.]

WAC 308-53-220 Maintenance of records. Licensed optometrists shall maintain records of eye examinations and prescriptions for a minimum of five years from the date of examination or prescription.

[Order PL 256, § 308-53-220, filed 9/13/76.]

WAC 308-53-230 Renting space from and practicing on premises of commercial (mercantile) concern. Where a doctor of optometry rents or buys space from and practices optometry on the premises of a commercial or mercantile concern:

(1) The practice must be owned by the doctor of optometry solely or in conjunction with other licensed doctors of optometry, and in every phase be under the exclusive control of the doctor(s) of optometry. The prescription files must be the sole property of the doctor(s) of optometry.

(2) The space must be definite and distinct from space occupied by other occupants of the premises and by the commercial or mercantile concern itself.

(3) All signs, advertising and display must be separate and distinct from that of the other occupants and of the commercial or mercantile concern itself, and have the name of the doctor(s) of optometry and the words "doctor of optometry" prominently displayed in connection therewith. Any verbal or spoken advertisement or announcement advertising an optometrist on the premises of a commercial or mercantile concern shall not make references which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(4) There must be displayed on any part of the premises occupied by the doctor of optometry or in any advertising of such doctor of optometry no legends such as "optical department," "optical center," "optometrical

department," or any others which could reasonably convey the impression that the optometric practice is controlled by or part of the commercial or mercantile concern.

(5) In any written advertisement or announcement which uses the name of a commercial or mercantile concern to indicate the location of an optometric practice, the name(s) of the licensed doctor(s) of optometry owning the practice must be in larger type than the name of the commercial or mercantile concern.

(6) A written notice, of a size and type reasonably expected to attract the attention of the public, shall be put in a conspicuous place where the public will be exposed to it before professional services have been contracted for; this notice shall, in plain and simple terms, explain the relationship between the doctor of optometry and the commercial concern. The notice must express that the doctor of optometry is not controlled by the commercial concern in his professional practices, and must clearly describe the amount of responsibility that the commercial concern takes for the professional services rendered by the doctor of optometry.

Examples follow; these are not exhaustive:

John Smith, O.D., is a lessee, not an employee, of the store. He is solely responsible for his professional activities.

The store accepts no responsibility for the actions of John Smith, O.D., its lessee.

John Smith, O.D., is a lessee of the store, not an employee. As a part of the lease, he has agreed to follow the store's policy of "guaranteed satisfaction or your money back." (Obviously, only if this is true.)

Washington law prohibits the store from controlling or owning the practice of a licensed doctor of optometry. Accordingly, the store can assume no responsibility for Dr. Smith's professional services.

The store is responsible for filling your optical prescription. It is not responsible for the professional services of Dr. Smith, its lessee. (If the store operates the optical dispensary.)

[Statutory Authority: RCW 18.54.070(5), 81-06-012 (Order PL 367), § 308-53-230, filed 2/20/81; 78-02-030 (Order PL 281), § 308-53-230, filed 1/17/78; Order PL-271, § 308-53-230, filed 7/25/77.]

WAC 308-53-235 Proper identification of licensees. Each person licensed pursuant to chapter 18.53 RCW must be clearly identified to the public as a doctor of optometry at every establishment in which he is engaged in the practice of optometry. Such identification must include the name of the licensee in letters at least two inches high, at or near the entrance to the licensee's office.

If an owner of all or part of a practice does not engage in optometry on a regular basis at that location, his name and address in letters at least two inches high must be clearly visible to patients at or near the entrance to the location. To engage in optometry "on a regular basis" means to practice at a particular location at regular, periodic intervals, information of which is readily available to the public.

[Statutory Authority: RCW 18.54.070(5). 78-02-030 (Order PL 281), § 308-53-235, filed 1/17/78.]

WAC 308-53-240 Doctor of optometry presumed responsible for advertisements. Every licensed doctor of optometry whose name or office address or place of practice appears or is mentioned in any advertisement of any kind or character shall be presumed to have caused, allowed, permitted, approved, and sanctioned such advertising and shall be presumed to be personally responsible for the content and character thereof. Once sufficient evidence of the advertisement's existence has been introduced at any administrative hearing before the board of optometry, the burden of proof to rebut this presumption by a preponderance of the evidence shall be upon the doctor of optometry.

[Order PL-271, § 308-53-240, filed 7/25/77.]

WAC 308-53-245 Misleading titles or degrees. An optometrist shall not use misleading nor nonhealth related degrees or titles in connection with the professional practice of optometry. The use of an optometric designation such as "optometrist" or "doctor of optometry" shall not be used in connection with a business or activity that is not related to optometric care. Degrees, titles or professional identifications may not be used which have not been specifically granted to an optometrist by an approved school or college.

[Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-245, filed 12/28/79.]

WAC 308-53-250 Transmittal of patient information and records. Upon the written request of his patient, a doctor of optometry licensed by the state of Washington is required to transmit any information and records the doctor of optometry has gathered and/or made in the course of his professional relationship with such patient to any doctor of optometry or physician licensed in Washington. A reasonable fee may be charged the patient to cover mailing and clerical costs.

[Order PL-271, § 308-53-250, filed 7/25/77.]

WAC 308-53-260 Improper professional relationship. No doctor of optometry shall make any contracts or agreements, whether express or implied, nor engage in any arrangement with a retail dispensing optician whereby the optician or his agent shall:

- (1) Pay any professional expenses for the doctor of optometry;
- (2) Pay any or all of the professional fees of a doctor of optometry;
- (3) Pay any commission, bonus, or rebate for volume of materials or services received from a doctor of optometry;
- (4) Receive any commission, bonus or rebate for volume of materials or services furnished to a doctor of optometry;
- (5) Pay any commission to the doctor of optometry in return for referral of patients to the optician;

(1989 Ed.)

(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 308-53-265 Required identification on prescriptions. Optical prescriptions related to the practice of optometry must include as a minimum:

- (1) Typed or commercially printed name, address of practice and telephone number of the prescribing doctor of optometry.
- (2) Date of prescription.
- (3) Patient's name and address.
- (4) Signature of prescribing doctor of optometry.

[Statutory Authority: RCW 18.54.070(5). 86-13-008 (Order PM 598), § 308-53-265, filed 6/5/86.]

WAC 308-53-270 Employed doctors of optometry, franchises and equipment use agreements. 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, the optometrist who has acquired a franchise relating to the practice of optometry, and the optometrist who has a professional equipment use agreement/contract, shall at all times remain cognizant of his or her professional responsibilities and with demeanor, decorum and determination retain his or her right of independent professional judgment and title in all situations and circumstances. If at any time the right of independent professional judgment or title is abridged it shall be incumbent upon the optometrist to resign or correct his or her position as consultant, advisor or staff doctor of optometry, or to resign from or correct a franchise and/or equipment use agreement/contract relationship.

[Statutory Authority: RCW 18.54.070(5) and 18.54.075. 85-16-054 (Order PL 545), § 308-53-270, filed 7/31/85. Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-270, filed 12/28/79.]

WAC 308-53-275 Practice under another optometrist's name. Pursuant to RCW 18.53.140, when the initial right to practice under the name of any lawfully licensed optometrist is transferred to another lawfully licensed optometrist or association of lawfully licensed optometrists, the right to practice under such first optometrist's name may not be subsequently transferred by the first transferee and used by a third party or parties.

[Statutory Authority: RCW 18.54.070(5). 80-01-088 (Order PL 326), § 308-53-275, filed 12/28/79.]

WAC 308-53-280 Practice under trade name. The practice of optometry must be under the name of the licensed doctor of optometry and the practice of optometry under a trade name is prohibited except where an optometrist is associated with a nonprofit organization, or is associated with allied health care practitioners such

as medical, dental and osteopathic professionals, or where the term "clinic" is used in conjunction with an in-state geographical location or an optometrist's name in nondeceptive manners.

[Statutory Authority: RCW 18.54.070(5), 80-04-054 (Order PL 331), § 308-53-280, filed 3/21/80.]

WAC 308-53-320 Examination appeal procedures.

(1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the board of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of notification of the examination results. The board will not set aside their prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of licensing office in Olympia for an appointment to appear personally to review incorrect answers on failed written tests and score sheets on failed practical tests.

(b) Candidate will be provided a form to complete in the department of licensing office in Olympia in defense of test answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the test should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) Candidate may not bring in notes or texts for use while completing the informal review form.

(f) Candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The optometry board will schedule a closed session meeting to review the tests and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of the postmark of the result of the board's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. These reasons shall not be broader than those stated for the informal review. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

[Statutory Authority: RCW 18.54.070, 87-17-020 (Order PM 666), § 308-53-320, filed 8/12/87.]

WAC 308-53-330 Certification required for use of pharmaceutical agents. (1) Licensed optometrists using pharmaceutical agents in the practice of optometry shall have a minimum of sixty hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, and for therapeutic purposes an additional minimum seventy-five hours of didactic and clinical instruction, and certification from an institution of higher learning, accredited by those agencies recognized by the United States Office of Education or the Council on Post-Secondary Accreditation to qualify for certification by the optometry board to use drugs for diagnostic and therapeutic purposes.

(2) Optometrists must obtain the required instructions in both diagnostic and therapeutic categories in order to be eligible to qualify for certification to use drugs for therapeutic purposes.

(3) The instruction in ocular therapeutics must cover the following subject area in order to qualify for certification training:

(a) Ocular pharmacology.

(i) Corneal barrier, blood-aqueous, /-retinal barrier.

(ii) Routes of drug administration for ocular disease.

(iii) Prescription writing and labeling.

(iv) Ocular side-effects of systemic drugs.

(b) Anti-infectives.

(i) General principles of anti-infective drugs.

(ii) Antibacterial drugs.

(iii) Treatment of ocular bacterial infections.

(iv) Antiviral drugs.

(v) Treatment of ocular viral infections.

(vi) Antifungal drugs.

(vii) Treatment of ocular fungal infections.

(viii) Antiparasitic drugs.

(ix) Treatment of parasitic eye disease.

(c) Anti-inflammatory drugs.

(i) Nonsteroidal anti-inflammatory drugs (NSAIDS).

(ii) General principles of mast-cell stabilizers.

(iii) Antihistamines.

(iv) Ocular decongestants.

(v) Treatment of allergic disease.

(vi) Treatment of inflammatory disease.

(vii) Cycloplegic drugs.

(viii) Treatment of ocular trauma.

(ix) Ocular lubricants.

(x) Hypertonic agents.

(xi) Antiglaucoma drugs.

Each subject area shall be covered in sufficient depth so that the optometrist will be informed about the general principles in the use of each drug category, drug side effects and counter indications, and for each disease covered the subjective symptoms, objective signs, diagnosis and recommended treatment and programs.

[Statutory Authority: RCW 18.53.010, 89-17-040 (Order PM 853), § 308-53-330, filed 8/11/89, effective 9/11/89.]

WAC 308-53-340 Drug formulary. Pursuant to RCW 18.53.010(3) the optometry board adopts the following drug formulary of topically applied drugs for diagnostic and treatment purposes.

- (1) Drugs for diagnostic or therapeutic purposes.
 - (a) Mydriatics.
 - (b) Cycloplegics.
 - (c) Miotics.
 - (d) Anesthetics.
- (2) Drugs for therapeutic purposes only.
 - (a) Anti-infectives.
 - (b) Antihistamines and decongestants.
 - (c) Ocular lubricants.
 - (d) Antiglaucoma and ocular hypotensives.
 - (e) Anti-inflammatories.
 - (f) Hyperosmotics.
 - (g) Other topical drugs approved for ocular use by the FDA.

[Statutory Authority: RCW 18.53.010. 89-17-040 (Order PM 853), § 308-53-340, filed 8/11/89, effective 9/11/89.]

WAC 308-53-350 Optometrist with prescriptive authorization. (1) Each prescription issued by an optometrist, who is certified by the board to prescribe legend drugs for therapeutic purposes, shall include on the prescription his/her license number and the letters "TX." These letters shall represent the authority which has been granted to the practitioner by the board and will serve to assure pharmacists that the prescription has been issued by an authorized practitioner. When the prescription is orally transmitted to a pharmacist, this information shall be included or shall be on file at the pharmacy.

(2) Any optometrist who issues a prescription without having: (a) Received appropriate certification from the board, or (b) fails to include the identifying information on the prescription, or (c) prescribes outside their scope of practice or for other than therapeutic or diagnostic purposes, or (d) violates any state or federal law or regulations applicable to prescriptions, may be found to have committed an act of unprofessional conduct and may be disciplined in accordance with the provisions of chapter 18.130 RCW.

[Statutory Authority: RCW 18.54.070. 89-22-102, § 308-53-350, filed 11/1/89, effective 12/2/89.]

WAC 308-53-400 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989 persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection (4).

(3) 1989 renewal of licenses. Effective with the renewal period beginning September 1, 1989, through August 31, 1990, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Renewal applicants who have documented hardship which prevents obtaining the required education on AIDS may petition the board for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective September 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: 1988 c 206 § 604. 89-09-027 (Order 833), § 308-53-400, filed 4/13/89.]

Chapter 308-54 WAC NURSING HOME ADMINISTRATOR

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-54-140	Approval of courses of study. [Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-140, filed 12/29/86. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2). 84-07-051 (Order PL 461), § 308-54-140, filed 3/21/84; 82-20-092 (Order PL 407), § 308-54-140, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-140, filed 12/20/79; Order PL 260, § 308-54-140, filed 12/10/76; Order PL 186, § 308-54-140, filed 3/19/75; Order PL 107, § 308-54-140, filed 3/3/71.] Repealed by 88-23-038 (Order PM 791), filed 11/9/88. Statutory Authority: RCW 18.52.100(11).
308-54-190	Withdrawal from active practice. [Order PL 107, § 308-54-190, filed 3/3/71.] Repealed by 80-08-066 (Order 348), filed 7/1/80. Statutory Authority: RCW 18.52.100.
308-54-210	Refusal, suspension, and revocation of licenses. [Order PL 107, § 308-54-210, filed 3/3/71.] Repealed by 78-02-009 (Order PL 282), filed 1/6/78. Statutory Authority: RCW 18.52.100(14).
308-54-300	License reregistration fee. [Order PL 163, § 308-54-300, filed 3/18/74.] Repealed by Order PL 215, filed 11/5/75. Later promulgation, see WAC 308-54-310.
308-54-310	Nursing home administrators—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-54-310, filed 9/25/80; Order PL 215, § 308-54-310, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-54-315.

WAC 308-54-010 Source of authority—Title. The rules and regulations herein contained constitute and shall be known as the rules and regulations of the board of examiners for the licensing of nursing home administrators of the state of Washington, and are hereby promulgated pursuant to the authority granted to said board pursuant to RCW 18.52.100(14).

[Statutory Authority: RCW 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-010, filed 1/6/78; Order PL 107, § 308-54-010, filed 3/3/71.]

WAC 308-54-020 General definitions. Whenever used in these rules and regulations, unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the following meanings:

(1) "Board" means the state board of examiners for the licensing of nursing home administrators representative of the professions and institutions concerned with the care of the chronically ill and infirm aged patients.

(2) "Director" means the director of the department of licensing.

(3) "Nursing home" means any facility or portion thereof licensed under state law as a nursing home.

(4) "Nursing home administrator" means an individual in active administrative charge of nursing homes as defined herein, whether or not having an ownership interest in such homes, and although functions and duties may be shared with or delegated to other persons.

(5) "Nursing home administrator-in-training" means an individual registered as such with the board, under and pursuant to these rules and regulations.

(6) "Person" or "individual" means an individual and does not include the terms firm, institution, public body, joint stock association or any other group of individuals.

[Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-020, filed 12/29/86; Order PL 107, § 308-54-020, filed 3/3/71.]

WAC 308-54-030 Board of examiners—Meetings.

(1) The board shall meet at the discretion of the board.
 (2) The chairman, or other presiding officer of the board, or four members by signed written request, may call special meetings thereof when, in their judgment, circumstances or functioning of the board require it.

(3) The rules of parliamentary procedure, as laid down in *Roberts' Rules of Order, Revised*, shall govern any disputes involved in meetings of the board.

[Order PL 107, § 308-54-030, filed 3/3/71.]

WAC 308-54-040 Board of examiners—General powers and responsibilities. The board, with the assistance of the director for administrative matters, shall have the duties and responsibilities, within the limits of the Nursing Home Administrator Licensing Act and the rules and regulations herein, to:

(1) Develop standards which must be met by individuals in order to receive a license as a nursing home administrator.

(2) Develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing:

(3) Order the director to issue licenses, provisional licenses or permits to individuals meeting the requirements applicable to them.

(4) Order the director, after such notice and hearing, as may be required by law, to deny, reprimand, revoke, suspend or refuse to reregister a license of any holder or applicant who fails to meet the requirements of chapter 18.52 RCW.

(5) Investigate, and take appropriate action with respect to any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of chapter 18.52 RCW.

(6) Issue rules and regulations which are necessary to carry out the functions of the Nursing Home Administrator License Act.

(7) Implement and carry out the requirements of the Nursing Home Administrator Licensing Act and rules and regulations, with the assistance of the director for administrative matters, to include such functions as:

- (a) Recommending the hiring of consultants to advise on matters requiring expert advice;
- (b) The delegating of work responsibilities to committees of the board;
- (c) Implement and supervise the administrator-in-training program.

[Statutory Authority: RCW 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-040, filed 1/6/78; Order PL 107, § 308-54-040, filed 3/3/71.]

WAC 308-54-050 Board of examiners--Officers and duties. (1) The board shall elect annually from its membership a chairman, vice chairman and secretary-treasurer.

(2) The chairman shall preside at all meetings of the board and shall sign appropriate official documents related to the licensing of nursing home administrators.

(3) In the absence of the chairman, the vice chairman shall preside at meetings, and perform all duties usually performed by the chairman.

(4) The secretary-treasurer shall be responsible for the official minutes and to advise on matters of finance and budget relative to the board.

[Order PL 107, § 308-54-050, filed 3/3/71.]

WAC 308-54-060 Executive secretary--Hiring and duties. A full or part-time executive secretary for the board may be employed by the director. The executive secretary shall be recommended by the board with his duties to include:

- (1) Attendance at all meeting of the board;
- (2) Maintaining a full and complete record of minutes of the said meetings;
- (3) Notifying the members of the board of the time and place fixed for meetings of the board;
- (4) Maintaining, under the supervision of the director, the records pertaining to licensees and registrants and the rules and regulations;
- (5) Countersigning the original certificate of licensure for nursing home administrators;
- (6) Conducting all routine correspondence of the board;
- (7) Issuing of appropriate notices of meetings and hearings;
- (8) Having the responsibility for all books, records, and other state property as may be assigned or under the control of the board;
- (9) Receiving all monies and shall pay the same to the treasurer of the state as provided by law;
- (10) Keeping such financial records as are considered necessary by the board over and above those required by the department of licensing or other fiscal authorities of the state; and

(11) Performing any other duties pertaining to the position of executive secretary as may be determined by the board or director.

[Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-060, filed 12/29/86; Order PL 126, § 308-54-060, filed 6/1/72; Order PL 107, § 308-54-060, filed 3/3/71.]

WAC 308-54-070 Scheduling of examinations and reexaminations. (1) The board shall determine the subjects of examination of applicants for license as a nursing home administrator, and the scope, content, form, and character of such examinations which in any examination shall be the same for all candidates.

(2) Examination shall be held not less than semiannually and at such times and places as shall be designated by the board.

(3) Following the close of every examination, a permanent record stating in detail the result of the examination for each candidate shall be kept by the board.

[Order PL 107, § 308-54-070, filed 3/3/71.]

WAC 308-54-080 Application for examination. (1) An applicant for examination and qualification for a license as a nursing home administrator shall make application therefore in writing, on forms approved by the board and provided by the director. All applications must be completed in every respect.

(2) An applicant, otherwise qualified, who has not administered or does not continue to administer a nursing home, may obtain and maintain a license.

(3) Completed applications must be on file sixty days prior to the examination date.

(4) The application fee must be submitted with the form.

[Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-080, filed 12/29/86; Order PL 107, § 308-54-080, filed 3/3/71.]

WAC 308-54-090 Preexamination requirements. No person shall be admitted to or permitted to take an examination for licensure as a nursing home administrator without having first submitted evidence satisfactory to the board that he meets the following requirements:

(1) All applicants must be at least twenty-one years of age, and in addition, must otherwise meet the requirements of suitability and character set forth in WAC 308-54-200.

(2) All applicants must complete an application for licensure provided by the division of professional licensing, department of licensing, and must include all information requested in said application.

(3)(a) All applicants must submit documentation demonstrating that they meet the minimum requirements set forth in RCW 18.52.070(2) relative to training and experience in nursing home or health facility administration. Applicants who, when graded according to the criteria set forth in (c) of this subsection, accumulate a total of eight points, including at least three points in each management and health care, shall be deemed to have satisfied the statutory requirements.

(b) For the purposes of applying the evaluation criteria set forth below, the following definitions apply:

HEALTH CARE EXPERIENCE

Experience in health care can include employment in any job position which would permit the person to become acquainted with the typical duties, functions of health care personnel and to otherwise become familiar with the terms and language unique to the field of health care. This could include employment as a nurse, physician, pharmacist, orderly, corpsman, etc.

MANAGEMENT EXPERIENCE

Management is considered to be an upper level of supervision which includes directing and guiding the operations of the organization towards established goals.

(c) The following criteria shall be utilized to determine if an individual applicant's prior training and/or experience meets the qualification requirement set forth in RCW 18.52.070(2). Training or experience acquired more than seven years prior to the date of application shall accumulated points at one-half the value listed.

I. **TRAINING:** (NOTE: Courses which incorporate principles of both management and health—such as hospital or health care administration—accumulate points only in one field.)

		Management	Health Care
A. MANAGEMENT			
College Credit related to management	College courses in management, including business administration, finance, public administration, etc. Four points will be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this area not leading to a degree will receive one point for each 45 quarter hours or the equivalent. Graduate courses specifically related to this area will be allowed one point for each academic year or the equivalent up to a maximum of two points for a graduate degree	-----	
Noncredit courses related to management	Noncredit courses specifically related to management such as courses offered by the military or industry. Points allowed will be one-half for each 100 classroom and/or correspondence hours with a maximum of one point (1/2-1)	-----	
Board approved courses related to management	One-half point will be allowed for each fifty classroom hours of instruction with a maximum of one point (1/2-1)	-----	

B. HEALTH CARE

College Credit related to health care: College courses in the field of health care such as nursing, medicine, public health, social services, etc. Four points will be allowed for a bachelor's degree, with a major in this area. Undergraduate courses specifically related to this

		Management	Health Care
	area not leading to a degree will receive one point for each 45 quarter hours or the equivalent. Graduate courses specifically related to this area will be allowed one point for each academic year or the equivalent up to a maximum of two points for a graduate degree		-----
Noncredit courses related to health care	Noncredit courses specifically related to health. Points allowed would be one-half for each 100 classroom and/or correspondence hours with a maximum of one point		-----
Board approved courses related to health care	One-half point would be allowed for each 50 classroom hours of instruction with a maximum of one point (1/2-1)		-----

C. UNRELATED TO HEALTH CARE OR MANAGEMENT

College Credit not related to management or health care: College courses not specifically related to either management or health care, such as education, science, etc. will receive a maximum of two points for baccalaureate degree, or one-half point for each 45 quarter hours or the equivalent, whether at the undergraduate or graduate level. Points will accumulate toward satisfaction of the management requirement (1/2-2 1/2)

II. EXPERIENCE:

A. HEALTH CARE MANAGEMENT

One point for each six months of experience in a management position requiring expertise in the health care field. Examples include, but are not limited to, the following: Nursing home administrator, hospital administrator, assistant administrator of a large health care facility, executive in health care-related industry, director of nursing service in a health care facility. Points accumulate in management and health care

B. NONHEALTH CARE MANAGEMENT

One point for each six months of experience in management not involving health care as an essential element

C. RELATED HEALTH CARE

One point for each six months of experience in the field of health care not involving substantial managerial responsibility

(4) Applicants not meeting the minimum requirements set forth in subsection (3) of this section may apply to the board for permission to undertake an administrator-in-training program as a substitute for said criteria. Such a program shall be on such terms as the board feels necessary to assure that the applicant meets the minimum statutory requirements for licensure

set forth in RCW 18.52.070, and shall include, without limitations, the following:

(a) The program shall be under the guidance and supervision of a licensed nursing home administrator, as preceptor, and shall be conducted for a period of not less than six months and not more than two years;

(b) The program shall be designed to provide for individual learning experiences and instruction based upon the person's academic backgrounds, training, and experience;

(c) The prospectus for the program must be signed by the preceptor, submitted and approved by the board prior to its commencement. Any changes in the program shall be immediately reported in writing to the board, and the board may withdraw the approval given, or alter the conditions under which approval was given, if the board finds that the program as originally submitted and approved has not been or is not being followed;

(d) The program must include the following components:

(i) A planned systematic rotation through each department of a nursing home;

(ii) Planned reading and written assignments;

(iii) Project assignment including at least one problem-solving assignment to be submitted in writing to the board or a designated board member. Problem-solving project should indicate the definition of an acknowledged problem, the method of approach to the problem such as data gathering, the listing of possible alternatives, the conclusions, and final recommendations to improve the facility or procedure.

(iv) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community; and

(v) A quarterly written report to the board by the applicant including a detailed outline of activities and learning experiences of the reporting period.

(e) The program must provide for a broad range of experience with a close working relationship between preceptor and trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two trainees, or if the facility in which the program is to be implemented has a capacity of fewer than 50 beds. Exceptions to this general rule may be granted by the board in unusual circumstances.

(f) In addition, the board may in an individual case, require up to 150 contact hours of board-approved education, based upon the individual applicant's background, experience, and training.

[Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-090, filed 12/29/86; Order PL 260, § 308-54-090, filed 12/10/76; Order PL 164, § 308-54-090, filed 3/27/74, effective 1/1/75; Order PL 107, § 308-54-090, filed 3/3/71.]

WAC 308-54-095 Preceptors for administrator-in-training programs. In reviewing proposed administrator-in-training programs, the board shall utilize the following criteria in determining the qualifications and duties of the preceptor for such program:

(1) Qualifications of preceptor:

(a) The preceptor shall be employed as a licensed nursing home administrator for at least three years.

(b) The preceptor shall be employed full time as the nursing home administrator in the facility where the administrator-in-training is trained.

(c) The preceptor shall have demonstrated his or her ability and skills to provide quality care.

(d) The preceptor shall have demonstrated his or her continued interest in the broadening of his or her professional horizons beyond the requirements of licensure.

(e) The preceptor must submit, in writing, his or her qualifications as described in subsection (1)(a) through (d) of this section and his agreement to the duties in subsection (2)(a) and (b) of this section with the administrator-in-training's application.

(f) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the board.

(2) Duties of the preceptor:

(a) The preceptor must take the time necessary and have at least a weekly supervisory conference between himself or herself and the trainee in the facility to adequately monitor the education and activities of the administrator-in-training relative to his or her program and the facility.

(b) The preceptor shall 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(14). 87-02-008 (Order PM 633), § 308-54-095, filed 12/29/86. Statutory Authority: RCW 18.52.100 (2) and (14). 78-02-009 (Order PL 282), § 308-54-095, filed 1/6/78.]

WAC 308-54-100 Disqualification--Reexamination. (1) An applicant for examination who has been disqualified shall be given written notification by the director, based upon the board's findings, of his or her disqualification and the reasons therefore.

(2) An applicant for examination who has been disqualified may petition the board in writing within thirty days of notification of disqualification for a hearing and a review of his or her application.

(3) Where an applicant for examination has been disqualified, he or she may submit a new application for qualification for examination, provided, however, that he or she shall be required to meet the requirements for licensing as shall be in force at the time of such reapplication.

(4) If a person fails to obtain a passing score, he or she may update his or her application and retake the examination, for a reexamination fee, until he or she obtains a passing score.

(5) If there are two examinations involved, and the applicant fails to receive a passing score in one of the examinations, he or she will be required to repeat only that examination in which he or she received a below-passing grade.

[Statutory Authority: RCW 18.52.100(14). 87-02-008 (Order PM 633), § 308-54-100, filed 12/29/86; Order PL 215, § 308-54-100, filed 11/5/75; Order PL 107, § 308-54-100, filed 3/3/71.]

WAC 308-54-110 Subjects for examination. Every applicant for a license as a nursing home administrator, after meeting the requirements for qualification for examination as set forth in WAC 308-54-090 of these rules and regulations, shall successfully pass an examination. The board may choose to include, but need not be limited to, the following subjects:

- (1) Applicable standards of environmental health and safety
- (2) Washington state nursing home law and regulations
- (3) General administration
- (4) Psychology of patient care
- (5) Principles of medical care
- (6) Personal and social care
- (7) Therapeutic and supportive care and services in long-term care
- (8) Departmental organization and management
- (9) Community interrelationships.

[Statutory Authority: RCW 18.52.100(14), 87-02-008 (Order PM 633), § 308-54-110, filed 12/29/86; Order PL 107, § 308-54-110, filed 3/3/71.]

WAC 308-54-120 Grading examinations. (1) Every candidate for a nursing home administrator's license shall be required to pass the examination for such license at a grade of at least seventy-five percent.

(2) The board shall determine a method of grading each examination separately, and shall apply such method uniformly to all candidates taking that examination.

(3) The board or the department shall not disclose the individual's score to anyone other than the applicant himself, unless requested to do so, in writing, by the applicant.

(4) The applicant will be notified, in writing, the scores received on his examination.

[Statutory Authority: RCW 18.52.100, 81-14-037 (Order PL 381), § 308-54-120, filed 6/29/81; Order PL 107, § 308-54-120, filed 3/3/71.]

WAC 308-54-125 Continuing education credit for preceptors for administrators-in-training programs. Any licensed nursing home administrator serving as a preceptor for an administrator in training pursuant to WAC 308-54-090(4) may be granted continuing education credit at a rate of one hour per month provided that no licensed nursing home administrator shall be granted more than 24 hours of continuing education in any three-year period with regard to his or her preceptorship.

[Statutory Authority: RCW 18.52.100(14) and 18.52.110, 80-01-057 (Order PL 328), § 308-54-125, filed 12/20/79.]

WAC 308-54-130 Courses of study. A course of study provided to satisfy the continuing education requirement of licensed nursing home administrators must meet the following conditions before approval by the board will be considered:

- (1) Such course of study must be registered before being offered;

(2) Such course of study shall consist of a minimum of one hour of organized instruction with the exception of board-approved correspondence courses of study;

(3) Such course of study may include the following general subject areas or their equivalents, and must be oriented to the nursing home administrator and reasonably related to the administrator of nursing homes:

- (a) Applicable standards of environmental health and safety
- (b) Local health and safety regulations
- (c) General administration
- (d) Psychology of patient care
- (e) Principles of medical care
- (f) Personal and social care
- (g) Therapeutic and supportive care and services in long-term care
- (h) Departmental organization and management
- (i) Community inter-relationships;

(4) Such course of study shall issue certificates of attendance or other evidence satisfactory to the board; and

(5) All courses of study for continuing education are subject to board approval.

[Statutory Authority: RCW 18.52.100(11), 88-23-038 (Order PM 791), § 308-54-130, filed 11/9/88. Statutory Authority: RCW 18.52.100(14) and 18.52.110(2), 82-20-092 (Order PL 407), § 308-54-130, filed 10/6/82. Statutory Authority: RCW 18.52.100(14) and 18.52.110, 80-01-057 (Order PL 328), § 308-54-130, filed 12/20/79; Order PL 265, § 308-54-130, filed 3/21/77; Order PL 260, § 308-54-130, filed 12/10/76; Order PL 107, § 308-54-130, filed 3/3/71.]

WAC 308-54-150 Continuing education requirements to meet the conditions of reregistration for license.

(1) A condition of reregistration for license shall be the requirement that the applicant has attended board-approved courses in continuing education.

(2) The licensee shall present proof that he or she has obtained fifty-four classroom hours in approved continuing education courses during each three year period of his or her licensed tenure. The first three year period shall begin on the date of first renewal of the license, and shall conclude the day before the third anniversary of such renewal. Successive three year periods shall be computed in a similar fashion.

(3) There shall be no carry over of continuing education classroom hours from any three year period to the next three year period.

(4) 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 with the condition that their state has equal hours of continuing education requirements.

[Statutory Authority: RCW 18.52.100(14) and 18.52.110(2), 84-07-051 (Order PL 461), § 308-54-150, filed 3/21/84. Statutory Authority: RCW 18.52.110, 80-04-069 (Order 338), § 308-54-150, filed 3/26/80; Order PL 260, § 308-54-150, filed 12/10/76; Order PL 107, § 308-54-150, filed 3/3/71.]

WAC 308-54-155 Certification of compliance. (1) In conjunction with the application for renewal of license, a licensee shall submit an affidavit of compliance

with the fifty-four hour continuing education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the fifty-four hour continuing education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

[Statutory Authority: RCW 18.52.100(14) and 18.52.110. 80-01-057 (Order PL 328), § 308-54-155, filed 12/20/79.]

WAC 308-54-160 Licenses. (1) Upon the director's receipt of the annual registration fee and the application fee and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who has successfully complied with the requirements of the licensing law and standards provided herein. Such licenses shall be issued on a form certifying that the applicant has met the requirements of the laws, rules and regulations entitling him to serve, act, practice, and otherwise hold himself out as a duly licensed nursing home administrator.

(2) Application, registration, or license fees are not refundable or transferable.

[Statutory Authority: RCW 18.52.100. 80-08-066 (Order 348), § 308-54-160, filed 7/1/80. Statutory Authority: RCW 18.52.070, 18.52.080 and 18.52.100(14). 78-02-009 (Order PL 282), § 308-54-160, filed 1/6/78; Order PL 107, § 308-54-160, filed 3/3/71.]

WAC 308-54-162 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include

confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 18.52.100(11). 88-23-038 (Order PM 791), § 308-54-162, filed 11/9/88.]

WAC 308-54-170 Temporary permits. (1) Upon the director's receipt of the application and temporary permit fees, a temporary permit may be issued by the director under the criteria, circumstances, and requirements, stated in this section, and without examination, for a period up to six months. Such permits shall be subject to confirmation, rescission, or modification by order of the board upon review at the next board meeting. A person holding a temporary permit shall work closely with the representative of the board. A permit holder shall not be eligible for a subsequent permit and such permit shall terminate upon the holder being advised of the licensure examination results. A temporary permit shall be valid only for the specific facility for which it is issued and shall terminate upon the permit holder's departure from the facility unless otherwise approved by the board. An applicant shall meet all of the following criteria:

(a) Be currently licensed and in good standing as a nursing home administrator in another state.

(b) Have passed the national examination with an equivalent score of 75% or better. Applicants licensed prior to the existence of the national examination will be individually reviewed.

(c) The applicant is otherwise eligible for the licensure examination in this state and has met the requirements and applied for the next scheduled examination.

(d) Have a written agreement for consultation with a Washington state licensed nursing home administrator, which is subject to review by the board at its next regularly scheduled meeting.

(e) The foregoing provisions of (a) and (b) of this subsection shall not apply in the case of an administrator of a religious care facility described in RCW 18.51.170 and acting under a limited license described in RCW 18.52.070(3).

(2) The following circumstances will be considered for the issuance of a temporary permit:

(a) There is a specific vacancy due to the departure of the nursing home administrator from a facility which creates an undue hardship.

(b) Illness of the current nursing home administrator of the facility which prevents such person from performing his/her duties.

[Statutory Authority: RCW 18.52.100(11), 88-23-038 (Order PM 791), § 308-54-170, filed 11/9/88. Statutory Authority: RCW 18.52.100, 80-08-066 (Order 348), § 308-54-170, filed 7/1/80. Statutory Authority: RCW 18.52.100 (10) and (14), 78-02-009 (Order PL 282), § 308-54-170, filed 1/6/78; Order PL 107, § 308-54-170, filed 3/3/71.]

WAC 308-54-180 Registration of licenses. (1) Every person who holds a valid nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of the annual fee, provided, however, that the requirement of continuing education as described in WAC 308-54-150 is fully met.

(2) Any license holder not reregistered within thirty days after the date for reregistration specified by the director, will be charged a penalty fee as set forth in WAC 308-54-310 annually in addition to his annual registration fee. In the event that the license of an individual is not reregistered within two years from the most recent date for reregistration, such license shall lapse and the individual must again apply for licensing and meet all the requirements for a new applicant.

[Statutory Authority: RCW 18.52.100(14), 86-01-086 (Order PL 576), § 308-54-180, filed 12/18/85. Statutory Authority: RCW 18.52.100, 80-08-066 (Order 348), § 308-54-180, filed 7/1/80; Order PL 260, § 308-54-180, filed 12/10/76; Order PL 107, § 308-54-180, filed 3/3/71.]

WAC 308-54-200 Standards of suitability and character. To establish suitability and character to qualify an individual for a license as a nursing home administrator, and prior to being permitted to take the examination for license as a nursing home administrator, the applicant shall furnish evidence satisfactory to the board of:

(1) Absence of physical or mental impairment which would prevent the applicant from performing the duties of a nursing home administrator.

(2) Two letters of recommendation must be submitted certifying to the good moral character of the applicant.

[Statutory Authority: RCW 18.52.100(14), 87-02-008 (Order PM 633), § 308-54-200, filed 12/29/86. Statutory Authority: RCW 18.52.100 (1) and (14), 78-02-009 (Order PL 282), § 308-54-200, filed 1/6/78; Order PL 107, § 308-54-200, filed 3/3/71.]

WAC 308-54-205 Standards of conduct. A licensed nursing home administrator shall be in active administrative charge of the nursing home or homes in which he has consented to serve as administrator.

[Order PL 164, § 308-54-205, filed 3/27/74.]

WAC 308-54-220 Complaints and hearing procedures. (1) All proceedings of the director and board for

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rule making, for contested cases and for appeals shall be conducted in conformity with the Administrative Procedure Act of this state.

(2) Complaints regarding any licensed administrator shall be considered only if submitted to the director in writing. In any case, the complaint will be fully investigated by the director, and referred to the board to determine whether any board action should be initiated.

(3) The director, on his or her own initiative may, or upon order of the board, shall, initiate an investigation of possible violations of this chapter. The director shall advise the board of all complaints received and action taken.

(4) The board, with the advice of the director, shall determine the most appropriate method of hearing from among the following choices:

(a) Conducted by the board; or

(b) Conducted by a committee of the board, the majority of which shall be administrator members; or

(c) Conducted by a hearing examiner engaged by the board who shall be a licensed administrator; or

(d) Conducted by a hearing examiner of the state.

[Statutory Authority: RCW 18.52.090(2), 18.52.150, 18.52.100 (4), (5), (6) and (14), 78-02-009 (Order PL 282), § 308-54-220, filed 1/6/78; Order PL 107, § 308-54-220, filed 3/3/71.]

WAC 308-54-225 Issuance of subpoenas—Administering oaths and affirmations—Ruling when board or hearing panel not in session. (1) In any investigation or proceeding conducted by the board, the following persons are authorized to subpoena witnesses, issue subpoenas duces tecum, and institute discovery proceedings:

(a) The chairman of the board;

(b) The chairman of the hearing panel designated to hear the case;

(c) The hearing examiner designated to hear the case;

(d) The attorney of record for a party in a contested case may issue subpoenas, including subpoenas duces tecum, to witnesses called to testify or produce evidence on behalf of such party, and such subpoenas, when subscribed by the attorney, shall have the same effect as if issued by the board.

(2) When testimony in any hearing is to be taken under oath or affirmation, the person chairing the hearing shall have authority to administer such oath or affirmation.

(3) Whenever a contested case has been set down for hearing before the entire board or a three member panel, the chairman of the board or panel shall have authority to rule on matters raised by any party at such time as the board or panel is not in session. Any party may, upon notice to all parties, request reconsideration of such rulings by the entire board or panel, as applicable, at its next scheduled meeting.

[Statutory Authority: RCW 18.52.100, 80-08-066 (Order 348), § 308-54-225, filed 7/1/80. Statutory Authority: RCW 18.52.155, 78-02-009 (Order PL 282), § 308-54-225, filed 1/6/78.]

WAC 308-54-230 Reciprocity. (1) The board, at its discretion, and otherwise subject to the law pertaining to the licensing of nursing home administrators prescribing

the qualifications for a nursing home administrator license may endorse a nursing home administrator license issued by the proper authorities of any other state, upon payment of the original license fee and the application fee, and upon submission of evidence satisfactory to the board:

(a) That such other state maintains a system and standard of qualification and examination for a nursing home administrator license, which are substantially equivalent to those required in this state;

(b) That such applicant for endorsement is examined and successfully passes the test related to Washington state local health and safety nursing home regulations; and

(c) That such applicant has not had a license revoked or suspended in any state which he or she has received a nursing home administrator license or reciprocal endorsement.

(2) After meeting the preceding requirements, the applicant must submit the original license fee and is subject to annual renewals and late renewal penalty fees.

[Statutory Authority: RCW 18.52.100(14), 87-02-008 (Order PM 633), § 308-54-230, filed 12/29/86; Order PL 107, § 308-54-230, filed 3/3/71.]

WAC 308-54-240 Restoration and reinstatement of licenses. (1) Suspended licenses are automatically in force at the expiration of the period of suspension set forth in the board's order, but must be reregistered in the normal course if they expire during the period of suspension.

(2) Persons whose licenses have been revoked, or to whom reregistration has been refused, may, upon subsequent application, be licensed, relicensed, or reregistered upon evidence satisfactory to the board that the applicant for such restoration of license has removed the disability.

(3) Concerning such application for restoration of a license, the board, at its discretion, may grant the applicant an informal hearing and if a formal hearing is requested the formal hearing would be conducted in the manner set forth in WAC 308-54-220 (1) and (3).

[Statutory Authority: RCW 18.52.100(14) and 18.52.120, 78-02-009 (Order PL 282), § 308-54-240, filed 1/6/78; Order PL 107, § 308-54-240, filed 3/3/71.]

WAC 308-54-250 Duplicate licenses. Upon receipt of satisfactory evidence that a license or certificate of registration has been lost, mutilated, or destroyed, the director may issue a duplicate license or certificate upon payment of the customary fee as established by the department.

[Order PL 107, § 308-54-250, filed 3/3/71.]

WAC 308-54-315 Nursing home administrator fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (examination and original license)	\$250.00

Title of Fee	Fee
Reexamination (partial)	200.00
Application—Reciprocity	150.00
Temporary permit	150.00
Renewal	160.00
Late renewal penalty	160.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086, 87-18-031 (Order PM 667), § 308-54-315, filed 8/27/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-54-315, filed 8/10/83. Formerly WAC 308-54-310.]

WAC 308-54-320 Renewal of licenses. (1) Effective with the renewal period beginning September 1, 1980, the annual license renewal date for nursing home administrators will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of September 1, 1980. Licensed nursing home administrators desiring to renew their licenses will be required to pay a fee of thirty-five dollars, plus one-twelfth of that amount for each amount, or fraction thereof, in order to extend their license to expire on their birth anniversary date next following September 1, 1981.

(b) On and after September 1, 1980, all new or initial nursing home administrator licenses issued will expire on the applicant's next birth anniversary date.

(2) After the conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee within thirty days of license expiration on or before the license expiration date will be subject to the late penalty fee.

[Statutory Authority: RCW 18.52.100(14), 87-02-008 (Order PM 633), § 308-54-320, filed 12/29/86. Statutory Authority: RCW 43.24.140, 80-04-057 (Order 337), § 308-54-320, filed 3/24/80.]

Chapter 308-55 WAC

REGULATING THE PRACTICE OF OCULARISTS

WAC

308-55-025	Ocularist fees.
308-55-035	General provisions.
308-55-045	Mandatory reporting.
308-55-055	Health care institutions.
308-55-065	Ocularist associations or societies.
308-55-075	Health care service contractors and disability insurance carriers.
308-55-085	Professional liability carriers.
308-55-095	Courts.
308-55-105	State and federal agencies.
308-55-115	Cooperation with investigation.
308-55-200	AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-55-005	Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 39, 84-21-094 (Order PL 487), § 308-55-005, filed 10/19/84, effective 8/1/85.] Repealed by
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85-19-041 (Order PL 556), filed 9/12/85. Statutory Authority: RCW 18.55.065.
 308-55-010 Fees. [Statutory Authority: RCW 43.24.085 and 1980 c 101 § 7. 80-08-003 (Order 344), § 308-55-010, filed 6/19/80.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-55-025.

WAC 308-55-025 Ocularist fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application and examination	\$ 500.00
Renewal	500.00
Late renewal penalty	500.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-55-025, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-55-025, filed 8/10/83. Formerly WAC 308-55-010.]

WAC 308-55-035 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
 Professional Programs Management Division
 P.O. Box 9012
 Olympia, Washington 98504-8001

(5) "Ocularist" means a person licensed under chapter 18.55 RCW.

(6) "Mentally or physically disabled ocularist" means an ocularist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice ocular prosthetic services with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-035, filed 6/30/89.]

WAC 308-55-045 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the ocularist being reported.

(c) The case number of any client whose treatment is a subject of the report.

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(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-045, filed 6/30/89.]

WAC 308-55-055 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home shall report to the department when any ocularist's services are terminated or are restricted based on a determination that the ocularist has either committed an act or acts which may constitute unprofessional conduct or that the ocularist may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-055, filed 6/30/89.]

WAC 308-55-065 Ocularist associations or societies. The president or chief executive officer of any ocularist association or society within this state shall report to the department when the association or society determines that an ocularist has committed unprofessional conduct or that an ocularist may not be able to practice ocular prosthetics with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-065, filed 6/30/89.]

WAC 308-55-075 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that an ocularist has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-075, filed 6/30/89.]

WAC 308-55-085 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to ocularists

shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured ocularist's incompetency or negligence in the practice of ocular prosthetic services. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the ocularist's alleged incompetence or negligence.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-085, filed 6/30/89.]

WAC 308-55-095 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed ocularists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-095, filed 6/30/89.]

WAC 308-55-105 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which an ocularist is employed to provide client care services, to report to the department whenever such an ocularist has been judged to have demonstrated his/her incompetency or negligence in the practice of ocular prosthetic services, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled ocularist. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-105, filed 6/30/89.]

WAC 308-55-115 Cooperation with investigation.

(1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be

prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-55-115, filed 6/30/89.]

WAC 308-55-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applications who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-55-200, filed 11/2/88.]

Chapter 308-56A WAC

CERTIFICATES OF TITLE--MOTOR VEHICLES,
ETC.

WAC

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308-56A-690	Odometer disclosure statement—Forms.

WAC 308-56A-005 Title required. A certificate of title is required for (1) every vehicle that may display current and proper vehicle license number plates under the provisions of chapter 46.16 RCW and (2) mobile homes unless enrolled on real property tax rolls.

[Order MV 208, § 308-56A-005, filed 7/31/74.]

WAC 308-56A-010 Title purpose only. Certificates of title may be issued to vehicles without issuing a certificate of registration. This does not apply to travel trailers and campers, unless held in a dealer's inventory but may include the following:

- (1) Vehicles required to display valid vehicle number license plates prior to operating on the public highway pursuant to chapter 46.16 RCW;
- (2) Farm tractors or farm equipment;
- (3) All terrain vehicles whether or not required to obtain an ATV use permit;
- (4) Golf carts and dune buggies whether or not equipped for legal highway use;
- (5) Off highway equipment that may be moved upon public highways by special permits.

[Order MV 208, § 308-56A-010, filed 7/31/74.]

WAC 308-56A-015 No title issued. Vehicles may be registered without issuing a Washington certificate of title. Such registration will be accepted when:

- (1) An out-of-state secured party will not release an out-of-state title;
- (2) A nonresident is required to register his/her vehicle in this state but is also required to maintain his/her home state title and registration.

[Order MV 208, § 308-56A-015, filed 7/31/74.]

WAC 308-56A-020 Application for title required. An application for certificate of title is required:

- (1) Whenever the ownership of a vehicle changes;
- (2) When there is a legal change of name of the registered or legal owner of a vehicle;
- (3) When there is a change of name of a business entity owning a vehicle; provided that, an application is not required for each vehicle when a financial institution which is the legal owner of a number of vehicles merges with or is sold to another institution and continues to do

business in the name of the surviving institution, if the department is notified in writing of the merger or sale.

(4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;

(5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;

(6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value;

(7) Whenever a vehicle has been reported destroyed by an insurance company and the owner wishes to operate it on the public highways;

(8) Whenever a vehicle has been assembled;

(9) Whenever a glider kit has been installed;

(10) Whenever a replacement engine has been installed in a motorcycle;

(11) Whenever there has been a structural change in the vehicle;

(12) Whenever the vehicle identification number has changed;

(13) Whenever a former nonresident owner of a vehicle requiring a certificate of title becomes a Washington resident as defined in chapter 308-92 WAC as now or hereafter amended;

(14) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner;

(15) Whenever the engine of a vehicle has been changed or modified to accept a fuel other than that shown on the outstanding title.

[Order MV 208, § 308-56A-020, filed 7/31/74.]

WAC 308-56A-021 Assessment of penalty fee for late application for title. When ownership of a Washington titled vehicle changes, the purchaser or transferee must complete and submit to the department or to a vehicle licensing agent an application for certificate of title and license registration within fifteen days after the date of delivery of the vehicle. Penalty fees will be assessed for late application under the following circumstances:

(1) Documents submitted for application for new title indicate more than 15 days have elapsed since date of delivery of the vehicle;

(2) Someone other than the first purchaser shown is making application (unless verification is provided that he/she acquired the vehicle less than 16 days prior to application for title);

(3) The date of delivery is declared to be 15 days prior to date of application. An affidavit of delivery is required when:

(a) Conflicting dates appear on supporting documents;

(b) Dates on title or supporting documents have been altered;

(c) No evidence of the date of delivery is present; or,

(d) An undated title is presented;

(4) Partial ownership has changed more than fifteen days previously.

When a divorce settlement or other legal action affecting ownership of the vehicle takes place after the

date that the title is signed off, the date of the final legal action may be used as the date from which penalty fees are computed.

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-021, filed 10/9/87.]

WAC 308-56A-022 Conditions under which penalty fees are not assessed. Penalty fees are not assessed for late application for title under the following conditions:

(1) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed);

(2) A prior Washington record cannot be found;

(3) Department of licensing records indicate the vehicle was totaled by an insurance company or reported destroyed by a wrecking yard;

(4) The vehicle is being titled as home made or assembled for the first time;

(5) The vehicle is acquired by inheritance or community property from the owner of record.

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-022, filed 10/9/87.]

WAC 308-56A-023 Conditions under which penalty fees may be waived. Penalty fees for late application for certificate of title and license registration may be waived when the department is presented with proof satisfactory to the department that the delay in submitting the application was due to reasons beyond the control of the purchaser, including one or more of the following circumstances:

(1) A request by the department of licensing for additional required supporting documents;

(2) Extended hospitalization or illness of the purchaser;

(3) Failure of a legal owner to release his/her/their interest;

(4) Department, auditor, agent, or subagent error;

(5) Incarceration of the purchaser by a judiciary system;

(6) A seller's report of sale filed by purchaser thinking it transferred title;

(7) Other reasons which the director may determine are valid.

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-023, filed 10/9/87.]

WAC 308-56A-025 General procedure for application. An application for certificate of title, transfer of title, or reissue of title must be on the forms supplied by the department and must be completed in accordance with the instructions issued by the department.

[Order MV 208, § 308-56A-025, filed 7/31/74.]

WAC 308-56A-030 Form required for name and address. The application for certificate of title must indicate the legal name of the registered and legal owner of the vehicle in the form in which the person wishes his/her interests to be reflected. The registered owner's

name on the certificate of registration must be identical with the name shown on the certificate of title.

[Order MV 208, § 308-56A-030, filed 7/31/74.]

WAC 308-56A-035 Form required for name and address—One name on application. If only one name is shown on the application for certificate of title, that name will be shown as the registered and legal owner of the vehicle on the title issued by the department.

[Order MV 208, § 308-56A-035, filed 7/31/74.]

WAC 308-56A-040 Form required for name and address—Address. The address of the registered and legal owner must be shown on the application as the address at which the owner regularly receives mail. If there is a change in the address, the department must be notified with the following information:

- (1) The registered owner's name as it appears on the department records must be printed or typed;
- (2) The license plate number of each vehicle;
- (3) The new address with zip code and county;
- (4) Whether or not the new address is in an incorporated or unincorporated area;
- (5) The school district number where the vehicle generally is located is required for each travel trailer and camper.

[Order MV 208, § 308-56A-040, filed 7/31/74.]

WAC 308-56A-045 Form required for name and address—Address, nonresident. If a nonresident of the state of Washington is required to obtain a Washington certificate of title or registration, the out-of-state address at which mail is regularly received shall be used.

[Order MV 208, § 308-56A-045, filed 7/31/74.]

WAC 308-56A-050 Form required for name and address—Last registered owner shown on application. On an application for transfer of ownership of a vehicle, the application must contain the name and address of the last registered owner of record of the vehicle, even if a double transfer of title is involved.

[Order MV 208, § 308-56A-050, filed 7/31/74.]

WAC 308-56A-055 Form required for name and address—Owners in common. If more than one person is shown on the application for title as registered owner of the vehicle, those persons will be treated as owners in common of the vehicle whether the names are joined by the word "and" or the word "or." The address of only one of the registered owners will be accepted on the application for title.

[Order MV 208, § 308-56A-055, filed 7/31/74.]

WAC 308-56A-060 Form required for name and address—Ownership in joint tenancy. If more than one person is shown on the title application as registered owner, and the intention of the parties is to create ownership in joint tenancy, it is necessary to use the following language on the application for certificate of title:

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(1) "John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship"; or

(2) "John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship and not as tenants in common."

The address of only one of the registered owners will be accepted on the application for title. The ownership of the vehicle in joint tenancy will be indicated on the certificate issued by the department in the following manner: "J.T.W.R.O.S."

A certified copy of the death certificate will be required upon the death of a party named on such a title. An application for title in the name(s) of the remaining party will be required.

[Order MV 208, § 308-56A-060, filed 7/31/74.]

WAC 308-56A-065 Vehicles held in trust. (1) The trustee shall be shown on any application for certificate of title as registered owner if a vehicle is held in trust for the benefit of another. There is no requirement that the word "trustee" be placed after the name of any such owner.

(2) If the application and subsequently issued title includes the word "trustee" after the name of the registered owner, any signature releasing interest in the vehicle by that owner shall include that designation.

(3) Upon the death of the trustee, a co-trustee or successor trustee shall make application for transfer of title into his/her own name. An affidavit that he is the successor or co-trustee and a copy of the documents so designating him shall accompany any such application.

[Order MV 208, § 308-56A-065, filed 7/31/74.]

WAC 308-56A-070 Vehicles held in trust—Leased vehicles. If the vehicle is leased and operated in Washington, it must be titled and licensed in Washington.

(1) The application for title is to be completed with the name of the lessee as registered owner, followed by the word "lessee." The name of the lessor is shown as the secured party or legal owner, followed by the word "lessor."

(2) If the vehicle is subject to a security agreement, the application will be completed as above except the lessor's name will be immediately below the lessee's name and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.

(3) Dealers and persons engaged in the business of vehicle leasing may simply show the lessor as sole registered owner if a copy of the lease or rental agreement is attached to the application. This does not apply if the lease contains an option to purchase or if it is for more than one year.

[Order MV 208, § 308-56A-070, filed 7/31/74.]

WAC 308-56A-075 Vehicles held in trust—Two legal owners. If one of two legal owners shown on a certificate of title has his/her security interest in the vehicle

satisfied, that interest in the vehicle shall be released in the appropriate manner and the appropriate documentation forms forwarded to the remaining legal owner. The remaining legal owner shall either (1) retain that documentation and forward it to the department at the time his/her interest is satisfied along with an application for reissue or (2) the documentation shall be immediately presented to the department with an application for reissue of title to show the remaining secured party as the sole legal owner of the vehicle. If the outstanding certificate of title does not show the address of the remaining legal owner, there must be an application for reissue of title in order that the address of the remaining legal owner may be indicated on the outstanding certificate of title.

[Order MV 208, § 308-56A-075, filed 7/31/74.]

WAC 308-56A-080 Refusal by department to release title. The department may refuse to release a vehicle title under any one of the following circumstances:

- (1) All or a part of the fees for the license, title, or tonnage license have not been paid; or
- (2) All or a part of the fees for the license, title, or tonnage license have been paid with a check that has not been honored by the drawer's bank; or
- (3) The applicant is a special fuel user or special fuel dealer who uses special fuel and who has not obtained a special fuel license and bond; or
- (4) At the discretion of the department when the department has been requested by an interested party to hold the title pending legal action, or whenever the department deems it inadvisable to release the title.

[Order MV 208, § 308-56A-080, filed 7/31/74.]

WAC 308-56A-085 Error in title issued by department. Whenever the department has made an error in issuing a title, the department will cancel the erroneous outstanding title and reissue a correct title.

[Order MV 208, § 308-56A-085, filed 7/31/74.]

WAC 308-56A-100 Declaration of use tax form. (1) Every application for certificate of title where the registered owner is changed must be accompanied by a complete declaration of use tax form unless the application or the dealer report of sale is completed indicating that the dealer collected sales tax. If the application is in the name of a vehicle dealer, such declaration must be issued by an employee of the department of revenue.

(2) Exemptions:

(a) Proof is submitted showing use tax paid. This must be in the form of an invoice showing purchaser, selling price, sales tax, and tax number of vendor.

(b) An automobile held or acquired for lease or rental purposes only. The use tax number must be shown on the application with the words lease or daily rental.

(c) In the case of a double transfer where a dealer is the first transferee.

[Order MV 208, § 308-56A-100, filed 7/31/74.]

(1989 Ed.)

WAC 308-56A-105 Previously titled vehicles. Application for certificate of title to a vehicle that has been previously titled, must be accompanied by:

(1) The properly endorsed outstanding certificate of title or appropriate authorized documentation in lieu of the outstanding certificate. No new certificate will be issued unless the registered and legal owners of the vehicle on file with the department have properly released their interest in the vehicle.

(2) The outstanding certificate of registration or a duplicate thereof if the vehicle is registered during the current year, and if there will be a change in the registration.

[Order MV 208, § 308-56A-105, filed 7/31/74.]

WAC 308-56A-110 New vehicles. (1) Application for a certificate of title to a new vehicle never before licensed or titled and sold by an in-state or out-of-state dealer or manufacturer must be accompanied by a Manufacturers Statement of Origin (MSO) or other document certifying the first conveyance of said vehicle after its manufacture.

(2) The statement of origin or other similar document or the factory invoice of the dealer shall reflect the year, make, model, body style, and vehicle identification number and additionally, in the case of motorcycles, the motor number and frame number.

(3) No statement of origin or other similar document can be accepted for the issuance of a title unless all persons named on said statement have released or assigned their interest thereon, or on a department release of interest form. If the selling dealer is the only interest named, a dealer's report of sale on a title application shall have the effect of a release.

(4) Dealer to dealer transfers may be accomplished either by appropriate endorsement of the statement of origin or other similar document, or by a department release of interest form. A complete chain of ownership must be reflected from the original dealer named on the MSO to the retail selling dealer making the application.

(5) If the statement of origin or other similar documentation is not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vehicle, a photocopy of the factory invoice to the dealer can be substituted. A clear chain of ownership must be reflected from the original dealer named on the invoice to the retail selling dealer making application.

(6) This rule shall be applied to all new vehicles commencing with the 1974 model year.

[Order MV 208, § 308-56A-110, filed 7/31/74.]

WAC 308-56A-115 Vehicles not previously titled. Application for certificate of title to a vehicle never before titled or licensed must be accompanied by appropriate authorized documentation.

[Order MV 208, § 308-56A-115, filed 7/31/74.]

WAC 308-56A-120 Vehicle not on excise tax schedule. If the application for title is for a vehicle not

listed in a current excise tax schedule supplied by the department of revenue, the application for certificate of title must be accompanied by, at the department's option:

(1) Documentation to establish the purchase cost of the vehicle and the year of its purchase; or

(2) An assessor's appraisal to establish the basis for determining the applicable amount of excise tax.

[Order MV 208, § 308-56A-120, filed 7/31/74.]

WAC 308-56A-125 Foreign title. If the application for title is for a vehicle previously titled and/or registered in another state, the application must be accompanied by either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state; provided that no release is required if there is no change in ownership.

[Statutory Authority: RCW 46.01.110. 88-20-035 (Order TL/RG 44), § 308-56A-125, filed 9/30/88; Order MV 208, § 308-56A-125, filed 7/31/74.]

WAC 308-56A-130 Acquired from United States government. If the application for title is for a vehicle which has been acquired from an agency of the United States government, the application for certificate of title must be accompanied by the original bill of sale issued by the government or a certified copy thereof.

[Order MV 208, § 308-56A-130, filed 7/31/74.]

WAC 308-56A-135 Registered by foreign military command. If the application for title is for a vehicle owned by a member of the armed forces who has returned from foreign duty and has never titled or registered the vehicle in this country, the vehicle will be treated as if it is from a nontitle state with the registration certificate issued for the vehicle by the foreign command being considered proper evidence of ownership.

[Order MV 208, § 308-56A-135, filed 7/31/74.]

WAC 308-56A-140 Departmental temporary. If the proper documentation is not immediately available, the department may, at its option, issue a temporary permit. This permit will be valid for 30 days or until proper documentation is received, whichever comes first. The temporary permit will only be available at the department's Olympia office or at a county auditor's office. The application must be on the form supplied by the department and must be completed in accordance with the instructions issued by the department. All fees must be paid, including the temporary permit fee.

The hard copy of the temporary permit must be carried in the vehicle or the towing vehicle at all times the vehicle is in operation. If the vehicle is designed with a rear window, the permit will be attached to the inside of the rear window in the lower left corner with the large numbers visible to one standing or following at the rear of the vehicle. The means of attachment will not obscure the information recorded on the permit. The temporary permit and the missing documentation must be surrendered before the vehicle will be registered.

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[Order MV 208, § 308-56A-140, filed 7/31/74.]

WAC 308-56A-145 Special mailing. The department will mail the title to the legal owner of record. If it is the intent of the legal owner to have the title mailed to someone or somewhere other than that shown on the title, written authorization, signed by the legal owner, is required. This must be in a form approved by the department.

[Order MV 208, § 308-56A-145, filed 7/31/74.]

WAC 308-56A-150 Certificate of inspection. (1) An application for title must be accompanied by a certificate of inspection signed by an authorized inspector whenever the applicant's vehicle is:

(a) From a state or province other than Washington;

(b) One that has been reported destroyed;

(c) A homemade, assembled, or rebuilt vehicle;

(d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type;

(f) A used vehicle and no Washington record can be found; or

(g) One that has been referred for inspection for any other reason; provided that the request for inspection shall have been made by a commissioned law enforcement officer, an employee of the department of licensing, or a vehicle license agent.

(2) Where applicable, the statutory inspection fee will be charged.

(3) Inspections will normally be accomplished by the Washington state patrol.

(4) The director may, at his discretion, designate other competent inspecting agencies to perform the inspection required under items (1)(a) and (b) above if the vehicle is located in a foreign state or province and the requirement for inspection will cause undue hardship.

(5) When the inspection is done by the Washington state patrol, the certificate of inspection will be valid for the following periods of time after the inspection date:

(a) Vehicles from a state or province other than Washington: Sixty days;

(b) One that has been reported destroyed: Ten days;

(c) A homemade, assembled, or rebuilt vehicle: Ten days;

(d) One whose identification number has been removed, defaced, altered, destroyed, or has become illegible or is missing: Ten days;

(e) One with a structural change in, or modification of, body or frame changing the class designation or body type: Ten days;

(f) A used vehicle and no Washington record can be found: Sixty days;

(g) A vehicle required inspection under (1)(a) through (1)(f) above and held for sale by a licensed dealer: One year; and

(h) One that has been referred for inspection for any reason not listed above: Ten days.

[Statutory Authority: RCW 46.01.110, 85-06-011 (Order TL/RG 11), § 308-56A-150, filed 2/22/85; Order MV 208, § 308-56A-150, filed 7/31/74.]

WAC 308-56A-200 Lost title. If the last issued certificate of title has been lost or destroyed:

(1) An application for a duplicate certificate of title must be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the legal owner.

(2) An application for transfer or reissue of title may be accepted if accompanied by

(a) An affidavit of loss or destruction in a form approved by the department signed by the legal owner of record; and

(b) A proper release of interest.

(3) And the title is from a foreign state or jurisdiction,

(a) The owner of record in that foreign state must apply for a duplicate title from the state issuing the certificate of title or registration and that duplicate certificate must be attached to the application for a Washington certificate of title.

(b) If undue hardship would result from the necessity of obtaining a duplicate certificate, a letter verifying the ownership of the vehicle from the issuing state will be accepted in lieu of a foreign certificate if that letter of verification is no more than 30 days old.

(c) If the foreign certificate or letter of verification shows a person other than the person making the application for Washington certificate of title, the person or persons shown must release his/her or their interest either by endorsement on the certificate or on a release of interest form.

[Order MV 208, § 308-56A-200, filed 7/31/74.]

WAC 308-56A-205 Release of interest. If the registered and/or legal owners of record cannot release their interest on the title, a release of interest form approved by the department properly signed in accordance with WAC 308-56A-275, may be used as supportive documentation.

[Order MV 208, § 308-56A-205, filed 7/31/74.]

WAC 308-56A-210 Lack of proper release. If the registered or legal owner as shown in the records of the department or the records of the foreign state issuing the last certificate of title and/or registration of a vehicle has not released his/her interest in the vehicle by endorsement on the certificate or by a release of interest, the following must be attached to an application for Washington certificate of title:

(1) Proper documentation authorized by other sections of this chapter to be used in lieu of a release by the registered or legal owner; or

(2) A bond in accordance with RCW 46.12.151; or

(3) The following, if satisfactory to the department

(a) An affidavit by the applicant stating the reasons the person is unable to obtain a release of interest from the registered and/or legal owner of record; and

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(b) Evidence of ownership of the vehicle by the applicant such as, but not limited to, a bill of sale; and

(c) Evidence of attempts to locate the owner of record such as copies of correspondence sent to the last known address of the owner as well as returned receipts showing such correspondence was sent by registered or certified mail, return receipt requested.

[Order MV 208, § 308-56A-210, filed 7/31/74.]

WAC 308-56A-215 Incorrect endorsements or erasures. (1) If a title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

[Order MV 208, § 308-56A-215, filed 7/31/74.]

WAC 308-56A-250 Signature of registered owner on application—Exceptions. On an application for an original, reissue, or transfer of certificate of title, the signature of each and every named registered owner is required except:

(1) When the application is for the sole purpose of removing a legal owner of record from the certificate of title when that legal owner's security interest has been satisfied in the vehicle;

(2) When authorized supportive documentation is used in lieu of the signature or signatures;

(3) When the legal owner applies for a duplicate title;

(4) When there is a change in the secured party.

[Order MV 208, § 308-56A-250, filed 7/31/74.]

WAC 308-56A-255 Signature of registered owner—Supplemental form. If the new registered owner's signature does not appear on the application for certificate of title, a separate form approved by the department containing the signature must accompany the application for certificate of title. The signature of the applicant on the attached form shall be certified in accordance with WAC 308-56A-275.

[Order MV 208, § 308-56A-255, filed 7/31/74.]

WAC 308-56A-260 Signature of legal owner on application. The signature of the secured party is required on every application for reissue of title where a security agreement has been placed on the vehicle described therein after a certificate of ownership has been issued to the registered owner.

[Order MV 208, § 308-56A-260, filed 7/31/74.]

WAC 308-56A-265 Releasing interest. (1) In order for a person to release his/her interest in a vehicle as registered or legal owner, his/her signature is required on the certificate of title issued by the department, unless authorized supportive documentation is used in lieu of that signature or in lieu of the certificate issued by the department.

(2) If the signatures are not on the certificate of title, all signatures must be certified in accordance with WAC 308-56A-275.

(3) If more than one person is shown on the certificate of title issued by the department as registered or legal owner, the signature of each registered and legal owner is required no matter what the form of ownership unless authorized supportive documents are used in lieu of one or more signatures.

(4) A release of interest is not required from one identified as a lessee.

[Order MV 208, § 308-56A-265, filed 7/31/74.]

WAC 308-56A-270 Forms of signature. (1) In all cases where the signature of an individual is required, that signature shall be in exactly the same form as the name of the individual that appears on the application or on the certificate of title issued by the department. If the signature contains initials that coincide with the first letter of the given name or names of the named individual, the department will accept that signature. If the signature contains a given name or names that begin with the initials shown on the application or on the title, the department will accept that signature also.

(2) If the signature of a named business entity is required, an authorized individual shall sign for the business entity and indicate the title of his/her position with that entity. The name of the business entity shall be shown. A commonly known abbreviation of the name of the business entity, may, in the discretion of the department, be accepted.

[Order MV 208, § 308-56A-270, filed 7/31/74.]

WAC 308-56A-275 Certification of signature. The signature of every applicant to be shown on the certificate of title as the registered owner and of other signatures, as required, shall be subscribed to and sworn to by that person before a notary public, county auditor, deputy auditor, an authorized agent approved by the director of licensing, an agent appointed by the director of licensing, an employee or appointee of either type or agent, or an employee of the department of licensing authorized by the director to certify to an applicant's signature. Approved identification of the person signing shall be required.

[Statutory Authority: RCW 46.01.110, 88-20-035 (Order TL/RG 44), § 308-56A-275, filed 9/30/88; Order MV 208, § 308-56A-275, filed 7/31/74.]

WAC 308-56A-280 Certification of signature-- Departmental employees. The director hereby authorizes the following department employees to certify signatures: Deputy director, the assistant director for vehicle services, the chief officer and assistant of the division

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primarily responsible for vehicle licenses and titles, persons assigned to liaison duties between the department and its vehicle license agents, and persons assigned the responsibility of accepting title applications from persons appearing at the department's office.

[Order MV 208, § 308-56A-280, filed 7/31/74.]

WAC 308-56A-285 Certification of signature-- Vehicle dealer. When a vehicle is sold by a licensed vehicle dealer, such signatures may be certified to by an individual named on the dealer's bond filed with the department of licensing.

[Statutory Authority: RCW 46.01.110, 88-20-035 (Order TL/RG 44), § 308-56A-285, filed 9/30/88; Order MV 208, § 308-56A-285, filed 7/31/74.]

WAC 308-56A-300 Application for title for abandoned vehicles. An application for title for any abandoned vehicle, as defined in RCW 46.55.010(1), sold by a registered tow truck operator, as defined in RCW 46.55.010(6), must be accompanied by a copy of the properly completed abandoned vehicle report - affidavit of sale submitted and processed in accordance with RCW 46.55.130 (2)(h).

[Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1, 87-21-012 (Order TL/RG/36), § 308-56A-300, filed 10/9/87; Order MV 208, § 308-56A-300, filed 7/31/74.]

WAC 308-56A-305 Sheriff's sale. (1) An application for title for a vehicle sold by a sheriff pursuant to Washington state law transfers only the interests of the person shown on the bill of sale, or if the former owner is not shown, only the interests of the registered owner of record, and shall be accompanied by:

(a) The sheriff's bill of sale; and

(b) A copy of the court order directing the sale, if any.

(2) The vehicle must be titled in the name of the purchaser shown on the bill of sale.

[Order MV 208, § 308-56A-305, filed 7/31/74.]

WAC 308-56A-310 Personal property lien. The application for title for any vehicle sold under a personal property lien shall transfer only the registered owner's interest and shall be accompanied by the seller's bill of sale and

(1) Court decree directing sale; or

(2) Affidavit from the seller

(a) In a form approved by the department, and

(b) A statement explaining how the lien was acquired supported by documentation satisfactory to the department.

[Order MV 208, § 308-56A-310, filed 7/31/74.]

WAC 308-56A-315 Name change. On any application for reissue of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change shall be attached to the application.

[Order MV 208, § 308-56A-315, filed 7/31/74.]

WAC 308-56A-320 Transfer by court order. Any application for certificate of title, where a change of legal or registered owner of a vehicle is the result of the order of a court, shall be accompanied by a certified copy of the order or a certification from the clerk of court on a department approved form confirming the court's action. If the last issued certificate of title is not attached to the application, an affidavit of lost or destroyed title or an affidavit explaining the nonavailability of the title document shall also be attached to the application.

[Order MV 208, § 308-56A-320, filed 7/31/74.]

WAC 308-56A-325 Owner incompetent. On any application for certificate of title where the former owner of record of the vehicle has been declared legally incompetent, the incompetent's interest in the vehicle shall be released by signature of the court appointed guardian. A certified copy of the court order appointing the guardian shall be attached to the application.

[Order MV 208, § 308-56A-325, filed 7/31/74.]

WAC 308-56A-330 Owner bankrupt. On any application for certificate of title where the prior owner's interest has been terminated through bankruptcy proceedings, the interest of the bankrupt in the vehicle may be released by his/her trustee. If the release is by his/her trustee, a certified copy of the court order appointing the trustee shall be attached to the application.

[Order MV 208, § 308-56A-330, filed 7/31/74.]

WAC 308-56A-335 Owner deceased—Signature of personal representative. On any application for certificate of title where a vehicle has been acquired from the estate of a deceased person, the interest of the deceased's estate in the vehicle shall be released by the signature of the personal representative. A copy of the court order approving or confirming the personal representative shall be attached to the application. Any unreleased legal owners shall remain as such on the new certificate of title issued by the department.

[Order MV 208, § 308-56A-335, filed 7/31/74.]

WAC 308-56A-340 Owner deceased—Will left. If the prior owner of a vehicle is deceased and a will was left the following documents shall be attached to any application for transfer of title:

(1) If the will is not a nonintervention will:

(a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved form confirming the court action; or

(b) A certified copy of the decree of distribution.

(2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action.

[Order MV 208, § 308-56A-340, filed 7/31/74.]

WAC 308-56A-345 Owner deceased—No will left. If the prior owner of a vehicle is deceased and left no will, a certified copy of the court order authorization to

transfer the vehicle or a certification from the clerk of court confirming such action must be attached to any application for certificate of title.

[Order MV 208, § 308-56A-345, filed 7/31/74.]

WAC 308-56A-350 Owner deceased—To spouse "in lieu of homestead." If the prior owner of a vehicle is deceased and the court awards the vehicle to the surviving spouse "in lieu of homestead" a certified copy of the court's order or a certification from the clerk of court on department approved forms confirming such court action must be attached to the application for certificate of title.

[Order MV 208, § 308-56A-350, filed 7/31/74.]

WAC 308-56A-355 Owner deceased—In name of estate. If the owner of record of a vehicle is deceased, the vehicle may be titled and licensed in the name of the estate of the deceased pending final settlement of the estate. A certified copy of the court order appointing or confirming the personal representative shall be attached to the application for certificate of title.

[Order MV 208, § 308-56A-355, filed 7/31/74.]

WAC 308-56A-360 Owner deceased—Estate not administered. If the prior owner of a vehicle is deceased, left no will, and the estate will not be administered, the surviving spouse or any other heir may release the interest of the deceased's estate in the vehicle by attaching the following to any application for certificate of title:

(1) Affidavit of inheritance with affidavits of release of interest from other heirs attached thereto;

(2) Certified copy of the death certificate.

[Order MV 208, § 308-56A-360, filed 7/31/74.]

WAC 308-56A-365 Owner deceased—Community property agreement. If the prior owner of record of a vehicle is deceased and a valid community property agreement exists, the surviving spouse may release the interest of the deceased's estate in the vehicle. The following shall be attached to any application for certificate of title:

(1) A certified copy of the community property agreement;

(2) A certified copy of the death certificate.

[Order MV 208, § 308-56A-365, filed 7/31/74.]

WAC 308-56A-400 Dealer to dealer transfer. An application for certificate of title to a vehicle that has been transferred from one vehicle dealer to another vehicle dealer must be accompanied by a release of interest form from every dealer owning the vehicle. A complete chain of ownership must be shown from the prior registered owner to the vehicle dealer making application in the name of the purchaser.

[Order MV 208, § 308-56A-400, filed 7/31/74.]

WAC 308-56A-405 Acquired from United States government. A licensed vehicle dealer who acquires vehicles from an agency of the United States government

may title the vehicles under "title purpose only" procedures and need attach only the original or one certified copy of the bill of sale if each application is filed in the name of the dealer and all such applications are filed at the same time.

[Order MV 208, § 308-56A-405, filed 7/31/74.]

WAC 308-56A-410 No application required. A Washington vehicle dealer need not apply for title in his own name when:

(1) A vehicle is acquired that is titled and the title is properly released; or

(2) One vehicle dealer transfers a particular vehicle to another vehicle dealer, unless precluded by other regulations;

(3) The dealer has a properly executed affidavit of loss from the legal owner of record and release of interest from the registered and legal owners of record for a Washington titled vehicle.

[Order MV 208, § 308-56A-410, filed 7/31/74.]

WAC 308-56A-415 Application in dealers name. A Washington dealer must apply for title in his/her own name by following all procedures set forth in these rules whenever the dealer does not have a valid certificate of ownership properly released.

[Order MV 208, § 308-56A-415, filed 7/31/74.]

WAC 308-56A-420 Delivery of vehicle on dealer's temporary permit. (1) A vehicle dealer properly licensed pursuant to chapter 46.70 RCW may deliver a vehicle that does not bear currently valid Washington license plates by utilizing a dealer's temporary license permit.

(2) The application for title portion of the permit must be properly and completely filled out by the selling dealer, detailing all fees collected, including the dealer's report of sale and the date of sale. If a tonnage license is required, the amount of tonnage purchased must be clearly shown. The application must be signed by the registered owner.

(3) The dealer shall detach the final copy of the permit and shall record the date of issuance in dark, bold letters and numbers on the permit side of that copy. The balance of the copies shall be presented to a license agent by the dealer within fifteen calendar days as an application for license and title.

(4) The final copy of the permit and a purchase order identifying the sale must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the temporary permit.

(5) If the vehicle is designed with a rear window, the permit will be attached to the inside of the rear window in the lower left corner with the large numbers visible to one standing or following at the rear of the vehicle. The means of attachment will not obscure the year, make, identification number, the owner's name and address or the date of issue.

(6) The dealer's temporary license permit is valid for only fifteen calendar days following the date of sale.

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(7) The dealer's temporary license permit cannot be issued for a dealer or a dealer-employee operated vehicle. It cannot be issued as a demonstration permit.

(8) Fees paid for dealers' temporary license permit applications are not refundable unless the dealer ceases doing business as a vehicle dealer. The fee paid for a single application can be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.

(9) A temporary permit application must be used within twelve months of its date of purchase by a dealer. An unused, expired permit application may be exchanged by a dealer for a new permit by returning it to the department. The expired form to be exchanged must be completely in blank except for the department's date of sale stamp.

(10) Temporary permits are not transferable from one dealer to another.

[Order MV 208, § 308-56A-420, filed 7/31/74.]

WAC 308-56A-450 Glider kits. (1) A glider kit is a new cab and chassis designed for assembly with an existing truck or truck-tractor's axles, wheels and power train.

(2) The following procedures will be followed in filling out the application for reissue of title:

(a) The model year of the vehicle will become the year during which the kit is installed;

(b) The make of the vehicle will become the make of the kit;

(c) The series and body type will include the initials GL;

(d) The identification number of the vehicle will be determined by an authorized vehicle identification inspector.

(3) The application for title must be accompanied by the following documents:

(a) The previously issued certificates of title and registration;

(b) The previously issued tonnage license;

(c) A certificate of inspection by an authorized member of the Washington state patrol verifying the vehicle identification number;

(d) A certified weight slip showing the new scale weight of the vehicle;

(e) A manufacturer's statement of origin or bill of sale of the kit;

(f) An assessor's appraisal to establish the basis for determining the applicable amount of excise tax.

[Order MV 208, § 308-56A-450, filed 7/31/74.]

WAC 308-56A-455 Assembled and homemade vehicles. (1) Assembled and homemade vehicles are vehicles that have either (a) been put together by using major component parts from two or more commercially manufactured vehicles (major component parts often carry separate identification numbers); (b) have been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer; or (c) have been put together from parts

and materials not obtained from other vehicles. An assembled vehicle can be one that has been sold by a wrecker who listed the vehicle on his wrecker's report pursuant to chapter 308-61 WAC. The difference between an assembled and a homemade vehicle is that an assembled vehicle will be recognizable as one produced by a particular manufacturer. A homemade vehicle will be a vehicle that cannot, visually, be identified as one produced by a particular manufacturer. The model year of a homemade vehicle will be the original year of licensing and the make will be homemade.

(2) The following procedures must be followed in applying for a certificate of title:

(a) If the assembly or repair of the vehicle will involve the removal, destruction, or concealment of any identification number, the parts shall be inspected by an authorized member of the Washington state patrol prior to the removal, destruction, or concealment of the number.

(b) The vehicle identification number will be determined and/or assigned by an authorized member of the Washington state patrol, or other personnel authorized by the director.

(c) The application for certificate of title must be accompanied by the following documents:

(i) The certificate of title for each vehicle used in the assembly of the vehicle or bills of sale for each major component part used in the assembly of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes. Such bill of sale shall include the names and addresses of the seller and purchaser; a description of the vehicle or part being sold, including the make, model and identification or serial number; the date of sale; and the purchase price of the vehicle or part.

(ii) A statement from the authorized inspector verifying the vehicle identification number.

(iii) An assessor's appraisal to determine the value for excise tax.

[Order MV 208, § 308-56A-455, filed 7/31/74.]

WAC 308-56A-460 Destroyed vehicle rebuilt. (1) If a vehicle has been destroyed or settled as a total loss by an insurance company, the old title must be handled pursuant to chapter 308-58 WAC. If the vehicle is rebuilt or repaired, or the owner wishes to continue using the vehicle, an application for a new title must be made, accompanied by a Washington state patrol inspection and either:

(a) A bill of sale from the insurance company settling the claim;

(b) A bill of sale from an auto wrecker;

(c) A notarized bill of sale from the owner of record; or

(d) In the case of the owner of record retaining the vehicle, a copy of a letter from the department identifying the vehicle and cancelling its title following the notice of destruction.

(2) The license plates from a destroyed vehicle are not transferrable to a new owner. Fees will be charged as if the vehicle were being titled and licensed for the first

time. If the owner of record retains the vehicle, the fee charged will be that for reissue of title.

[Order MV 208, § 308-56A-460, filed 7/31/74.]

WAC 308-56A-465 Fleets. Any application for title by a registered owner having fifteen or more vehicles registered in that name shall be identified as a "fleet" by placing this "fleet owner" identifier symbol on the application. The identifier symbol is issued by the department of licensing in Olympia.

[Statutory Authority: RCW 46.01.110, 88-23-037 (Order TL/RG 46), § 308-56A-465, filed 11/9/88; Order MV 208, § 308-56A-465, filed 7/31/74.]

WAC 308-56A-610 Odometer disclosure statement--General procedures/requirements, when transferring ownership of a vehicle. An odometer disclosure statement must be completed by the transferor of each vehicle and accompany the application for certificate of title. The transferor cannot authorize or give power of attorney to the purchaser or the dealer to complete the odometer disclosure. The odometer disclosure statement must contain the following information:

(1) The miles shown on the odometer at the time of transfer of ownership;

(2) Date disclosure statement is completed;

(3) One of the following statements:

(a) The mileage reflected is actual to the best of the transferor's knowledge; or

(b) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(c) The odometer reading is not the actual mileage. If the odometer reading is under 100,000 miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading exceeds 100,000 miles, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.

(4) A complete description of the vehicle is required on the odometer disclosure statement to include:

(a) Model year

(b) Make

(c) Series and body type

(d) Vehicle identification number

(e) License plate number and state (if available)

(5) The name and address of the transferor must be printed on the disclosure. The transferor must also sign his/her name on the disclosure.

(a) Only one registered owner is required to complete the odometer disclosure statement.

(b) When the registered owner is a business, both the business name and a company representative's name must be reflected on the odometer disclosure statement.

(6) The name and address of the transferee must be printed on the disclosure. The transferee must also sign his/her name on the odometer disclosure statement to acknowledge the transferor's information. If the transferee represents a company, both the company name and

the agent name must be reflected on the odometer disclosure statement.

(7) Such notice is required by the Federal Truth in Mileage Act of 1986; and

(8) Failure to complete such odometer disclosure statement or providing false information may result in fines and/or imprisonment.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-610, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-620 Definitions. (1) **Transferee.** Transferee means any person to whom a motor vehicle is transferred, by purchase, gift, or any means other than by creation of a security interest, and any person who, as agent, signs and [an] odometer disclosure statement for the transferee.

(2) **Transferor.** Transferor means any person who transfers his ownership in a motor vehicle by sale, gift, or any means other than by creation of a security interest and any person who, as agent, signs an odometer disclosure statement for the transferor.

(3) **Involuntary divestiture.** A change in vehicle ownership without owner involvement.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-620, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-630 Odometer disclosure statement—Exemptions. An odometer disclosure statement is not required on a transfer of:

(1) A vehicle having a declared gross vehicle weight of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that is ten years old or older;

(4) A vehicle sold directly by a manufacturer to a federal agency when in conformity with contract specifications, or;

(5) A new vehicle prior to its first retail sale.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-630, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-640 Odometer disclosure statement—Dealer transactions. Dealers are required to obtain odometer disclosure statements from the selling owner of the vehicle. A second odometer disclosure statement must be completed by the dealer as transferor at the time of sale whether at wholesale or retail.

Dealers are required to maintain records of, and complete odometer disclosure statements on, dealer to dealer reassignments. However, only the prior owner's disclosure must accompany the application for title. Records are to be kept by the dealer for five years.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-640, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-650 Odometer disclosure statement—Leased vehicles. Anytime a lessee is reflected on the certificate of ownership, the lessor of a leased vehicle must notify the lessee in writing that the lessee is required to provide a written odometer disclosure statement regarding the mileage to the lessor at the

termination of the lease. The lessee notice may be given by the lessor at any time after execution of the lease contract and prior to the final transfer of ownership. The odometer disclosure statement must contain the following information:

(1) The printed name of the person making the disclosure;

(2) The current odometer reading;

(3) The date of the statement;

(4) The lessee's name and current address;

(5) The lessor's name and current address;

(6) A complete description of the vehicle is required on the odometer disclosure to include:

(a) Model year

(b) Make

(c) Series and body type

(d) Vehicle identification number

(e) License plate number and state (if available)

(7) The date that the lessor notified the lessee of disclosure requirements;

(8) The date that the completed disclosure statement was received by the lessor;

(9) The signature of the lessor;

(10) The signature of the lessee;

(11) One of the following statements:

(a) The mileage reflected is actual to the best of the lessee's knowledge; or

(b) The odometer reading exceeds the mechanical limits of the odometer to the best of the lessee's knowledge; or

(c) The odometer reading is not the actual mileage.

(12) The notice must include the following:

(a) Such notice is required by the Federal Truth in Mileage Act of 1986; and

(b) Failure to complete such notice or providing false information may result in fines and/or imprisonment.

Lessor shall retain each odometer disclosure statement for five years following the date they terminate a lease or transfer ownership of the leased vehicle.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-650, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-660 Odometer disclosure statement—Involuntary divestiture. Where involuntary divestiture occurs an odometer disclosure statement is required.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-660, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-670 Odometer disclosure statement—Dealer auction companies. When the vehicle is sold by a dealer auction company to a non-dealer, the dealer auction company must complete the odometer disclosure statement as the transferor.

Dealer auction companies must retain the following odometer records for each vehicle sold:

(1) Name of the most recent owner, other than the auction company

(2) Name of the buyer

(3) Vehicle identification number

(4) Odometer reading of the vehicle for the date on which the auction company took possession of the vehicle.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-670, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-680 Odometer disclosure statement--Out of state vehicles. Any vehicle previously titled in another state must include an odometer disclosure statement when application is made for a Washington certificate of title or registration.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-680, filed 7/31/89, effective 8/31/89.]

WAC 308-56A-690 Odometer disclosure statement--Forms. All odometer disclosure statement forms must be approved by the department of licensing to ensure they are in compliance with the Federal Truth in Mileage Act of 1986.

[Statutory Authority: RCW 46.12.030 and 46.01.110. 89-16-074 (Order TL/RG 49), § 308-56A-690, filed 7/31/89, effective 8/31/89.]

Chapter 308-58 WAC REPORTING DESTROYED VEHICLES

WAC

308-58-010	Definitions.
308-58-020	Method of reporting destruction.
308-58-030	Sale of salvage.
308-58-040	Destroyed vehicles rebuilt.

WAC 308-58-010 Definitions. For the purpose of RCW 46.12.070, destruction of a vehicle or its total loss, less salvage, shall include:

- (1) Its being dismantled with the intention of never again operating it as a vehicle;
- (2) Its being damaged to the extent that the cost of repairing it exceeds its market value immediately prior to the accident or occurrence; or
- (3) Its being damaged to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

For the purpose of RCW 46.12.070, the settlement of an insurance claim shall mean the date on which an insurance company receives a certificate of title covering a vehicle on which a claim has been or will be paid and the owner has chosen to relinquish ownership of the damaged vehicle. In the instance of an owner desiring to retain the damaged vehicle and its title, settlement shall be the date on which the insurer actually pays for the loss.

[Order MV 142, § 308-58-010, filed 8/28/72.]

WAC 308-58-020 Method of reporting destruction. An insurance company settling a claim for a destroyed vehicle will report such settlement by one of two methods:

- (1) If the title comes into the insurer's possession in the course of a settlement with a first or third party claimant, the title will be forwarded to the department

of licensing within five days. The insurer will type or print on the title, the name and address of the insurer, a notation "DESTROYED" or, in the event the vehicle is a total loss under the definitions contained in WAC 308-58-010, but in the opinion of the insurer may be repaired at a cost not to exceed sixty percent of its fair market value if repaired, a notation "TOTAL COST OF REPAIR LESS THAN SIXTY PERCENT," and the approximate date of destruction. The requested information will be placed on the title in such a manner as not to obscure any of the printed matter on the title itself. The title, with the information thereon, will be mailed to the Vehicle Records Section, Department of Licensing, Olympia, Washington 98504.

(2) If the destroyed vehicle and its title do not come into the insurer's possession, the insurer will report the fact of settlement within five days of settlement on a form to be supplied by the department of licensing. The report will include the following information:

- (a) Year, make, series and body style of vehicle;
- (b) License plate number, last year of registration and name of state in which registered;
- (c) Registered and legal owner's name and address, if known;
- (d) Cause of damage;
- (e) Whether vehicle is repairable (A vehicle should be considered repairable only if its cost of repair would not exceed sixty percent of its fair market value if repaired.);
- (f) Date of sale and amount of sale;
- (g) Name and address of purchaser and whether he is the assured, private party, salvage buyer, auto wrecker or fragmentizer;
- (h) Name and address of insurance company or adjuster;
- (i) Date of report.

In an instance where an insurer does not obtain possession of the title, the registered owner will forward the title to the department of licensing within five days of the destruction of the vehicle. The title will be endorsed by the legal owner to release his interest, if the legal owner is not the same as the registered owner. The registered owner will print or type on the title the word "DESTROYED," the approximate date of destruction and sign the title. The license plates from the vehicle will be surrendered to any office of the department of licensing.

The title for a vehicle that has been destroyed, which title has not been surrendered to the department, shall be cancelled. Notice of this cancellation will be mailed to the legal owner of the vehicle by regular mail to his address as shown in the department's vehicle records. The legal owner will promptly return the cancelled title to the department.

[Statutory Authority: RCW 46.01.110. 88-23-037 (Order TL/RG 46), § 308-58-020, filed 11/9/88; Order MV 142, § 308-58-020, filed 8/28/72.]

WAC 308-58-030 Sale of salvage. After the title has been sent to the department of licensing as a part of the report of destruction, and the owner decides to sell the damaged vehicle, it may be sold by using a bill of sale instead of the title. The bill of sale must include the

statement that the vehicle's title has been sent to Olympia as a part of the report of destruction. In the case of a registered owner, his signature on the bill of sale must be notarized to convey his interest in the vehicle to a purchaser unless the purchaser is a licensed auto wrecker or dealer in which case a bill of sale need not be notarized. In the case of an insurer, the bill of sale must be signed by someone authorized by the insurance company to sign on its behalf. The title of the person signing for the insurance company must be shown on the bill of sale.

An auto wrecker licensed under chapter 46.80 RCW may utilize a bill of sale issued in accordance with the preceding paragraph in lieu of a title to comply with RCW 46.80.090.

[Statutory Authority: RCW 46.01.110, 88-20-035 (Order TL/RG 44), § 308-58-030, filed 9/30/88; Order MV 142, § 308-58-030, filed 8/28/72.]

WAC 308-58-040 Destroyed vehicles rebuilt. An application for title to a destroyed vehicle less than four years old that has been repaired will contain the word "REBUILT" just above the applicable series and body type in the space reserved on the application for series and body type. The application will be accompanied by a bill of sale for the vehicle, passing ownership to the applicant for title. The application must also be accompanied by a signed statement confirming that the vehicle's identification number is the same as that shown on the application for title. This statement must be signed by someone authorized by the director of motor vehicles to confirm vehicle identification numbers. The former license plate cannot be transferred. An original license plate must be purchased.

When the new title is prepared by the department, the title and registration will contain the word "REBUILT" in an appropriate location on each certificate. This identification will continue to appear on every certificate issued by the department for this vehicle whenever it is licensed or titled in Washington.

The requirements of this section shall not be applicable to a vehicle for which the cost of repair does not exceed sixty percent of the fair market value of the vehicle, if repaired, as determined by the insurance company report or title.

[Order MV 142, § 308-58-040, filed 8/28/72.]

Chapter 308-61 WAC

ABANDONED AND INOPERATIVE VEHICLES

WAC

308-61-010	Definitions—General.
308-61-025	Definitions.
308-61-026	Definitions continued—Registered tow truck operator.
308-61-030	Established place of business.
308-61-040	Documents supporting acquisition of vehicles.
308-61-105	Application.
308-61-108	General licensing provisions.
308-61-115	Identification of licensee's vehicles.
308-61-125	Business hours.
308-61-135	General provisions.

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308-61-145	Specifications and posting of signs.
308-61-158	Storage of vehicles.
308-61-168	Disputed impound.
308-61-175	Procedures for selling vehicles.
308-61-185	Lien provisions.
308-61-190	After sale.
308-61-200	Wreckers—Application for license.
308-61-205	Expiration of motor vehicle wrecker's 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.
308-61-240	Wreckers—Records and procedures for monthly reports.
308-61-250	Wreckers—Must furnish bill of sale for 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.
308-61-305	Expiration of hulk hauler 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.
308-61-405	Expiration of scrap processor 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.
308-61-027	Normal or regular business hours. [Order MV 451, § 308-61-027, filed 9/26/77.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
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.
308-61-050	Grounds for denial, suspension, revocation and, in the case of a registered tow truck operator, also a civil fine—Unlawful practices. [Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-050, filed 1/6/86. 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.] Repealed by 88-06-025 (Order DLR 164), filed 2/25/88. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080.
308-61-100	Registered disposers—Application. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-100, filed 5/27/82. Statutory Authority: RCW 46.52.115, 79-10-012 (Order 554-DOL), § 308-61-100, filed 9/7/79; Order MV 174, § 308-61-100, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.

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- 308-61-110 Registered disposers—General procedures and requirements. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-110, filed 5/27/82. Statutory Authority: RCW 46.52.115. 80-02-053 (Order 573-DOL), § 308-61-110, filed 1/16/80; 79-10-012 (Order 554-DOL), § 308-61-110, filed 9/7/79; Order MV 451, § 308-61-110, filed 9/26/77; Order MV 174, § 308-61-110, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-120 Registered disposers—Procedures for taking custody. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-120, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-120, filed 9/7/79; Order MV 174, § 308-61-120, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-130 Registered disposers—Procedures for sale. [Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-130, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-130, filed 9/7/79; Order MV 451, § 308-61-130, filed 9/26/77; Order MV 174, § 308-61-130, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-140 Registered disposers—Procedures after sale. [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.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-150 Registered disposers—Grounds for denial, suspension, revocation—Unlawful practices. [Order MV 174, § 308-61-150, filed 10/19/73.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-155 Law enforcement procedures for impounding. [Statutory Authority: RCW 46.52.115. 80-02-053 (Order 573-DOL), § 308-61-155, filed 1/16/80. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-155, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-160 Law enforcement notification stickers. [Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-160, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-165 Placing vehicles in custody. [Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-165, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-170 Vehicles impounded or taken into custody. [Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-170, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.
- 308-61-180 Hearing requests. [Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-180, filed 9/7/79.] Repealed by 86-03-011 (Order DLR-088), filed 1/6/86. Statutory Authority: Chapter 46.55 RCW.

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.

(1989 Ed.)

(3) **Destroy.** To destroy means the dismantling, disassembling or wrecking of a vehicle with the intent of never again operating such as a vehicle, or the sustaining of damage to a vehicle [either] (a) to the extent that the cost of repairing it exceeds its fair market value immediately prior to the accident or occurrence, or (b) to the extent that the cost of repairing it plus its salvage value in its damaged condition exceeds or approximately equals the market value of the vehicle in its repaired or restored condition.

(4) **Demolish.** To demolish means the rendering of vehicle salvage into recyclable metals, for example, by means of an hydraulic baler and shears or a shredder operated by a licensed scrap processor.

(5) **Acquire** – shall be construed to mean physical custody together with proof of ownership as provided under WAC 308-61-230.

(6) **Custody** – shall mean the possession of a vehicle in which there is equitable ownership but for which ownership documents required in WAC 308-61-230 have not been received, or a vehicle placed for safekeeping by a law enforcement officer or others.

[Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-010, filed 1/6/86. Statutory Authority: RCW 46.52.115 and 46.80.140. 82-12-037 (Order DOL 683), § 308-61-010, filed 5/27/82. Statutory Authority: RCW 46.52.115. 79-10-012 (Order 554-DOL), § 308-61-010, filed 9/7/79; Order MV 451, § 308-61-010, filed 9/26/77; Order MV 174, § 308-61-010, filed 10/19/73.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-61-025 Definitions. (1) **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.

(2) **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.

[Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-025, filed 1/6/86. 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 308-61-026 Definitions continued—Registered tow truck operator. (1) "Affidavit of sale" – that document prescribed by the department and given to the successful bidder by the operator. The affidavit shall

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state that the sale was conducted properly pursuant to chapter 46.55 RCW. The affidavit may be submitted to the department with an application for certificate of title or may be used as a title document by a licensed auto wrecker, hulk hauler or scrap processor.

(2) "Secure area" – a place of safety for vehicle storage and in 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 six feet high with at least two strands of barbed wire along the top, for a total combined height of eight feet or more, provided, however, that the fencing requirement may be waived by the department where, due to the topography or zoning a fence would be impracticable and the storage area is secure without a fence. When a licensee has operator registrations under more than one name and owns or leases a common secure area, the areas for each operator registration must be segregated by a physical barrier at least as strong as one strand of chain, cable or barbed wire. When two or more operators with different ownership share a secured area, those respective areas must be segregated by an eight-foot fence as described above.

Wherever practicable secure storage areas will be located on improved property which is leveled and illuminated at night for the safe keeping of stored vehicles.

(3) "Abandoned vehicle report" – is that document, prescribed by the department, by which the operator is to report to the department his/her possession of an abandoned vehicle.

(4) "Notice of custody and sale" – is that document sent by the operator to the registered owner, legal owner (lien holder) giving notice of the amount of the operator's lien for services, place and time of public auction if the vehicle is not redeemed, and of the operator's right to seek a deficiency against the last registered owner.

(5) "Registered tow truck operator's business location" – is a location at which records and files necessary to conduct the business are kept, and where the operator can normally be contacted by the public.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080, 88-06-025 (Order DLR 164), § 308-61-026, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW, 86-03-011 (Order DLR-088), § 308-61-026, filed 1/6/86.]

WAC 308-61-030 Established place of business. An established place of business at the location shown on the original application or change of address notice shall be maintained by each licensee in accordance with the following requirements:

(1) **Wrecker.** A wrecker's established place of business is a building or enclosure which the owner occupies either continuously or at regular intervals and where his books and records are kept available for inspection during normal business hours and destroying of vehicles is accomplished and which must conform with local zoning regulations.

(2) **Hulk hauler.** A hulk hauler's established place of business is an address at which he receives mail and can normally be reached.

(3) **Scrap processor.** A scrap processor's established place of business is a place where (a) vehicles may be stored lawfully, (b) hydraulic balers, shears or shredders for recycling salvage may be used lawfully, and (c) there is a building in which the scrap processor's license is conspicuously displayed and where all records required of the scrap processor are available for inspection.

[Statutory Authority: Chapter 46.55 RCW, 86-03-011 (Order DLR-088), § 308-61-030, filed 1/6/86. Statutory Authority: RCW 46.52-.115 and 46.80.140, 82-12-037 (Order DOL 683), § 308-61-030, filed 5/27/82; Order MV 451, § 308-61-030, filed 9/26/77; Order MV 174, § 308-61-030, filed 10/19/73.]

WAC 308-61-040 Documents supporting acquisition of vehicles. Any licensee may acquire vehicles for hauling, destruction or demolition if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession when used by an appropriate licensee:

(1) **Affidavit of lost or stolen title.** When a title is lost or stolen, an affidavit of lost or stolen title executed by the registered or legal owner of record and a release of interest describing the vehicle in full, both of which shall be notarized, will be acceptable in lieu of title.

(2) **Insurance bills of sale.** When a vehicle is purchased from an insurance company which has surrendered title to the department, a bill of sale from the insurer will be acceptable in lieu of title.

(3) **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: Chapter 46.55 RCW, 86-03-011 (Order DLR-088), § 308-61-040, filed 1/6/86. 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 308-61-105 Application. The application for registration of a tow truck operator shall include:

(1) A statement as to whether the applicant has previously been registered as such, and if so, the previous registration number and business name.

(2) A current listing of the towing and storage rates of the operator on a form provided by the department.

(3) A certification from the zoning authority of jurisdiction that the licensee is in compliance with any land use ordinances.

[Statutory Authority: Chapter 46.55 RCW, 86-03-011 (Order DLR-088), § 308-61-105, filed 1/6/86.]

WAC 308-61-108 General licensing provisions. (1) Staggered licensing – the annual registration issued to tow truck operators shall expire on the date indicated by the director.

(2) Additional secure areas for vehicle storage – additional storage locations may be operated under one registration. No additional bond or insurance will be required for such premises so long as each is covered by the bond and insurance.

(3) If an operator has more than one registered business location, storage areas for each business location must be listed with the department under its registration.

(4) Change of name and/or address – the department shall be notified immediately, on a form provided by the department, of any change of name and/or address of any business location or of the addition of any location.

(5) Changes of ownership – any change of partners or of corporate officers shall be immediately reported to the department in writing. A complete change in ownership requires a new registration.

(6) An insurer shall notify the department at least 10 days prior to cancellation of a policy. Following receipt of such notification the department shall notify the registered tow truck operator by ordinary mail of the effective date of the insurance cancellation and that cancellation of the required insurance cancels the operator's registration pursuant to RCW 46.55.030 (3)(b). This notice to the operator shall not affect the cancellation of the registration.

[Statutory Authority: RCW 46.55.190. 90-01-060, § 308-61-108, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-108, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-108, filed 1/6/86.]

WAC 308-61-115 Identification of licensee's vehicles. (1) All tow vehicles to be used in the operator's business which are operated on the public highways, shall display the licensee's operator number plus the truck number, name, city of address and current business telephone number. Such information shall be painted or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See sample:



(2) The annual tow truck permit will be a paper cab card identifying the tow truck as well as indicating the class of truck and the registered tow truck operator.

[Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-115, filed 1/6/86.]

WAC 308-61-125 Business hours. (1) Business hours, for purposes of inspection of business records, place of business or towing equipment, shall be 8:00 a.m.

to 5:00 p.m. except for weekends and holidays. Normal business hours shall be posted at the operator's place of business.

(2) Whenever an operator is not open for business and does not have personnel present at the licensed location, the operator shall post a phone number at that location for purposes of public contact for release of vehicles and/or personal property. An operator shall maintain personnel who can be contacted 24 hours a day to release impounded vehicles within a 60 minute period of time.

(3) Personal property shall be released without charge between the hours of 8:00 a.m. and 5:00 p.m., excepting weekends and holidays.

[Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-125, filed 1/6/86.]

WAC 308-61-135 General provisions. (1) The properly executed written authority to tow or other evidence of lawful possession shall suffice in lieu of current license plates or trip permits for unauthorized or abandoned vehicles.

(2) Billing invoices shall indicate the time of day when an unauthorized or abandoned vehicle arrived at the secure storage area.

(3) A seller's report of sale filed with the department on a form furnished by the department shall relieve a registered owner from liability for costs incurred in the removal and storage of an unauthorized/abandoned vehicle, in addition to relieving that person from other liability pursuant to RCW 46.12.101.

(4) The junk vehicle affidavit of sale as described in (section 23) may be used to sell a vehicle to a licensed hulk hauler, scrap processor, vehicle wrecking yard or it may be used as a supporting document for issuance of a title.

(5) A stored vehicle may be redeemed any time before the start of auctioning of that particular vehicle.

(6) The written notice of the right of redemption and opportunity for a hearing to contest the validity of an impoundment, to be sent with the twenty-four hour impoundment notice on an unauthorized vehicle impoundment, shall be separate and in addition to the notice of opportunity for a hearing given to those who redeem vehicles.

(7) Information contained in the master log shall include:

- (a) The dates of impound and release of vehicles;
- (b) Storage lot used if multiple lots;
- (c) If impound was from public or from private property and the location where the vehicle was impounded;
- (d) Identity of vehicle by year, make, model, license number, and vehicle identification number;
- (e) Dates of all required notices to law enforcement and to vehicle owners;
- (f) Date of auction advertisement and of auction;
- (g) Amount of towing and storage lien;
- (h) Amount of auction proceeds;
- (i) Amount of excess funds and date the disposition notice was sent to the Washington state patrol.

Entries on the master log must be made within seven hours following the activity being logged.

[Statutory Authority: RCW 46.55.190, 90-01-060, § 308-61-135, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-135, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-135, filed 1/6/86.]

WAC 308-61-145 Specifications and posting of signs. (1) Signs shall measure at least 15" by 24" and the lettering thereon shall be clearly visible to all who park.

(2) Signs for publicly owned or controlled parking facilities need to disclose that unauthorized vehicles will be impounded and must also disclose a phone number for redeeming a vehicle. If a registered tow truck operator is used, the signs shall meet the same requirements as in the posting of private nonresidential property.

[Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-145, filed 1/6/86.]

WAC 308-61-158 Storage of vehicles. (1) Handling and returning vehicles in substantially the same condition means that vehicles are to be handled with care so that their value is not diminished.

(2) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order shall not be considered abandoned, nor shall it be processed as such. Any storage fees accrued while under agreement, under police hold, or pursuant to a writ or court order, shall not be included in the abandoned vehicle lien. Upon the expiration of a storage agreement, the lifting of a police hold, or when the writ or court order is no longer in effect, the operator shall begin the unauthorized abandoned vehicle processing, including the notification to vehicle owners by first class mail within twenty-four hours.

(3) When vehicles are stored pursuant to a writ or court order, the operator shall keep evidence of the inception and termination dates of the writ or court order in the vehicle transaction file.

(4) Vehicles in the custody of an operator shall be kept entirely within a secure area owned or operated under that registration.

(5) An operator shall not charge for relocating vehicles between separate secure storage areas which he/she owns or operates.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-158, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-158, filed 1/6/86.]

WAC 308-61-168 Disputed impound. (1) Where a timely request has been made for a district court hearing and where the vehicle owner has failed to redeem the vehicle, the abandoned vehicle procedural requirements may be followed, but the sale of the vehicle at public auction shall not take place until after the court has disposed of the request.

(2) For purposes of RCW 46.55.220, it shall not be necessary to hold a hearing to refuse a license unless such a hearing is requested.

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(3) The administrative hearings officer, provided in section 24, shall mean a hearings officer authorized by ordinance or resolution of a city, town or county for the purpose of conducting hearings on disputed vehicle impound cases.

(4) Operators shall maintain a trust account solely for the deposit of funds received pending the disposition of any district court hearing requests.

[Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-168, filed 1/6/86.]

WAC 308-61-175 Procedures for selling vehicles.

(1) For purposes of advertising the sale of abandoned vehicles the vehicle identification number shall be used if no license plates are on the vehicle.

(2) A newspaper of general circulation in the county shall mean a newspaper which is one of three with the largest circulation in the county where the sale will be conducted.

(3) If a vehicle in the custody of an operator is not identifiable, including no license plates or registration, the operator shall conduct an examination of the vehicle only to determine its make, model, year and vehicle identification number which shall be included on the abandoned vehicle report to the department.

(4) If the department cannot provide owner information on a vehicle after the operator submits an abandoned vehicle report, the operator may then inspect the vehicle as permitted in RCW 46.55.100(5) to determine whether owner information is within the vehicle.

(5) Upon inspection of the vehicle as provided in subsection (4) of this section the operator may return the original abandoned vehicle report with additional information from the inspection of the vehicle to assist the department in providing owner information.

(6) The department may require an inspection by the Washington state patrol to verify the vehicle identification number of an unidentified 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.

(7) After all reasonable efforts to obtain the owner information have proved unsuccessful, the vehicle may be disposed of in accordance with all procedures except that the notification to the registered and legal owners by certified or registered mail may be omitted. A record of all steps taken to locate the owner(s) of the vehicle shall be kept by the operator for a period of three years.

(8) If the operator elects to bid at auction, that bid must be disclosed as such, and shall not merely be an effort to set a minimum for other bids. If an operator is the successful bidder and the bid exceeds the lien for towing and storage, the excess funds shall be remitted to the department just as in any other sale. The operator cannot elect to retain a vehicle at auction because the operator feels that the bidding is insufficient.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-175, filed 2/25/88. Statutory Authority: Chapter 46.55 RCW. 86-03-011 (Order DLR-088), § 308-61-175, filed 1/6/86.]

WAC 308-61-185 Lien provisions. (1) No operator shall include any charges in the amount of the lien that are not specifically authorized. Subordinate charges such as mechanic fees or prior storage fees claimed by the operator or any third party shall not be allowed. All fees must be included in the towing and storage rates and no fees for other services shall be allowed. No fee may be listed on the rate sheet for which there is no provision.

(2) The towing and storage lien shall not apply to personal property not attached to and made an integral part of the vehicle.

[Statutory Authority: RCW 46.55.190, 90-01-060, § 308-61-185, filed 12/18/89, effective 1/18/90. Statutory Authority: Chapter 46.55 RCW, 86-03-011 (Order DLR-088), § 308-61-185, filed 1/6/86.]

WAC 308-61-190 After sale. (1) Following the auction of an abandoned vehicle the operator shall give to the successful bidder an affidavit of sale, as defined, which shall disclose the amount of the lien and the amount of the successful bid. The public auction shall terminate the ownership interest of prior owners, both registered owners and legal owners.

(2) The following guidelines shall apply in establishing a valid claim for surplus funds which have been remitted to the state as the result of the auctioning of abandoned vehicles pursuant to section 13(g):

(a) The claiming individual shall show reasonable proof of his/her identity and the claim shall be in writing.

(b) The claimant must have been the registered owner of the vehicle as reflected in the records of the department of licensing at the time the vehicle was auctioned. The person indicated as purchaser on a seller's report of sale, pursuant to RCW 46.12.101, will be considered the registered owner of record for purposes of this section.

(c) Any person whose claim is denied by the state shall have the opportunity to request a departmental hearing as provided in chapter 34.05 RCW.

(3) The fifteen-day title transfer requirement provided for in RCW 46.55.130 (2)(f) shall not apply to properly licensed hulk haulers, scrap processors, and wreckers who have acquired the vehicle for salvage purposes in accordance with chapters 46.79 and 46.80 RCW.

[Statutory Authority: RCW 46.55.190, 90-01-060, § 308-61-190, filed 12/18/89, effective 1/18/90. Statutory Authority: Chapter 46.55 RCW, 86-03-011 (Order DLR-088), § 308-61-190, filed 1/6/86.]

WAC 308-61-200 Wreckers--Application for license. An original application for a wrecker license shall be filed with the director on the form provided for this purpose. The application must be endorsed by the chief of police if city is over five thousand population; otherwise, by member of the Washington state patrol. The endorsement certifies that the wrecker has an established place of business at the address shown on the application and that his vehicle(s) are properly identified in accordance with WAC 308-61-220(6).

No license will be renewed unless the wrecker certifies his premises conform to all requirements and that all monthly reports have been submitted to the department.

Failure to renew the license prior to June 30 will require the payment of an original license fee of twenty-five dollars, instead of the ten dollar renewal fee.

Each application shall specify the number of vehicles owned, leased, rented or otherwise operated for towing or transportation of vehicles or hulks in the conduct of his business by the applicant, or wrecker seeking renewal and shall identify such vehicles by make, model, year or other adequate description, and identification number.

[Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-200, filed 5/27/82. Statutory Authority: RCW 46.80.140, 79-10-011 (Order 553-DOL), § 308-61-200, filed 9/7/79; Order MV 174, § 308-61-200, filed 10/19/73.]

WAC 308-61-205 Expiration of motor vehicle wrecker's license. (1) A motor vehicle wrecker's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Motor vehicle wrecker license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225, 86-08-028 (Order DLR-091), § 308-61-205, filed 3/26/86.]

WAC 308-61-210 Wreckers--Special plates. All vehicles used for towing or transporting vehicles or hulks by a motor vehicle wrecker on the highways of this state in the conduct of his business shall bear regular license plates and, in addition, special wrecker's plates. Wrecker's plates may be obtained at a fee of six dollars which includes \$1.00 for reflectorization under RCW 46.16-.237 for the first set, and three dollars including reflectorization for each additional set.

The wrecker may purchase sets of plates equal in number to the number of vehicles reported on his application as owned, rented, leased and operated by him and used by him for towing or transporting of vehicles or hulks in the conduct of his business. Should the wrecker purchase, lease, or rent additional vehicles for towing or transporting of vehicles or hulks in his business during the course of the year, he shall so inform the department and may, at the department's discretion, obtain additional plates for such vehicles.

Each vehicle used for towing or transporting of vehicles or hulks shall display both wrecker plates assigned to it, provided that when any vehicle being towed does not have valid license plates, wrecker plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080, 88-06-025 (Order DLR 164), § 308-61-210, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL

684), § 308-61-210, filed 5/27/82. Statutory Authority: RCW 46.80-.140, 79-10-011 (Order 553-DOL), § 308-61-210, filed 9/7/79; Order MV 174, § 308-61-210, filed 10/19/73.]

WAC 308-61-220 Wreckers—General procedures and requirements. All wreckers shall comply with all rules and regulations relative to the handling of vehicles to be wrecked or dismantled.

(1) **Enclosure.** The activities of a motor vehicle wrecker shall be conducted entirely within his established place of business. A physical barrier shall designate the boundary of the wrecking yard except that, where necessary to obscure public view of the premises, such premises shall be enclosed by a sight-obstructing wall or fence at least eight feet high.

(a) Where required, such sight-obstructing wall or fence shall be painted or stained in neutral shade to blend with surrounding premises. Any fence should be made of chain link with slats or other construction that will prevent public view of the premises.

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

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

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

(e) Exceptions to this section must be granted in writing by the department.

(2) **Additional places of business.** Each licensed wrecker may maintain one or more additional places of business within the same law enforcement jurisdiction, such as a city or county, under the same permit. The wrecker may maintain as many storage yards or sales outlets as needed so long as each is registered with the department. Each wrecking or storage yard shall comply with local zoning regulations and with such other requirements as the department may provide, particularly those in subsection (1) above. Duplicate wrecker's licenses will be issued to be posted at each additional place of business.

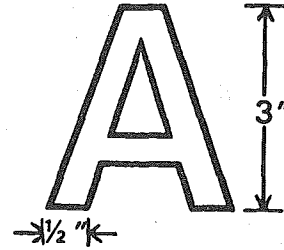
(3) **Change of address.** The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(4) **Display of license certificate.** The license certificate of a licensed wrecker shall be displayed conspicuously at each business address(es) and shall be available for periodic inspection by law enforcement officers and authorized representatives of the department.

(5) **Tow car fee.** The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a twenty-five dollar fee in lieu of tonnage fees as provided in RCW 46.16.079.

(6) **Identification of licensee's vehicles.** All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, the city in which the licensee's established place of business is located, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to

both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



(7) **Removal and destruction of license plates.** The wrecker shall remove license plates from vehicles in the segregated area on which ownership documents have been received. The wrecker shall destroy such plates prior to submitting his monthly reports for the month the vehicle is acquired. License plates from all vehicles entered into the wrecking yard shall be removed within twenty-four hours.

(8) **Major component parts.** Under RCW 46.80.010(3) the term "engines, short blocks, transmissions and drive axles" shall not include cores or parts which are limited to value as scrap metal or for remanufacturing only. The term "seat" shall be interpreted to mean bucket seat.

(9) A physical barrier shall be provided for the segregated storage of vehicles in custody and awaiting approved ownership documents as provided under WAC 308-61-230. There will be no dismantling or parts removal in this area. The physical barrier may be portable, made of substantial posts and connected by a chain, cable, barbed wire, or of other equally strong construction.

This area can be used for storage of dealer cars or equipment if the wrecker is both a wrecker and a dealer. There shall be no dismantling or parts removal in this area.

[Statutory Authority: RCW 46.79.080 and 46.80.140, 87-01-005 (Order DLR-112), § 308-61-220, filed 12/5/86; 82-12-038 (Order DOL 684), § 308-61-220, filed 5/27/82. Statutory Authority: RCW 46.80-.140, 79-10-011 (Order 553-DOL), § 308-61-220, filed 9/7/79; Order MV 174, § 308-61-220, filed 10/19/73.]

WAC 308-61-230 Wreckers—Procedures for acquiring vehicles and vehicle parts. Supporting acquisition. The wrecker may acquire vehicles and vehicle parts if the seller can furnish proof of ownership as follows:

(1) Certificate of title properly endorsed in the case of vehicles from states issuing a title.

(2) Certificate of registration and notarized bill of sale from a state issuing registration certificates only.

(3) Affidavit of lost or stolen title if executed by the registered and legal owner of record.

(4) Insurance company bills of sale pursuant to WAC 308-58-030.

(5) Affidavit of sale pursuant to WAC 308-61-026(1).

(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 46.55.190, 90-01-060, § 308-61-230, filed 12/18/89, effective 1/18/90. Statutory Authority: RCW 46.80-140, 79-10-011 (Order 553-DOL), § 308-61-230, filed 9/7/79; Order MV 451, § 308-61-230, filed 9/26/77; Order MV 174, § 308-61-230, filed 10/19/73.]

WAC 308-61-240 Wreckers--Records and procedures for monthly reports. (1) **Wrecker books and files.** The wrecker shall maintain books and files which shall contain the following:

(a) A record of each vehicle or part acquired giving:

(i) A description of the vehicle or part by make, model, year, and for major component parts vehicle identification number and "yard number" assigned at the time the vehicle or major component part was placed in the wrecking yard;

(ii) The date purchased or acquired by the wrecker, and the name of the person, firm or corporation from which the vehicle or parts were obtained;

(iii) The certificate of title number if registered in a title state, or registration number if a nontitle state or description of document used in lieu of title such as authorizations to dispose and affidavits of sale or bills of sale for vehicle parts; and

(iv) The name of the state and license number in state last registered.

(b) A record of the disposition of the motor, body, and major component parts giving the name of the person purchasing the part(s), if any. Sales to scrap processors shall be accompanied by an invoice or bill of sale, listing each vehicle by its yard number. The wrecker shall retain a copy of such invoice or bill of sale for purposes of inspection for three years; and

(c) A record of each vehicle towed giving:

(i) A description of the vehicle by make, model, year, identification number, license number and name of the owner; and

(ii) A statement giving the place where picked up, destination, and date.

These records will be subject to inspection by authorized representatives of the department and law enforcement officials during regular business hours. The foregoing information shall be entered in the wrecker's records within two business days of the event requiring the entry, such as receipt of a vehicle.

(2) **Must furnish written reports.** By the tenth of the month following receipt of vehicles to be destroyed, each wrecker shall submit a report on the form provided by the department, of all vehicles destroyed, and all vehicles received during the month, whether or not such vehicles have been destroyed. This report shall be made in duplicate. The original shall be sent to the department and the duplicate retained for the wrecker's files. If no vehicles are received to destroy during the month, the monthly report must be sent in stating "none." The report shall give such information for vehicles only as the wrecker is required to keep by subsections (1)(a)(i), (ii), (iii), (iv), and (b), above; it shall be accompanied by properly endorsed certificates of title or other adequate evidence of ownership and registration certificates: *Provided*, That records on acquisitions and sales of vehicle parts need not be included in reports submitted to the department but records shall be kept for three years from date of purchase and available for inspection.

(3) **Identity of vehicles in yard.** All vehicles placed in the yard shall be identified by a yard number as assigned in the records with numerals marked so as to be clearly visible and legible. If a part of a vehicle is sold which has the number on it, the vehicle shall be renumbered in another location on the vehicle.

[Statutory Authority: RCW 46.55.190, 46.80.140 and 46.79.080, 88-06-025 (Order DLR 164), § 308-61-240, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080, 82-12-038 (Order DOL 684), § 308-61-240, filed 5/27/82; Order MV 451, § 308-61-240, filed 9/26/77; Order MV 174, § 308-61-240, filed 10/19/73.]

WAC 308-61-250 Wreckers--Must furnish bill of sale for parts. No wrecker may sell a motor vehicle part unless he gives the purchaser a bill of sale for such part. Whenever the wrecker sells a motor, frame, or other major component part, he shall describe the part fully, giving make, model, year, and vehicle identification number or yard number of the vehicle from which the part was taken: *Provided*, That a vehicle identification number shall not be required on parts acquired for resale unless such are major component parts.

No wrecker may sell vehicles or hulks to a scrap processor or to a hulk hauler for transportation to a scrap processor unless he gives the scrap processor or the hulk hauler an invoice or bill of sale listing each vehicle or hulk by yard number; the wrecker shall retain a copy of such invoices for inspection purposes.

[Order MV 451, § 308-61-250, filed 9/26/77; Order MV 174, § 308-61-250, filed 10/19/73.]

WAC 308-61-260 Wreckers--Selling used vehicles. (1) Any motor vehicle wrecker who buys motor vehicles for the purpose of sale in an unaltered condition or as a whole vehicle may sell such vehicles if he holds a vehicle dealer's license.

(2) All vehicles acquired for sale under a vehicle dealer's license which are inoperable at the time of acquisition shall be kept inside the wrecking yard and shall be segregated from the remainder of the operation by a continuous physical barrier.

(3) "Inoperable" as used in this section shall mean a vehicle which does not comply with requirements for vehicles used on public streets with regard 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 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-260, filed 2/25/88. Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-260, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-260, filed 9/7/79; Order MV 174, § 308-61-260, filed 10/19/73.]

WAC 308-61-270 Wreckers--Additional grounds for denial, suspension, revocation or civil fine assessment--Unlawful practices. In addition to RCW 46.80.110 and WAC 308-61-250, a wrecker's license may be denied, suspended or revoked, or the licensee or applicant may be assessed a civil fine up to five hundred dollars for each violation whenever the wrecker or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Misuse of motor vehicle wrecker plates assigned such as renting or loaning for use on vehicle not owned, leased, rented or operated by a licensee or his employee.

(2) Failure to maintain an established place of business which conforms with zoning laws pursuant to RCW 46.80.010.

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

(4) Failure to maintain a segregated storage area as required by WAC 308-61-220 (1)(a) [308-61-220(9)] when appropriate acquisition documents are not in the possession of a licensee shall be held in violation of RCW 46.80.110(1).

[Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-270, filed 5/27/82. Statutory Authority: RCW 46.80.140. 79-10-011 (Order 553-DOL), § 308-61-270, filed 9/7/79; Order MV 451, § 308-61-270, filed 9/26/77; Order MV 174, § 308-61-270, filed 10/19/73.]

WAC 308-61-300 Hulk hauler--Application for license. The application for a hulk hauler's license shall be made on the form provided by the department and shall include, in addition to any other information the department may require in addition to the provisions of RCW 46.79.030:

(1) A statement regarding whether or not the applicant has ever previously had a license as a hulk hauler, wrecker or registered disposer denied, suspended or revoked and on what dates and what grounds.

(2) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that his vehicle(s) are properly identified in accordance with WAC 308-61-320(5).

The license expires annually on June 30th and may be renewed prior to that date by filing an application, securing a signature of the appropriate member of the Washington state patrol on his application, and paying a renewal fee of ten dollars. Failure to renew the license

prior to June 30th will require a new application and payment of a ten dollar fee.

[Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-300, filed 9/7/79; Order MV 451, § 308-61-300, filed 9/26/77; Order MV 174, § 308-61-300, filed 10/19/73.]

WAC 308-61-305 Expiration of hulk hauler license.

(1) A hulk hauler's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Motor vehicle hulk hauler license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-61-305, filed 3/26/86.]

WAC 308-61-310 Hulk hauler--Special plates. All vehicles used by hulk haulers on the highways of this state shall bear regular license plates and in addition, special hulk hauler's plates. Each vehicle shall display both special plates assigned to it, provided that when any vehicle being towed does not have valid license plates, the hulk hauler plates may be split, with one being displayed on the front of the towing vehicle and the other on the rear of the vehicle being towed. The plates serve in lieu of a trip permit or current license plates for the vehicle(s) being transported.

The plates may be obtained at a fee of six dollars for the first set, and three dollars for each additional set which charges include the reflectorization fee required by RCW 46.16.237. They shall expire simultaneously with the hulk hauler's license.

[Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-310, filed 9/7/79; Order MV 451, § 308-61-310, filed 9/26/77; Order MV 174, § 308-61-310, filed 10/19/73.]

WAC 308-61-320 Hulk hauler--General procedures and requirements. Hulk haulers shall comply with all statutes, rules and regulations relative to the handling of vehicles and vehicle hulks.

(1) **Change of address.** The department shall be notified immediately of any change of mailing address.

(2) **License certificate.** The license certificate shall be carried in the vehicles operated by hulk haulers. If a hulk hauler operates more than one vehicle he shall request additional license certificates for each vehicle. Such certificates shall also be carried for inspection by law enforcement officers.

A license certificate shall not be construed to be an authorization to store vehicle hulks or parts at the licensee's mailing address.

(3) **Tow car fee.** The licensee of any fixed load vehicle equipped for lifting or transporting any disabled, impounded or abandoned vehicle or part thereof, may pay

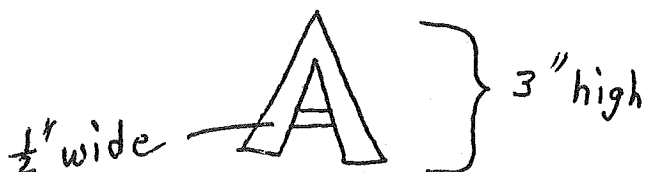
a twenty-five dollar fee in lieu of tonnage fees provided in RCW 46.16.070.

(4) Inspection of transport vehicle, premises.

(a) Prior to the issuance of a hulk hauler license the vehicle to be used in transporting vehicle salvage must be inspected by the appropriate law enforcement official to verify compliance with safety requirements applying to transportation of vehicle salvage on the highways of the state.

(b) The premises of the hulk hauler shall be subject to periodic inspection by appropriate law enforcement officers and authorized representatives of the department to confirm storage of vehicle hulks or parts is not taking place.

(5) Identification of licensee's vehicles. All vehicles equipped for lifting or transporting vehicles or hulks which are operated on the highways of this state shall display the licensee's name, mailing address, and current business telephone number of such licensee. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



[Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-320, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-320, filed 9/7/79; Order MV 451, § 308-61-320, filed 9/26/77; Order MV 174, § 308-61-320, filed 10/19/73.]

WAC 308-61-330 Hulk hauler--Procedures for acquiring and selling vehicles. (1) **Supporting acquisition for transport, resale.** The hulk hauler may acquire vehicles or hulks for transport and resale to a licensed motor vehicle wrecker or scrap processor if the transferor can furnish proof of ownership, in the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing only a registration certificate. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed hulk hauler:

(a) Private persons. Acquisitions from private persons may also be supported by an:

(i) Affidavit of lost or stolen title signed by the owner on record with the department, and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(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, and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(iii) Affidavit of sale from a registered tow truck operator.

(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 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-330, filed 2/25/88. 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.]

WAC 308-61-340 Hulk hauler--Grounds for denial, suspension, revocation--Unlawful practices. In addition to RCW 46.79.070 and WAC 308-61-050, a hulk hauler's license may be denied, suspended, or revoked whenever the director has reason to believe the hulk hauler or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Transporting any vehicle without first obtaining and having in his possession at all times while transporting, appropriate evidence of ownership or of lawful possession for such vehicle;

(2) Engaging in any activity relative to vehicles except the acquisition and transportation for resale thereof to a licensed wrecker or scrap processor;

(3) Selling vehicles or vehicle parts other than to a licensed wrecker or scrap processor;

(4) Selling or disposing of a vehicle or part thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(5) Operating as a wrecker or removing parts from vehicles, provided that a hulk hauler may remove those parts necessary to sell vehicle salvage to a licensed scrap processor, e.g., the upholstery, gasoline tank, and tires, so long as such parts are removed on the premises of a

licensed wrecker or scrap processor where prior permission is granted or at a location approved by the department;

(6) Hauling vehicles from a licensed wrecker to a licensed scrap processor without obtaining and having in his possession during transport the wrecker's invoice or bill of sale for the vehicles being transported;

(7) Renting, leasing or borrowing the special license plates issued to a wrecker, or representing himself as being entitled to use wrecker's plates to sell vehicles to scrap processors, or otherwise using such plates.

[Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-340, filed 9/7/79; Order MV 174, § 308-61-340, filed 10/19/73.]

WAC 308-61-400 Scrap processor--Application for license. The application for a scrap processor's license shall contain, in addition to any other information the department may require:

(1) A certification from the chief of police of a city over five thousand population, or from a member of the Washington state patrol in all other areas, that the applicant can be found at the address shown on the application.

(2) Evidence the application is approved by the local government planning and zoning authorities pursuant to the provisions of the State Environmental Act, chapter 43.21C RCW.

[Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-61-400, filed 3/26/86. Statutory Authority: RCW 46.80.140 and 46.79.080. 82-12-038 (Order DOL 684), § 308-61-400, filed 5/27/82. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-400, filed 9/7/79; Order MV 174, § 308-61-400, filed 10/19/73.]

WAC 308-61-405 Expiration of scrap processor license. (1) A scrap processor's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Any special license plates issued to a scrap processor shall expire on the same date as the expiration of the license.

[Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-61-405, filed 3/26/86.]

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.

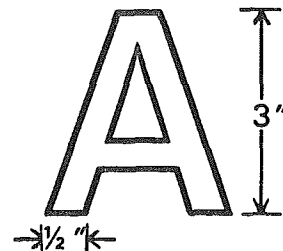
(1) **Change of address.** The department shall be notified immediately of any change of address of any business location or of the addition of any such location.

(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 destroyed by the scrap processor prior to forwarding the monthly report to the department under RCW 46.79.020.

(5) **Identification of licensee's vehicles.** All vehicles equipped for lifting or transporting vehicles or hulks shall display the licensee's name, address and current telephone number. Such information shall be painted on or permanently affixed to both sides of the vehicle. Each letter and numeral shall be made with at least a half-inch stroke for the width and shall be at least three inches high. See example.



[Statutory Authority: RCW 46.79.080 and 46.80.140. 87-01-005 (Order DLR-112), § 308-61-420, filed 12/5/86; 82-12-038 (Order DOL 684), § 308-61-420, filed 5/27/82. Statutory Authority: RCW 46.79-.080. 79-10-010 (Order 552-DOL), § 308-61-420, filed 9/7/79; Order MV 174, § 308-61-420, filed 10/19/73.]

WAC 308-61-430 Scrap processor--Procedures for acquiring vehicles for demolition. (1) **Supporting acquisition.** A scrap processor may acquire vehicles for demolition if the transferor can furnish proof of ownership, in

the form of a certificate of title properly endorsed, from a state issuing a title, or a certificate of registration and notarized bill of sale from a state issuing a registration certificate only. If such evidence of ownership is not available, the following documents may serve to support acquisition or possession by a licensed scrap processor:

(a) **Private persons.** Acquisition from private persons may also be supported by an:

(i) Affidavit of lost or stolen title and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(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 and release of interest from the owner.

(ii) Affidavit of sale from the landowner who has complied with RCW 46.55.230.

(iii) Affidavit of sale from a registered tow truck operator.

(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 46.55.190, 46.80.140 and 46.79.080. 88-06-025 (Order DLR 164), § 308-61-430, filed 2/25/88. Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-430, filed 9/7/79; Order MV 174, § 308-61-430, filed 10/19/73.]

WAC 308-61-440 Scrap processor--Procedures for monthly reports. (1) Must maintain books and files.

(a) The scrap processor shall maintain books and files of all vehicles acquired other than from a wrecker which shall contain the following:

(i) A description of each vehicle acquired by make, model, year and vehicle identification number;

(ii) The date acquired, name of the person, firm or corporation from which obtained, and the wrecker license numbers if such person is licensed as a wrecker by the department;

(iii) A description of the document evidencing ownership, and if a certificate of title or registration, the title or registration number; and

(iv) The license plate number and name of state in which vehicle was last registered.

(b) For all vehicles acquired from a licensed wrecker, a copy of the wrecker's invoice or bill of sale shall suffice as the record of acquisition and demolition.

(c) Such records shall be maintained for three years and shall be subject to periodic inspection by authorized representatives of the department and appropriate law enforcement officers.

(2) **Must furnish written reports.** By the tenth of the month following acquisition of vehicles or hulks for demolition, each scrap processor shall submit a report, on the form provided by the department, listing each vehicle or part thereof, whether or not such vehicles have been demolished. This report shall be made in duplicate, retaining the duplicate for the scrap processor's files. The report shall give such information as the scrap processor is required to keep by subsection (1) above, provided that the scrap processor need not include copies of a wrecker's invoice or bill of sale in such report so long as he retains copies of the invoices and bills of sale for a period of three years. It shall be accompanied by properly endorsed certificates of title or registration or such other adequate evidence of ownership as may come into the scrap processor's possession when he acquires vehicles for salvage from than wreckers licensed by the department. The receipts for license plates surrendered to the department, as required by subsection (4) of WAC 308-61-420, shall also accompany the monthly reports.

[Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-440, filed 9/7/79; Order MV 174, § 308-61-440, filed 10/19/73.]

WAC 308-61-450 Scrap processor--Grounds for denial, suspension, revocation--Unlawful practices. In addition to RCW 46.79.070 and WAC 308-61-050, a scrap processor's license may be denied, suspended or revoked whenever the director has reason to believe that the scrap processor or applicant has committed, or is at the time committing, one of the following unlawful practices:

(1) Engaging in any activity relative to vehicles which is not included in RCW 46.79.010 (3) and (5);

(2) Acquiring vehicles for salvage without appropriate evidence of ownership.

(3) Acquiring vehicles for salvage other than from the legal owner of record, any agency of government, an owner of private property on which the vehicle was abandoned, or a person holding a valid license issued by the department.

(4) Acquiring, having in his possession, or demolishing a vehicle or part thereof which he knows or has reason to know has been stolen or appropriated without the consent of the owner.

[Statutory Authority: RCW 46.79.080. 79-10-010 (Order 552-DOL), § 308-61-450, filed 9/7/79; Order MV 174, § 308-61-450, filed 10/19/73.]

Chapter 308-62 WAC
PROCEDURE FOR TAKING CUSTODY OF
UNAUTHORIZED VEHICLES

WAC

308-62-010	Definitions.
308-62-020	Specifications and standards for approved signs.
308-62-030	Filing of fee schedules with department.

WAC 308-62-010 Definitions. (1) Approved sign – means a sign meeting the specifications and requirements for signs required to be posted pursuant to RCW 46.52.1192 which are set out in WAC 308-62-020.

(2) Authorized designee – for the purposes of this chapter means a person who provides reasonable evidence of identity and provides written authority, or other reasonable evidence of authority, from the registered or legal owner of a specific and clearly identifiable vehicle to act as the owner's agent to receive possession of such vehicle.

(3) Department – means the state of Washington, department of licensing.

(4) Director – means the director of the state of Washington, department of licensing.

(5) Family residential property – means a unit of property, or contiguous unit, of property of common ownership, used solely for residential purposes.

(6) Fee schedule – means a detailed listing made upon a form obtained from the department of all of the fees charged by a towing firm which removes vehicles from private property pursuant to RCW 46.52.119 or 46.52.1192 for each act or service rendered incident to the removal or storage of such vehicles.

(7) Registered abandoned disposer – means a towing operator or garagekeeper registered with the department pursuant to RCW 46.52.108.

(8) Towing firm – means a towing operator who or which provides removal service for unauthorized vehicles.

(9) Unauthorized vehicle – means a vehicle left on the property of another without the consent of the owner, or the person who has possession or control of that property.

[Order 473-DOL, § 308-62-010, filed 12/30/77.]

WAC 308-62-020 Specifications and standards for approved signs. No person shall tow, remove, impound or otherwise disturb any motor vehicle, other than an abandoned vehicle defined by RCW 46.52.102 which may be parked, stalled, or otherwise left on private property, other than family residential property, owned or controlled by such persons, unless there has been previously posted on or near the property in a clearly conspicuous location or locations an approved sign or signs conforming to the following requirements:

(1) Signs shall clearly indicate that unauthorized cars left upon the property will be towed away; and

(2) Signs shall set out the name of the towing firm which will be called to remove unauthorized vehicles from the property and both the telephone number of the towing firm which one may call, and the address of the

towing firm to which one may go, each on a twenty-four hour a day basis, to obtain release of the vehicle; and

(3) Signs shall be placed at each driveway entrance to the property so as to be clearly visible and wholly readable to any person entering the property in a motor vehicle: *Provided*, That where a property has more than three driveway entrances, such signs need be placed only at the three driveway entrances most heavily used by vehicles coming onto the property but only if such signs have also been placed at conspicuous locations upon the property itself in such a manner that they may be easily seen and read by most persons parking vehicles upon the property; and

(4) Signs must comply with any applicable zoning codes and planning requirements of local government.

[Order 473-DOL, § 308-62-020, filed 12/30/77.]

WAC 308-62-030 Filing of fee schedules with department. Fee schedules required to be filed with the department by towing firms under RCW 46.52.1194 (1)(a) shall be filed and must be actually received in the Office of the Administrator, Dealer and Manufacturer Control, Department of Licensing, Second Floor, Highways-Licenses Building, Olympia, Washington 98504, and conspicuously posted for public inspection at the location of the towing firm from which the release of unauthorized vehicles may be obtained, as required by RCW 46.52.1194 (1)(b), prior to the effective date of the initiation of those fees. No charges shall be made for removal and storage of unauthorized vehicles, or for related services, unless the fee schedule supporting those charges is on file with the department and so posted. Fee schedules shall be filed with the department and posted upon a form obtained from the department, which shall be designed to fully disclose and detail all charges made for such services.

[Order 473-DOL, § 308-62-030, filed 12/30/77.]

Chapter 308-66 WAC
MOTOR VEHICLE DEALERS AND SALESMEN

WAC

308-66-110	Definitions.
308-66-120	Dealer's license application.
308-66-135	Expiration of dealer, salesperson and manufacturer licenses.
308-66-140	Place of business and places of business.
308-66-145	Established place of business—Waiver procedure.
308-66-150	Unlawful practices.
308-66-155	Consignment.
308-66-157	Listing.
308-66-160	Dealer's license plates.
308-66-170	Denial, suspension or revocation of license.
308-66-180	Record of transactions.
308-66-190	Transfer of certificate of title by dealer.
308-66-195	Possession of certificates of title.
308-66-200	Transfer of vehicle to another dealer.
308-66-210	Statement of change in business structure, ownership interest or control.
308-66-211	Termination of business.
308-66-212	Sale, transfer or other disposition of noncorporate licensee.
308-66-213	Partial sales transfer or disposition of noncorporate licensee.

308-66-214	Incorporation of licensee while licensed.
308-66-215	Mergers and consolidations of corporations.
308-66-220	Display of vehicles by combination wrecker-dealer.
308-66-225	Remanufactured vehicles in whole or in part.
308-66-230	Titles—Combination tow truck operator-dealer.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-66-130	Salesman's license application. [Order MV 170, § 308-66-130, filed 7/16/73; Order 70-08-04, § 308-66-130, filed 8/6/70; Order 2, § 308-66-130, filed 1/29/68.] Repealed by 87-01-016 (Order DLR 115), filed 12/9/86. Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1.
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WAC 308-66-110 Definitions. For the purpose of administering chapter 46.70 RCW, the following terms shall be construed in the following manner:

(1) "Offering" the sale of a vehicle shall include the distribution by any means of a list, with or without prices, of vehicles for sale.

(2) "Soliciting" the sale of a vehicle shall include an offer to effect the purchase or sale of a vehicle on behalf of another person.

(3) "Normal business hours" or "reasonable times" shall include, but not be limited to, the hours from 10:00 a.m. through 4:00 p.m. for five days each week. All hours during which the place of business is open for the purpose of bartering, trading or selling vehicles are normal business hours or reasonable times as long as the dealer is open for business at regular intervals. Whenever a dealer closes his place of business during normal business hours, a sign must be posted on the main door of the business stating the time that he will next be open for business or where he may be contacted.

(4) An "employee" of a dealer is one who is paid compensation for a minimum of sixteen hours each week and/or appears on the record of an employer as an employee for whom social security, withholding tax, and all deductions required by law have been made.

(5) A "bona fide full-time employee" is one that is employed by the dealer for a minimum of thirty-five hours a week and appears on the records of an employer as an employee for whom social security, withholding tax, and all deductions required by law have been made.

(6) A "broker" shall mean any person, partnership, corporation, or association acting independently, who for a commission, fee or any other form of compensation arranges or engages in the wholesale or retail purchase, sale or lease with option to purchase, of a vehicle.

(7) An "employee identification card" is a card that may be issued by a licensed dealer to an employee, identifying such employee as being in the employ of such dealer. The department will issue blank identification cards to licensed dealers on request.

(8) A "demonstration permit" is a permit issued by a dealer to a prospective customer entitling the prospective customer to operate a particular vehicle for demonstration purposes.

(9) Current service agreement – The agreement between a vehicle manufacturer or vehicle distributor and a seller, stipulating that the seller will provide warranty adjustments for the owners of said manufacturer's or

distributor's new vehicles which qualify for adjustments under the said manufacturer's or distributor's warranty.

(10) New vehicle warranty – The warranty extended by a manufacturer or distributor to the first retail purchaser.

(11) "Closing" shall mean the process of completion of sale transaction.

(12) "Completion of sale" shall mean purchaser has possession of vehicle, all liens against vehicle are paid, seller has sale proceeds, and warranty of title to vehicle has been accomplished.

(13) "Listing" shall mean a contract between a seller of a used mobile home and a listing dealer for the dealer to locate a willing purchaser of that listed used mobile home.

(14) "Seller," as it relates to listing dealers, shall mean a person who lists a used mobile home with a listing dealer.

(15) "Purchaser," as it relates to listing dealers, shall mean a person who agrees to buy a used mobile home listed through a listing dealer.

(16) "Consignment" shall mean an arrangement whereby a motor vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.

(17) "Consignee" shall mean a vehicle dealer who accepts delivery or to whom a motor vehicle is entrusted for the purpose of sale on behalf of another.

(18) "Consignor" shall mean a person who delivers or entrusts a vehicle to a dealer for the purpose of sale.

(19) "Remanufactured" shall mean to remake or reprocess into a finished product by a large scale industrial process.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-110, filed 12/9/86; Order MV 170, § 308-66-110, filed 7/16/73; Order 70-08-04, § 308-66-110, filed 8/6/70; Order 69-1, § 308-66-110, filed 8/28/69; Order 2, § 308-66-110, filed 1/29/68.]

WAC 308-66-120 Dealer's license application. (1) Each application shall contain in addition to the information required by RCW 46.70.041:

(a) The names and addresses of all owners of ten percent or more of the assets of the firm and the names and addresses of managing employees;

(b) The name and address of the principal place of business of the firm;

(c) The names and addresses of each and every subagency of the firm, if any;

(d) A current balance sheet of assets and liabilities which shall have been prepared within ninety days of its submission[;][:]

(e) A statement of whether or not the applicant or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee, was the holder of a license issued pursuant to chapter 46.70 RCW which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(f) A detailed list of all dealerships previously operated by each person named on the application and with

which each person presently or was formerly connected or employed.

(2) An applicant shall appear for a personal interview if requested by the department.

(3) The department may require a credit report for each party named on each application for a dealer's license.

(4) An applicant shall provide as evidence of leasehold or ownership interest of business location either:

(a) A copy of the rental or lease agreement between the applicant and landowner showing the business location by commonly known address, or

(b) A copy of the county assessor's record showing ownership of the business location, the applicant's name and the commonly known address.

(5) The bank reference for verifying financial condition consisting of:

(a) The name of applicant's bank, a person to contact at that bank concerning applicant's financial condition, or

(b) A letter of credit current within last 90 days, or

(c) A flooring agreement, if with a financial institution, or

(d) A line of credit with a financial institution.

(6) The department may require an applicant for a vehicle dealer license to provide evidence that the business location conforms to all zoning and land use ordinances.

(7) A corporation applicant shall provide the corporation number and corporation name issued by the secretary of state's office authorizing the company to do business within this state.

(8) The name and address on the license application and all required supporting documents must be the same. The sign at the certified location must identify the doing business as name (dba), if any, and that name shall appear on all documents as the applicant's name. The business telephone listing must also reflect the business name or the doing business as name.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-120, filed 12/9/86; Order MV 170, § 308-66-120, filed 7/16/73; Order 70-08-04, § 308-66-120, filed 8/6/70; Order 69-1, § 308-66-120, filed 8/28/69; Order 2, § 308-66-120, filed 1/29/68.]

Reviser's note: RCW 34.05.395 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 308-66-135 Expiration of dealer, salesperson and manufacturer licenses. (1) Any dealer, vehicle salesperson and vehicle manufacturer's license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each

subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance, subject to the provisions of chapter 46.70 RCW.

(2) Motor vehicle dealer license plates and vehicle manufacturer license plates shall expire on the same date as the expiration of the license.

[Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-66-135, filed 3/26/86.]

WAC 308-66-140 Place of business and places of business. (1) A dealer shall advise the department of each and every:

(a) Name under which the firm does business, and

(b) Location at which the firm does business.

If there is any addition, deletion or change in the above, the dealer shall so inform the department within ten days of such action.

(2) A dealer shall designate one name and one location as the principal name and principal place of business of the firm.

(a) All other locations that are physically and geographically separated from the principal place of business shall be designated and licensed as subagencies of that dealership;

(b) All other names shall be designated and licensed as subagencies of that dealership;

(c) If a dealer is required to obtain a subagency license under (2)(a) of this section, he shall not be required to obtain an additional subagency license under (2)(b) of this section, unless he does business under more than one name at that location;

(3) The director shall fail to renew, suspend or revoke a subagency license of a dealership if the dealer ceases to maintain "an established place of business" at that subagency location.

(4) All temporary subagencies shall be covered by the bond of the dealer's principal place of business.

(5) A new motor vehicle dealer that is unable to locate his/her used vehicle sales facilities adjacent to or at the established place of business need not obtain and hold a subagency license if:

(a) Vehicle sales lot is contained within the same city block, or

(b) Directly across the street, or

(c) Is within sight, and

(d) Location is zoned properly, and

(e) Dealer bond covers sales lot.

(6) If sales lot referred to in section 5 is in sight of the principal place of business, no sign is required at that sales lot.

(7) The department may require that a dealer provide evidence that each place of business conforms to all zoning and land use ordinances.

(8) Each and every subagency license of a dealership shall automatically be deemed cancelled upon the termination, for whatever reason, of the principal license of that dealership.

(9) No license shall be issued to any applicant for a vehicle dealer or vehicle manufacturer license under a

name that is the same as that of any dealer or manufacturer holding a current license issued pursuant to chapter 46.70 RCW.

(10) The fee will be ten dollars for each temporary subagency prior to July 1, 1986 and thereafter the fee will be twenty-five dollars.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-140, filed 12/9/86; Order MV 170, § 308-66-140, filed 7/16/73; Order 69-1, § 308-66-140, filed 8/28/69; Order 2, § 308-66-140, filed 1/29/68.]

WAC 308-66-145 Established place of business-- Waiver procedure. (1) An applicant for a vehicle dealer license who requests a waiver of any established place of business requirement(s) must submit the following to the department:

(a) All required documents and fees for an original application as provided for in RCW 46.70.041, 46.70-061, 46.70.070, and WAC 308-66-120, with the exception of a leasehold agreement or evidence of real property ownership: *Provided*, That if a waiver is granted to the applicant, the applicant must provide evidence of leasehold or real property ownership to the department before the license will be issued.

(b) A written request for waiver, in the form of either a letter or a request completed on the department's prescribed form, which contains the following minimum information:

(i) Specific nature or type of activity the applicant intends to conduct,

(ii) Specific element(s) of the established place of business requirements requested to be waived,

(iii) A clear and concise statement which identifies the unique circumstances necessitating the request for waiver, and,

(iv) Any other information the department may require.

(2) A licensee who requests a waiver of any established place of business requirement(s) must submit the following to the department:

(a) All required documents and fees, as provided for in RCW 46.70.061 and WAC 308-66-140, with the exception of a leasehold agreement or evidence of real property ownership: *Provided*, That if a waiver is granted the licensee must provide evidence of leasehold or real property ownership to the department within thirty days of waiver approval.

(b) A written request for waiver, in the form of either a letter or a request completed on the department's prescribed form, which contains the following minimum information:

(i) Specific nature or type of activity the licensee intends to conduct,

(ii) Specific element(s) of the established place of business requirements requested to be waived,

(iii) A clear and concise statement which identifies the unique circumstances necessitating the request, and,

(iv) Any other information the department may require.

(3) Upon receipt by the department of all the required information, the director or the director's designee will

review the request for waiver of any established place of business requirement(s) and issue a final determination in writing.

(4) A waiver granted under section (3) will remain in effect only as long as the unique circumstance(s) under which the waiver was originally granted have not changed or until the director lifts the waiver for cause.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-145, filed 12/9/86.]

WAC 308-66-150 Unlawful practices. (1) Examples of unlawful acts or practices, as defined by RCW 46.70-180 (1)(a) shall include but not be limited to representations such as "no down payment," "a dollar down," "five dollars down," "take-over payments," and "no cash needed," and others of similar nature if either secondary financing or initial payment of any amount in excess of that represented is required from the purchaser. A dealer's plan to have all or a portion of the selling price financed by a third party does not relieve him of his obligation to refrain from this prohibited type of advertising.

(2) Examples of unlawful acts or practices as defined by RCW 46.70.180 (1)(b), shall include but not be limited to representations such as "one hundred percent financing" if the terms of the purchase involve more than one security agreement and payments to more than one financing institution. When collateral in addition to the vehicle is required, it shall be listed on the security agreement containing the vehicle's description, not on a separate agreement. If a dealer advertises "collateral financing" or that collateral will be required, the dollar value of the required collateral shall be stated in the advertisement.

(3) It shall be considered misleading within the meaning of RCW 46.70.180(1) to advertise with words, phrases or initials not easily seen and comprehended by persons other than those closely allied with the vehicle industry, for example, the initials: "o.a.c.," or "c.f." or "f.o.b.," without explaining the meaning thereof within the same advertisement or instrument. The word "re-processed" shall not be used unless the vehicle has actually been rebuilt in a factory-type process.

(4) It shall be considered false or deceptive within the meaning of RCW 46.70.180(1):

(a) To advertise a used vehicle for sale that is not available.

(b) To advertise a new vehicle as available for immediate delivery if it is available only on order.

(c) To sell a particular vehicle at a higher price than advertised.

(i) The only addition to the advertised price shall be the selling price of additional equipment ordered by the purchaser, sales tax, and license fees.

(ii) "Additional equipment ordered by the purchaser" shall not include options installed on the vehicle at the time of advertising.

(iii) "Advertised price" shall not be expressed as a combination of

(A) Dollar figures and words, or

(B) Dollar figures and dollar figures unless the total dollar figure is expressed.

(d) To advertise that "any deal will be accepted" or words to that effect.

(e) To cause an advertisement to be placed by a dealer or salesman that does not identify the dealer by his complete business name, or by the word "dealer."

(f) For a dealer to incorporate in his name any term or designation which would have a tendency to mislead others as to the true nature of the business, such as the use of "wholesale," when a dealer's business is substantially retail; or "discount," when the price and policy of a dealer does not provide actual discounts.

(g) To advertise a not-new vehicle manufactured less than two years prior to the date of the advertisement without designating the vehicle as "used," "demo," or "demonstrator." For purposes of adequate disclosure, the appropriate quoted term must be employed. Other descriptive words, such as "executive," "lease," "rental," may be used in conjunction therewith, but not so as to create ambiguity as to whether a said vehicle is new, is used, or is a demonstrator.

(h) To advertise a specific price for a model or type of vehicle without:

(i) Designating the number of vehicles available at that price, and

(ii) Clearly identifying the vehicles available by vehicle identification number or license plate number.

Provided, however, That a dealer need not designate the number available or identify the vehicles available if, in fact, an unlimited supply of such vehicles are available for immediate delivery.

(5) It shall be considered false, misleading and deceptive for the seller to act or fail to act in violation of any disclosure provision of Title I of the "Federal Consumer Credit Protection Act" [P.L. 90-321, 82 Stat. 146, 15 USC 1601], popularly known as the "Truth in Lending Act," or in violation of the regulations prescribed by the Board of Governors of the Federal Reserve System to carry out the purposes of that title [12 CFR 226], or in violation of chapter 63.14 RCW, "Retail Installment Sales of Goods and Services."

(6) It shall be considered false, deceptive, or misleading within the meaning of RCW 46.70.180(1) to advertise in violation of any of the following provisions:

(a) No advertisement to aid, promote, or assist directly or indirectly any extension of credit may state:

(i) That a specific amount of credit or installment amount can be arranged unless the creditor usually and customarily arranges or will arrange credit amounts or installments for that period and in that amount; or

(ii) That no down payment or that a specified down payment will be accepted in connection with any extension of credit unless the creditor usually and customarily accepts or will accept down payment in that amount.

(b) No advertisement to aid, promote, or assist directly or indirectly any credit sale of a vehicle shall state:

(i) The rate of a finance charge unless it states the rate of that charge expressed as an "annual percentage rate," using that term.

(ii) The amount of the down payment required or that no down payment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless it states all of the following items:

(A) The cash price or the amount of the loan, as applicable.

(B) The amount of the down payment required or that no down payment is required, as applicable.

(C) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended.

(D) The amount of the finance charge expressed as an annual percentage rate.

(E) The deferred payment price or the sum of the payments, as applicable.

(c) No advertisement for the lease of a vehicle containing an option to purchase in which one of the following is used shall be made unless all of the following are disclosed:

(i) The full term of the lease,

(ii) The amount of each lease payment,

(iii) The number of lease payments,

(iv) The total amount of lease payments, and

(v) The residual balance due at the end of the lease necessary to purchase the vehicle.

(d) No advertisement to aid, promote or assist directly or indirectly in providing financing for a residual balance may be used unless it contains all the items required by (b).

(7) It shall not be considered unlawful under the provisions of RCW 46.70.180 (7)(f) for a vehicle manufacturer to provide under the terms of any warranty that a purchaser of a vehicle must make warranty claims against only the manufacturer of an integral part of a vehicle if the manufacturer of that integral part has assumed a direct warranty obligation thereon to the purchaser and does, in fact, provide facilities or agencies within the states of Washington, Oregon or Idaho to discharge such warranty obligation.

(8) No manufacturer need make reimbursement under RCW 46.70.101 (3)(j) except to dealers selling its product at retail or to the dealers holding units purchased from the manufacturer for resale at retail: *Provided, however,* That if the warranty agreement between the dealer and the manufacturer requires prior approval by the manufacturer, such approval must be given within a reasonable time and in no event later than ten days, except in emergency situations where the life, health, or safety of the occupant or owner requires immediate action.

[Order MV-446, § 308-66-150, filed 9/16/77; Order MV 170, § 308-66-150, filed 7/16/73; Order 70-08-04, § 308-66-150, filed 8/6/70; Order 69-1, § 308-66-150, filed 8/28/69; Order 2, § 308-66-150, filed 1/29/68.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 308-66-155 Consignment. (1) Contract.

(a) It shall be considered an unlawful practice within the meaning of RCW 46.70.180 for a vehicle dealer to accept any vehicle on consignment without first reducing the consignment to writing.

(b) *Minimum information required for consignment contracts.*

(i) The names of the parties to the contract including the identity of the legal owner.

(ii) A statement by the consignor indicating the location of the title and the unpaid balance of the vehicle, if any.

(iii) The date of the consignment agreement.

(iv) The specific effective duration of the contract.

(v) The agreed upon price which the consignor will receive for his vehicle.

(vi) The description of the consigned vehicle, by make, model, vehicle identification number, and license number.

(vii) The signatures of the parties to the contract.

(viii) If no price has been specified in (v) above, then the minimum retail price and the commission, fee, or compensation to which the vehicle dealer will be entitled upon the sale of the consigned vehicle.

(2) In the event the dealer-consignee and the consignor shall deem it appropriate to vary the terms of the written contract, the dealer-consignee shall obtain written authorization from the consignor prior to the sale of the subject vehicle.

(3) *Requirements for selling consigned vehicles.*

(a) All funds received, including deposits or payments in full or proceeds from the sale of trade-ins, shall be placed in a trust account as required under RCW 46.69.180(9), and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied as provided in the consignment agreement. It shall be considered an unlawful practice for a vehicle dealer or salesperson to commingle funds received on a consigned vehicle with the assets of the dealer and the salesperson until all terms of the agreement have been completed.

(b) The amount due a consignor after the sale of the consigned vehicle shall be paid by the consignee immediately where title has been delivered to the purchaser, and in all cases shall be paid within ten days.

(c) The consignor shall receive a copy of the purchase order used to complete the sale at the time the funds are remitted where the sale has been on a fee or commission basis.

(4) *Consignee's duty to transfer title.*

(a) The sale of consigned vehicles imposes the same duty under RCW 46.12.120 to consignee as any other sale.

(b) Prior to accepting a vehicle for consignment and offering it for sale, it shall be the duty of the consignee to verify or confirm the title location. Failure to do so shall be considered an unlawful and deceptive practice under RCW 46.70.180(1).

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-155, filed 12/9/86; Order MV-352, § 308-66-155, filed 3/4/76.]

WAC 308-66-157 Listing. (1) Dealer responsibilities.

(a) The listing dealer shall be responsible for negotiating the agreement between seller and purchaser as follows:

(b) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(c) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(d) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(e) A legible copy of the agreement to purchase shall be retained in the listing dealer's files.

(f) A copy of the agreement between purchaser and dealer to disburse any funds from the trust account to pay liens against the used mobile home shall be retained in the dealer's files.

(2) At the time the sale is closed, the listing dealer may pay outstanding liens out of the trust account prior to paying the sale proceeds to the seller.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-157, filed 12/9/86.]

WAC 308-66-160 Dealer's license plates. (1) When dealer's plates are used on any vehicle being demonstrated to a prospective customer, it is not necessary that the dealer or a member of his firm accompany the prospective customer except as provided in RCW 46.70.090. Prospective customers, when not accompanied by a dealer or member of his firm, shall be issued a demonstration permit by the dealer authorizing them to operate the vehicle for a period not to exceed seventy-two hours for the purpose of demonstration and possible purchase.

(2) When a dealer receives a vehicle bearing foreign license plates, such plates shall be covered by the dealer's plates while that vehicle is being demonstrated. Upon the sale of the vehicle, the foreign plates shall be removed and destroyed by the dealer prior to the delivery of the vehicle. When a foreign-plated vehicle is sold to a resident of the state whose plate is so displayed on the vehicle and the purchaser returns the vehicle immediately to his home state for use there and not in Washington, the dealer may deliver the vehicle with foreign plates attached if either one of two conditions is also met. The conditions are:

(a) The purchaser must have applied to his home state's vehicle licensing authority to register the vehicle in his own name, or

(b) The purchaser must have obtained a one-transit permit to move the vehicle from the dealer's place of business to his own state.

(3) An employee of a dealer shall carry an employee identification card when operating any vehicle bearing dealer's plates.

(4) Dealer's plates may not be used on any vehicle belonging to a member of the dealer's family.

(5) Dealer's plates may not be used on any vehicle owned by the dealer if such vehicle is used exclusively by members of the dealer's family.

(6) Vehicles bearing dealer's plates may not be loaned to the dealer's service customers.

(7) Dealers are required to provide reasonably accurate records reflecting the use of dealer plates.

[Statutory Authority: RCW 46.70.160, 86-21-025 (Order DLR-114), § 308-66-160, filed 10/8/86; Order MV 170, § 308-66-160, filed 7/16/73; Order 70-08-04, § 308-66-160, filed 8/6/70; Order 69-1, § 308-66-160, filed 8/28/69; Order 2, § 308-66-160, filed 1/29/68.]

WAC 308-66-170 Denial, suspension or revocation of license. (1) When the license of a vehicle dealer has been suspended or revoked or an application has been denied, the department shall post a closure notice at or near the principal entry to the place of business. Such notice shall include a statement that the dealership is closed as to the sale of vehicles because of the denial, suspension or revocation of a license. In case of a suspension, the duration of the suspension shall be stated on the notice. A dealer shall not remove any closure notice without written permission from an authorized representative of the director.

(2) Practices inimical to the health and safety of the citizens of the state of Washington pursuant to RCW 46.70.101 (3)(k) shall include, but not be limited to, failure to comply with the following federal and state standards, as presently constituted and as hereafter amended, amplified or revised, pertaining to the construction and safety of vehicles:

(a) "Federal motor vehicle safety standards," 49 Code of Federal Regulations, part 571;

(b) "Control of air pollution from new motor vehicles and new motor vehicle engines," 40 Code of Federal Regulations, part 85;

(c) "Vehicle lighting and other equipment," chapter 46.37 RCW;

(d) Rules and regulations adopted by the state commission on equipment pursuant to RCW 46.37.005, Title 204 Washington Administrative Code[;][:];

(e) "Mobile homes, trailer coaches, and recreational vehicles," chapter 296-48 Washington Administrative Code;

(f) Housing and Community Development Act of 1974, Public Law 93-383, Title VI Mobile home construction and safety standards, §§ 603, 604, 610, 615, 616, 617.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-170, filed 12/9/86; Order MV-446, § 308-66-170, filed 9/16/77; Order MV 170, § 308-66-170, filed 7/16/73; Order 2, § 308-66-170, filed 1/29/68.]

Reviser's note: RCW 34.05.395 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 308-66-180 Record of transactions. (1) The record of purchase and sale of vehicles maintained by a dealer shall, where applicable, include, but not be limited to:

(a) A description of the vehicle, which shall include those items of description required on the Washington application for title;

(b) The Washington license plate number assigned to the vehicle upon transfer;

(c) The required odometer statement disclosure form which shall conform to 49 Code of Federal Regulations, part 580;

(d) The hardback copy of the temporary license permit after the permanent license plates have been provided to the purchaser, if the vehicle is delivered on such permit issued by the dealer.

(2) The record of purchase and sale of the vehicle shall be maintained on all transactions whether at retail or wholesale.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-180, filed 12/9/86; Order MV 170, § 308-66-180, filed 7/16/73; Order 2, § 308-66-180, filed 1/29/68.]

WAC 308-66-190 Transfer of certificate of title by dealer. (1) When a vehicle displaying current Washington plates is sold by a dealer, the dealer shall make an application for a certificate of title in the purchaser's name within ten days following the sale of the vehicle.

(2) The dealer shall in every case sign or type his name on the certificate of title accompanying the transfer. If an authorized agent signs for the dealer, he shall give his title.

(3) The name and address of the previous registered owner shall be shown on the application for transfer of title.

(4) The dealer shall insert the odometer mileage reading on title applications as required by RCW 46.12-.120.

[Order MV 170, § 308-66-190, filed 7/16/73; Order 2, § 308-66-190, filed 1/29/68.]

WAC 308-66-195 Possession of certificates of title. (1) A vehicle dealer shall have possession of a separate certificate of ownership for each used vehicle kept in his possession unless that certificate is in the possession of the person holding a security interest in the dealer's inventory.

(2) Each title shall be in the dealer's own name or in the name of the dealer's immediate vendor properly assigned.

(3) If there is a lienholder on any vehicle acquired by the dealer, the dealer shall obtain possession of the title by paying off any balance due to the lienholder no later than the close of the second business day following the date of acquisition of the vehicle by the dealer.

[Order MV 170, § 308-66-195, filed 7/16/73.]

WAC 308-66-200 Transfer of vehicle to another dealer. When a dealer sells a vehicle to a second dealer, the first dealer shall fill out a dealer-to-dealer report of sale or a release of interest, attach to the certificate of title and deliver to the second dealer. The second dealer shall complete the dealer's report of sale on the application for transfer to the subsequent owner. When more

than two dealers are involved, each dealer shall complete a dealer-to-dealer form or a release of interest except the final dealer who sells to a retail purchaser. The final dealer shall complete the dealer's report on the application for transfer.

[Order MV 170, § 308-66-200, filed 7/16/73; Order 2, § 308-66-200, filed 1/29/68.]

WAC 308-66-210 Statement of change in business structure, ownership interest or control. (1) Any person, firm, association, corporation or trust licensed as a dealer under RCW 46.70.021 must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, majority stockholders, managing partners or trustees, must file within ten days of assuming such function an application and a legal and financial history, including corporation number if a corporation.

(2) Any person, firm, association, corporation or trust licensed as a vehicle manufacturer pursuant to chapter 46.70 RCW shall advise the department within ten days of the change and/or addition to:

- (a) The business structure of the licensee;
- (b) The mailing address of a licensee;
- (c) The name and address of employees or agents designated pursuant to RCW 46.70.041 and 46.70.101 to provide service or repairs to vehicles located within the state of Washington. If the licensee requires warranty service to be performed by all of its dealers pursuant to current service agreements on file with the department, it need not advise the department of changes in its lists of dealers.

(3) Any and all changes affecting the applicability of a bond, if posted, shall be reflected by appropriate endorsement to such bond.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-210, filed 12/9/86; Order MV 170, § 308-66-210, filed 7/16/73; Order 70-08-04, § 308-66-210, filed 8/6/70; Order 69-1, § 308-66-210, filed 8/28/69; Order 2, § 308-66-210, filed 1/29/68.]

WAC 308-66-211 Termination of business. A dealer or a manufacturer who terminates his business shall return his license and special license plates to the department for cancellation within ten business days of such termination, except as provided in RCW 46.70.081.

[Order MV 170, § 308-66-211, filed 7/16/73; Order 70-08-04, § 308-66-211, filed 8/6/70.]

WAC 308-66-212 Sale, transfer or other disposition of noncorporate licensee. Upon the sale, transfer or other disposition of fifty percent or more of the ownership interest in a noncorporate licensee:

- (1) A rider to the bond revealing the change in ownership shall be filed with the department.
- (2) A new application for an appropriate license by the purchaser or transferee is required and the fee will be the same as for an original application.

(3) The former owner must turn into the department his special license plates. The new owner or transferee must purchase new plates in his own name.

[Order MV 170, § 308-66-212, filed 7/16/73; Order 70-08-04, § 308-66-212, filed 8/6/70.]

WAC 308-66-213 Partial sales transfer or disposition of noncorporate licensee. When a licensee transfers less than fifty percent of the ownership interest in a noncorporate licensee to a person not licensed at the licensee's place of business:

(1) A rider to the bond revealing the change in ownership shall be filed with the department.

(2) A new application reflecting the change in ownership must be filed. The parties thereto shall be considered temporarily licensed until renewal or denial of the application and no additional fee will be required. Upon renewal of the license an original application and fee will be required.

(3) The special license plates issued to the original licensee may continue to be used. The same license number may be retained upon renewal if requested.

[Order MV 170, § 308-66-213, filed 7/16/73; Order 70-08-04, § 308-66-213, filed 8/6/70.]

WAC 308-66-214 Incorporation of licensee while licensed. A licensee which incorporates while licensed:

- (1) Shall file an application for an appropriate license.
- (2) Shall file a new bond with the department.

(3) If the transfer involves a change in the business structure only and does not involve the transfer of fifty percent or more of the ownership interest in the firm, the corporation may be considered temporarily licensed until the end of the licensing period or until the application is denied, and during such period:

(a) No additional fees will be required until renewal, at which time an original application for license and fee will be required.

(b) The same special license plates may be used until renewal. The firm may request the preincorporation license number upon renewal.

[Order MV 170, § 308-66-214, filed 7/16/73; Order 70-08-04, § 308-66-214, filed 8/6/70.]

WAC 308-66-215 Mergers and consolidations of corporations. The merger or consolidation of an incorporated licensed firm with a nonlicensed corporation shall be governed by the provisions of WAC 308-66-212 except that a new bond must be filed. Where, in the case of merger, the incorporated licensed firm becomes the surviving corporation, the department may waive WAC 308-66-212(3).

[Order MV 170, § 308-66-215, filed 7/16/73; Order 70-08-04, § 308-66-215, filed 8/6/70.]

WAC 308-66-220 Display of vehicles by combination wrecker-dealer. A dealer who is also an auto wrecker shall keep vehicles held for resale physically separated from vehicles which have been or are to be dismantled for parts. Vehicles not in running condition

will be considered as part of the wrecking operation and are to be stored within the fenced wrecking area.

[Order 70-08-04, § 308-66-220, filed 8/6/70; Order 2, § 308-66-220, filed 1/29/68.]

WAC 308-66-225 Remanufactured vehicles in whole or in part. (1) If the remanufacturing process of the vehicle will involve the removal, destruction, or concealment of any identification number, the parts shall be inspected by an authorized member of the Washington state patrol prior to the removal, destruction, or concealment of the number.

(2) At no time shall a vehicle that falls within the purview of WAC 308-56A-455 or 308-56A-460 be considered remanufactured by a manufacturer.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-225, filed 12/9/86.]

WAC 308-66-230 Titles—Combination tow truck operator-dealer. A dealer who is also a tow truck operator, must obtain a title in his own name for all motor vehicles held in his inventory which he has obtained as a result of a tow truck operator of abandoned vehicle sale conducted in accordance with chapter 46.55 RCW. A vehicle sold directly to a purchaser at the time the tow truck operator's abandoned vehicle sale was originally conducted, need not be titled in the dealer's name before making an application for title for the purchaser.

[Statutory Authority: RCW 46.70.160 and 1986 c 199 § 1. 87-01-016 (Order DLR 115), § 308-66-230, filed 12/9/86; Order 69-1, § 308-66-230, filed 8/28/69; Order 2, § 308-66-230, filed 1/29/68.]

Chapter 308-72 WAC MOTOR VEHICLE FUEL TAX

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-72-010, 308-72-020, 308-72-030, 308-72-040, 308-72-050, 308-72-060, 308-72-070, 308-72-080, 308-72-090, 308-72-100, 308-72-110, 308-72-120, 308-72-130, 308-72-140, 308-72-150, 308-72-160, 308-72-170, 308-72-180, 308-72-190, 308-72-200, 308-72-210, 308-72-220, 308-72-230, 308-72-240, 308-72-250, 308-72-260, 308-72-270, 308-72-280, 308-72-290, 308-72-300, 308-72-310, 308-72-320, 308-72-350, 308-72-355, 308-72-360, 308-72-365, 308-72-370, 308-72-375, 308-72-380, 308-72-385, 308-72-390. [Regulation I through XI, § 308-72-010 through 308-72-320 and 308-72-350 through 308-72-390, filed 3/23/60.] Repealed by Order 107MV, filed 9/10/71.

WAC 308-72-500 Motor vehicle fuel. "Motor vehicle fuel" means any product commonly or commercially sold as gasoline, including natural, absorption, casing head and drip gasoline, regardless of their classification or uses and any other inflammable liquid which is usable for propelling motor vehicles: *Provided, however,* The term "motor vehicle fuel" shall not include kerosene, diesel or stove oil, liquefied petroleum gas, paint thinner, cleaning solvents, chemical additives, or products specifically prepared and sold for use in aircraft engines. The blending of such products or any other product or chemical with gasoline or any other inflammable liquid and the resultant product is sold or used for the propulsion of motor vehicles shall constitute a distribution of motor vehicle fuel to which the motor vehicle fuel tax applies.

[Order 107MV, § 308-72-500, filed 9/10/71.]

WAC 308-72-502 Sale or distribution at wholesale. "Sale or distribution at wholesale" includes all sales or distributions of motor vehicle fuel owned or controlled by a distributor, from bulk storage or from a fuel delivery vehicle owned or controlled by him/her, to two or more of his/her own retail service stations, where no change of title or ownership occurs. This is the same standard used in RCW 82.04.270 for imposition of business and occupation tax levied on wholesalers and distributors. A common carrier fuel delivery vehicle is "controlled by" the distributor if the common carrier's entire load is motor vehicle fuel owned or controlled by one distributor and the distributor, through the bill of lading, controls the time and place of pick-up and delivery of the entire load of motor vehicle fuel.

[Statutory Authority: RCW 82.36.435. 88-23-015 (Order PFT 88-004), § 308-72-502, filed 11/7/88; 88-07-095 (Order PFT 88-003), § 308-72-502, filed 3/22/88.]

WAC 308-72-504 Bona fide wholesale merchant. "Bona fide wholesale merchant" for purposes of licensure as a distributor under chapter 82.36 RCW, means any person whose sales or distribution of motor vehicle fuel at wholesale, regardless of whether there is a change in title or ownership of the fuel, constitute a substantial, as distinguished from incidental, sporadic or infrequent part of his/her total volume of motor vehicle fuel sales or distributions in any given month. *Provided:* No part of one's sales or distributions from a retail service station may be considered to qualify one as a "bona fide wholesale merchant" to qualify as a "distributor" for purposes

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of RCW 82.36.010(3), regardless of whether there were wholesale sales or distributions from a retail service station.

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-504, filed 3/22/88.]

WAC 308-72-506 Application for distributor's license. Application for motor vehicle fuel distributor license shall be made to the department on forms furnished by the department, and shall be accompanied by a fee of ten dollars and the bond or security required by RCW 82.36.060.

The application form shall include the following:

- (1) Name of applicant.
- (2) Physical business address.
- (3) Mailing address if different from the business address.
- (4) Federal Identification Number or Social Security Number.
- (5) Washington department of revenue registration number.
- (6) Information as to type of business organization, i.e., individual, partnership or corporation, and related information.

(7) Information as to whether the applicant or its principals, partners, or corporate officers, or share holders holding 50% or more of its shares, are currently or have previously been licensed in Washington as distributors.

(8) Tax liability information.

(9) Names of suppliers.

(10) Place where records may be examined.

(11) A declaration signed by the applicant or authorized representative that the statements contained in the application are true and correct.

The information in the application is subject to disclosure to the Internal Revenue Service.

The department may send an investigator to the business site to verify information contained in the application, and to examine the facilities of the applicant.

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-506, filed 3/22/88.]

WAC 308-72-508 Requirements to qualify for a motor vehicle fuel distributor license. To qualify for a motor vehicle fuel distributor license the applicant must:

(1) Meet the definition of a distributor as defined in RCW 82.36.010(3); and

(2) Have made application for the distributor license on forms furnished by the department; and

(3) Have paid the required filing fee of ten dollars; and

(4) Have furnished the bond or security required in RCW 82.36.060; and

(5) Be registered with the secretary of state, if required by law; and

(6) Be registered to do business in the state; and

(7) Have facilities for the safe and proper storage and handling or delivery of motor vehicle fuel; and

(8) Have provided a Federal Identification Number (FIN) or Social Security Number (SSN).

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-508, filed 3/22/88.]

WAC 308-72-510 Property statement in lieu of bond. A property statement in lieu of a corporate surety bond or lawful money of the United States, or bonds or other obligations of the United States, the state of Washington or any county of the state may be filed by a licensed distributor, provided, the statement sets forth a complete description of property, the value thereof, and the amount of any indebtedness or encumbrance thereon. The net value of the property shall be equal to or greater than twice the estimated monthly tax due or to become due as determined in such manner as the director deems proper. A revised or amended property statement shall be furnished by the licensed distributor when the value of the property described on a property statement that has been accepted by the director is known to be less than twice the estimated monthly tax. A property statement that has been accepted by the director shall be revised and brought up-to-date every three years or sooner if requested by the director.

[Order 107MV, § 308-72-510, filed 9/10/71.]

WAC 308-72-512 Cancellation of distributor's license. A distributor license may be cancelled by the director under the following circumstances.

(1) Upon written request of the distributor, such cancellation to be come effective sixty days from the date of receipt of the written request of such distributor for cancellation thereof.

(2) Upon investigation and sixty days notice if the director ascertains and finds that the person to whom the license is issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six months prior to such cancellation. A licensee whose sales or distributions of motor vehicle fuel at wholesale constitutes less than a substantial part of his/her total volume of sales during a consecutive six month period, as disclosed by the licensees monthly fuel tax reports, is considered no longer engaged in the business of a distributor, and the distributor license must be cancelled as provided in RCW 82.36.190.

(3) Upon failure to file a new bond or to make deposits (cash) in accordance with RCW 82.36.060, when surety requests to be released or discharged.

(4) Upon failure to file new or additional surety bond or to deposit additional securities within thirty days after being requested to do so by the department.

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-512, filed 3/22/88.]

WAC 308-72-520 Reports. Every licensed distributor and every person licensed as "other than a distributor" shall on or before the twenty-fifth day of each month, file:

(1) A signed statement of the gallons of motor vehicle fuel sold, distributed, and used; the gallons sold or distributed which are exempt or deductible in the computation of the tax; the net taxable gallons and the amount due the state during the preceding calendar month. A

person licensed as "other than a distributor" shall compute the tax on the gallonage otherwise taxable. A remittance to cover the amount of excise tax due shall accompany the report.

(2) A summary of all motor vehicle fuel transactions resulting in sales, distribution and use or in an increase or decrease of stock in licensed bulk storage plants in this state each month.

(3) Such schedules as are necessary to completely explain and support the entries on the statement and summary. Machine tabulated data will be accepted if prepared in the same format as required for manually prepared schedules. The Motor Vehicle Fuel Report Procedures will serve as a guide in preparing the supporting schedules and other documents.

(4) If the twenty-fifth day of the month falls on a Saturday, Sunday, or on a federal holiday for which the U.S. Post Office is closed, the report and tax will be filed or paid on or before the first succeeding day that is not a Saturday, Sunday, or holiday for which the U.S. Post Office is closed, without penalty or loss of rights of any kind. RCW 82.36.050 of the Washington law is explicit regarding the timely filing or receiving of the motor vehicle fuel tax report, tax payment and other data.

[Order 474-DOL, § 308-72-520, filed 12/30/77; Order 107MV, § 308-72-520, filed 9/10/71.]

WAC 308-72-530 Import deliveries. (1) Motor vehicle fuel shipped into the state by a licensed distributor and delivered directly into unlicensed bulk storage or to customers in this state shall be reported as **DIRECT SHIPMENT TO CUSTOMERS IN THIS STATE—IMPORTS**.

(2) Motor vehicle fuel shipped into the state by a licensed distributor and delivered directly to another licensed distributor before such fuel passes through the delivering distributor's bulk storage plants in this state shall be reported as a **DIRECT DELIVERY TO CUSTOMERS IN THIS STATE—IMPORTS** by the delivering distributor. Exemption shall be claimed as a delivery in this state to another licensed distributor.

(3) Motor vehicle fuel shipped into the state by a licensed distributor and delivered directly into the distributor's bulk storage plant in this state shall be reported as **STORAGE RECEIPTS FROM SOURCES OUTSIDE THE STATE**.

[Order 107MV, § 308-72-530, filed 9/10/71.]

WAC 308-72-540 Tax exempt transactions. (1) Exports. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To a customer at a point outside the state by means of equipment owned and operated or completely controlled by the licensed distributor.

(b) To a common or contract "carrier" for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the Washington licensed distributor claiming the export actually and, in fact, retains title to and control over said fuel until actual delivery to its destination out of the state of Washington.

(c) To another Washington licensed distributor at a destination outside the state. The delivering distributor shall claim exemption by reason of export and shall report such transactions in the same manner as an export to any other customer.

(d) To another Washington licensed distributor at a destination outside this state following a receipt from another licensed distributor in this state. The licensed distributor receiving the fuel in this state shall be deemed the exporter.

(e) To a buyer in an individual quantity of 500 gallons or less for export by the buyer provided that the licensed distributor is also licensed in and agrees to pay the applicable fuel tax to the state, territory or country of destination.

(f) Into the transportation equipment of a buyer or a common or contract carrier employed by the buyer if the buyer transports the fuel to a location in a foreign nation.

(2) United States armed forces and National Guard. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To the United States armed forces or National Guard under a government bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(d) Within the state in accordance with a credit or courtesy card issued to the United States armed forces or National Guard by a licensed distributor provided that a delivery is made into the fuel tanks of ships operated by the United States armed forces or National Guard.

(e) No exemptions shall be granted for motor vehicle fuel sold to contractors acting as agents of the United States armed forces or National Guard for use in the performance of contracts with the United States armed forces or National Guard.

(3) Sales or distributions to other licensed distributors. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel to another Washington licensed distributor in this state except no sale or distribution of motor vehicle fuel from one licensed distributor to another licensed distributor may be made free of motor vehicle fuel tax where the sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage. No exemption from motor vehicle fuel tax may be claimed where a sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage.

[Statutory Authority: RCW 82.36.435. 88-07-095 (Order PFT 88-003), § 308-72-540, filed 3/22/88; Order 107MV, § 308-72-540, filed 9/10/71.]

WAC 308-72-550 Tax exempt losses. (1) Motor vehicle fuel lost or destroyed in this state while being transported in the equipment of a licensed distributor or in the equipment of a common or contract carrier for a Washington licensed distributor shall be reported as taxable distribution. Credit for the tax may be taken when the licensed distributor or the common or contract carrier furnishes acceptable proof of the exact quantity of fuel lost provided the documents in support of the loss are submitted to the director for approval. Acceptable proof of loss shall ordinarily be understood to consist of:

(a) An affidavit by a person having actual knowledge of the loss, setting forth the origin and destination of the shipment, the circumstances surrounding the loss, the exact quantity of fuel lost, the exact quantity of fuel salvaged, the disposition of the salvaged fuel, and the procedure used in the determination of the quantity of fuel lost;

(b) A signed statement by a state patrol officer or official witness to the loss;

(c) A bill of lading or other shipping document;

(d) A statement by the licensed distributor establishing his ownership of the fuel at time of loss;

(2) Loss of ex-tax motor vehicle fuel which has been proven lost or destroyed prior to distribution from a licensed distributor's bulk storage plant is allowable. Affidavits or other documentary evidence substantiating losses shall be retained by the license distributor. Unproven losses shall be considered as distribution subject to tax.

(3) Exemption from the tax shall not be allowed on losses of tax-paid fuel, losses from unlicensed bulk storage plants, or losses from storage tanks which are connected to retail outlets. A refund of the tax may be allowed for tax-paid fuel lost or destroyed as provided in RCW 82.36.370.

(4) Charges for losses made to employees or agents of the licensed distributor or to other persons who fail to satisfactorily account for fuel shall be invoiced inclusive of tax.

(5) Other losses shall be accounted for and supported by proof which clearly established their validity.

[Order 107MV, § 308-72-550, filed 9/10/71.]

WAC 308-72-560 Records--Distributors--Dealers--Brokers. (1) Every licensed distributor and every dealer and every broker shall maintain a complete stock summary of the gallons of motor vehicle fuel handled each month which reflects inventories, receipts, sales, use, other distribution, and loss or gain. The stock summary shall be supported by:

(a) Physical inventories of bulk storage plants taken at the close of each calendar month;

(b) Meter readings for pumps through which fuel is dispensed taken at the close of each calendar month;

(c) A record of fuel receipts together with invoices, bills of lading, transfer documents, yield reports, and other documents relative to the acquisition of fuel;

(d) A record of fuel disbursements together with invoices, bills of lading and other documents relative to the disbursements of fuel.

(2) All receipts into storage and withdrawals from storage shall be recorded at the storage facility at which made.

[Order 107MV, § 308-72-560, filed 9/10/71.]

WAC 308-72-570 Invoices. (1) Every licensed distributor and every broker shall issue an invoice at the time of each sale, distribution or use. An invoice is defined as: Any document evidencing the transfer of title to motor vehicle fuel and which must include:

(a) An imprinted serial number;

(b) The imprinted name of the distributor or broker;

(c) The name and address of the purchaser;

(d) The date of delivery; (month, day and year)

(e) The location of the point of shipment, in words;

(f) The place of delivery, in words, if different from shipping point;

(g) Customer's truck or common carrier when delivered thereto;

(h) Name of product sold;

(i) The quantity, in gallons, of product sold;

(j) The price per gallon and total amount charged;

(k) The statement "Ex Washington motor vehicle fuel tax" if exemption is claimed; and

(1) In the case of border or interstate sales where place of delivery may be different than purchaser's address, indicate, "state" where delivered, i.e., Washington delivery, Idaho delivery, Oregon delivery.

(2) Returns. When motor vehicle fuel is physically returned for credit from a customer other than a dealer (service station) the licensed distributor may claim credit for the tax if the original invoice is obtained from the customer and retained by the licensed distributor. When the number of gallons returned is less than the quantity sold and when the customer desires to file claim for refund of tax on the unreturned portion, the licensed distributor shall obtain the refund copy of the delivery invoice and retain it in the tax files. In such cases, a new invoice may be issued for the unreturned portion, making reference to the original date of delivery and invoice number. If the licensed distributor is unable to obtain the customer's original invoice when motor vehicle fuel is physically returned, the licensed distributor receiving the fuel may obtain permission from the director to claim credit for the tax without obtaining the original invoice after furnishing the name and address of the customer, name or location of the licensed distributor's station making the sale, date and number of the delivery invoice, gallons delivered and gallons returned.

An invoice used to record a returned sale or billing adjustment resulting in a credit, must be clearly identified as a credit invoice by means other than circling of figures.

When circumstances require an invoice prepared at the time of delivery to be replaced by another, the new document must include all of the pertinent information shown on the first document including the invoice number and date of transaction.

(3) Own use, taxable. Fuel used in motor vehicles or for other taxable purposes by a licensed distributor or

his agent shall be supported by an invoice or usage report covering the total fuel used at a particular plant during the month. If motor vehicle fuel is acquired from another licensed distributor or a dealer, the invoice shall be retained in the licensed distributor's files and the purchase noted on the usage report.

(4) Own use, tax refundable. If motor vehicle fuel is used for a purpose subject to tax refund, the licensed distributor may claim credit for such use on the statement. In such case, the supporting invoices or usage report shall clearly indicate the use as well as the equipment in which used.

[Order 107MV, § 308-72-570, filed 9/10/71.]

WAC 308-72-600 Tax refund. The Washington motor vehicle fuel tax law provides that any person who has purchased motor vehicle fuel (gasoline) and has paid the tax, either directly or indirectly, shall be entitled to a refund when such motor vehicle fuel is used for operating tractors, stationary gas engines, motor boats, cleaning, dyeing or other commercial use or when exported from the state, other than in fuel tanks of motor vehicles, and, under certain conditions, on fuel used in operating motor vehicles as explained in WAC 308-72-660.

[Order 107MV, § 308-72-600, filed 9/10/71.]

WAC 308-72-610 Refund permit. Any person desiring to claim a refund of the motor vehicle fuel tax shall make application for a refund permit. The refund permit may be obtained before or at the time of filing a claim for refund.

[Order 470-DOL, § 308-72-610, filed 12/30/77; Order MV 175, § 308-72-610, filed 10/24/73; Order 107MV, § 308-72-610, filed 9/10/71.]

WAC 308-72-620 Filing of claim. (1) A claim may be filed monthly, quarterly, annually or for whatever period of time the applicant desires except that such claim must be filed not later than the close of the last business day of a period thirteen months from the date of purchase of the motor vehicle fuel. The postmark date will be recognized as the date claim was filed.

(2) In all cases a claim shall be accompanied by the original (top copy) invoice or invoices issued to the claimant by the seller of the fuel. (For exception see subsection (5) of WAC 308-72-630.) All invoices of fuel purchased during the claim period including fuel purchased for licensed motor vehicles must be submitted with each claim.

(3) Individuals must sign their own claims. A partnership claim may be signed by any one of the partners. Claims of business firms or corporations must be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided. Claims should be made out in the same name as that shown on the invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, attach a letter of authorization signed by the person to whom the invoice was issued.

[Order 107MV, § 308-72-620, filed 9/10/71.]

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WAC 308-72-630 Invoice requirements, seller responsibility. (1) The seller of motor vehicle fuel is required to issue to each purchaser who claims to be entitled to a refund separate invoices for each purchase of fuel on invoice forms approved by the director. Each invoice must be the original issued at the time of purchase. An original invoice for the purpose of supporting a claim for refund of the motor vehicle fuel tax is the top copy of a set of invoices prepared simultaneously by hand or machine. Each invoice in support of a claim for refund must show:

(a) Name and address of the seller;

(b) Purchaser's name and address (invoices showing cash, boat number, equipment name or number, etc. will not qualify). Address not necessary on credit card invoices;

(c) Kind or type of fuel and number of gallons delivered;

(d) Complete date of sale (month, day and year).

(2) A single invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as required by subsection (1): *Provided*, each delivery is individually listed on the invoice or on an accompanying statement in accordance with the requirements of said subsection (1) for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which tax is claimed as refundable and the nonrefundable deliveries and gallons.

(3) Invoices which indicate alterations, corrections or erasures shall be void and will not be accepted. Any person who alters any part of an invoice that will tend to give the claimant an illegal gain may have the entire claim invalidated and the director may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the original invoice.

(5) Credit card invoice forms shall be issued only when a purchaser holds a valid credit card. Such forms shall not be used to invoice cash sales. The original (top copy) credit card invoice is the only one acceptable for refund except as provided in subsection (6).

(6) In extenuating circumstances, copy invoices will be accepted. Each copy must bear a statement signed by the dealer that it is a certified or true copy of the original. In all cases the reason for use of copy invoices must be given. Payment of refund based upon such duplicate or copy invoices will not be made until after expiration of the thirteen month period specified in RCW 82.36.330.

(7) If an original invoice is lost or destroyed, the dealer or distributor may issue a duplicate copy entering thereon the invoice number, date of sale, gallonage, price and amount, and any information that appeared on the original invoice. The copies shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The

claimant may then submit the certified copy for validation. The validated copy will be returned to the claimant who, when the thirteen month time limit has elapsed for the copy, may submit it with a separate claim for refund showing the refundable and nonrefundable usage of the fuel.

(8) Sellers of fuel shall not issue two original invoices, one each on a different form for the same delivery of fuel. Only one original invoice shall be issued for any one delivery.

[Order 107MV, § 308-72-630, filed 9/10/71.]

WAC 308-72-640 Records. Each claimant shall maintain records which are sufficient to substantiate the accuracy of the claim. Such records shall reflect all motor vehicle fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain, and inventory on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to accede to a demand for examination of them constitutes a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

(1) Use of fuel from common storage. Fuel purchased and delivered into bulk storage for use in vehicles required to be registered and licensed to operate on the public roads and for nonhighway use, must be fully accounted for by detail withdrawal records to accurately show the manner in which used. This record must be available for inspection upon request. Any fuel on hand (by actual measurement) should be indicated on the claim as closing storage inventory and should be reported as an opening storage inventory on the next claim. Credit for the inventory will be allowed on the next claim if it is filed within thirteen months from the filing date of the claim which established the inventory. All invoices for the total fuel purchased must be submitted with each claim. (For exception see subsection (5) of this section.) A BULK STORAGE RECEIPT AND DISBURSEMENT RECORD designated for recording purchases and withdrawals of fuel from bulk storage will be furnished free upon request.

(2) Use of fuel from separate storage. Where separate bulk storage tanks are maintained for nonhighway use and for public road use, seller should mark the invoices at the time of delivery identifying the storage into which the fuel was delivered. No further detailed record will be required. Inventories must be reported and all invoices must be submitted. FUEL MAY NOT BE USED from the nonhighway tank in motor vehicles required to be registered and licensed. To do so will invalidate this method of determining refundable gallonage.

(3) Use of fuel from restricted use storage. Special storage facilities in the woods or farm fields or for other uses for certain periods should be identified and explained. If such storage is used entirely for nonhighway purposes and not used in motor vehicles required to be registered and licensed, no other record will be required.

Purchase invoices showing delivery into such storage must be submitted and inventory at end of claim period should be reported.

(4) Fuel purchased for other than bulk storage. Fuel purchased in small containers for nonhighway use (boats, tractors, power saws, etc.) should be identified on the purchase invoice and no further record will be required.

(5) Proof of public road use. When no NONREFUNDABLE use deduction is made from invoices attached to the claim, claimant shall retain taxable invoices in his files and be prepared to substantiate fuel used in motor vehicles required to be registered and licensed upon request.

(6) Where a claim covering the operation of an unregistered or unlicensed motor vehicle is entirely over private roads or property subject to refund, no record will be required other than that necessary to show the source and number of gallons of fuel used.

[Order 107MV, § 308-72-640, filed 9/10/71.]

WAC 308-72-650 Refunds to dealer delivering fuel exclusively for marine use. (1) Marine dealers may file claim for refund when motor vehicle fuel is delivered directly into the fuel tanks connected to the engine of any marine vessel owned or operated by the purchaser of the fuel, but only if the person to whom the fuel is sold is a holder of a valid motor vehicle fuel tax refund permit at the time of sale. The dealer should request purchaser to exhibit his refund permit at the time of delivery. A claim for refund shall be supported by:

(a) Original (top copy) invoices covering fuel deliveries into the dealer's storage facilities. Licensed distributors who are also marine dealers will not be required to submit purchase invoices.

(b) Original (top copy) invoices covering tax exempt sales of motor vehicle fuel. These invoices shall, in addition to the applicable invoice requirements of WAC 308-72-630, contain:

- (i) The vessel or boat name;
- (ii) The Coast Guard or official number;
- (iii) The applicable sales tax;
- (iv) Purchaser's motor vehicle fuel tax refund permit number;
- (v) The statement "Ex Washington motor vehicle fuel tax."

(2) The dealer shall also file an exemption certificate containing a certificate signed by the purchaser that the fuel will be used solely for marine use. In lieu of a separate certificate, the dealer may imprint an exemption certification on his original sales invoices provided such form has been approved by the director.

(3) Chapter 183, Laws of 1971 ex. sess., provides that one cent per gallon shall be deducted from each marine use refund claim to be deposited in the coastal protection fund.

[Order 107MV, § 308-72-650, filed 9/10/71.]

WAC 308-72-660 Power take-off use. (1) Tax refund may be claimed for fuel used in a motor vehicle which is equipped with a power take-off unit to operate auxiliary equipment provided that the fuel used for

power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway or if the fuel used to operate the auxiliary equipment by the power take-off is accurately measured by a metering device that has been specifically approved by the director, and, in certain motor vehicles, when established by the following formula:

(a) For gasoline used in pumping fuel oil or heating oil by means of a power take-off unit on a delivery truck at the rate of three-fourths of one gallon for each one thousand gallons of fuel or heating oil delivered. Pumping of gasoline or other refined petroleum products does not apply and claimant shall make a deduction for those products, other than fuel oil, pumped through the meter, pumping out of tanks, testing of meters or other uses. FUEL OIL DELIVER TRUCK OPERATORS must maintain records which show the total gallons of fuel oil or heating oil pumped by each vehicle for which refund is claimed together with supporting meter readings.

(b) For gasoline used in operating a power take-off unit on a cement mixer truck or for gasoline used in operating a power take-off unit which operates a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of gasoline used in each truck. Garbage trucks with power take-off units which operate only a dump box, hoist or other type of lift shall not apply. CEMENT MIXER TRUCK AND GARBAGE TRUCK OPERATORS must maintain records which show the total gallons of fuel used and the total miles operated for each vehicle.

(2) All claims must be accompanied by valid purchase invoices to cover the total gallons of gasoline purchased, except that invoices for gasoline used in fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

(3) If fuel is used from bulk storage, claimant shall maintain a detailed record of all receipts, withdrawals, and beginning and ending inventories to substantiate fuel used in motor vehicles.

(4) A schedule of vehicle operations shall support each claim for refund.

[Order 107MV, § 308-72-660, filed 9/10/71.]

WAC 308-72-670 Auxiliary engines. Tax refund may be claimed for fuel used in auxiliary engines mounted on a licensed motor vehicle (ready mix concrete, refrigeration or air conditioning units, etc.) if the fuel for the auxiliary engine is supplied from a fuel tank other than the fuel tank which supplies the engine propelling the vehicle, or is accurately measured by a metering device that has been specifically approved by the director. Estimates for refundable use will not qualify for refund. When separate tanks are used, claimant shall maintain a detailed record of the gallons of fuel used and purchase invoices covering the total gallons of fuel used in both tanks must accompany the claim.

[Order 107MV, § 308-72-670, filed 9/10/71.]

WAC 308-72-680 Gasoline lost or destroyed. (1) A refund may be claimed in the manner provided:

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(a) On all motor vehicle fuel which is lost or destroyed while claimant shall be the owner thereof through fire, lightning, flood, wind storm or explosion.

(b) On all motor vehicle fuel of 500 gallons or more which is lost or destroyed through leakage or other casualty except evaporation, shrinkage or unknown causes.

(2) The director shall be notified in writing as to the full circumstances and the amount of the loss or destruction within thirty days from the day of discovery of such loss or destruction. Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary.

[Order 107MV, § 308-72-680, filed 9/10/71.]

WAC 308-72-690 Special rules and requirements for fuel tax refunds. (1) U.S. government. Tax refund shall be allowed for fuel used off the public highways for official use in a motor vehicle owned by the United States. When fuel is sold to agencies of the United States, including taxable sales to the armed forces, and when the original invoice must be forwarded to the federal service agencies to support payment for the fuel, the seller, the federal agency and the state by mutual arrangement shall designate a copy as the only copy to be used in support of a claim for refund of the tax. The invoice so designated shall be deemed the original invoice.

(2) Foreign governments. Employees of a foreign government, including foreign diplomatic and consular offices, shall receive a refund of the tax paid on the gallons of fuel used. The refund shall be allowed only if such foreign government grants an equivalent exemption to employees of the United States performing similar services in such country. No refund will be allowed unless and until the claimant complies with the provisions of RCW 82.36.310 and 82.36.330.

(3) Marine users. Marine users, excluding marine dealers, need only to submit those fuel receipts on which the tax is refundable.

(4) Urban transportation systems. A schedule of vehicle operations of an urban passenger transportation system shall supplement the claim for refund.

(5) Snowmobiles and all terrain vehicles. Motor vehicle fuel used and purchased for providing the motive power for snowmobiles and for all terrain vehicles (ATV), although considered a nonhighway use of fuel, shall not be claimed for refund of the motor vehicle fuel tax paid thereon.

(6) No refund shall be made and should not be claimed for motor vehicle fuel used in a motor vehicle required to be registered and licensed notwithstanding that such motor vehicle occasionally may be operated over private roads or property which would otherwise be subject to refund.

[Order 107MV, § 308-72-690, filed 9/10/71.]

WAC 308-72-700 Use tax. The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of the refund claimed. The claimant may calculate the tax himself or it will be computed by the department.

[Order 107MV, § 308-72-700, filed 9/10/71.]

Chapter 308-76 WAC

MOTOR VEHICLE FUEL IMPORTER USE TAX

WAC

- 308-76-005 Practice and procedure.
 308-76-400 Motor Vehicle Fuel Importer Use Tax Act—Definitions.
 308-76-405 Motor Vehicle Fuel Importer Use Tax Act—Tax imposed—Rate.
 308-76-410 Motor Vehicle Fuel Importer Use Tax Act—Report of carriers.
 308-76-415 Motor Vehicle Fuel Importer Use Tax Act—Computation and collection of tax—Credit for fuel purchased in Washington.
 308-76-420 Motor Vehicle Fuel Importer Use Tax Act—Assessment of tax.
 308-76-425 Motor Vehicle Fuel Importer Use Tax Act—Exported fuel—Refund procedure.
 308-76-430 Motor Vehicle Fuel Importer Use Tax Act—Records required.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-76-010 Users of use fuel—Definitions. [Regulation I, § I, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-015 Users of use fuel—Imposition of tax. [Regulation I, § II, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-020 Users of use fuel—Monthly report required—Tax payable monthly. [Regulation I, § III, effective 9/1/65; Regulation II, § D, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-025 Users of use fuel—Use fuel tax permit and vehicle identification card. [Regulation I, § IV, effective 9/1/65; Regulations II, § A and II, § C, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-030 Users of use fuel—Cancellation or revocation of permit—Discontinuance of use of equipment. [Regulation I, § V, effective 9/1/65; Regulations II, § F, and II, § G, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-035 Users of use fuel—Permit required before registration of vehicle. [Regulation I, § VI, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-040 Users of use fuel—Security required. [Regulation I, § VII, effective 9/1/65; Regulation II, § B, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-045 Users of use fuel—Deficiency assessment—Default assessment—Reassessment of deficiency, and default assessments—Audit determination. [Regulation I, § VIII, effective 9/1/65.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-050 Users of use fuel—Records to be maintained—Audit of records. [Regulation I, § IX, effective 9/1/65; Regulation II, § E, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-080 Users of use fuel—Display of permit. [Regulation II, § A effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-090 Users of use fuel—Security requirements. [Regulation II, § B (1) (2), effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-100 Sellers of use fuel—Seller's license. [Regulation II, § I, effective 9/1/65; Regulation II, § I, effective

9/1/63; Regulation I, § A, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

- 308-76-110 Sellers of use fuel—Security required. [Regulation II, § II, effective 9/1/65; Regulation II, § II, effective 9/1/63; Regulation I, § B, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-120 Sellers of use fuel—Vehicle identification card, permit, license to be displayed. [Regulation II, § III, effective 9/1/65; Regulation II, § III, effective 9/1/63; Regulation I, § C, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-130 Sellers of use fuel—Monthly report required. [Regulation II, § IV, effective 9/1/65; Regulation II, § IV, effective 9/1/63; Regulation I, § D, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-140 Sellers of use fuel—Records—Liability of sellers. [Regulation II, § V, effective 9/1/65; Regulation II, § IV, effective 9/1/63; Regulation I, § E, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-200 Noncommercial passenger vehicle users—Exemption from use fuel tax report permit, security and vehicle identification card. [Regulation III, effective 9/1/65; Regulation III, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.
 308-76-500 Use fuel tax report forms. [Use Fuel Tax Regulation IV, effective 1/1/57.] Repealed by Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.

WAC 308-76-005 Practice and procedure. [See WAC 308-08-005(5) and chapter 308-08 WAC].

WAC 308-76-400 Motor Vehicle Fuel Importer Use Tax Act—Definitions. (Reference: RCW 82.37.020.)

(1) "Commercial motor vehicle" includes vehicles used or maintained for the transportation of the carrier's own property or equipment and installation or construction vehicles with fixed loads.

(2) "Motor carrier" means an interstate motor carrier operating a commercial motor vehicle. There are no qualifications made as to whether such motor carrier operates a commercial motor vehicle as a common, contract and private carrier, as to exclude same from the definition of a motor carrier.

(3) "Operations" when applied to a motor carrier means the operation of all leased commercial motor vehicles. A motor carrier who leases a commercial motor vehicle(s) (lessee) and operates or causes the vehicle(s) to be operated into or out of or through this state shall be the motor vehicle fuel importer and subject to the provisions of the act.

Operations, when applied to a truck rental company and controlling company household movers, with respect to the imposition of the motor vehicle fuel tax, the payment of the tax and/or collection of the tax is as follows:

A truck rental company is responsible and accountable for the operations of commercial motor vehicles that are operated solely under its jurisdiction and control. When a commercial motor vehicle is rented or leased to another party (lessee), the lessee is responsible.

A controlling company household carrier (mover) is responsible and accountable for the tax imposed under

the act on commercial motor vehicles operated by "contract truckmen" and/or owner-operators as "independent contractors" while the controlling company has full jurisdiction and operation of the vehicle's movements. In addition, the controlling company shall have full responsibility and liability to render accountability for leased agency miles. The controlling company (lessee) shall be responsible for the tax on leased vehicle miles involving leased contracts with their agent's owned motor vehicles.

An agent of a controlling company household mover shall be responsible and shall account for the tax liability for only those miles traveled in this state by said vehicle while operated under their own rights.

[Motor Vehicle Fuel Importer Use Tax Act, Regulation A, effective 8/15/65.]

WAC 308-76-405 Motor Vehicle Fuel Importer Use Tax Act—Tax imposed—Rate. (Reference: RCW 82.37.030.) In consideration of the use of the highways of this state, every motor carrier shall pay a tax per gallon, equal to the current rate imposed by the motor vehicle fuel tax law of this state, on all motor vehicle fuel used by it in operating or propelling any commercial motor vehicle on the public highways of this state, determined as follows:

The amount of motor vehicle fuel considered as used in the operations of any motor carrier within the state shall be the percentage of the total amount of such motor vehicle fuel used in its entire operations within and without the state that the total number of miles operated within this state bears to the total number of miles operated within and without this state.

[MVFIUTA Regulation B, effective 8/15/65; MVFIUTA Regulation A, effective 9/1/63.]

WAC 308-76-410 Motor Vehicle Fuel Importer Use Tax Act—Report of carriers. (Reference: RCW 82.37.040.)

(1) Every motor carrier subject to this tax may at any time file with the director a report upon forms furnished by the director, showing the amount of gasoline or other motor vehicle fuel used by such motor carrier in its operations within this state. The voluntary report must cover operations for a full calendar month or months by such motor carrier. The amount of fuel used is determined by dividing the total miles operated within Washington by the average miles per gallon of said vehicles.

(2) Motor carriers operating commercial motor vehicles interstate, who voluntarily file the report, are required to report the entire operations of those vehicles which operate both within and outside the boundaries of the state of Washington. Motor carriers who operate any of their commercial motor vehicles entirely within the boundaries of Washington, or entirely outside the boundaries of Washington, are not to include such vehicles in the report.

(3) Under this act, the department does have the authority to grant carriers the privilege of basing their reports on an estimated or arbitrary average miles per gallon. However, consideration for granting the privilege

of using an arbitrary average miles per gallon shall be given by the department only upon receipt of written request from the user.

[MVFIUTA Regulation C, effective 8/15/65; MVFIUTA Regulation B, effective 9/1/63.]

WAC 308-76-415 Motor Vehicle Fuel Importer Use Tax Act—Computation and collection of tax—Credit for fuel purchased in Washington. (Reference: RCW 82.37.060.)

(1) The tax imposed shall be computed at the rate levied under RCW 82.37.030 and paid on the total number of gallons of motor vehicle fuel used by the motor carrier within the state during the taxable period, as represented by the report of the carrier's operations upon the public highways of this state, calculated on the average miles per gallon for those vehicles operated within and outside of this state divided into the total miles operated within this state by said vehicles. Every motor carrier subject to the tax shall be entitled to a credit equivalent to the tax levied under RCW 82.37.030 on all gasoline or other motor vehicle fuel purchased for such vehicle within this state, provided said tax has been paid.

(2) The carrier shall file a schedule of such purchases, which shall be a part of his report, and shall take credit for such tax-paid purchases from the total gallons of motor vehicle fuel consumed in Washington in arriving at the amount of gallons of motor vehicle fuel upon which the tax is to be computed and paid. If the report or the audit for the month or months covered should indicate that the credit allowable to the carrier exceeds the amount of the tax for which the carrier is liable for the same month or months, such excess may be applied as a credit against the carrier's tax liability for any succeeding month or months that a report covers or such excess may be refunded to the motor carrier pursuant to the statutory provision of the act governing same.

Each tax report transaction that declares twenty-three taxable gallons or less need not make remittance; conversely, each tax report transaction that claims a refund for twenty-three gallons or less will not be allowed. Similarly, an error in the computation of taxable gallonage in the amount of twenty-three gallons or less will be accepted without penalty or credit. An error in the computation of the tax payable (or credit) in the amount of \$1.09 or less will be accepted without penalty or credit.

[Order MV 376, § 308-76-415, filed 8/9/76; MVFIUTA Regulation D, effective 8/15/65; MVFIUTA Regulation C, effective 9/1/63.]

WAC 308-76-420 Motor Vehicle Fuel Importer Use Tax Act—Assessment of tax. (Reference: RCW 82.37.080.) The tax liability determined through audit of the carrier's records and books is the result of the gallons of motor vehicle fuel consumed on Washington public highways exceeding the gallons of tax-paid fuel purchased in this state.

[MVFIUTA Regulation E, effective 8/15/65; MVFIUTA Regulation D, effective 9/1/63.]

WAC 308-76-425 Motor Vehicle Fuel Importer Use Tax Act—Exported fuel—Refund procedure. (Reference:

RCW 82.37.140.) Every motor carrier subject to the tax shall be entitled to a refund under the following conditions:

(1) The motor carrier's report, or an audit of the carrier's records, must reflect a tax credit which was determined by the amount of tax-paid motor vehicle fuel purchased in Washington in excess of the amount of fuel used in Washington.

(2) The motor carrier must have exported such excess fuel in the fuel supply tank or tanks of commercial motor vehicles and must have used the fuel to operate such vehicles upon the highways of another state or states. Motor vehicle fuel carried from this state in the fuel supply tank or tanks of a commercial motor vehicle is deemed to be exported from this state.

(3) The claim for refund must be filed before the expiration of five years from the last day of the month in which the fuel was used, on claim forms furnished by the department.

(4) Complete records must be maintained to substantiate your claim for refund. If proper records are not kept, refunds will be disallowed. Your operational records shall include a detailed accounting of fuel purchased and/or consumed, and miles traveled in Washington and all other states. As evidence to prove your purchase of motor vehicle fuel in this state, the purchase invoices or delivery tickets must be maintained five years, and to be accepted shall contain the following information:

- (a) Name and station address of the seller;
- (b) Either stamped cash invoice or credit card imprint invoice;
- (c) Date of sale;
- (d) Name and address of the purchaser;
- (e) Company unit number or motor vehicle license number of the power unit;
- (f) The type or kind of fuel sold;
- (g) The number of gallons sold; and
- (h) The signature of the purchaser.

If you are operating leased equipment, your name as lessee must be shown on the invoice.

(5) The director or his duly appointed representative shall have the right, in order to establish the validity of any claim for refund, to examine the books and records of such claimant. He shall have full authority to determine the adequacy of such records and books and the amount of refund due the claimant.

[MVFIUTA Regulation F, effective 8/15/65; MVFIUTA Regulation E, effective 9/1/63.]

WAC 308-76-430 Motor Vehicle Fuel Importer Use Tax Act--Records required. (Reference: RCW 82.37.150.)

(1) Each motor carrier shall make and retain for a maximum of five years or until audited by this department, records of gallons of motor vehicle fuel purchased or received, mileage traveled within and without this state, commercial motor vehicles owned, operated, leased, or operated under any other form of contract, and other pertinent papers that are reasonably necessary to substantiate any tax liability imposed by the act. Each

motor carrier shall maintain records as provided herein. A motor carrier who does not elect to file a voluntary report is subject to the declared purpose of the act, and shall nevertheless be governed by the statutory provisions relating to the collection of tax, assessment of tax by audit, records to be maintained, examination of records and unlawful practices.

(2) **Bulk storage fuels.** Where a motor carrier maintains bulk storage fuels, an accounting of fuel withdrawals from bulk storage facilities, determined by the use of meters or other accurate measuring devices and recorded on serially-numbered invoices or other daily record of own use, shall be maintained. A serially-numbered invoice shall be issued or an entry on a daily record of own use shall be made at the time of each fuel disbursement from bulk storage, and shall disclose:

- (a) The location of the storage facility from which the fuel is withdrawn;
- (b) The date of the disbursement;
- (c) The number of gallons withdrawn;
- (d) The opening and closing meter readings or other means of determining the quantity withdrawn; and
- (e) The unit or equipment number if the fuel is delivered into the fuel supply tank of the carrier's own vehicle, or the purpose of the withdrawal if the fuel is withdrawn for carrier but is not delivered into the carrier's motor vehicle.

(3) **Trip and fuel consumption.**

(a) Every carrier shall maintain a record of all trips made by each commercial motor vehicle in connection with which fuel is used. Such operating record shall set forth in detail the dates and points of beginning and termination of each one-way trip; proper designation of highways upon which operated; total miles traveled; miles traveled in each state; and a complete listing of all purchases of motor vehicle fuel into such vehicles showing quantity, date and point at which received during said trip: *Provided, however,* That the dates and points of beginning and termination of each one-way trip; proper designation of highways upon which operated, need not be maintained in the record for all trips if the department has granted prior approval to a method or system of maintaining records which will determine amount of fuel used. The Washington fleet average miles per gallon shall also be determined. Such operating information shall be compiled on the basis of total operations for the calendar month. The totals for the calendar month(s) shall be set forth on the carrier's reports to the department.

(b) Supporting documents such as bills of lading, time sheets, driver's trip logs, manifests, weight or scale tickets, toll and ferry receipts, speedometer readings, and revenue records shall be retained for audit purposes.

(c) In the event that a carrier is unable to maintain a record to substantiate the amount of total fuel used within Washington, the department, in order to determine the carrier's average miles per gallon of fuel consumption for reporting purposes, may set the rate to be used by such user, but such rate shall be determined according to the type and weight of the vehicle(s) and upon other reasonable vehicle specifications.

[MVFIUTA Regulation G, effective 8/15/65; MVFIUTA Regulation F, effective 9/1/63.]

Chapter 308-77 WAC

SPECIAL FUEL TAX RULES AND REGULATIONS

WAC

308-77-010	Definitions.
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308-77-030	Special fuel supplier's license.
308-77-032	Special fuel dealer's license.
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308-77-090	Computation of tax on mileage basis.
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308-77-120	Tax reports.
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308-77-150	Records, receipts and invoices.
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308-77-250	Power take-off use.
308-77-260	Auxiliary engines.
308-77-265	Special fuel lost or destroyed.
308-77-270	Repealer.
308-77-280	Natural gas, propane—Decal as evidence of payment of annual license fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-77-065	Tax liability on leased motor vehicles. [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.] Repealed by 86-02-058 (Order TL-RG-24), filed 12/31/85. Statutory Authority: RCW 82.38.260.
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. (1)

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.

(2) If an investigation and/or audit discloses that a licensed supplier is selling special fuel in violation of the definition of a supplier's license, the supplier's license shall be revoked. If the supplier desires to continue doing business in the state handling untaxed fuel, such supplier must immediately apply for a special fuel dealer license, furnish a bond equivalent to three times the average monthly tax liability assessed or five thousand dollars whichever is greater, pay the one hundred dollar penalty prescribed by RCW 82.38.170(10), and be subject to the reporting requirements. The initial reporting frequency shall be monthly.

(3) Persons dealing in wholesale or retail distribution of special fuel for heating purposes only, where the fuel is delivered and/or pumped directly into the fuel tank connected to the furnace, are not required to be licensed under the Special Fuel Tax Act.

[Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-030, filed 1/6/89. 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 twelve thousand 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 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-034, filed 1/6/89. 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. 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 twelve thousand pounds will require a special fuel license or a special fuel tax trip permit to enter this state.

[Statutory Authority: RCW 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260. 89-03-005 (Order PFT 89-02), § 308-77-040, filed 1/6/89. Statutory Authority: RCW 82.38.260. 86-02-058 (Order TL-RG-24), § 308-77-040, filed 12/31/85; 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 308-77-042 Special fuel user bond. A special fuel user license may be issued without the applicant filing a fuel tax bond. However, the department may require a licensed special fuel user to furnish a fuel tax bond under the following circumstances:

(a) If the user has filed two consecutive late reports with taxes due; or

(b) If the user submitted a tax report without the full remittance of the tax due; or

(c) If investigation discloses that the user is selling or has sold special fuel in violation of the definition of a user license; or

(d) If a deficiency in record keeping as disclosed in an audit is not corrected or rectified prior to a subsequent audit; or

(e) If the user has sent a check in payment of liabilities due, and that check has been dishonored by nonacceptance or nonpayment; or

(f) If the user has been sent at least three billing statements for liabilities due; or

(g) If the user's license has been revoked as provided by RCW 82.38.130; or

(h) If the user has been sent at least three Notices of Revocation of License.

The department will mail a notice to the special fuel licensee requiring the submission or filing of a fuel tax bond and will indicate the reason for requiring the bond. If the bond is not received by the department within forty-five days after service of the notice, the user's special fuel license shall forthwith be cancelled. Service of the notice is deemed to have been accomplished on the date the notice was deposited in the United States mail, postage prepaid, addressed to the special fuel user at the special fuel user's current mailing address as it appears in the fuel tax records of the department.

The total amount of the bond shall be fixed by the department and shall be equivalent to at least three times the average tax liability on the reported taxable gallons used during the last four reporting periods; in the absence of information on the last four reporting periods, the bond shall be three times the tax on the estimated on-highway usage declared on the user's latest application for a special fuel user's license on file with the department, or five thousand dollars, whichever is greater.

The department may, after five years, lift the bond requirement from the special fuel user at the licensee's request, if there is sufficient evidence, in the department's discretion, to show that the cause for requiring the bond has been positively removed and a bond is no longer required to protect the interest of the state.

[Statutory Authority: RCW 82.38.020(12), 82.38.110 and 82.38.260. 89-03-034 (Order PFT 89-01), § 308-77-042, filed 1/11/89.]

WAC 308-77-044 Bonding requirements. Where a bond is required under the Special Fuel Tax Act, chapter 82.38 RCW, or under chapter 308-77 WAC, the bond must be in a form specified in chapter 82.38 RCW and in these rules, and must be filed with the director.

The bond may be a corporate surety bond pursuant to RCW 82.38.020 (12)(a).

If the bond is in the form of a deposit pursuant to RCW 82.38.020 (12)(b) with the state treasurer by the special fuel dealer or special fuel user, the bond may be a cash deposit of lawful money of the United States, a United States Treasury note or bond, or a municipal bond of Washington state or of any Washington county.

[Title 308 WAC—p 202]

Each such bond shall be filed with the director of licensing for deposit with the state treasurer. An irrevocable bond power in a form acceptable to the department of licensing assigning and transferring each such bond to the state treasurer must be filed along with each such bond. Each such bond shall be marked to market at least quarterly, or monthly in the department's discretion, for its dollar price and yield (bid side of the market) in current market. If the value is inadequate to meet the required bonded amount, the licensee is required to file with the director a supplemental cash or other bond of sufficient value to meet the required bonded amount.

The bond may also be in any of the following forms pursuant to RCW 82.38.020 (12)(c):

(a) Automatically renewable certificate(s) of deposit, not exceeding the federally insured amount, issued by a bank doing business in the state of Washington and insured by the Federal Deposit Insurance Corporation, made in the name of the special fuel dealer or special fuel user, payable to or assigned to the Washington state treasurer; or,

(b) Certificate(s) of deposit or share accounts, not exceeding the federally insured amount, issued by a savings and loan association doing business in the state of Washington and insured by the Federal Savings and Loan Insurance Corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook must be filed with the director of licensing, along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

(c) Certificate(s) of deposit or share accounts, issued by a credit union doing business in the state of Washington and insured by the Washington Credit Union Share Guaranty Association, not exceeding the amount insured by the guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook must be filed with the director of licensing, along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

The certificate and/or the assignment forms shall contain the provision that interest earned shall be payable to the depositor, and that the assignment may only be cancelled upon written authorization of the director of the department of licensing or director's designee.

[Statutory Authority: RCW 82.38.020(12), 82.38.110 and 82.38.260. 89-03-034 (Order PFT 89-01), § 308-77-044, filed 1/11/89.]

WAC 308-77-045 Expiration of license. All special fuel licenses will expire on April 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 April 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. 86-02-058 (Order TL-RG-24), § 308-77-045, filed 12/31/85; 79-08-140 (Order 548 DOL), § 308-77-045, filed 8/1/79.]

(1989 Ed.)

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; or when the purchaser is an agency of the federal government;

(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 82.38.020 (7), (8) and (9), 82.38.030, 82.38.040, 82.38.050, 82.38.080, 82.38.090, 82.38.120 and 82.38.260, 89-03-005 (Order PFT 89-02), § 308-77-060, filed 1/6/89. 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 308-77-070 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.).

[Title 308 WAC—p 204]

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 ratably to the charges for the fuel and the tax thereon. If the purchaser is indebted to the dealer with respect to other items also charged off as bad debts, payments made on account thereof shall first be credited to the charges for the fuel and the tax thereon unless the purchaser shall specify otherwise. The tax thus collected shall be included in the return due for the period in which the collection is made and must be remitted to the department within the time prescribed for payment of the tax due for that period.

[Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-100, filed 8/1/79; Order MV-137, § 308-77-100, filed 6/1/72; Order 114 MV, § 308-77-100, filed 11/26/71.]

WAC 308-77-110 Allowance of credit or refund of tax paid. The tax paid either directly to the department or to a special fuel dealer in this state may be applied by the user as a credit against the tax due from him on all fuel used in this state in the month or reporting period in which the fuel, with respect to which the tax was paid, was used.

The amount of credit allowable is the amount of tax shown on the invoices issued by special fuel dealers to the user. To be entitled to the credit, the user shall retain in his records for inspection by the department all invoices given by special fuel dealers showing the amount of tax paid and evidence of payment. Should the user accumulate surplus credits which have not been applied to payment of his tax liability or if he ceases to be a user in this state, he may file a claim for refund as provided in RCW 82.38.180 and 82.38.190. All claims for refund of overpayments shall be accompanied by the invoices obtained by the user from the special fuel dealer.

[Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-110, filed 8/1/79; Order 114 MV, § 308-77-110, filed 11/26/71.]

WAC 308-77-120 Tax reports. Each special fuel dealer and special fuel user is required to file a tax report for each month (or each reporting period if required by the department to make a return and payment of tax for other than monthly periods) on forms prescribed and furnished by the department. A report shall be filed with the department for each calendar month (or reporting period) even though no special fuel was used during or tax is due for the month (or reporting period). Reports are due on the twenty-fifth day of the month following the end of the reporting period. The postmark date shall be accepted as the day of receipt. Tax remittances shall be made payable to the state treasurer.

If tax reporting forms are not available, a special fuel dealer or user may make a written informal report to the department setting forth the name, address, license number, month or reporting period and the number of gallons of fuel sold or used on which the tax is due. This report with remittance will be accepted in lieu of a report on the prescribed form.

Any special fuel user whose vehicle is operated within and without the state and any special fuel user whose vehicle is operated regularly on and off the public highways exclusively within the state shall report his miles traveled and fuel purchases with his special fuel tax report.

[Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-120, filed 8/1/79; Order MV-175, § 308-77-120, filed 10/24/73; Order 114 MV, § 308-77-120, filed 11/26/71.]

WAC 308-77-130 Ten day reports and payments by special fuel dealer. If the bond coverage of a special fuel dealer required by RCW 82.38.110 should be insufficient for monthly reporting, the department may require reports with remittances to be filed at ten day intervals ending on the tenth, twentieth and last day of each month. The report and remittance shall be filed with the

department within four days of the end of the reporting period. The postmark date shall be accepted as the day of receipt.

The special fuel dealer shall summarize the data of the ten day reports on a monthly report as required in WAC 308-77-120. The tax liability shown on the monthly report will be that of the prepaid payments submitted with the ten day reports, and no further payment will be required to accompany the monthly report.

[Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-130, filed 8/1/79; Order 114 MV, § 308-77-130, filed 11/26/71.]

WAC 308-77-150 Records, receipts and invoices. Every special fuel supplier, dealer and user and every person importing, manufacturing, refining, dealing in, transporting or storing special fuel shall maintain a complete record of all sales or other dispositions including special fuel used by them, inventories, purchases, receipts, tank gaugings or meter readings of fuels the use of which is subject to the special fuel tax. Each special fuel user shall obtain from the special fuel dealer an invoice for each delivery of special fuel into the fuel supply tank or tanks of each vehicle operated by him and for each delivery into his bulk storage tank or tanks. The invoices shall include the information specified for sales invoices and shall be filed and identified in a systematic manner so that they may be readily traced into his purchase or expense records and into his reports to the department. Such records, receipts and invoices shall be made available for inspection by the department or its authorized representatives and shall be maintained for a period of not less than three years. A lessor of a vehicle who is a special fuel user shall also maintain records of each trip and the mileages his vehicle is operated by the lessee within and without the state of Washington. A lessor who is a special fuel user must obtain from the lessee, and retain in his files, the original copy of all invoices substantiating claims by the lessor for purchases of fuel upon which the special fuel tax was paid.

[Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-150, filed 8/1/79; Order 114 MV, § 308-77-150, filed 11/26/71.]

WAC 308-77-160 Sales invoices. Special fuel suppliers and dealers shall prepare a serially numbered invoice for each sale of fuel whether the fuel is sold for use in motor vehicles or for other uses. A single invoice covering multiple deliveries of fuel made during a period of time not to exceed a calendar month may constitute an invoice of sale. When repeated sales are made of small quantities of special fuel exempt from the tax under RCW 82.38.080, such as heating oil in hand carried containers, and the customer does not want an invoice, a ledger may be kept with a separate line entry for each sale indicating date, number of gallons, amount of sale, and purpose for which the special fuel is to be used. If the multiple delivery invoice includes tax exempt deliveries either into a bulk storage facility or into fuel supply tanks of motor vehicles with respect to which the special fuel dealer is excused from collecting the tax as provided

in rule WAC 308-77-060, and deliveries into fuel tanks of motor vehicles upon which the tax is required to be collected, the invoice shall contain or be accompanied by a statement showing separately the deliveries and gallonage upon which the tax is collected and the tax exempt deliveries and gallonage. The original invoice shall be delivered to the purchaser and a copy thereof shall be retained by the special fuel supplier or dealer.

A sales invoice shall contain the following information:

- (1) The name and address of the special fuel supplier or special fuel dealer.
- (2) The name of the purchaser with respect to:
 - (a) A charge or credit sale.
 - (b) A cash sale when the purchaser desires to claim a refund of the special fuel tax.
 - (c) A cash sale when the quantity of fuel delivered into the fuel supply tank of a motor vehicle is 25 gallons or more.
- (3) The special fuel license number of the purchaser, or other authority, as defined within WAC 308-77-060, if the special fuel tax is not collected on the sale.
- (4) The date of sale (month, day and year).
- (5) The number of gallons of fuel sold, the price per gallon and the total amount of the sale.
- (6) The amount of the special fuel tax collected.

The amount of the tax need not be separately stated if the invoice bears the notation that the price includes the special fuel tax. Billing systems for any type of dispenser of special fuel that uses a magnetic or other form of card identification must be approved by the department to assure that prospective refund claimants are provided with sufficient information to support their claims.

[Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-160, filed 8/1/79; Order 114 MV, § 308-77-160, filed 11/26/71.]

WAC 308-77-170 Metric measurement. Any requirement imposed by chapter 82.38 RCW or these rules regarding quantity measurement for inventory sales, purchases, use, or other purpose may, at the option of the licensee, be recorded in SI liters in lieu of United States gallons. Tax reports submitted to the department must show all figures converted to gallons at the rate of 3.785 liters per gallon.

[Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-170, filed 8/1/79.]

WAC 308-77-180 Audit assessment conference. In any case of an account under audit where substantial agreement has not been reached between the taxpayer and the field auditor, the taxpayer may request a conference with the field audit supervisor or his designee prior to finalization and submission of the audit report. Such conference is informal in nature, and is intended to clarify the issues in dispute, resolving them where possible, and in any event effecting agreement as to the facts and figures involved. In those cases where agreement cannot be reached at this level as to the tax interpretations applied, the report will be finalized and submitted to Olympia, from where, following review and approval

of the recommendations of the report, an assessment will be issued.

[Statutory Authority: RCW 82.38.260. 79-08-140 (Order 548 DOL), § 308-77-180, filed 8/1/79.]

WAC 308-77-190 Audit appeal procedure. Any person having been issued a notice of assessment of additional taxes, delinquent taxes, penalties, or interest and desiring to contest such notice may petition the department of licensing for a reassessment by formal hearing or may petition for a reassessment conference in lieu of proceeding directly to a formal hearing. All petitions for reassessment must be in writing and must be received by the department of licensing within thirty days after the receipt of the original notice of assessment. All petitions filed shall set forth the specific reasons why reassessment is sought and the amount of tax, interest, and penalties which the petitioner believes to be due.

Upon receipt of a petition for a reassessment conference, the department will establish the time and place for the conference and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner, for good and compelling reasons, is unable to attend the conference on the date or time scheduled, he may request the department in writing to reschedule the conference. At the conference the department of licensing will be represented by the administrator of the prorate and fuel tax division, the assistant administrator for fuel tax, the field audit supervisor, the field auditor who performed the audit if appropriate, an attorney from the office of the attorney general, or either of them. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person competent to present his case.

Following the conference, the administrator will make such determination as may appear to him just and lawful and in accordance with the Revised Code of Washington and rules, principles, and precedents established by the department of licensing, and shall notify the petitioner in writing of his decision. The determination of the administrator shall be deemed to represent the official position of the prorate and fuel tax division of the department of licensing and shall be binding upon the petitioner unless further appealed.

If the petitioner believes that an error has been made in the determination by the administrator, he may, within ten days after the date of receipt of the determination, appeal in writing and request a formal hearing by a hearing officer. The appeal shall indicate the portions of the determination which the petitioner feels are in error and set forth his reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days notice of the time and place thereof.

The decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner of notice thereof.

All petitions and correspondence relating to appeal conferences and hearings will be addressed to Department of Licensing, Administrator, Prorate and Fuel Tax

Division, Highways-License Building, Olympia, Washington 98504.

[Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-190, filed 8/1/79.]

WAC 308-77-220 Filing of refund claim. A claim may be filed monthly, quarterly, annually or for any period of time within thirteen months from the date of purchase or from the last day of the month following the close of the monthly period for which the refundable amount is due. The postmark date shall be accepted as the date the claim was filed.

Claims shall be accompanied by invoices issued to the claimant by the seller of the fuel. Claims of individuals or proprietors shall be signed by the claimant. A partnership claim must be signed by any one of the partners. Claims of business firms or corporations shall be signed by an authorized agent. Accountants and other persons assisting in preparation of claims must also sign in the space provided on the form. A claim should be filed in the same name as that shown on invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, a letter of authorization shall be attached signed by the person to whom the invoice was issued.

The use tax imposed by chapter 82.12 RCW is to be deducted from the amount of refund claimed. The claimant may calculate the tax himself or it will be computed by the department.

[Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-220, filed 8/1/79; Order 114 MV, § 308-77-220, filed 11/26/71.]

WAC 308-77-230 Invoice requirements for refund purposes. (1) The seller of special fuel is required to issue to each purchaser who claims to be entitled to a refund a separate original invoice for each purchase of fuel. A single original invoice covering multiple deliveries made during a period of time not to exceed one calendar month may constitute a separate invoice as provided in WAC 308-77-160. Each delivery is to be individually listed on the original invoice or on an accompanying statement in accordance with the requirements of the rule for single deliveries. If the multiple delivery invoice includes deliveries on which refund of the tax is not claimed and deliveries on which refund is claimed, the original invoice shall contain or be accompanied by a statement showing separately the deliveries and gallons on which a refund of the tax is claimed and is not claimed.

(2) Each original invoice in support of a claim for refund must show:

- (a) Name and address of the seller,
- (b) Purchaser's name (invoices showing "cash," "equipment name or number," "boat number," etc. will not qualify),
- (c) Complete date of sale (month, day and year),
- (d) Kind of fuel delivered,
- (e) Number of gallons delivered,
- (f) Price per gallon,

(g) Total amount of sale,
(h) Amount of special fuel tax paid. The amount of the tax paid need not be separately stated if the invoice bears the notation that the price includes the tax.

(3) Invoices with alterations, corrections or erasures affecting gallonage, place, date or separately stated tax shall be void and will not be accepted. A claimant who submits an invoice that has been altered that may give the claimant an illegal gain may have the entire claim invalidated and the department may suspend any further claims for refund for a period of one year.

(4) A "corrected invoice" used to support a claim must be accompanied by the original invoice received at time of purchase.

(5) If an original invoice is lost or destroyed, the dealer may issue a copy or duplicate copy entering thereon the invoice number, date of sale, gallons, price and amount and any other essential information that appeared on the initial invoice. The copy shall be certified by the seller as being true and correct according to his records and shall be plainly marked "copy" or "duplicate." The claimant may then submit the certified copy to the department for validation.

(6) Only one invoice shall be issued for any one delivery.

[Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-230, filed 8/1/79; Order 114 MV, § 308-77-230, filed 11/26/71.]

WAC 308-77-240 Records for refund claims. Claimants shall maintain records which are sufficient to substantiate the accuracy of the claims. Such records shall reflect all special fuel receipts, the gallons of fuel used in each type of equipment (both refundable and nonrefundable), other uses, loss and gain and inventories of fuel on hand. The records must indicate the date of receipt or disbursements and identify the equipment into which the fuel is delivered or the purpose for which the fuel is used. Failure of the claimant to maintain the required records or to permit examination by representatives of the department shall constitute a waiver of all rights to the refund.

The following rules shall govern records maintained to support claims for refund:

Special fuel purchased in small containers (tanks, cans, bottles, etc.) for nonhighway use (boats, tractors, mobile homes, trailers, etc.) and identified thus on purchase invoice will require no further records.

Invoices covering special fuel purchased, tax included, exclusively for use in motor vehicles will not be required in support of nonrefundable use but they shall be retained in the files of the claimant to account for fuel used in motor vehicles.

Where a claim covering the operation of a motor vehicle is entirely over private property and subject to refund, no record will be required other than that necessary to establish the source and number of gallons of special fuel used.

[Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-240, filed 8/1/79; Order 114 MV, § 308-77-240, filed 11/26/71.]

WAC 308-77-250 Power take-off use. (1) Tax refund may be claimed for special fuel purchased inclusive of tax which is used in a motor vehicle equipped with a power take-off unit to operate auxiliary equipment provided the fuel used for the power take-off operation is supplied from a tank which is not connected with a tank supplying fuel to propel the vehicle on the highway, or the fuel used to operate auxiliary equipment by the power take-off is accurately measured by metering device that has been specifically approved by the department, and in certain motor vehicles, when established by the following formula:

(a) For special fuel used in pumping propane, or fuel or heating oils by a power take-off unit on a delivery truck, at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered. Pumping of gasoline, or other refined petroleum products or any other product, is a taxable use and does not qualify for a refund. Propane and fuel oil delivery truck operators must maintain records which show the total gallons of propane, or fuel or heating oils pumped by each vehicle for which refund or credit is claimed together with supporting meter readings.

(b) For special fuel used in operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in each truck. Garbage trucks with power take-off units which operate a dump box, hoist or other type of lift do not qualify for a refund. Cement mixer truck and garbage truck operators must maintain records which show the total gallons of fuel used and the total miles traveled for each vehicle.

(2) Deduction may be claimed on the user's tax report for the gallons of special fuel exempt from tax as provided in subsections (1)(a) and (b) of this section.

(3) All claims must be accompanied by purchase invoices to cover the total gallons of special fuel purchased, except that invoices for special fuel used in propane or fuel oil delivery trucks or when measured by a metering device need only be equal to or greater than the gallons claimed as refundable.

(4) A schedule of vehicle operations shall support each claim for refund.

[Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-250, filed 8/1/79; Order MV 137, § 308-77-250, filed 6/1/72; Order 114 MV, § 308-77-250, filed 11/26/71.]

WAC 308-77-260 Auxiliary engines. Tax refund may be claimed for special fuel purchased inclusive of tax which is used in auxiliary engines mounted on a licensed motor vehicle (ready-mix concrete, refrigeration or air conditioning units, etc.) if the fuel for the auxiliary engine is supplied from a fuel tank other than a fuel tank which supplies the engine propelling the vehicle or is accurately measured by a metering device that has been specifically approved by the department. Estimates for refundable use will not qualify for refund when separate tanks are used. Claimant shall maintain a detailed record of the gallons of fuel used. Invoices covering the total gallons of fuel used in both taxable and nontaxable tanks must accompany the claim.

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[Order 114 MV, § 308-77-260, filed 11/26/71.]

WAC 308-77-265 Special fuel lost or destroyed. A refund of special fuel tax previously paid may be claimed by notifying the department in writing as to the full circumstances and the amount of the loss. Recovery for such loss or destruction must be susceptible to positive proof enabling the department to conduct such investigation and to require such information as may be deemed necessary.

[Statutory Authority: RCW 82.38.260, 79-08-140 (Order 548 DOL), § 308-77-265, filed 8/1/79; Order MV-137, § 308-77-265, filed 6/1/72.]

WAC 308-77-270 Repealer. Effective January 1, 1972 the following sections of the Washington Administrative Code are repealed: WAC 308-76-010 through 308-76-200 and 308-76-500.

[Order 114 MV, § 308-77-270, filed 11/26/71, effective 1/1/72.]

WAC 308-77-280 Natural gas, propane—Decal as evidence of payment of annual license fees. (1) All vehicles licensed in Washington as well as all vehicles proportionally registered in Washington which are powered by natural gas or liquefied petroleum gas commonly called propane, shall display at all times a decal issued by the department as evidence that the annual fee prescribed in RCW 82.38.075 has been paid in lieu of the fuel tax imposed by RCW 82.38.030. This decal shall be displayed in a conspicuous place on the exterior of the vehicle on the rear bumper or near the fuel tank inlet.

(2) Persons engaged in converting vehicles to be powered by natural gas or propane may, at the completion of the conversion, fill the vehicle tank once with this fuel without requiring the decal. The converted vehicle must display the decal as herein required before further fuel acquisitions can be made.

(3) Vehicles displaying a valid temporary registration permit which has been issued pending the completion of vehicle registration may be allowed to purchase fuel without displaying a decal.

[Statutory Authority: RCW 82.38.260, 81-14-048 (Order DOL 630), § 308-77-280, filed 6/30/81.]

Chapter 308-78 WAC AIRCRAFT FUEL TAX

WAC

308-78-010	Definitions.
308-78-020	License and bond requirements.
308-78-030	Required reports.
308-78-040	Tax exempt transactions.
308-78-045	Tax exempt use.
308-78-050	Supporting documents for tax exempt transactions.
308-78-060	Tax exempt losses.
308-78-070	Records.
308-78-080	Refunds.

WAC 308-78-010 Definitions. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36

RCW or a special fuel under chapter 82.38 RCW, when it is used to propel an aircraft.

(2) "User" means any person other than a distributor who is licensed to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(3) "Local service commuter" means an air taxi operator who operates at least five round trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has [a] maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Operation for testing and experimental purposes" shall include only those flights conducted under either an experimental, research and development, or special air-worthiness certificate issued by the FAA or other documented experimental or testing flights including the flight of other aircraft used in the test or experimental flight.

(5) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

[Statutory Authority: RCW 82.42.030. 86-02-057 (Order TL-RG-23), § 308-78-010, filed 12/31/85. Statutory Authority: RCW 82.42.040. 85-04-027 (Order PFT 85-001), § 308-78-010, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-010, filed 10/6/82; Order 69-10-2, § 308-78-010, filed 10/29/69; Rules (part), filed 9/12/67; Emergency Rules (part), filed 7/21/67.]

Reviser's note: RCW 34.05.395 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 308-78-020 License and bond requirements.

(1) Every distributor shall be licensed and bonded as is provided in chapter 82.36 RCW.

(2) Any person, other than a distributor, whose major use of aircraft fuel is for a tax exempt use specified in RCW 82.42.020 or 82.42.030, may be issued an aircraft fuel user license as authority to purchase the fuel without payment of the tax imposed by RCW 82.42.020 at time of purchase. Verification by the aeronautics division of the Washington department of transportation of the tax exempt usage will be required.

[Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-020, filed 10/6/82; Order 69-10-2, § 308-78-020, filed 10/29/69; Rule A, filed 9/12/67; Emergency Rule A, filed 7/21/67.]

WAC 308-78-030 Required reports. (1) Every licensed distributor and user of aircraft fuel shall submit to the department of licensing, on or before the 25th day of each month, on forms furnished by the department:

(a) A signed statement showing the total number of gallons of aircraft fuel acquired, sold, delivered, and used during the preceding calendar month;

(b) A report of the number of gallons of aircraft fuel resulting in an increase or decrease of stock in bulk and/or mobile storage facilities;

(c) Such other data as necessary to support the various entries on the reports.

(2) A report shall be rendered each month regardless of whether fuel has been received or dispensed during

the immediately preceding calendar month. The department may permit a user whose sole use of aircraft fuel is for tax exempt purposes to submit one annual report in lieu of monthly reports.

(3) In addition to the reports required by subsection (1) of this section, every licensed distributor shall submit a report for each March and September showing the total monthly sales receipts, less state and federal taxes collected, from all sales of aviation fuel to licensed users and unlicensed purchasers. These reports shall be due by the 25th of April and October respectively.

[Statutory Authority: RCW 82.42.040. 82-20-093 (Order MV 696), § 308-78-030, filed 10/6/82; Order 69-10-2, § 308-78-030, filed 10/29/69; Rule B, filed 9/12/67; Emergency Rule B, filed 7/21/67.]

WAC 308-78-040 Tax exempt transactions. (See WAC 308-78-080—Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

(1) To a buyer at a point outside the state; or
(2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or

(3) To United States or foreign government agencies; or

(4) To aircraft fuel users licensed by the department; or

(5) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters; or

(6) To another licensed distributor.

[Statutory Authority: RCW 82.42.040. 85-04-027 (Order PFT 85-001), § 308-78-040, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-040, filed 10/6/82; Order 69-10-2, § 308-78-040, filed 10/29/69; Rule C, filed 9/12/67; Emergency Rule C, filed 7/21/67.]

WAC 308-78-045 Tax exempt use. Exemption from the aircraft fuel tax may be claimed for the uses specified in RCW 82.42.020 and 82.42.030 subject to the following conditions:

(1) Operation of aircraft by air carriers, supplemental air carriers, and foreign flag carriers, operating under part 121 of the Federal Aviation Regulations, and local service commuters.

(2) Exemption from the aircraft fuel tax for testing and experimental purposes shall be granted only to persons primarily engaged in manufacture or remanufacture of aircraft and only for flight operations of an experimental aircraft or an aircraft being tested following manufacture or repair prior to delivery to a customer. Fuel used in the operation of an aircraft which is necessary to the conduct of a test or experimental flight of another aircraft is also tax exempt.

(3) Aircraft fuel used in connection with aircraft crew training shall be exempt from the aircraft fuel tax when:
(a) The personnel receiving training are the crews of a certified air carrier; (b) the aircraft used for training purposes may appropriately be used to train crews to operate the type of aircraft purchased by the air carrier; (c) the crew training occurs in Washington state; and

(d) the primary purpose of the flight is for crew training and not for an otherwise taxable purpose.

(4) Exemption from the aircraft fuel tax for application of pesticides, herbicides or other agricultural chemicals will be allowed only for fuel consumed while the chemicals are being applied and for flight operations attendant thereto.

[Statutory Authority: RCW 82.42.040, 85-04-027 (Order PFT 85-001), § 308-78-045, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-050 Supporting documents for tax exempt transactions. The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed. Records must be kept in original form for three years.

[Statutory Authority: RCW 82.42.040, 85-04-027 (Order PFT 85-001), § 308-78-050, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-050, filed 10/6/82; Order 69-10-2, § 308-78-050, filed 10/29/69; Rule D, filed 9/12/67; Emergency Rule D, filed 7/21/67.]

WAC 308-78-060 Tax exempt losses. Exemption from the aircraft fuel tax shall be allowed a licensed distributor or user for fuel lost or destroyed through fire, lightning, flood, wind storm, explosion, accident, or other casualty, or verified leakage of five hundred gallons or more. Proof of loss must be submitted consisting of documentation substantiating the circumstances surrounding the loss, ownership of the fuel, the exact quantity of the loss, and other documents required by the department to establish the validity of the claim. Exemption from the tax will not be allowed on losses claimed from evaporation, shrinkage, or unknown causes.

[Statutory Authority: RCW 82.42.040, 82-20-093 (Order MV 696), § 308-78-060, filed 10/6/82; Order 69-10-2, § 308-78-060, filed 10/29/69; Rule E, filed 9/12/67; Emergency Rule E, filed 7/21/67.]

WAC 308-78-070 Records. (1) Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each month which reflects inventories, receipts, sales, use, transfers, loss or gain, and other distribution. The stock summary shall be supported by:

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.

(2) Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(a) An imprinted serial number;

(b) The imprinted name of the distributor;

(c) The date of delivery;

(d) The name and address of the purchaser (address not required on credit card deliveries);

(e) The location of the storage facility from which the fuel was withdrawn;

(f) The type or grade of fuel;

(g) The number of gallons;

(h) The price per gallon and the total amount charged;

(i) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.

(3) Own use. Every distributor and user shall maintain a withdrawal record covering this total usage during the month, which contains the same information concerning each withdrawal of aircraft fuel for own use as required in subsections (2)(c), (e), (f), and (g).

(4) Each person claiming an exemption from the aircraft fuel tax shall keep records in a form convenient to the operator, of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(a) Flight or block time of each flight or series of flights;

(b) Type of aircraft;

(c) Purpose of each flight or series of flights;

(d) Dates;

(e) Gallons consumed for each flight or series of flights.

(5) Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed.

[Statutory Authority: RCW 82.42.040, 85-04-027 (Order PFT 85-001), § 308-78-070, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-070, filed 10/6/82; Order 69-10-2, § 308-78-070, filed 10/29/69; Rule F, filed 9/12/67; Emergency Rule F, filed 7/21/67.]

WAC 308-78-080 Refunds. (1) Any person claiming a refund for aircraft fuel tax shall file a claim upon forms provided by the department in the same manner and under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.310.

(2) A refund of aircraft fuel tax, which has been collected, may be claimed on aircraft fuel which has been:

(a) Used for purposes exempted under RCW 82.42-.020 or 82.42.030;

(b) Exported from this state for use outside this state under the same conditions as provided for refund of motor vehicle fuel in RCW 82.36.300. Any aircraft fuel carried from this state in the fuel tank of an aircraft shall not be considered as exported from this state;

(c) Used in equipment, other than aircraft, not licensed to be operated over and along any public highway

as provided for refund of motor vehicle fuel in RCW 82.36.280;

(d) Lost or destroyed under the same conditions as provided for tax exempt losses in WAC 308-78-060;

(e) Sold by a dealer who has paid the aircraft fuel tax, to the United States or foreign government agencies. The dealer shall file an exemption certificate, which shall contain an assignment to the dealer of the purchaser's right to a refund, and each invoice covering such sale shall have the statement: "Ex Washington Aircraft Fuel Tax" clearly marked thereon.

(3) Claims for refund may be filed at any time but not later than thirteen months from the date of purchase of such aircraft fuel under the same conditions as provided for motor vehicle fuel in RCW 82.36.330.

(4) The department may examine the books and records of the claimant in order to establish the validity of any claim for refund under the same conditions as provided for motor vehicle fuel in RCW 82.36.340.

[Statutory Authority: RCW 82.42.040, 85-04-027 (Order PFT 85-001), § 308-78-080, filed 1/31/85; 82-20-093 (Order MV 696), § 308-78-080, filed 10/6/82; Order 69-10-2, § 308-78-080, filed 10/29/69; Rule G, filed 9/12/67; Emergency Rule G, filed 7/21/67.]

Chapter 308-80 WAC TRANSPORTERS

WAC

308-80-010	Transporters.
308-80-015	Expiration of motor vehicle transporter license.
308-80-020	Improper use of transporter license plates.

WAC 308-80-010 Transporters. (1) The term "transporter" applies only to those engaged in the business of delivering vehicles, not owned by said transporter, by driveaway or towaway methods and does not apply to motor freight carriers licensed under chapter 81.80 RCW to haul vehicles on trailers or semitrailers.

(2) The special license plates issued authorize driving or towing unlicensed vehicles in lieu of a temporary permit or license plates required under chapter 46.16 RCW.

(3) The special license plates issued shall be displayed as follows:

(a) On driveaway vehicles a front and rear plate of a set with the same number and letter suffix.

(b) On tractor and semitrailer or trailer combination, one of a set on the front of the towing unit and the other half of a set with the same suffix letter on the rear of the semitrailer or trailer being delivered.

(c) When using a tow bar saddlemount, fullmount or lawful combination thereof: One of a set of plates on the front of the towing unit and one of a set of plates on the rear of each vehicle following.

[Order MV 447, § 308-80-010, filed 9/16/77; § 23, filed 11/5/63; § 23, filed 3/23/60.]

WAC 308-80-015 Expiration of motor vehicle transporter license. (1) A motor vehicle transporter license shall expire twelve consecutive months from the date of issuance for purposes of staggered licensing. During the initial licensing period the renewal dates

shall be established by a random alphabetical selection commencing with a minimum license period of six months, extended month by month to a maximum of eighteen consecutive months as determined by the random selection process. Upon completion of the initial staggering of these licenses each subsequent renewal period shall be twelve consecutive months from the established date of the staggered issuance.

(2) Motor vehicle transporter license plates shall expire on the same date as the license expires.

[Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-80-015, filed 3/26/86.]

WAC 308-80-020 Improper use of transporter license plates. Issuance of transporter license plates under chapter 46.76 RCW does not authorize driving or towing of vehicles on the public highways for the following purposes or in the following manner:

(1) On any vehicle in which a licensee has an ownership or equitable interest, provided a towing unit owned by a licensee to deliver vehicles owned by others shall display a transporter plate in addition to a regular plate for the purpose of identification.

(2) For personal transportation.

(3) By any one other than the licensee or a bona fide employee who is carried on the licensee's payroll records.

(4) Failure to display plates as required under WAC 308-80-010.

This rule shall not be construed to prevent a determination that other uses of such plates are improper.

[Order MV 447, § 308-80-020, filed 9/16/77.]

Chapter 308-89 WAC TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES

WAC

308-89-010	For hire—Insurance.
308-89-020	Definitions—For hire vehicle.
308-89-030	Nonresident.
308-89-040	For hire vehicle registration.
308-89-050	Permits.

WAC 308-89-010 For hire—Insurance. The insurance policy required in RCW 46.72.050 shall include: (a) The name of the insured in the same manner as recorded on the for hire permit application; (b) inception and expiration dates of coverage; (c) the name and policy number of the insuring company; and (d) the year, make and vehicle identification number of each vehicle operated or intended to be operated.

The director may refuse any insurance policies submitted with one or more of the following conditions present: (a) Any policy containing a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be directly paid in full to the claimant including the deductible amount by the insurer; (b) any policy containing a clause restricting the insured's age in regard to insurance validity; and (c) any policy which is determined to be a

"surplus line" policy, as described in RCW 48.15.040, without the appropriate affidavit being filed with the office of the insurance commissioner and a copy of that affidavit submitted with the certificate of insurance.

In the event of cancellation of the coverage noted on the policy, the insuring company shall serve a copy of such notice upon the director of the department of licensing which shall not be less than ten days prior to the date fixed in the notice as the date of termination of liability.

[Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-010, filed 10/11/85.]

WAC 308-89-020 Definitions--For hire vehicle. "For hire vehicle" as defined in RCW 46.72.010(1) shall include but not be limited to: (a) Cabulance: cabulance transportation is appropriate for persons confined to wheelchairs or persons otherwise physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute; (b) limousine: a vehicle with a driver hired for an event or period of time; (c) taxicab: as defined by RCW 46.90.178; (d) such other vehicles used for the purpose of transporting passengers for compensation and not excluded by RCW, WAC or departmental policy.

[Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-020, filed 10/11/85.]

WAC 308-89-030 Nonresident. A nonresident owner/operator of for hire vehicle(s) is one whose place of residence state does not participate in a reciprocal agreement with Washington state. Nonresident owner/operators are subject to any and all requirements and restrictions which apply to the resident owner/operators. Nonresident vehicle registrations will not be accepted as insurance proof. Nonresident insurance certificates will not be accepted with any limiting clause or statement which may invalidate the coverage upon entrance into the state of Washington.

[Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-030, filed 8/6/85.]

WAC 308-89-040 For hire vehicle registration. A for hire operator shall file an application for vehicle license for each vehicle intended to be operated as a for hire vehicle. In addition to the licensing requirements of motor vehicles, the following shall apply on for hire vehicles: (a) The name of the owner of the vehicle shall be displayed on the vehicle registration in the same name as recorded on the bond or insurance policy, the for hire permit, and the for hire certificates; (b) the purpose for which the vehicle is to be used shall be recorded as either "CAB" or "F/H"; (c) an annual license expiration of June 30.

[Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-040, filed 8/6/85.]

[Title 308 WAC—p 212]

WAC 308-89-050 Permits. Each for hire owner/operator may operate under only one dba (doing business as) name per each permit issued. No company may have numerous dba's or operating names under one permit.

Each permit will be issued in the operating name of the for hire company(ies) as recorded on the bond or insurance policy.

[Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-050, filed 8/6/85.]

Chapter 308-90 WAC

VESSEL DEALER REGISTRATION

WAC

308-90-030	Definitions.
308-90-040	Dealer registration application form.
308-90-060	Display of registration.
308-90-070	Dealer registration numbers.
308-90-080	Registration fee—Renewal.
308-90-090	Change of business location.
308-90-100	Termination of business.
308-90-110	Statement of change in business structure, ownership interest or control.
308-90-120	Trust account.
308-90-130	Consignment.
308-90-140	Listing.
308-90-150	Title transfer.
308-90-160	Bond exemption.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-90-010	Promulgation authority. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-010, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-020	Organization. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-020, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-050	Branch location—Separate registration. [Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-050, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.

WAC 308-90-030 Definitions. (1) "Firm" means a person, partnership, association or corporation engaged in the business of selling vessels at retail or wholesale in this state.

(2) "Display decal" means a vessel dealer identifier designed and produced by the department which is used by Washington registered vessel dealers.

(3) "Identification card" is a card that may be issued by a firm identifying a person as authorized to operate vessels for vessel dealer business.

(4) "Bona fide employee" is a person who works for the firm and appears on the firm's employment records.

(5) "Consignment" means an arrangement whereby a vessel dealer accepts entrustment of a vessel and agrees to sell the vessel on behalf of another.

(6) "Listing" means an arrangement whereby the seller will compensate the vessel dealer to obtain a willing purchaser for the seller's vessel.

(7) "Broker" means a vessel dealer who arranges the sale between the buyer and seller of a vessel and receives a form of compensation.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-030, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-030, filed 7/1/83.]

WAC 308-90-040 Dealer registration application form. (1) Any firm making application for registration as a vessel dealer under chapter 88.02 RCW shall, on a form provided by the department, provide the following information:

(a) The name and business address of the firm and a list of additional business addresses of the firm, if any.

(b) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

(c) The firm's business structure and place of organization.

(d) The business registration number issued by the department of revenue.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-040, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-040, filed 7/1/83.]

WAC 308-90-060 Display of registration. (1) The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration.

(2) A copy of the vessel dealer registration shall be displayed as in subsection (1) of this section at all business locations of the firm.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-060, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-060, filed 7/1/83.]

WAC 308-90-070 Dealer registration numbers. (1) The department shall assign a registration number for each firm registered as a dealer. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX-DA)

(2) The dealer's registration number shall be displayed on all vessels owned by the dealer when being operated on the water pursuant to RCW 88.02.023.

(3) The vessel dealer shall display his/her registration number in three inch block numbers/letters on both sides of the forward one-half of the vessel. The registration number may be permanently fixed to the vessel or to a removable display fixture. The numbers/letters shall be displayed in a single line.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-070, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-070, filed 7/1/83.]

WAC 308-90-080 Registration fee--Renewal. (1) Any firm desiring to be a dealer must include with the application the required registration fee of one hundred twenty dollars.

(2) Vessel dealers will reapply for a registration on or before the expiration of their registration.

(3) The annual registration renewal fee of sixty dollars must be paid on or before each renewal date. If an application for renewal is not received by the department on or before the last day of the expiration month the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days if renewal application and payment of the annual renewal fee then in default is received by the department. Registrations not renewed within thirty days of the renewal date then in default shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

(4) If no department denial action is pending, the department shall issue a vessel dealer registration and renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee and renewal application. The dealer shall affix the decal as a prefix to the dealer registration number on any vessels operated on the waters pursuant to RCW 88.02.023. The fee for the initial decal shall be forty dollars. Additional decals may be issued for a fee of twenty dollars each.

[Statutory Authority: RCW 88.02.060(4), 89-18-028, § 308-90-080, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-080, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-080, filed 7/1/83.]

WAC 308-90-090 Change of business location. The dealer shall notify the department of any change of the firm's business location or mailing address prior to engaging in business at the new location. Notification shall be made by filing a change of address application on a form provided by the department accompanied by the return of the registration issued to the former location or address. The vessel dealer will provide a list of all business locations of the firm when changing the business address of the firm's office.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-090, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-090, filed 7/1/83.]

WAC 308-90-100 Termination of business. The registration shall be retained at all times by the dealer. When the dealer ceases to do business in the name or at the location set forth on the registration the dealer shall immediately notify the director of the termination and return the registration.

[Statutory Authority: Chapter 7, Laws of 1983. 83-14-061 (Order 722 DOL), § 308-90-100, filed 7/1/83.]

WAC 308-90-110 Statement of change in business structure, ownership interest or control. Any person, firm, association, corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, majority stockholders, managing partners, managing trustees, must file within ten days of assuming such function.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-110, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-110, filed 7/1/83.]

WAC 308-90-120 Trust account. (1) The dealer's separate trust account cannot accrue interest.

(2) Any fees assessed by the depository against the trust account shall not be paid from purchasers trust funds.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-120, filed 1/19/88.]

WAC 308-90-130 Consignment. (1) All purchasers funds received, including deposits or payments or proceeds from the sale of trade-in vessels on a consignment sale, shall be placed in the vessel dealers trust account as required in section 11, chapter 149, Laws of 1987, and said funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied.

(2) The sale of a consigned vessel by a vessel dealer is a retail sale and the dealer is required to transfer title as found in section 8, chapter 149, Laws of 1987.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-130, filed 1/19/88.]

WAC 308-90-140 Listing. (1) All purchasers funds received, including deposits or payments or proceeds from the sale of trade-in vessels on a listing sale shall be placed in the vessel dealers trust account as required in section 11, chapter 149, Laws of 1987, and said funds shall remain in such trust account until the listed vessel sale is completed.

(2) At the time the sale closes and at vessel delivery the listing dealer shall pay any outstanding liens from trust funds in order to obtain title for transfer.

(3) The sale of a listed vessel by a vessel dealer is a retail sale and the vessel dealer is required to transfer title as provided in section 8, chapter 149, Laws of 1987.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-140, filed 1/19/88.]

WAC 308-90-150 Title transfer. (1) The vessel dealer is required to make application for title in the purchaser's name within fifteen days following the sale of the vessel.

(2) The vessel dealer or the dealer's authorized agent shall sign or type his/her firm name and vessel dealer number on the purchaser's application for title. If an authorized agent signs for the dealer the agent shall give their title.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-150, filed 1/19/88.]

WAC 308-90-160 Bond exemption. (1) Applicants or registered vessel dealers desiring to be exempt from the bonding requirement must provide a statement that they sell fifteen or fewer vessels per year having a retail value of not more than two thousand dollars each.

(2) Registered vessel dealers who have stated that they qualify for the exemption shall immediately file the

required surety bond with the department at the time their sales exceed the statutory exemption number or value. Failure to file the bond will subject the vessel dealer to penalties prescribed in section 12, chapter 149, Laws of 1987.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-160, filed 1/19/88.]

Chapter 308-91 WAC RECIPROCITY AND PRORATION

WAC

308-91-010	Proration and reciprocity agreements.
308-91-030	Definitions.
308-91-040	General provisions.
308-91-050	Applications for proportional registration.
308-91-060	Mileage and prorate percentage.
308-91-070	Quarterly licensing for proportionally registered vehicles.
308-91-080	Temporary authorization permit.
308-91-090	Leased and rented vehicles.
308-91-120	Federal heavy vehicle use tax.
308-91-130	Hunter's permit.
308-91-140	Vehicle transaction fee.
308-91-150	Form of payment required—Dishonored checks.
308-91-160	Reciprocity for combinations of vehicles.
308-91-170	Washington fee/tax receipt.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-91-020	Instructions, procedures and declarations. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-020, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.
308-91-100	Operation of rental vehicles. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-100, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.
308-91-110	Utility trailer rentals—Certified average registration plan. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-110, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.

WAC 308-91-010 Proration and reciprocity agreements. The state of Washington is a member of the uniform vehicle registration proration and reciprocity agreement which is hereafter referred to as the "compact" and the international registration plan which is hereafter referred to as the "IRP." These agreements provide for the proportional registration of fleets of commercial or apportioned vehicles operated in two or more jurisdictions that are members of the compact and/or the IRP. Member jurisdictions of the compact who are not also members of the IRP are Alaska, British Columbia, Nevada, and New Mexico.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-010, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-010, filed 12/28/83.]

WAC 308-91-030 Definitions. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs issued by jurisdictions of the compact in which the vehicle displaying the plate is proportionally registered.

(2) "Base jurisdiction," under provisions of the compact, means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

(3) "Base plate" means the vehicle license plate assigned to a vehicle by the base jurisdiction. Under the provisions of the IRP, this would be an "apportioned plate."

(4) "Compact" means the uniform vehicle registration proration and reciprocity agreement.

(5) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

(6) "Department" means the department of licensing, state of Washington.

(7) "Interstate operation" means vehicle movement between or through two or more jurisdictions.

(8) "Intrastate operation" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(9) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes. Reasonable purchase cost is considered to be the fair market value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(10) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends full vehicle license reciprocity because of an agreement, arrangement, declaration or mirror reciprocity as provided for in RCW 46.85.080.

(11) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

(12) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

(13) "Double bottom" (DB) means two full trailer(s)/semitrailer(s) used in a combination of vehicles.

(14) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

(15) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(16) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

(17) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

(18) "Mileage experience year" means the period of time between July 1st and June 30th of the year immediately preceding the year in which application for registration is made.

(19) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a vehicle or load so drawn (commonly referred to as a mobile home toter).

(20) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

(21) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(22) "Trailer" refers to a full trailer, semitrailer, pole trailer, or utility trailer.

(23) "Trip lease" means a lease of vehicular equipment to a common or contract carrier (lessee) for a single movement by either (a) another common or contract carrier for transportation in the direction of a point which the lessor carrier is authorized to serve, or (b) a carrier of exempt commodities, as defined in the interstate commerce act, for transportation in the general direction of the general area in which the vehicle is based. The term may also include a similar movement intrastate where such movement is authorized under the laws of the jurisdiction.

(24) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is 40,000 pounds).

(25) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

(26) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

(27) "Washington fee/tax receipt" is a receipt issued to foreign based IRP vehicles for which Washington must calculate and collect Washington fee/taxes. The receipt is issued upon payment of the Washington fee/taxes due on the vehicle. The receipt is proof of payment of Washington fee/taxes and must be carried with the vehicle while being operated in Washington.

[Statutory Authority: RCW 46.87.010 (1) and (2) and 46.87.020. 89-07-036 (Order PFT 89-04), § 308-91-030, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-030, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-030, filed 12/28/83.]

WAC 308-91-040 General provisions. (1) Fleet composition. Carriers may separate their commercial or apportionable vehicles into two or more fleets if such divisions are consistent with their operational practices, by reason of equipment design, or restrictions imposed by member jurisdictions.

(2) Records substantiating the latest purchase cost or price and year of purchase of each vehicle in the fleet must be retained for the period specified in RCW 46.87.310 and made available to the department upon request.

(3) Filing and compliance dates. Proportional registration annual renewal applications must be filed with the prorated section of the department on or before December 1 of the year immediately preceding the year in which proportional registration is sought to insure timely issuance of identification for the new registration year. No temporary operating authority will be issued for renewal vehicles if the renewal application is received by the department after the above date. Washington proportional registrations expire at midnight, December 31st of each registration year; however, vehicles undergoing renewal processing and for which renewal fees and taxes have been received by the department prior to the beginning of the registration year, will have until March 1st of such registration year to display current year prorated credentials. During the first two months of the registration year, such vehicles will display the credentials issued for the previous registration year.

(4) Proportional registration credentials. Washington prorated credentials consist of a cab card, which describes the vehicle and period for which the vehicle has been proportionally registered, and a prorated backing plate upon which is affixed a current prorated validation tab. If the vehicle described on the cab card is Washington based, apportioned license plates, with current validation tab affixed, will be issued in lieu of the backing plate. If the vehicle is operating under the IRP, the cab card must show the jurisdiction(s) and gross weight for which the vehicle is registered. The cab card is to be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, it may be carried in or on the power unit of the combination. Photocopies or other facsimiles of the cab card are invalid. The cab card or the Washington fee/tax receipt issued by the department, or the IRP base jurisdiction's cab card, are the only acceptable evidence of proportional registration in this state, unless the receipt required by WAC 308-91-170 is required to accompany the base jurisdiction's cab card. The prorated backing plate, if applicable, is mounted on the front of a power unit and on the rear of a trailing unit. The validation tab shall be affixed to the upper left-hand corner square of the prorated backing plate or the space designated on the apportioned plate if applicable.

(5) Transfer of proportional registration credentials. Washington proportional registration credentials cannot be transferred from one vehicle to another vehicle or from one fleet to another fleet.

(6) Surrender of proportional registration credentials. Upon termination of proportional registration or deletion

of a vehicle from a fleet, prorated credentials will be disposed of as follows:

(a) Vehicle based in Washington. The cab card and apportioned plate(s) with validation tab attached must be returned to the prorated section of the department. If vehicle is being deleted from the fleet, credentials must accompany the application effecting the deletion.

(b) Vehicle registered under provisions of the compact and based in another jurisdiction. Only the Washington cab card is returned to the prorated section. The prorated backing plate with validation tab attached must be returned to the prorated unit of the base jurisdiction licensing agency. If vehicle is being deleted from the fleet, cab card must accompany the application effecting the deletion. The end of year (December 31st) deletion of a vehicle listed on the renewal application need not be accompanied by the identification issued to such vehicle.

(c) Vehicles based in IRP jurisdictions. Upon termination of proportional registration or deletion of a vehicle from a fleet, the credentials must be returned to the base jurisdiction.

[Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-040, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-040, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-040, filed 12/28/83.]

WAC 308-91-050 Applications for proportional registration. (1) Applicants desiring proportional registration in this state must make application to the prorated section of the department in the manner and upon the forms prescribed. Forms will be made available by the department. Washington based carriers desiring registration in other IRP jurisdictions must indicate on their applications the jurisdictions in which the fleet is (is to be) registered, list vehicles by gross weight groups and indicate within each gross weight group the gross weight each vehicle of the group is to be registered for in each jurisdiction listed. Incorrect, illegible, or incomplete applications will be returned without action.

(2) The application for any fleet shall bear the same applicant's name, or be identified therewith, for each jurisdiction in which proportional registration is sought for such fleet.

(3) After an original or renewal proportional registration application has been filed with this state for a fleet, vehicles can only be added or deleted, or changes made in registered/combined gross vehicle weight, by filing a prorated application supplement - Schedule "C" in the manner prescribed.

(4) In circumstances where immediate operation of vehicles being added to the fleet is essential, a temporary letter of authority may be requested by the applicant for such vehicles, pending processing of the application and issuance of prorated credentials by the department, provided that:

(a) Licensing fees and taxes have been paid in full for the fleet's original Washington proportional registration application; and

(b) The proportional registration renewal application or supplement - Schedule "C" adding such vehicles to the proportionally registered fleet is acceptable and on file in the prorate section of the department; and

(c) The applicant's proportional registration account is considered to be in good standing and on active status.

(5) The temporary letter of authority will permit operation of the vehicles listed thereon, in jurisdictions and at gross weights indicated, for a period of time to be determined by the department but not longer than two months from the effective date of the letter. The temporary letter of authority will be issued by one of the following means as requested by the applicant:

(a) Mail;

(b) Collect facsimile or other electronic transmission for which the requestor pays the transmission and handling fees;

(c) Over the counter.

[Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-050, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-050, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-050, filed 12/28/83.]

WAC 308-91-060 Mileage and prorate percentage.

(1) Vehicles developing mileage experience must travel in two or more jurisdictions during the registration year. The mileage reported must be the actual miles accumulated by only those vehicles that were part of the proportionally registered fleet during the mileage experience year. If a vehicle was part of the proportionally registered fleet for only a part of the experience year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the mileage experience year. If a carrier has more than one prorate fleet, a separate mileage report must be kept for each fleet.

(2) Vehicles operating only intrastate are not eligible for proportional registration and cannot be considered as part of a prorate fleet. Mileage accumulated by such vehicles cannot be included in the mileage experience year of any prorate fleet.

(3) Mileage computation.

(a) Applications containing either power units and trailing units pulled by such power units or power units only: Use miles of prorate fleet power units only.

(b) Fleets containing trailing units that are operated in jurisdictions in addition to those in which the power units of the fleet are operated, or trailing units of a fleet operated with motor vehicles that are not part of the fleet, shall be placed in separate fleets.

(c) Applications for trailer fleet only: Use miles of power units only, whether prorated or not, which are operated in combination with the prorated trailers.

(4) The prorate section of the department will not accept any original or renewal prorate applications which contains one or more of the following:

(a) Estimated mileage that does not realistically reflect proposed operations.

(b) Estimated mileage on renewal applications, unless operations began so late in the previous registration year that an actual mileage experience year is not yet available.

(c) Mileage data, other than estimated mileage, expressed in rounded-off numbers on renewal applications.

(d) Identical mileage data reported for consecutive registration years for the same fleet, except when mileage is estimated.

(5) To compute the prorate percentages, divide the miles for each jurisdiction by the total fleet miles. The results are to be computed to the fourth decimal of the percent and rounded up to the third decimal. Express the percent in two digits before the decimal and three digits after the decimal. The Washington prorate percentage established on an original or renewal application will remain in effect for all supplemental applications filed during the registration year unless adjusted by audit or under the provisions of RCW 46.87.120.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-060, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-060, filed 12/28/83.]

WAC 308-91-070 Quarterly licensing for proportionally registered vehicles. In order to participate in the quarterly (three months) licensing program, a Washington based carrier must initially make its desire known to the prorate section by attaching a note or letter to the original or renewal proration application stating its desire to participate in the quarterly licensing program. Participation will then continue as long as the fleet maintains eligibility under the provisions of RCW 46.87.160, the carrier withdraws from the program or the privilege is withdrawn by the department for cause. This program pertains only to the quarterly payment of the license fee prescribed in RCW 46.16.070; it does not authorize partial payment of any other fee or tax authorized or required for payment by another statute or rule.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-070, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-070, filed 12/28/83.]

WAC 308-91-080 Temporary authorization permit. Washington temporary authorization permits (TAPs) are available to carriers who have been prorated with the state of Washington for a minimum of one year; have not had their TAP or prorate privileges suspended, revoked or canceled in this state within the past three years; and who have a history of making prompt payment of fees when due and final, usually within thirty days of the billing date. These permits may be used by qualified carriers to allow immediate operation of vehicles being added to their fleet pending issuance of proportional registration credentials.

Carriers desiring the privilege of obtaining and using TAPs must make application in writing to the prorate section of the department and indicate their anticipated annual requirements for these permits. Upon approval of the application, the carrier may place an order for ten or

more TAPs utilizing order forms to be provided by the department; payment as prescribed in RCW 46.87.080 must accompany the application. TAPs are valid for a period of two months from the date of issue by the carrier. The following procedures govern the use and issuance of these permits:

(1) TAPs are serially numbered and must be issued by the carrier in sequential order. Carriers are accountable and liable for all TAPs purchased from the department. These permits are not transferable and may be utilized only by the carrier to whom they were issued for use with vehicles being added to their fleet or fleets. Carriers must return all unused TAPs at such time as they cancel or fail to renew their Washington prorate account; or at such time as the department withdraws, suspends, revokes or cancels their TAP and/or prorate privileges in this state. No refunds or credits will be given for TAPs that are returned to the department.

(2) TAPs may only be used for vehicles being added to a carrier's established fleet. They cannot be used to increase gross weight on a vehicle or for a vehicle that has already been listed on a proportional registration application Schedule "A" or prorational registration application supplement Schedule "C" or renewal application which has been submitted to the prorate section of the department. Only one permit may be issued for any one vehicle.

(3) TAPs must be filled out with a typewriter. All applicable blanks must be completed with requested data. If an error is made in the issue date, expiration date, gross weight, license plate number, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word "VOID" in large letters across the face of the permit. Then return the vehicle copy and prorate copy to the department within one week or with your next proration application supplement, whichever is sooner. If TAP is to be used for a vehicle being added to a fleet registered under the provisions of the IRP, the jurisdiction postal code abbreviation, along with the declared operating weight for such jurisdiction, must be indicated in the space provided for each jurisdiction in which the fleet is registered. Jurisdiction/weight listings must begin in the upper left space provided and continue across the form to the right. Each line must be completed before starting the next line immediately below if needed. After the last entry, spaces to the right must be filled with asterisks as must be the entire line immediately below the last completed line in this section of the form. The purpose of the asterisks is to preclude entry of additional jurisdictions/weights. Retain the applicant's file copy for four years pending possible audit of account under the provisions of RCW 46.87.310. No refund or credit will be given for voided permits; and, they must be accounted for in the department records.

(4) The original copy of the TAP is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the towing vehicle. The second copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310. The third

copy is to be attached to a Washington proration application supplement which is used to add the vehicle to the carrier's fleet.

(5) When TAPs have been issued, a proration application supplement Schedule "C," listing such vehicles as additions to the fleet, must be submitted to the prorate section of the department, along with the third copy of the TAP attached, within one week of the issue date of such TAPs. To facilitate compliance with this requirement, proration application supplement Schedule "C" and TAPs should be issued from the same location. Failure to submit a proration application for vehicles to which TAPs have been issued, within one week, shall be cause for suspension and cancellation of TAP and/or proportional registration privileges in the state of Washington.

(6) Other causes for suspension and cancellation of TAP and/or proportional registration privileges are:

(a) Failure to comply with these rules and procedures; or

(b) Failure to complete TAPs in their entirety prior to use; or

(c) Failure to comply with Washington prorate instructions, rules or laws; or

(d) Failure to make timely payment of registration fees, taxes or audit assessments when due and final (usually within thirty days); or

(e) Failure to maintain accountability of TAPs.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46-.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-080, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-080, filed 12/28/83.]

WAC 308-91-090 Leased and rented vehicles. (1)

The registration of rental vehicles will be conducted under the provisions, currently identified as article XI—registration of rental vehicles, of the international registration plan (IRP) as now written or hereafter amended. Rental vehicles under this section include: Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), utility trailers (not exceeding 6,000 pounds gross weight), and passenger cars (includes recreational vehicles). A copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination.

(2) Single trip lease. The requirements for single trip leasing are as follows:

(a) The lessor's vehicles must be prorated in this state or operated under authority of vehicle trip permits.

(b) The duration of the lease agreement is for a single trip and cannot exceed thirty days.

(c) A completed copy of the single trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(d) All mileage accumulated throughout the duration of the single trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports and single trip lease agreement must be maintained by the lessor

for a period of four years following the mileage experience year or period upon which the application is based.

(3) Normally the lessee of a vehicle is responsible for its licensing under proportional registration subject to the following exceptions:

(a) Household goods carriers, wherein the agent is the lessor and the company is the lessee, may file and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee. The application should be filed in the name of the lessee and the lessor. For equipment owned and operated by owner-operators, other than service representatives, and used exclusively to transport cargo for the household goods carrier, the vehicle shall be registered by the carrier in the base jurisdiction of the carrier, but in both the owner-operator's name and that of the carrier as lessee, with the apportionment of fees according to the records of the carrier.

(b) The lessor of a single trip lease agreement is responsible for licensing and recordkeeping.

(c) Optional for rental vehicles referred to in subsection (1) of this section.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-090, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-090, filed 12/28/83.]

WAC 308-91-120 Federal heavy vehicle use tax. (1) Any owner registering a Washington based fleet of commercial vehicles in one or more other jurisdictions and engaged in interstate operation, may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW, proportionally register the vehicles of the fleet under the provisions of chapter 46.87 RCW by filing a proportional registration application with the department.

(2) The department of licensing shall require owners of motor vehicles with a declared combined gross weight of 55,000 pounds or more to provide proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954 has been suspended or paid at the time of registration unless specifically exempt by the rules and regulations of the Internal Revenue Service. The department shall refuse registration of such vehicles if sufficient proof is not presented at time of registration. Acceptable proof for registration purposes is:

(a) The original or photocopy of an Internal Revenue Service (IRS) receipted schedule 1 (IRS form 2290) schedule of highway motor vehicles; or

(b) Photocopy of IRS form 2290 with schedule 1 as filed with the IRS and a photocopy of the front and back sides of the cancelled check used for the payment of taxes to the IRS.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-120, filed 3/2/88.]

WAC 308-91-130 Hunter's permit. (1) Upon request, Washington will provide a means of temporary registration (hunter's permit) for owner-operators to move their empty vehicle or combination of vehicles from one lessee-carrier fleet, which they were a part of, to a new lessee-carrier fleet to which they will become a part of. This temporary authority will be issued without cost and be valid for ten days from the date of issue. Photocopies of the permit will not be valid.

(2) The purpose of a hunter's permit is to allow an owner-operator to move their empty (unladen) vehicle or combination of vehicles from one lessee-carrier fleet to another without the need for further registration and/or violation of general registration statutes in IRP jurisdictions.

(3) A hunter's permit issued by an IRP jurisdiction to an owner-operator, who was formerly based in such jurisdiction, will be honored in this state for operation at the unladen weight of the vehicle or combination of vehicles listed therein. If vehicles operating under authority of a hunter's permit attempt to carry any load or if the permit appears to have been tampered with, it shall be considered to be invalid and will be confiscated. Photocopies of hunter's permits are not acceptable.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-130, filed 3/2/88.]

WAC 308-91-140 Vehicle transaction fee. The vehicle transaction fee pursuant to RCW 46.87.130 is hereby established in the amount of four dollars and fifty cents.

[Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-140, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-140, filed 3/2/88.]

WAC 308-91-150 Form of payment required--Dishonored checks. (1) An original or renewal application assessment for proportional registration fees/taxes due the state of Washington shall be paid in United States funds via cash, cashier's check, certified check, or money order. All other assessments may be paid by company or personal checks unless guaranteed payment is specifically required by the department.

(2) Any registrant who tenders two or more checks that are subsequently dishonored by the bank or other financial institution upon whom they were drawn, in any twelve continuous month period, may be required to tender all subsequent payments in person by cash or by cashier's check, certified check, or money order.

(3) A handling fee in the amount of ten dollars shall be assessed the drawer for each check dishonored by the bank or other financial institution upon whom it was drawn and interest on the amount of each check shall accrue from the date of dishonor at the rate of twelve percent per annum. The interest and handling fee shall be deposited into the highway safety fund.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-150, filed 3/2/88.]

WAC 308-91-160 Reciprocity for combinations of vehicles. Combinations of vehicles operating in or through the state of Washington will be granted reciprocity if the vehicles making up the combination are all properly registered in reciprocity jurisdictions. Combinations containing one or more vehicles that are not properly registered in reciprocity jurisdictions will cause all vehicles within the combination to be registered or temporarily registered in the state of Washington.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-160, filed 3/2/88.]

WAC 308-91-170 Washington fee/tax receipt. When an IRP member jurisdiction, acting in behalf of the state of Washington, issues a cab card indicating a vehicle is duly registered for operation in or through the state of Washington but the IRP member jurisdiction has not first calculated and collected the prescribed fees/taxes for such vehicle, the cab card will not be honored in this state unless accompanied by a Washington fee/tax receipt. Such receipt will only be issued after this state calculates and collects the prescribed fees/taxes for the vehicle being registered.

[Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-170, filed 3/2/88.]

Chapter 308-93 WAC

VESSEL REGISTRATION AND CERTIFICATES OF TITLE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-93-240	Duplicate for lost, stolen, mutilated, etc., certificates. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-240, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.
308-93-260	State or director not liable for acts in administering chapter. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-260, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-260, filed 11/18/83.] Repealed

- 308-93-310 by 85-23-066 (Order TL-RG-19), filed 11/19/85. Statutory Authority: RCW 1985 c 258.
Loss, defacement, or destruction of decals—Replacement fee. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-310, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-310, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.
- 308-93-610 Security interest—When perfected. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-610, filed 11/18/83.] Repealed by 84-13-086 (Order TL-RG-2), filed 6/21/84. Statutory Authority: RCW 88.02.070 and 88.02.100.

WAC 308-93-010 Definitions. Unless the context clearly indicates otherwise, the following definitions apply to the rules in this chapter:

- (1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.
- (3) "Commercial fishing" means operating under a currently valid commercial or charter fishing license.
- (4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.
- (5) "Director" means the director of the department of licensing.
- (6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.
- (7) "Exclusively" means solely and without exception.
- (8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.
- (9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.
- (10) "Lifeboat" means craft used exclusively for life-saving purposes.
- (11) "Manufacturer's statement of origin (MSO)" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.
- (12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.
- (13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "Previous ownership document" means the last issued certificate of title and/or registration.

(15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(18) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(20) "Valid marine document" means a document issued by the United States federal government which declares a vessel to be a documented vessel of the United States.

(21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(22) "Waters of this state" means any waters within the territorial limits of this state.

(23) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(24) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

(25) "UCC" means Uniform Commercial Code.

(26) "UCC search" means a Uniform Commercial Code financing statement search pursuant to RCW 62A.9-407(2).

[Statutory Authority: RCW 88.02.120 and 88.02.100. 87-09-073 (Order TL/RG-32), § 308-93-010, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-010, filed 5/7/86. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-010, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-010, filed 11/18/83.]

WAC 308-93-020 Registration required. Vessel registration is required on any vessel placed upon the waters of this state unless specifically exempted by law.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-020, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-020, filed 11/18/83.]

WAC 308-93-030 Vessels subject to excise tax, registration and titling. The following vessels must be registered and titled and pay the excise tax if they are on or using the waters of this state.

All vessels sixteen feet or longer equipped with propulsory machinery or sails, unless specifically exempted, including the following:

- (1) Amphibious vessels (vehicles);
- (2) Houseboats;
- (3) Inflatable vessels with motors;
- (4) Ski type vessels (jet ski, wet bike, etc.);
- (5) Racing vessels.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-030, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-030, filed 11/18/83.]

WAC 308-93-040 Vessels exempted from excise tax but required to be registered and titled. The following vessels must be registered and titled but shall be exempt from the assessment of the excise tax:

(1) Undocumented vessels used exclusively for commercial fishing purposes;

(2) Vessels owned and operated by a state of the United States, or any municipality or political subdivision thereof not used principally for governmental purposes and not clearly identifiable as such;

(3) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030;

(4) Recreational type public vessels of the military and the United States;

(5) Vessels under sixteen feet in overall length with propulsion machinery;

(6) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-040, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-040, filed 11/18/83.]

WAC 308-93-050 Vessels exempted from registration, excise tax and titling. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: *Provided*, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) A ship's lifeboat used solely for lifesaving purposes;

(6) All vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(7) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels, including, bare boat and time share charters.

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;

(12) A vessel not using the waters of this state.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-050, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-050, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-050, filed 11/18/83.]

WAC 308-93-060 Registration period. The registration period for the state will be July 1 of the current year through June 30 of the following year for purposes of implementing chapter 88.02 RCW. A vessel numbered in this state under the Federal Boat Safety Act need not register under chapter 88.02 RCW until July 1, 1985.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the amount prescribed by statute will be assessed for the period beginning July 1, 1983 through the current registration period in which the vessel is registered: *Provided*, That if the owner can verify that the vessel was acquired or brought into Washington after July 31, 1983, the excise tax will be assessed from the date of acquisition or entry into the state: *Provided further*, That if the owner certifies that the vessel was not on the waters of this state at any time during any prior registration year, excise tax will not be assessed for that registration year.

Vessels being registered in Washington for the first time and assigned a registration period of eleven months or less shall have the annual excise tax reduced by one-twelfth for each full month of the registration period which has passed by the date when the vessel is registered in Washington. The registration fee will not be abated for the registration period in which the vessel is registered.

When a transfer of ownership occurs on a vessel previously registered in this state and whose registration has expired, there will be assessed a registration fee of six dollars for the current registration period and excise tax due from the expiration date of the previous registration: *Provided*, That if the person seeking registration can verify that the vessel was acquired subsequent to expiration of the previous registration, excise tax will be assessed from the date of acquisition through the current registration period in which the vessel is being registered: *Provided further*, That if the owner certifies that the vessel was not on the waters of this state at any time during any prior registration year, excise tax will not be assessed for that registration year.

[Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-060, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100, 84-19-026 (Order TL-RG 8), § 308-93-060, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-060, filed 11/18/83.]

WAC 308-93-070 Application for title/registration.

(1) An application for certificate of title or registration of a vessel shall be completed and shall include:

(a) The names, addresses and ZIP codes of all owners of the vessel being registered including a lessor if applicable.

(b) Make, model year and length of vessel.

(c) Type of power (gasoline, diesel, propane, etc.).

(d) Primary use.

(e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, etc.).

(f) Type of vessel (open, cabin, house, or other).

(g) Primary vessel construction (fiberglass, wood, aluminum, etc.).

(h) County of moorage.

(i) Coast guard number, if any.

(j) Purchase cost and purchase year of vessel or declared value and year of declaration.

(k) Hull identification number.

(l) The number previously issued by an issuing authority for the vessel, if any.

(m) That the application is for a new number, renewal or transfer of ownership.

(n) State in which vessel is or will be principally used.

(o) Federal document number, if applicable.

(2) Name and address of the legal owner or a statement of fact by the registered owner that the vessel is free of all liens other than those shown on the application.

(3) In the event a vessel is homemade, the owner must complete and sign a declaration of value form. The signature of the registered owner of a homemade vessel must be notarized by a notary public.

(4) The names of all owners will appear on the application for registration and title. The application must be signed by all owners. This signature must be notarized or certified by an authorized registration agent.

(5) The application for certificate of title or registration shall be accompanied by the following where applicable:

(a) A copy of the bill of sale or sales agreement.

(b) Vessel data form.

(c) Declaration of value form.

(d) All proper fees and excise tax.

(e) Previous ownership document properly released.

(f) Excise exemption affidavit.

(g) Proof of sales tax paid.

(h) Proof of personal property tax paid.

(i) Manufacturer's statement of origin or original factory invoice.

(j) Copy of carpenter certificate.

(k) Copy of any filing pursuant to Article 62A.9 RCW, Uniform commercial code-secured transactions.

(l) Release of interest form.

(m) Verification of ownership.

(n) Copy of certificate of ownership of vessel issued by United States Coast Guard.

(o) Additional documentation for issuance of class "A" title as described in WAC 308-93-074.

(6) An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit subsection (1)(b), (c), (e), (f), (g), and (k) of this section.

(7) An application made by a person who intends to lease or rent the vessel without propulsion machinery may omit subsection (1)(c) and (e) of this section.

[Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-070, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100, 84-13-086 (Order TL-RG-2), § 308-93-070, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

WAC 308-93-071 Class "A" and Class "B" titles. From June 30, 1985 until June 30, 1990 there will be two classes of vessel titles: class "A" and class "B."

(1) All vessel titles issued prior to June 30, 1985 are Class "B" title certificates. Class B certificates show ownership of a vessel, but the vessel may be subject to a security interest not reflected on the title.

(2) Class A title certificates will be issued to purchasers of new vessels with appropriate documentation, or to owners of used vessels who have undergone a UCC search and obtained appropriate releases to ensure that there are no existing liens or claims against the vessel.

[Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-071, filed 11/19/85.]

WAC 308-93-072 UCC search requirements. After June 30, 1985 a Class "A" title certificate may be issued when an owner presents evidence of ownership of the vessel in the registered owner's name, and evidence of the absence of security interests or claims, except those to be shown on the new title certificate. The absence of outstanding security interests shall be evidenced by a completed UCC search with appropriate releases from

all named secured parties on forms provided by the department.

The name(s) on the UCC search must be in exact agreement with the name(s) of the vessel owner(s) as shown on the title application, bill of sale, Washington Coast Guard Registration, or other document approved by the department, subject to the following conditions:

(1) If the applicant for certificate of title obtained ownership of the vessel between July 1, 1982 and July 1, 1985, a UCC search must be completed for the registered owner on the current application and for the immediate previous owner(s).

(2) If the applicant for certificate of title owned the vessel from July 1, 1982 to July 1, 1985 inclusive, the UCC search must be done in the name of the registered owner on the application.

(3) If the applicant for certificate of title obtained ownership of the vessel on or after July 1, 1985, the UCC search must be made in the name of the previous owner.

[Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-072, filed 5/7/86.]

WAC 308-93-073 New vessels. Application for certificate of title to a new vessel never before licensed or titled or sold by an in-state or out-of-state dealer or manufacturer must be accompanied by a manufacturer's statement of origin, carpenters certificate, or a copy of the factory invoice.

If the date of sale shown on the manufacturer's statement of origin, carpenters certificate, or factory invoice was prior to July 1, 1985, a UCC search with appropriate releases must also accompany the application.

The manufacturer's statement of origin, carpenters certificate, or factory invoice must reflect the model year, make and hull identification number of the vessel.

(1) No manufacturer's statement of origin, carpenters certificate, or factory invoice can be accepted for the issuance of a title unless all persons named, including dealers, on the manufacturers statement of origin have released or assigned their interest thereon, or on a department release of interest form.

(2) Dealer to dealer transfers may be accomplished either by appropriate endorsement of the manufacturers statement of origin, carpenters certificate, or factory invoice, or by a department release of interest form. A complete chain of ownership must be reflected from the original dealer named on the manufacturers statement of origin to the retail selling dealer making the application.

(3) A copy of the factory invoice may be used in lieu of the manufacturers statement of origin or carpenters certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. An affidavit of fact describing why the statement of origin or carpenters certificate is not available must be attached to the photocopy of the factory invoice.

[Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-073, filed 5/7/86.]

WAC 308-93-074 Class "A" titles issued. The department may issue a Class "A" certificate of title to a vessel when an application includes one or more of the following:

(1) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale on or after July 1, 1985.

(2) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale prior to July 1, 1985, accompanied by a UCC search and proper releases.

(3) A previously issued and properly released Washington Class "A" title for the vessel.

(4) A Class "B" title accompanied by UCC search and proper releases.

(5) A certificate of title issued by a foreign state or jurisdiction accompanied by a UCC search conducted in the state or jurisdiction issuing such title and the proper releases of interest.

(6) A properly released certificate of title where the title was issued by a foreign state or jurisdiction, if the only method of perfecting a lien in that state or jurisdiction is by notation on the certificate of title.

[Statutory Authority: RCW 88.02.120 and 88.02.100. 87-09-073 (Order TL/RG-32), § 308-93-074, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-074, filed 5/7/86.]

WAC 308-93-075 Inspection of certificate. Each person using a vessel required to be registered under chapter 88.02 RCW shall present the certificate or lease or rental agreement required by WAC 308-93-080 and 308-93-100 to any federal, state, or local law enforcement officer for inspection at his request.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-075, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-075, filed 6/21/84.]

WAC 308-93-077 UCC search--Multiple legal owners. When an application for title is presented with the UCC filing search indicating one or two secured parties that have an interest in the vessel, the earliest filing date and time would be listed as the primary legal owner with the other listed as second legal owner. This application will be issued a Class "A" title.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-077, filed 11/19/85.]

WAC 308-93-078 Temporary permits. A notarized bill of sale reflecting the name and address of the purchaser, the model year, make, and hull identification number of the vessel, and the date of sale, may be used as a temporary permit in lieu of the registration certificate for a period not to exceed 15 days from the date of sale reflected on the bill of sale. The notarized bill of sale must be carried on the vessel.

[Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-078, filed 5/7/86.]

WAC 308-93-079 Government exempt vessels. Any vessel owned by the state of Washington or by any county, city, town or other political subdivision of the state of Washington, clearly identifiable as such and used exclusively by that agency, may obtain a title and valid annual registration upon payment of all fees required under chapter 88.02 RCW but shall be exempt from payment of the excise tax. The department may assign a registration number and issue a decal, which must be displayed as prescribed under WAC 308-93-140.

[Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-079, filed 5/7/86.]

WAC 308-93-080 Registration certificate. Upon payment of proper fees, the department of licensing or its agents shall issue a certificate of registration. The registration document must be signed by at least one of the owner(s) and carried on board the vessel for which it is issued at all times when the vessel is physically located on the waters of the state of Washington except as provided under WAC 308-93-100.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-080, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-080, filed 11/18/83.]

WAC 308-93-085 Contents of a certificate of registration. (1) Except as allowed in subsections (2), (3), and (4) of this section, each certificate of number must contain the following information:

- (a) Number issued to the vessel.
- (b) Expiration date of the certificate.
- (c) State of principal use.
- (d) Name of the owner.
- (e) Address of owner, including ZIP code.
- (f) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other commercial use.
- (g) Manufacturer's hull identification number (if any).
- (h) Make of vessel.
- (i) Year vessel was manufactured.
- (j) Overall length of vessel.
- (k) Whether the vessel is an open boat, cabin cruiser, houseboat, or other type.
 - (l) Hull material.
 - (m) Whether the propulsion is inboard, outboard, inboard-outdrive, or sail.
 - (n) Whether the fuel is gasoline, diesel, or other.

(2) A certificate of registration issued to a vessel that has a manufacturer's hull identification number assigned, may omit subsection (1)(h) through (n) of this section if the manufacturer's hull identification number is plainly marked on the certificate.

(3) A certificate of registration issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit subsection (1)(g) through (n) of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

(4) A certificate of registration issued to a vessel that is to be rented or leased without propulsion machinery may omit subsection (1)(m) and (n) of this section if the words "livery vessel" are plainly marked on the application.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-085, filed 6/21/84.]

WAC 308-93-087 Disclosure of names and addresses of individual vessel owners. (1) The name and/or address of an individual vessel owner shall not be released by the department, county auditor, or other public agency except upon written request which contains:

- (a) The signature of the person requesting disclosure; and
- (b) The full legal name and address of the person requesting disclosure.

(2) The request for disclosure is a public record and is:

- (a) Subject to inspection;
- (b) Subject to copying; and
- (c) To be retained by the disclosing agency for two years.

(3) Notice that a disclosure request has been honored shall be sent to the affected vessel owner by the disclosing agency indicating:

- (a) The name and address of the person requesting disclosure;
- (b) Reason for the disclosure request;
- (c) Date record information was provided;
- (d) Vessel registration number; and
- (e) Hull identification number.

(4) This section does not apply to persons who routinely request disclosure of vessel registration information for use in the course of their business or occupation.

[Statutory Authority: RCW 88.02.070. 88-24-003 (Order TL/RG 47), § 308-93-087, filed 11/29/88.]

WAC 308-93-090 Rented or leased vessels. If the owner of the vessel is a Washington resident, and the vessel is leased and operated in Washington, it must be titled and registered in Washington. If the owner is a resident of another state and the vessel is leased and operated in Washington, the reciprocity provisions in WAC 308-93-640 apply.

(1) Rented and leased vessels must be separately registered and titled and display the registration number and decals assigned to the vessel. A dealer's registration number does not cover a rented or leased vessel.

(2) If the vessel is leased for a period of less than one year the lessor's name may appear on the certificate of title as the sole registered owner with any secured party being shown as the legal owner.

(3) If the vessel is leased for a period of one year or more or if there is an option to purchase the vessel, the application for certificate of title shall be completed with the name of the lessee as registered owner, followed by the word "lessee." The lessor's name will appear as the legal owner. If the vessel is subject to a security agreement, the application will be completed with the lessor's name appearing immediately below the lessee's name

and will be identified by the word "lessor." The address shown will be the lessee's. The secured party's name and address will be shown in the legal owner's space.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-090, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]

WAC 308-93-100 Retention of registration certificate for leased or rented vessels. The registration certificates for vessels less than twenty-six feet in length and leased or rented to another for the latter's noncommercial use of less than seven days may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative. A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel shall be carried aboard the vessel at all times during use and shall contain at least:

- (1) The vessel number that appears on the registration certificate;
- (2) The period of time for which the vessel is leased or rented;
- (3) The hull identification number.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-100, filed 11/18/83.]

WAC 308-93-110 Vessels previously registered or titled in another state. If the application for certificate of title or registration is for a vessel previously registered or titled in another state, the application must be accompanied by:

- (1) Either a foreign title properly released and the registration, if available, or the registration properly released if it is a nontitle state, or an affidavit of lost title and a release of interest. *Provided*, That no release is required if there is no change in ownership, and
- (2) An affidavit certifying when and where the vessel was acquired or brought into the state.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-110, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-110, filed 11/18/83.]

WAC 308-93-120 Transfer of certificate of title or registration. If a vessel has a current valid Washington vessel registration and the certificate of title is being transferred to reflect a change in ownership, the title fee and a registration transfer fee of one dollar will be charged. If the vessel does not have a valid registration, the registration fee, the title fee and applicable excise tax will be charged.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-120, filed 11/18/83.]

WAC 308-93-130 Exemption for vessels undergoing repair or alteration. Vessels brought into this state exclusively for the purpose of repair or alteration are not subject to registration providing they are not on the waters of this state for any purpose other than repair, alteration or the testing thereof.

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[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-130, filed 11/18/83.]

WAC 308-93-135 Vessel number required. Except as provided in chapter 88.02 RCW, no person may use a vessel on the waters of this state unless:

- (1) It has a number issued on a certificate of registration by the issuing authority in the state in which the vessel is principally used; and
- (2) The number is displayed as described in WAC 308-93-145.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-135, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-135, filed 6/21/84.]

WAC 308-93-140 Decals—Placement. Upon registration, the applicant will receive a registration document and two decals. The decals must be affixed to each side of the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145 (2) and (3), within six inches of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section.

- (1) Decals must be approximately three inches square.
- (2) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1985.

[Statutory Authority: RCW 88.02.100. 84-21-131 (Order TL/RG-10), § 308-93-140, filed 10/24/84. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-140, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-140, filed 11/18/83.]

WAC 308-93-145 Numbers—Display, size, color. (1) Each registration number issued must:

- (a) Be painted on or permanently attached to each side of the forward half of the vessel except as allowed by subsection (2) of this section or required by subsection (3) of this section;
- (b) Be in plain vertical block characters of not less than three inches in height;
- (c) Contrast with the color of the background and be distinctly visible and legible;
- (d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: DC 5678 EF or DC-5678-EF); and
- (e) Read from left to right.

(2) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.

(3) On vessels so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.

(4) Each number displayed on a tender exempted under RCW 88.02.030 must meet the requirements of subsection (1) of this section and have a space or hyphen

that is equal to the width of a letter other than "I" or a number other than "1" between the suffix and the number.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-145, filed 6/21/84.]

WAC 308-93-150 1983 property tax credit. Property tax paid for a vessel for the 1983 tax year will be deducted from the excise tax amount due on an original registration when a receipt from the treasurer's office is presented at the time of registration, identifying the vessel and the amount paid. If a treasurer's receipt cannot be obtained, a cancelled check may be accepted, provided the cancelled check clearly and distinctly indicates that its purpose was for the payment of 1983 personal property tax for the vessel being registered. Proof of property tax paid must be attached to the application for certificate of title or registration if credit is given.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-150, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-150, filed 11/18/83.]

WAC 308-93-155 Form of number. (1) Each registration number must consist of two capital letters denoting the state of the issuing authority, followed by:

(a) Not more than four numerals followed by not more than two capital letters (example: NL 1234 BD); or

(b) Not more than three numerals followed by not more than three capital letters (example: WN 567 EFG).

(2) A number suffix must not include the letters "I," "O," or "Q," which may be mistaken for numerals.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-155, filed 6/21/84.]

WAC 308-93-160 Excise tax exemptions--Indians. (1) For the purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Ozette, Port Gamble, Port Madison, Puyallup, Quileute, Quinault, Shoalwater, Skokomish, Spokane, Squaxin Island, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(1989 Ed.)

(2) Vessels owned by an Indian tribe occupying a recognized Washington Indian reservation are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

(3) Vessels owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the excise tax imposed by chapter 82.49 RCW.

(4) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each vessel's registration application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-160, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-160, filed 11/18/83.]

WAC 308-93-165 Other numbers prohibited. No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority for that vessel on its forward half.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-165, filed 6/21/84.]

WAC 308-93-170 Applications to agents--Transmittal to director. Upon receipt by registration agents of the director, including county auditors, of original applications for vessel certificate of title and/or registration accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees to the director.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-170, filed 11/18/83.]

WAC 308-93-180 Time of renewal of registration--Duration. Vessel registrations and decals may be renewed for the subsequent registration year on and after the ninetieth day prior to the end of the current registration year and must be used and displayed from the date of issue or from the day of the expiration of the preceding registration year, whichever date is later.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-180, filed 11/18/83.]

WAC 308-93-190 Prerequisite to issuance of vessel registration and decals. No decals or vessel registration, whether original issues or duplicates, shall be issued or furnished by the department unless the applicant therefor shall at the same time make satisfactory application for a certificate of title or shall present satisfactory evidence that such a certificate of title or valid marine document covering such vessel has been previously issued.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-190, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-190, filed 11/18/83.]

WAC 308-93-200 Assigned certificate of title to be filed by department--Transfer of interest in vessel. Certificates of title when assigned and returned to the department, together with subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vessel designated therein:

(1) If the interest of an owner in a vessel passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of title if available, and an application for a new certificate in the form the department prescribes.

(2) If the interest of the owner is terminated or the vessel is sold under a security agreement by a secured party named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, an application for a new certificate in the form the department prescribes, and an affidavit made by or on behalf of the secured party that the vessel was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) If the secured party succeeds to the interest of the owner and holds the vessel for resale, the secured party need not secure a new certificate of title, but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-200, filed 11/18/83.]

WAC 308-93-210 Procedure when department unsatisfied as to ownership. If the department is not satisfied as to the ownership of the vessel, the department may register the vessel but shall either:

(1) Withhold issuance of a certificate of title until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vessel; or

(2) As a condition of issuing a certificate of title, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, or in lieu thereof a deposit of cash in like amount. The bond shall be in an amount equal to one and one-half times the value of the vessel as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vessel or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of title of the vessel or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vessel. Any such person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit shall

be returned at the end of three years or prior thereto if the vessel is no longer registered in this state and the currently valid certificate of title is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-210, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-210, filed 11/18/83.]

WAC 308-93-215 Validity of certificate of registration. (1) Except as provided in subsections (2), (3), (4), and (5) of this section, and WAC 308-93-220, a certificate of registration is valid until the date of expiration prescribed by the issuing authority.

(2) A certificate of registration issued by an issuing authority is invalid after the date upon which:

(a) The vessel is documented or required to be documented under Part 67 of Title 46, Code of Federal Regulations.

(b) The person whose name appears on the certificate of registration as owner of the vessel transfers all of his ownership in the vessel; or

(c) The vessel is destroyed or abandoned.

(3) A certificate of registration issued by an issuing authority is invalid if:

(a) The application for the certificate of registration contains a false or fraudulent statement; or

(b) The fees for the issuance of the certificate of registration are not paid.

(4) A certificate of registration is invalid sixty days after the day on which the vessel is no longer principally used in the state where the certificate was issued.

(5) The certificate of registration is invalid when the person whose name appears on the certificate involuntarily loses his interest in the registered vessel by legal process.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-215, filed 6/21/84.]

WAC 308-93-220 Director may refuse or cancel certificate. If the director determines at any time that an applicant for certificate of title or for a registration for a vessel is not entitled thereto, the director may refuse to issue such certificate or to register the vessel and the director may, for like reason, after notice, and in the exercise of discretion, cancel the registration already acquired or any outstanding certificate of title. The notice shall be served personally or sent by certified mail, return receipt requested.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-220, filed 11/18/83.]

WAC 308-93-225 Surrender of certificate of registration. A person whose name appears as the owner of a vessel on a certificate of registration shall surrender the certificate to the department within fifteen days after it becomes invalid under WAC 308-93-215 (2), (3), (4), or (5), or 308-93-220.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-225, filed 6/21/84.]

WAC 308-93-230 Procedure when security interest is granted on vessel. If, after a certificate of title is issued, a security interest is granted on the vessel described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of title last issued covering the vessel, or such other documentation as may be required by the department, which application shall be upon a form provided by the department and shall be accompanied by a fee of one dollar. The department, if satisfied that there should be a reissue of the certificate, shall note such change upon the vessel records and issue to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of title to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of title and transmit it to the owner.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-230, filed 11/18/83.]

WAC 308-93-250 Legal owner not liable for acts of registered owner. The person, firm, copartnership, association or corporation to whom a certificate of title shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for or by or under the authority of such registered owner.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-250, filed 11/18/83.]

WAC 308-93-270 Appeals to superior court from suspension, revocation, cancellation, or refusal of registration or certificate of title. The suspension, revocation, cancellation, or refusal by the director of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC shall be conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the registration should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions.

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Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-270, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-270, filed 11/18/83.]

WAC 308-93-280 Procedure when identification number altered or obliterated. Before the department shall issue a certificate of title, or reissue such a certificate covering any vessel, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vessel shall file an application with the department, upon a form provided, and containing such facts and information as shall be required by the department for the assignment of a special number for such vessel. Upon receipt of such application, the department, if satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vessel, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by the department. This assigned identification number shall be placed upon the vessel in the manner prescribed by the department. Upon receipt by the department of an application for a certificate of title or application for reissue of such certificate and the required fee therefor, the department shall use such number as the numerical or alpha-numerical identification marks for the vessel in any certificate of registration or certificate of title that may thereafter be issued therefor.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-280, filed 11/18/83.]

WAC 308-93-290 Transfer of ownership, how perfected. A transfer of ownership in a vessel is perfected by compliance with the requirements of this section.

(1) If an owner transfers an interest in a vessel other than by the creation of a security interest, he shall, at the time of the delivery of the vessel, execute an assignment to the transferee and cause the certificate and assignment to be transmitted to the transferee, and shall within fifteen days notify the department.

(2) The transferee of ownership shall within fifteen days after delivery to him of the vessel, execute the application for a new certificate of title in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of title shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it

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shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under the security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of title shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provision of WAC 308-93-230.

(5) Upon receipt of an application for the reissue of a certificate of title and transfer of registration, accompanied by the endorsed certificate of title and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of title and registration have been complied with, issue new certificates of title and registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the general fund.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-290, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-290, filed 11/18/83.]

WAC 308-93-295 Temporary permits to operate vessels. A vessel dealer who holds a proper and valid vessel dealer license issued pursuant to chapter 88.02 RCW may issue, under the following circumstances and procedures, temporary permits to operate vessels:

(1) The vessel has been sold and does not bear a currently valid Washington decal.

(2) The dealer shall fill out the title portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale. All registered owners must sign the application.

(3) The dealer shall detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. The balance of the copies shall be presented to a license agent by the vessel dealer within fifteen calendar days as an application for registration and title.

(4) The cardboard copy of the permit and a purchase order identifying the sale must be carried in the vessel and be readily available upon request.

(5) The dealer must collect title and registration fees required for a June expiration.

(6) The temporary license permit issued by a dealer is valid for fifteen calendar days from the date of delivery of the vessel. No more than one fifteen day permit may be issued for a vessel after sale.

(7) A dealer may not use a temporary license permit for a dealer or dealer-employee operated vessel, or as a demonstration permit.

(8) Fees paid by a dealer for temporary license permit applications are not refundable unless the dealer ceases

doing business as a vessel dealer. The fee paid for a single application may be taken as a credit on that application when it is presented to a license agent with the balance of the appropriate fees.

(9) Temporary permits are not transferable from one vessel dealer to another.

[Statutory Authority: 1987 c 149 § 9. 88-01-011 (Order TL/RG 40), § 308-93-295, filed 12/7/87.]

WAC 308-93-300 Original applications--Renewals--Fees--Preissuance, when. (1) Upon receipt of the application and the proper fee for an original vessel registration, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vessel registration shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vessel was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such registration fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vessel concerned.

(3) Persons expecting to be out of the state during the normal renewal period of a vessel registration may secure renewal of such vessel registration for a period of thirty days prior thereto and have decals preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vessel was registered in Washington and be accompanied by such registration fees and excise tax as may be required.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-300, filed 11/18/83.]

WAC 308-93-320 Registration certificate and decals follow vessel on transfer. In any case of valid sale or transfer of the ownership of any vessel, the right to the certificates properly transferable therewith and to the vessel decals and registration number shall pass to such purchaser or transferee.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-320, filed 11/18/83.]

WAC 308-93-330 Certificate of title--Application. The application accompanied by cash, a draft, money order, or certified bank check for all appropriate fees together with the last preceding certificate or other satisfactory evidence of ownership, shall be forwarded to

the director. The certificate of title shall not be required to be renewed annually, or at any other time, except as by law provided.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-330, filed 11/18/83.]

WAC 308-93-340 Commercial fishing vessels. (1) Documented vessels used primarily for commercial fishing purposes shall be exempt from vessel registration requirements.

(2) Undocumented vessels used exclusively for commercial fishing purposes shall not be exempt from vessel registration requirements but shall be exempt from excise tax.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-340, filed 11/18/83.]

WAC 308-93-350 Incorrect endorsements or erasures. (1) If a certificate of title or application has been signed in error, a line must be drawn through the erroneous signature. An affidavit must be attached to explain when, why and by whom the signature was stricken. A release of interest is required from the person signing in error unless that person has signed the affidavit.

(2) If an erasure has been made on a certificate of title or application, an affidavit must be attached. The affidavit must state why and by whom the erasure was made. A release of interest must be signed by the one whose name was erased if the identity of the person can be determined.

(3) A name erroneously shown on the title as the purchaser must have either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-350, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-350, filed 11/18/83.]

WAC 308-93-360 Application for title required. An application for certificate of title is required:

- (1) Whenever the ownership of a vessel changes;
- (2) When there is a legal change of name of the registered or legal owner of a vessel;
- (3) When there is a change of name of a business entity owning a vessel;
- (4) When a proprietorship or partnership forms a corporation whether or not a business name is changed;
- (5) When a proprietorship or partnership purchases a corporation which will no longer be operated as a corporation whether or not the business name is changed;
- (6) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value in the case of reissue applications;
- (7) Whenever the hull identification number is changed;
- (8) Whenever a second legal owner is to be added to the certificate of title. The application shall show the address of only the first named legal owner;

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(9) Whenever a vessel is to be registered for the first time as required by chapter 88.02 RCW, except for a vessel having a valid marine document as a vessel of the United States.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-360, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-360, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-360, filed 11/18/83.]

WAC 308-93-370 Form required for name and address—Owners in common. If more than one person is shown on the application for title or its addendum as registered owner of the vessel, those persons will be treated as owners in common of the vessel whether or not the names are joined by the word "and" or the word "or."

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-370, filed 11/18/83.]

WAC 308-93-380 Form required for name and address—Ownership in joint tenancy. If more than one person is shown on the title application as registered owner, and the intention of the parties is to create ownership in joint tenancy, it is necessary to use the following language on the application for certificate of title:

(1) "John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship"; or

(2) "John Doe and Jane Doe and Mary Doe as joint tenants with right of survivorship and not as tenants in common" on the reissue title.

The ownership of the vessel in joint tenancy will be indicated on the certificate issued by the department in the following manner: "J.T.W.R.O.S."

A certified copy of the death certificate will be required upon the death of a party named on such a title. An application for title in the name(s) of the remaining party will be required.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-380, filed 11/18/83.]

WAC 308-93-390 Vessels held in trust. (1) The trustee shall be shown on any application for certificate of title as registered owner if a vessel is held in trust for the benefit of another. There is no requirement that the word "trustee" be placed after the name of any such owner.

(2) If the application and subsequently issued title includes the word "trustee" after the name of the registered owner, any signature releasing interest in the vessel by that owner shall include that designation.

(3) Upon the death of the trustee, a co-trustee or successor trustee shall make application for transfer of title into his/her own name. An affidavit that he or she is the successor or co-trustee and a copy of the documents so designating that person shall accompany any such application.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-390, filed 11/18/83.]

WAC 308-93-400 Two legal owners. If one of two legal owners shown on a certificate of title has his/her

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security interest in the vessel satisfied, that interest in the vessel shall be released in the appropriate manner and the appropriate documentation forms forwarded to the remaining legal owner. The remaining legal owner shall either (1) retain that documentation and forward it to the department at the time his/her interest is satisfied along with an application for reissue or (2) the documentation shall be immediately presented to the department with an application for reissue of title to show the remaining secured party as the sole legal owner of the vessel. If the outstanding certificate of title does not show the address of the remaining legal owner, there must be an application for reissue of title in order that the address of the remaining legal owner may be indicated on the outstanding certificate of title.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-400, filed 11/18/83.]

WAC 308-93-410 Refusal by department to release title. The department may refuse to release a vessel title under any one of the following circumstances:

- (1) All or a part of the fees for the registration or certificate of title have not been paid; or
- (2) All or a part of the fees for the registration or certificate of title have been paid with a check that has not been honored; or
- (3) At the discretion of the department when the department has been requested by an interested party to hold the certificate of title pending legal action, or whenever the department deems it inadvisable to release the certificate of title.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-410, filed 11/18/83.]

WAC 308-93-420 Special mailing. The department will mail the title to the legal owner of record. If it is the intent of the legal owner to have the title mailed to someone other than that shown on the title, written authorization, signed by the legal owner, is required. This must be in a form approved by the department.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-420, filed 11/18/83.]

WAC 308-93-430 Release of interest. If the registered and/or legal owners of record cannot release their interest on the title, a release of interest form approved by the department properly signed in accordance with WAC 308-93-470, shall be used as supportive documentation.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-430, filed 11/18/83.]

WAC 308-93-440 Lack of proper release. If the registered or legal owner(s) as shown in the records of the department or the records of the foreign state issuing the last certificate of title and/or registration of a vessel has not released his/her interest in the vessel by endorsement on the certificate or by a release of interest, the following must be attached to an application for Washington certificate of title:

- (1) Proper documentation authorized by other sections of this chapter to be used in lieu of a release by the registered or legal owner; or
- (2) A bond in accordance with WAC 308-93-210; or
- (3) The following, if satisfactory to the department:
 - (a) An affidavit by the applicant stating the reasons the person is unable to obtain a release of interest from the registered and/or legal owner(s) of record; and
 - (b) Evidence of ownership of the vessel by the applicant such as, but not limited to, a bill of sale; and
 - (c) Evidence of attempts to locate the owner(s) of record such as copies of correspondence sent to the last known address of the owner as well as returned receipts showing such correspondence was sent by registered or certified mail, return receipt requested.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-440, filed 11/18/83.]

WAC 308-93-450 Signature of registered owner on application—Exceptions. On an application for an original, reissue, or transfer of certificate of title, the signature of each and every name registered owner is required except:

- (1) When the application is for the sole purpose of removing a legal owner of record from the certificate of title when that legal owner's security interest has been satisfied in the vessel;
- (2) When authorized supportive documentation is used in lieu of the signature or signatures;
- (3) When the legal owner applies for a duplicate title;
- (4) When there is a change in the secured party;
- (5) When ownership is transferred with an affidavit of repossession.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-450, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-450, filed 11/18/83.]

WAC 308-93-460 Releasing interest. (1) In order for a person to release his/her interest in a vessel as registered or legal owner, his/her signature is required on the certificate of title issued by the department, unless authorized supportive documentation is used in lieu of that signature or in lieu of the certificate issued by the department.

(2) If the signatures are not on the certificate of title, all signatures must be certified in accordance with WAC 308-93-470.

(3) If more than one person is shown on the certificate of title issued by the department as registered or legal owner, the signature of each registered and legal owner is required no matter what the form of ownership unless authorized supportive documents are used in lieu of one or more signatures.

(4) A release of interest is not required from one identified as a lessee.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-460, filed 11/18/83.]

WAC 308-93-470 Certification of signature. The signature of every applicant to be shown on the certificate of title as the registered owner and of other signatures, as required, shall be subscribed to and sworn to by that person before a notary public, county auditor, deputy auditor, an authorized agent approved by the director of licensing, an agent appointed by the director of licensing, an employee or appointee of either type or agent, or an employee of the department of licensing authorized by the director to certify to an applicant's signature. Approved identification of the person signing shall be required.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-470, filed 11/18/83.]

WAC 308-93-480 Certification of signature--Departmental employees. The director hereby authorizes the following department employees to certify signatures: Deputy director, the assistant director for vehicle services, the chief officer and assistant of the division primarily responsible for vessel registration and titles, persons assigned to liaison duties between the department and its vehicle license agents, and persons assigned the responsibility of accepting title applications from persons appearing at the department's office.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-480, filed 11/18/83.]

WAC 308-93-490 Sheriff's sale. (1) An application for title for a vessel sold by a sheriff pursuant to Washington state law transfers only the interests of the person(s) shown on the bill of sale, or if the former owner(s) is not shown, only the interests of the registered owner(s) of record, and shall be accompanied by:

- (a) The sheriff's bill of sale; and
 - (b) A copy of the court order directing the sale, if any.
- (2) The vessel must be titled in the name of the purchaser shown on the bill of sale.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-490, filed 11/18/83.]

WAC 308-93-500 Name change. On any application for reissue of a certificate of title where the name of the registered owner has been changed by court action, a certified copy of the court order authorizing the name change, if applicable, shall be attached to the application.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-500, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-500, filed 11/18/83.]

WAC 308-93-510 Transfer by court order. Any application for certificate of title, where a change of legal or registered owner of a vessel is the result of the order of a court, shall be accompanied by a certified copy of the order or a certification from the clerk of court on a department approved form confirming the court's action. If the last issued certificate of title is not attached to the

application, an affidavit of lost or destroyed title or an affidavit explaining the nonavailability of the title document shall also be attached to the application.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-510, filed 11/18/83.]

WAC 308-93-520 Owner deceased--Community property agreement. If the prior owner of record of a vessel is deceased and a valid community property agreement exists, the surviving spouse may release the interest of the deceased's estate in the vessel. The following shall be attached to any application for certificate of title:

- (1) A copy of the community property agreement;
- (2) A certified copy of the death certificate.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-520, filed 11/18/83.]

WAC 308-93-530 Owner incompetent. On any application for certificate of title where the former owner of record of the vessel has been declared legally incompetent, the incompetent's interest in the vessel shall be released by signature of the court appointed guardian. A certified copy of the court order appointing the guardian shall be attached to the application.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-530, filed 11/18/83.]

WAC 308-93-540 Owner bankrupt. On any application for certificate of title where the prior owner's interest has been terminated through bankruptcy proceedings, the interest of the bankrupt in the vessel may be released by his/her trustee. If the release is by his/her trustee, a certified copy of the court order appointing the trustee shall be attached to the application.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-540, filed 11/18/83.]

WAC 308-93-550 Owner deceased--Signature of personal representative. On any application for certificate of title where a vessel has been acquired from the estate of a deceased person, the interest of the deceased's estate in the vessel shall be released by the signature of the personal representative. A copy of the court order approving or confirming the personal representative shall be attached to the application. Any unreleased legal owners shall remain as such on the new certificate of title issued by the department.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-550, filed 11/18/83.]

WAC 308-93-560 Owner deceased--Estate administered. If the prior owner of a vessel is deceased and a will was left, the following documents shall be attached to any application for transfer of title:

- (1) If the will is not a nonintervention will:
 - (a) A certified copy of the court order approving the transfer or a certificate from the clerk of court on department approved forms confirming the court action; or
 - (b) A certified copy of the decree of distribution.

(2) If the will is a nonintervention will, a certified copy of the decree of solvency or distribution or a certification from the clerk of court confirming such action.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-560, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-560, filed 11/18/83.]

WAC 308-93-570 Owner deceased--No will left. If the prior owner of a vessel is deceased and left no will, a certified copy of the court order authorization to transfer the vessel or a certification from the clerk of court confirming such action must be attached to any application for certificate of title.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-570, filed 11/18/83.]

WAC 308-93-580 Owner deceased--To spouse "in lieu of homestead." If the prior owner of a vessel is deceased and the court awards the vessel to the surviving spouse "in lieu of homestead," a certified copy of the court's order or a certification from the clerk of court on department approved forms confirming such court action must be attached to the application for certificate of title.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-580, filed 11/18/83.]

WAC 308-93-590 Owner deceased--In name of estate. If the owner of record of a vessel is deceased, the vessel may be titled and licensed in the name of the estate of the deceased pending final settlement of the estate. A certified copy of the court order appointing or confirming the personal representative shall be attached to the application for certificate of title.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-590, filed 11/18/83.]

WAC 308-93-600 Owner deceased--Estate not administered. If the prior owner of a vessel is deceased, left no will, and the estate will not be administered, the surviving spouse or any other heir may release the interest of the deceased's estate in the vessel by attaching the following to any application for certificate of title:

- (1) Affidavit of inheritance with affidavits of release of interest from other heirs attached thereto;
- (2) Certified copy of the death certificate.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-600, filed 11/18/83.]

WAC 308-93-620 Hull identification number required. No person shall operate a boat on the waters of this state for which registration and titling is required unless such boat has a hull identification number or application for such number has been made. Hull identification numbers must be clearly imprinted, or otherwise permanently affixed to the outboard side of the transom, or if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism above the waterline of the boat in such a way that alteration, removal or replacement

would be obvious or evident. No person, firm, association or corporation shall destroy, remove, alter, cover, or deface the hull identification number.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-620, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-620, filed 11/18/83.]

WAC 308-93-630 Assignment of hull identification number. Upon application for original registration or transfer of registration and title or transfer of registration and title of a vessel, the department may assign an appropriate hull identification number to such vessel whenever there is no hull identification number thereon, or when a hull identification number thereon has been destroyed or obliterated and such hull number shall be permanently affixed as prescribed by the department.

[Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-630, filed 11/18/83.]

WAC 308-93-640 Reciprocity. (1) A vessel owned by a resident of another state which is already covered by a number in full force and effect issued to it pursuant to federal laws or a numbering system of such state shall be exempt from registration requirements for a period of sixty days in any twelve month period but only to the extent a similar reciprocity is granted for vessels registered in the state of Washington.

(2) When a vessel is removed to the state of Washington as a new state of principal use, Washington shall recognize the validity of a number awarded by any other issuing authority for a period of at least sixty days before requiring numbering in this state.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-640, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-640, filed 11/18/83.]

WAC 308-93-650 Title purpose only. Nothing in chapter 88.02 RCW or chapter 308-93 WAC shall be construed to prevent any person entitled thereto from securing a certificate of title upon a vessel without securing a certificate of registration and vessel decal when, in the judgment of the director of licensing, it is proper to do so.

[Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-650, filed 11/19/85. Statutory Authority: RCW 88.02.100 and 88.02.070. 84-11-060 (Order TL/RG-1), § 308-93-650, filed 5/18/84.]

Chapter 308-94 WAC SNOWMOBILES AND OFF-ROAD AND NONHIGHWAY VEHICLES

WAC

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308-94-265	Off-road vehicle dealer permit.
308-94-270	Off-road vehicle dealer plates—Cost.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-94-020	Appointment of agents. [Order MV-159, § 308-94-020, filed 1/2/73; Order 111 MV, § 308-94-020, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
308-94-060	Registration for snowmobiles used as all terrain vehicles. [Order MV-159, § 308-94-060, filed 1/2/73; Order 111 MV, § 308-94-060, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
308-94-180	All terrain vehicle titling not required for vehicles presently titled. [Order MV-158, § 308-94-180, filed 1/2/73; Order 112 MV, § 308-94-180, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
308-94-190	Licensing of vehicles titled as all terrain vehicles. [Order MV-158, § 308-94-190, filed 1/2/73; Order 112 MV, § 308-94-190, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
308-94-230	Surrender of license plates required. [Order MV-158, § 308-94-230, filed 1/2/73; Order 112 MV, § 308-94-230, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
308-94-260	Nonresidents. [Order MV-158, § 308-94-260, filed 1/2/73; Order 112 MV, § 308-94-260, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.

WAC 308-94-010 Registration of snowmobiles. The provisions of WAC 308-94-010 through 308-94-150 shall apply to the registration of snowmobiles and the administration of the Snowmobile Registration Act, chapter 46.10 RCW.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-010, filed 1/16/87; Order MV-159, § 308-94-010, filed 1/2/73; Order 111 MV, § 308-94-010, filed 10/5/71.]

WAC 308-94-030 Application for registration. An application for registration of a snowmobile shall include:

- (1) Name and address of registered owner(s);
- (2) Make and model year of snowmobile;
- (3) Method of propulsion, including but not limited to skis, tracks, wheels or combination thereof;

(4) Purchase price and year of purchase or declared value and year of declaration;

(5) Proof of payment of sales tax or a bill of sale establishing the price paid for the vehicle;

(6) Previously issued registration certificate, or a duplicate thereof if the application is for the transfer of registered snowmobile;

(7) Vehicle identification number; and

(8) Appropriate fees.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-030, filed 1/16/87; Order 111 MV, § 308-94-030, filed 10/5/71.]

WAC 308-94-035 Snowmobile registration—Fee. Beginning with the registrations that expire September 30, 1989, the registration fee for snowmobiles required to be registered in accordance with RCW 46.10.020 shall be \$12.50 annually.

[Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 308-94-035, filed 11/24/87.]

WAC 308-94-040 Snowmobile registration year. The registration year for snowmobiles is October 1 through September 30 of the following year. There is no abatement of the snowmobile registration fee, regardless of the date the snowmobile was acquired.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-040, filed 1/16/87; Order MV-355, § 308-94-040, filed 5/10/76; Order MV-159, § 308-94-040, filed 1/2/73; Order 111 MV, § 308-94-040, filed 10/5/71.]

WAC 308-94-050 Registration certificate. The snowmobile registration certificate must be carried in the snowmobile, or on the person of the snowmobile operator and must be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-050, filed 1/16/87; Order 111 MV, § 308-94-050, filed 10/5/71.]

WAC 308-94-070 Display of snowmobile registration number, decals and validation tabs. The decals showing the registration number shall be affixed to the right and left sides or on the front and rear of the snowmobile. They must be located so that snow, passenger, driver or load will not obscure them.

The date tab indicating the month of expiration is to be located in front of the registration numbers no more than two inches from the beginning of the numbers. The tab indicating the year of expiration is to be placed no more than two inches from the last digit of the registration numbers.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-070, filed 1/16/87; Order MV-355, § 308-94-070, filed 5/10/76; Order MV-159, § 308-94-070, filed 1/2/73; Order 111 MV, § 308-94-070, filed 10/5/71.]

WAC 308-94-080 Nonresident temporary snowmobile permit. An application for a temporary permit shall include:

- (1) Name and address of the applicant;

- (2) Plate or registration number if registered in another state;
- (3) Make and year of vehicle;
- (4) Vehicle identification number;
- (5) Method of propulsion, including but not limited to skis, tracks, wheels, or combination thereof;
- (6) Appropriate fees; and
- (7) Expiration date of the foreign state registration.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-080, filed 1/16/87; Order 111 MV, § 308-94-080, filed 10/5/71.]

WAC 308-94-090 Rented snowmobiles. Rented snowmobiles must be separately registered and have displayed the registration number assigned to the snowmobile. A dealer's license plate must not be used on a rented snowmobile.

[Order MV-159, § 308-94-090, filed 1/2/73; Order 111 MV, § 308-94-090, filed 10/5/71.]

WAC 308-94-100 Snowmobile dealer permit. The snowmobile dealer permit will be effective for one calendar year, except for the initial staggered dealer permit period when the director will assign staggered renewal dates. If a dealer purchases snowmobile dealer plates, they must be used for testing or demonstrating a snowmobile. A dealer may not test or demonstrate a snowmobile without either a valid registration or a valid dealer plate.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-100, filed 1/16/87; Order 111 MV, § 308-94-100, filed 10/5/71.]

WAC 308-94-110 Snowmobile dealer plates--Cost. A snowmobile dealer shall pay three dollars and fifty cents plus the reflectorization fee for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-110, filed 1/16/87; Order MV-159, § 308-94-110, filed 1/2/73; Order 111 MV, § 308-94-110, filed 10/5/71.]

WAC 308-94-160 Registration and titling of off-road and nonhighway vehicles. The provisions of WAC 308-94-160 through 308-94-300 shall apply to the registration and titling of off-road and nonhighway vehicles pursuant to the provisions of chapter 46.09 RCW. For purposes of these rules, the terms "registration" and "permit" have the same meaning.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-160, filed 1/16/87; Order MV-158, § 308-94-160, filed 1/2/73; Order 112 MV, § 308-94-160, filed 10/5/71.]

WAC 308-94-170 Certificates of title. Certificates of title for off-road and nonhighway vehicles will be issued pursuant to the same rules, regulations, and procedures as for other classes of vehicles. A certificate of title may be issued pursuant to WAC 308-94-181 or 308-94-191, whichever is applicable, but in no event shall more than one title be issued for a single off-road or nonhighway vehicle.

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[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-170, filed 1/16/87; Order 112 MV, § 308-94-170, filed 10/5/71.]

WAC 308-94-181 Vehicles titled that are not eligible for road use. When the manufacturer's statement of origin or other document indicates that a vehicle is "not eligible for road use" or "does not qualify for road use," any Washington title issued will bear the designation "not eligible for road use."

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-181, filed 1/16/87.]

WAC 308-94-191 Vehicles issued regular title and off-road use permits. Vehicles that qualify for road use will be issued regular titles and may be issued off-road use permits or regular road license without having the title reissued.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-191, filed 1/16/87.]

WAC 308-94-200 Off-road and nonhighway vehicle use permit period. (1) The registration year of off-road and nonhighway permits will commence with the first day of the calendar month in which the off-road and nonhighway permit is first applied for, and end the last day of the preceding month of the following calendar year, except that permits first applied for in January will end December 31 of the same calendar year.

(2) Subsequent renewals of the off-road and nonhighway permit will retain the registration year first established, provided that if a new owner applies for an off-road or nonhighway permit at time of applying for transfer of title, and the off-road and nonhighway permit has been expired for more than thirty days, a new registration year may be established. Also, if an off-road and nonhighway vehicle has not been licensed as an off-road and nonhighway vehicle for the registration year immediately preceding the registration year in which the application for off-road and nonhighway permit is being made, or when the vehicle has been registered in another jurisdiction subsequent to any prior off-road and nonhighway registration in Washington, a new registration year may be assigned. There is no abatement of the off-road and nonhighway permit fee.

(3) An owner desiring to continue operating an off-road and nonhighway vehicle shall renew and display the validating tab no later than the first day of the month immediately following the month of expiration of the previously issued validating tab, or shall purchase and display a temporary use permit valid for sixty days.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-200, filed 1/16/87; Order MV-355, § 308-94-200, filed 5/10/76; Order MV-158, § 308-94-200, filed 1/2/73; Order 112 MV, § 308-94-200, filed 10/5/71.]

WAC 308-94-210 Off-road and nonhighway vehicle use permit not required--When. A vehicle used exclusively within the exceptions set forth in RCW 46.09.050 is not required to obtain an off-road or nonhighway vehicle use permit. Owners of off-road and nonhighway vehicles which may be converted to snowmobiles shall

not be required to obtain off-road and nonhighway vehicle use permits if the vehicles are currently and validly registered as snowmobiles.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-210, filed 1/16/87; Order MV-158, § 308-94-210, filed 1/2/73; Order 112 MV, § 308-94-210, filed 10/5/71.]

WAC 308-94-220 Display of off-road and nonhighway vehicle use permit decal. (1) An off-road vehicle shall display use permit numbers in a prominent place on said vehicles either as a decal or a painted number. Painted numbers must be displayed in characters at least one inch in height with a minimum of one-eighth inch stroke in a color contrasted with the background to obtain maximum legibility of the number. The characters must be spaced so that the use permit number is readily legible. The number must be clearly visible from the front, or rear, or from both sides of the vehicle. The decals showing the annual off-road and nonhighway use permit number must be affixed to the right and left side or on the front and rear of the off-road vehicle. The decals must be located so as not to be obscured by the driver, passenger, or load.

(2) When a highway licensed vehicle is being operated as an off-road or nonhighway vehicle, the license plate must be displayed in the same manner as required for highway use.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-220, filed 1/16/87; Order MV-158, § 308-94-220, filed 1/2/73; Order 112 MV, § 308-94-220, filed 10/5/71.]

WAC 308-94-240 Validating tab--Display. The tab issued by the department indicating the month of expiration of the annual use permit must be affixed no more than two inches in front of the beginning of the annual use permit decal. The tab indicating the year of expiration of the permit must be affixed no more than two inches following the last digit in the permit decal number.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-240, filed 1/16/87; Order MV-355, § 308-94-240, filed 5/10/76; Order MV-158, § 308-94-240, filed 1/2/73; Order 112 MV, § 308-94-240, filed 10/5/71.]

WAC 308-94-250 The off-road and nonhighway vehicle use permit must be carried on vehicle. The off-road and nonhighway vehicle use permit must be carried on the off-road and nonhighway vehicle at all times. The permit may be carried by the operator on his or her person or in a moisture proof protective case attached to the vehicle. The use permit must be made available for inspection by any person having the authority to enforce the provisions of the Off-Road and Nonhighway Vehicle Act.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-250, filed 1/16/87; Order MV-158, § 308-94-250, filed 1/2/73; Order 112 MV, § 308-94-250, filed 10/5/71.]

WAC 308-94-261 Temporary off-road and nonhighway vehicle use permit. An application for a temporary off-road and nonhighway vehicle permit may include the following:

- (1) Name and address of the applicant;
- (2) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (3) Make and year of vehicle;
- (4) Expiration date of the foreign state registration;
- (5) Vehicle identification number; and
- (6) Appropriate fees.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-261, filed 1/16/87.]

WAC 308-94-265 Off-road vehicle dealer permit. The off-road dealer permit will be effective for one calendar year, except for the initial staggered dealer permit period when the director will assign staggered renewal dates. If a dealer purchases off-road vehicle dealer plates, they must be used for testing or demonstrating an off-road vehicle. A dealer may not test or demonstrate an off-road vehicle without either a valid registration or a valid dealer plate.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-265, filed 1/16/87.]

WAC 308-94-270 Off-road vehicle dealer plates--Cost. An off-road vehicle dealer shall pay three dollars and fifty cents, plus the reflectorization fee, for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-270, filed 1/16/87.]

Chapter 308-95 WAC VEHICLE IMPOUND

WAC	
308-95-010	Vehicle impound--Notice of right to formal hearing--Hearing request.
308-95-020	Transcripts or abstracts of driving record certified--As prima facie evidence.
308-95-030	Penalties, fines or forfeitures defined.

WAC 308-95-010 Vehicle impound--Notice of right to formal hearing--Hearing request. Whenever a vehicle has been impounded by a law enforcement officer pursuant to RCW 46.20.435, the law enforcement officer shall immediately serve upon the driver of the impounded vehicle a notice which shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain such hearing.

The person upon receiving such notice may, in writing, and within ten days therefrom request a formal hearing: *Provided*, That if such request is not made within the prescribed time the right to a hearing shall be deemed to have been waived.

Upon receipt of a request for a hearing, the department of licensing shall promptly schedule a hearing in the county in which the person making the request resides, or within a reasonable distance from his place of residence, and if such person is a nonresident of this state, the hearing shall be held in Thurston County. The hearing may be set for some other county by agreement

between the department and the person requesting the hearing.

[Statutory Authority: RCW 46.20.435, 83-12-025 (Order 718-DOL), § 308-95-010, filed 5/25/83.]

WAC 308-95-020 Transcripts or abstracts of driving record certified—As prima facie evidence. Upon receiving a request for a formal hearing, the director of the department shall certify a transcript or abstract of the driving record of the driver. The transcript or abstract shall indicate the status of the driving privilege of the driver at the time the impound occurred and whether the driver was responsible for any penalties, fines or forfeitures owed or due on the day of the impound. Such transcript or abstract may be admitted as evidence in any hearing and shall be prima facie evidence of the status of the driving privilege of the person named therein at the time of the impound and whether there were penalties, fines or forfeitures due and owing by the person named therein at the time the impound occurred.

The scope of the hearings provided by this section shall be limited to determining whether the driver of the vehicle impounded was operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that had been expired for 90 days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420. The hearing shall determine who was the actual driver of the vehicle at the time of the impounding, the ownership of the vehicle impounded and whether the driver was responsible for any penalties, fines or forfeitures owed or due at the time of the impound.

[Statutory Authority: RCW 46.20.435, 83-12-025 (Order 718-DOL), § 308-95-020, filed 5/25/83.]

WAC 308-95-030 Penalties, fines or forfeitures defined. The term "penalties, fines or forfeitures" as used in RCW 46.20.435 shall mean any penalty, fine or forfeiture imposed by law for violation of a written promise to appear in court as defined in RCW 46.64.025; failure to respond to a notice of traffic infraction or failure to appear at a requested hearing as defined in RCW 46.63.070; or failure to pay a monetary penalty as defined in RCW 46.63.110.

[Statutory Authority: RCW 46.20.435, 83-12-025 (Order 718-DOL), § 308-95-030, filed 5/25/83.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

308-96A-005	Terminology.
308-96A-010	Certificate of registration required.
308-96A-015	Duplicate certificate of registration.
308-96A-021	Replacement plates—Sworn statement.
308-96A-025	No fee where incorrect plates issued.
308-96A-026	Vehicle permit prior to registration.
308-96A-035	Manual renewal.
308-96A-040	Monthly abatement of excise tax.
308-96A-046	Veteran's free license.
308-96A-050	Members of the armed forces—Excise tax exemption for nonresidents.

308-96A-056	Pearl Harbor survivor license plates.
308-96A-061	Honorary consular official special license plates application procedures.
308-96A-062	Transfer or destruction of honorary consular official special license plates.
308-96A-065	Personalized license plates.
308-96A-070	Ham radio operator call number plates.
308-96A-075	Antique cars—Use limitations.
308-96A-080	Confidential license plates—Application procedures.
308-96A-085	Confidential license plates—Agency contact.
308-96A-090	Confidential license plates—Annual inventory.
308-96A-095	Cancellation of confidential license plates.
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308-96A-100	Licensing according to use instead of vehicle type.
308-96A-105	Motor homes.
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308-96A-135	Fixed load vehicles.
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308-96A-145	Cab and chassis.
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308-96A-175	Ride-sharing vehicles.
308-96A-205	Increasing declared gross weight for license based on gross weight.
308-96A-210	Transfer of tonnage license—No refunds.
308-96A-220	Transfer of license based on gross weight—To replacement vehicle.
308-96A-260	Staggered licensing—Assignment of registration year first time licensed.
308-96A-275	Staggered licensing—Renewal after first billing.
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308-96A-310	Application—Disabled person parking privileges.
308-96A-315	Temporary permits.
308-96A-320	Cardiovascular disease.
308-96A-325	Loss of disabled person parking card, decal, plate.
308-96A-330	Application, eligibility—Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Disabled parking permits.
308-96A-335	Special parking privilege permits for public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Transfer, limitations.
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308-96A-375	Parking violation list.
308-96A-380	Effect of 150 day notice on license renewal.
308-96A-400	Excise tax exemption—Indians.
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308-96A-415	Centennial plate issuance.
308-96A-420	Centennial plate fee.
308-96A-450	Driving without valid license—Temporary vehicle registration.
308-96A-460	Vehicle registration cancellation hearings.
308-96A-470	Driving without valid license—Reregistration after cancellation.
308-96A-480	Driving without valid license—Vehicle operating on a permit.
308-96A-490	Driving without valid license—No valid registration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-96A-020	Replacement plates and validation tabs. [Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-020, filed 5/5/86; Order MV-328, § 308-96A-020, filed 7/24/75.] Repealed by 87-01-030 (Order
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between the department and the person requesting the hearing.

[Statutory Authority: RCW 46.20.435, 83-12-025 (Order 718-DOL), § 308-95-010, filed 5/25/83.]

WAC 308-95-020 Transcripts or abstracts of driving record certified—As prima facie evidence. Upon receiving a request for a formal hearing, the director of the department shall certify a transcript or abstract of the driving record of the driver. The transcript or abstract shall indicate the status of the driving privilege of the driver at the time the impound occurred and whether the driver was responsible for any penalties, fines or forfeitures owed or due on the day of the impound. Such transcript or abstract may be admitted as evidence in any hearing and shall be prima facie evidence of the status of the driving privilege of the person named therein at the time of the impound and whether there were penalties, fines or forfeitures due and owing by the person named therein at the time the impound occurred.

The scope of the hearings provided by this section shall be limited to determining whether the driver of the vehicle impounded was operating a motor vehicle without a valid driver's license in violation of RCW 46.20.021 or with a license that had been expired for 90 days or more, or with a suspended or revoked license in violation of RCW 46.20.342 or 46.20.420. The hearing shall determine who was the actual driver of the vehicle at the time of the impounding, the ownership of the vehicle impounded and whether the driver was responsible for any penalties, fines or forfeitures owed or due at the time of the impound.

[Statutory Authority: RCW 46.20.435, 83-12-025 (Order 718-DOL), § 308-95-020, filed 5/25/83.]

WAC 308-95-030 Penalties, fines or forfeitures defined. The term "penalties, fines or forfeitures" as used in RCW 46.20.435 shall mean any penalty, fine or forfeiture imposed by law for violation of a written promise to appear in court as defined in RCW 46.64.025; failure to respond to a notice of traffic infraction or failure to appear at a requested hearing as defined in RCW 46.63.070; or failure to pay a monetary penalty as defined in RCW 46.63.110.

[Statutory Authority: RCW 46.20.435, 83-12-025 (Order 718-DOL), § 308-95-030, filed 5/25/83.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

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308-96A-310	Application—Disabled person parking privileges.
308-96A-315	Temporary permits.
308-96A-320	Cardiovascular disease.
308-96A-325	Loss of disabled person parking card, decal, plate.
308-96A-330	Application, eligibility—Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Disabled parking permits.
308-96A-335	Special parking privilege permits for public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies—Transfer, limitations.
308-96A-345	Definitions.
308-96A-350	Outstanding parking tickets—Information to be supplied by issuing jurisdiction.
308-96A-355	Satisfaction of parking tickets—Information to be supplied by issuing jurisdiction.
308-96A-360	Return of unacceptable notification to jurisdiction.
308-96A-365	Reinstatement of parking ticket.
308-96A-370	Removal of parking ticket information from active file.
308-96A-375	Parking violation list.
308-96A-380	Effect of 150 day notice on license renewal.
308-96A-400	Excise tax exemption—Indians.
308-96A-410	Study fee.
308-96A-415	Centennial plate issuance.
308-96A-420	Centennial plate fee.
308-96A-450	Driving without valid license—Temporary vehicle registration.
308-96A-460	Vehicle registration cancellation hearings.
308-96A-470	Driving without valid license—Reregistration after cancellation.
308-96A-480	Driving without valid license—Vehicle operating on a permit.
308-96A-490	Driving without valid license—No valid registration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-96A-020	Replacement plates and validation tabs. [Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-020, filed 5/5/86; Order MV-328, § 308-96A-020, filed 7/24/75.] Repealed by 87-01-030 (Order
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- TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.
- 308-96A-030 Annual license renewal—Renewal by mail. [Order MV-355, § 308-96A-030, filed 5/10/76; Order MV-328, § 308-96A-030, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-045 Veteran's free license. [Order MV-355, § 308-96A-045, filed 5/10/76; Order MV-328, § 308-96A-045, filed 7/24/75.] Repealed by 84-21-130 (Order TL/RG-9), filed 10/24/84. Statutory Authority: RCW 46.01.110 and 46.16.600. Later promulgation, see WAC 308-96A-046.
- 308-96A-055 Nonresident military temporary license. [Order MV-328, § 308-96A-055, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-060 License plates not transferrable—Exceptions. [Order MV-328, § 308-96A-060, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-115 Personal use trailers. [Order MV-328, § 308-96A-115, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-125 "Drive yourself" or "U-drive" vehicles. [Order MV-328, § 308-96A-125, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-130 Hearse and ambulances. [Order MV-328, § 308-96A-130, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-140 Special construction equipment. [Order MV-328, § 308-96A-140, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-155 Change of class. [Order MV-355, § 308-96A-155, filed 5/10/76; Order MV-328, § 308-96A-155, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-160 Change of class—Sale of exempt vehicle. [Order MV-328, § 308-96A-160, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-165 Change of class—Purchase of previously nonexempt vehicle by state, county, or city department. [Order MV-328, § 308-96A-165, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-170 Change of class—Exempt agencies returning leased vehicles. [Order MV-355, § 308-96A-170, filed 5/10/76; Order MV-328, § 308-96A-170, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-200 Computing capacity fee. [Order MV-328, § 308-96A-200, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-215 Transfer of tonnage license—From person to person. [Order MV-328, § 308-96A-215, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-225 Transfer of tonnage license—To a farmer. [Order MV-328, § 308-96A-225, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-230 Transfer of tonnage license—From a farmer. [Order MV-328, § 308-96A-230, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-235 Transfer of tonnage license—Involuntary transfer. [Order MV-328, § 308-96A-235, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-240 Transfer of tonnage license—Vehicle transferred to another state. [Order MV-328, § 308-96A-240, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-265 Staggered licensing—Conversion of vehicles currently licensed. [Order MV-355, § 308-96A-265, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-270 Staggered licensing—Billing for other than 12 months. [Order MV-355, § 308-96A-270, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-280 Staggered licensing—Excise tax computation. [Order MV-355, § 308-96A-280, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-285 Quarterly tonnage. [Order MV-355, § 308-96A-285, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-290 Quarterly tonnage—Refunds excess of twelve months. [Order MV-355, § 308-96A-290, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
- 308-96A-305 Quarterly tonnage—Destroyed vehicles rebuilt. [Order MV-355, § 308-96A-305, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.

Reviser's note: Chapter 308-96 WAC entitled, "Vehicle licenses," was repealed by Order MV-328, filed 7/24/75. See title digest disposition of chapter.

WAC 308-96A-005 Terminology. (1) The terms "licensing" and "registering" are synonymous for the transaction in which both a certificate of registration and license plates and/or current validation tabs are issued to the applicant.

(2) The terms "tonnage," "load license," "gross weight license," "license based on gross weight," and "gross weight fees" are used interchangeably and refer to those fees that are charged owners of motor trucks and truck tractors according to their vehicles' maximum gross weights.

(3) "Capacity fee" is used to refer to the load license for stages and for-hire vehicles with seating capacity of six or less and for fixed load vehicles including circus and tow.

(4) The term "no bill" refers to the partially completed notice to renew a license which is mailed from Olympia to the registered owner. This form indicates

that additional information is required prior to the registration for the current year license.

(5) A "prebill" is the notice to renew a vehicle license that is mailed from Olympia to the registered owner.

(6) References to "current year" mean the current registration year unless otherwise stated.

(7) "Month of expiration" or "expiration month" is the calendar month during which a registration year ends.

(8) A "fleet" is a group of fifteen vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-005, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-005, filed 5/5/86; Order MV-355, § 308-96A-005, filed 5/10/76; Order MV-328, § 308-96A-005, filed 7/24/75.]

WAC 308-96A-010 Certificate of registration required. The registration certificate and gross weight license must be carried in the vehicle for which it is issued, or in the case of a trailer, either in the towing vehicle or in a container on the trailer. A Washington dealer issued demonstration permit or employee identification card may be used in lieu of a registration certificate for a vehicle that is part of a dealer's inventory. A photocopy of the registration and/or load license certificate may be carried in a rental vehicle in lieu of the registration certificate.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-010, filed 5/5/86; Order MV-355, § 308-96A-010, filed 5/10/76; Order MV-328, § 308-96A-010, filed 7/24/75.]

WAC 308-96A-015 Duplicate certificate of registration. If the current year's certificate of registration is lost, stolen, or destroyed, the registered owner must apply at once for a duplicate. The application must be accompanied by:

(1) An affidavit of loss signed by at least one owner of record. Such signature must be either certified by a Washington vehicle/vessel license agent or notarized; and

(2) A record of the licensing agent's verification of the vehicle record.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-015, filed 5/5/86; Order MV-328, § 308-96A-015, filed 7/24/75.]

WAC 308-96A-021 Replacement plates--Sworn statement. A sworn statement as to cause or reason for replacement plates shall not be required if the owner of record is the person buying replacement plates, provided, that a sworn statement will be required if someone other than the registered owner of record is purchasing replacement plates.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-021, filed 5/28/87.]

WAC 308-96A-025 No fee where incorrect plates issued. Where incorrect license plates or validation tabs

have been issued due to departmental error, they must be returned for cancellation. The licensing agent shall then issue a correct set of plates or tabs and a correct certificate of registration without charge.

[Order MV-328, § 308-96A-025, filed 7/24/75.]

WAC 308-96A-026 Vehicle permit prior to registration. A permit may be issued to authorize an individual to operate a vehicle over and along a public highway of this state solely for the purpose of doing what is necessary to qualify the vehicle for a Washington certificate of vehicle registration. Such purposes are limited to the following:

(1) Obtaining a Washington state patrol inspection (if required);

(2) Obtaining a weight slip;

(3) Obtaining an emission test; or,

(4) Another specific purpose which the director or designee deems necessary in order to obtain a Washington certificate of registration for the vehicle.

There is no fee charged for this permit.

The permit is valid for a maximum of two days only and shall contain, but not be limited to, the following information:

(a) Signature and agency number of persons issuing the permit;

(b) Signature and address of person receiving the permit;

(c) Description, including make, model, model year, and vehicle identification number, of the vehicle for which the permit is issued;

(d) Specific purpose for which the permit is issued; and,

(e) The date or dates on which the permit is valid, for a maximum of two days.

[Statutory Authority: RCW 46.16.276. 86-23-045 (Order TL/RG 28), § 308-96A-026, filed 11/18/86.]

WAC 308-96A-035 Manual renewal. (1) If errors exist on the prebill or if the registered owner wishes to change "class," "tonnage," etc., or if a prebill was not received, application shall be made on a manual form furnished by the department.

(2) The applicant must satisfy the licensing agent as to his/her identity by at least one of the following:

(a) A valid Washington state driver's license;

(b) A valid Washington state identicard;

(c) A photo identification card;

Or in the event the above are not available, two of the following:

A nationally or regionally known credit card containing the signature of the applicant;

An identification card issued by the United States, any state, or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military ID cards) and which contain the signature of the applicant;

Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities; or

Such other documentary evidence as in the opinion of the licensing agency clearly establishes the identity of the applicant.

(3) Nothing in this regulation shall be construed as prohibiting a member of the immediate family of the registered owner to effect such manual renewal, if he/she is able to prove his/her identity and relationship to the registered owner.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-035, filed 5/5/86; Order MV-328, § 308-96A-035, filed 7/24/75.]

WAC 308-96A-040 Monthly abatement of excise tax. Vehicles being licensed in Washington and assigned a registration year of more than twelve months shall have the annual excise tax increased by one-twelfth for each full month of the registration year which extends beyond the normal twelve-month registration year. Vehicles assigned a registration year of less than twelve months shall have the annual excise tax decreased by one-twelfth for each full month of the registration year by which the normal twelve-month registration year would exceed the assigned expiration. The normal twelve-month registration period, when first established, will begin with the month in which:

(1) The dealer indicates the vehicle was sold, if the application is made on a Washington dealer temporary permit or on an application for title; or

(2) The vehicle was sold as indicated by the seller's release date on the title or, in lieu thereof, on a bill of sale.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-040, filed 5/5/86; Order MV-355, § 308-96A-040, filed 5/10/76; Order MV-328, § 308-96A-040, filed 7/24/75.]

WAC 308-96A-046 Veteran's free license. (1) Any disabled American veteran, former prisoner of war, or the surviving spouse of a deceased former prisoner of war who qualifies under chapter 73.04 RCW is entitled to receive regular or special license plates and is exempt from paying any annual licensing fees or excise tax.

Permanent registration and permanent license plate tabs will be issued to qualified persons for use on one personal use passenger vehicle which includes motor homes and trucks rated at less than twelve thousand pounds gross weight. Emission inspections are required each year in the designated inspection areas. For personalized license plates the annual renewal fees are required. Propane powered vehicles are subject to annual propane fees.

(2) For a disabled American veteran, confirmation of eligibility from the Veterans Administration or the military service from which the veteran was discharged must accompany the initial application. The confirmation of eligibility shall be certification of a service-connected disability rating and certification of one or more of the following conditions of eligibility:

(a) Has lost the use of both hands or one foot;

(b) Has become blind in both eyes as the result of military service; or

(c) Is rated by the Veterans Administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year. Verification of vision acuity may be provided by an ophthalmologist or optometrist. Verification that the disabled veteran is receiving compensation at the one hundred percent rate, which may include unemployability expected to exist for more than one year, must be provided by the Veterans Administration or the military service from which the veteran was discharged.

(3) For a former prisoner of war, certification of the following fact from the Veteran's Administration or the military service from which the veteran was discharged must accompany the initial application: That the person was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States.

(4) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate pursuant to chapter 73.04 RCW. In addition to confirming eligibility for the deceased, the spouse must furnish the following:

(a) A certified copy of the death certificate;

(b) A copy of the marriage certificate;

(c) A copy of documentation satisfactory to the department which verifies that the surviving spouse was married to the deceased former prisoner of war during the period of incarceration.

(5) When the special license plate or free license is transferred to another vehicle, a replacement plate fee, full license and excise fees for twelve months will be collected on the vehicle from which exemption is being removed. A new license expiration date will be established beginning with the first day of the month in which the exemption is transferred. The disabled veteran, former prisoner of war or surviving spouse must notify the department of the transfer and pay the transfer fees in effect.

(6) The disabled veteran, former prisoner of war or surviving spouse must be a registered or coregistered owner or lessee of the vehicle for which licensure is granted.

(7) When a vehicle with a free veterans license is sold, the special license plate must be removed and full excise and license fees for twelve months must be paid by the new registered owner at time of title transfer.

[Statutory Authority: RCW 46.01.110 and 46.16.276, 1987 c 98 § 1 and RCW 73.04.110 as amended by 1987 c 98 § 2. 88-01-010 (Order TL/RG 39), § 308-96A-046, filed 12/7/87. Statutory Authority: RCW 46.01.110. 85-15-059 (Order TL-RG-14), § 308-96A-046, filed 7/17/85. Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-046, filed 10/24/84. Formerly WAC 308-96A-045.]

WAC 308-96A-050 Members of the armed forces--Excise tax exemption for nonresidents. (1) Military personnel stationed in Washington may operate their personal vehicles with the current license plates of their "official home of record" or with current Washington plates. Military personnel are not required to pay

Washington excise tax if their official home of record is not Washington. A properly completed "Nonresident military affidavit" on a form supplied by the department must be submitted with the original application for the excise tax exemption. Each subsequent renewal of license for such a vehicle must be accompanied by proof of the continued nonresident military status, such as, but not limited to, an active military identification card, for the excise tax exemption. Washington residents in the military are not exempt from excise tax.

(2) The spouse of a nonresident military person who is stationed away from his or her home state has the same licensing privilege as a nonresident military person stationed in Washington as long as the vehicle is registered to the military person or to the military person and spouse, regardless of the spouse's employment or residence.

(3) If the nonresident military person sells the vehicle, the new owner does not become liable for the payment of excise tax and license fees until expiration of the current registration.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-050, filed 5/5/86; Order MV-355, § 308-96A-050, filed 5/10/76; Order MV-328, § 308-96A-050, filed 7/24/75.]

WAC 308-96A-056 Pearl Harbor survivor license plates. Any Washington resident who served in the United States armed forces and is a survivor of the attack on Pearl Harbor as defined in chapter 44, Laws of 1987, may receive a set of special license plates designed by the department to indicate that the recipient is a survivor of the Japanese attack on Pearl Harbor.

(1) Applications for the special license plates shall be upon forms provided by the department. Supplemental qualifying documentation shall include:

(a) A certification of eligibility from a Washington state chapter of the Pearl Harbor Survivors Association;

(b) A current vehicle registration for the vehicle for which the special license plates are issued;

(c) An armed forces document showing date of induction and date of honorable discharge.

(2) An applicant must be a registered owner, co-owner or lessee, or co-lessee of the vehicle for which the special license plates are issued.

[Statutory Authority: RCW 46.01.100, 46.16.276 and 1987 c 44. 88-01-010 (Order TL/RG 39), § 308-96A-056, filed 12/7/87.]

WAC 308-96A-061 Honorary consular official special license plates application procedures. (1) Applications for honorary consular official special license plates shall be made in writing on a form provided by the department of licensing, and shall be accompanied by the following:

(a) A copy of an exequatur issued by the Department of State of the United States of America verifying that the applicant is duly licensed and an honorary consul or official representative of any foreign government.

(b) A copy of documents establishing that the vehicle is owned or leased by the person requesting the special

plates. Acceptable documents include, but are not limited to, the current certificate of title or registration.

(c) Other such documentation that the department may reasonably require.

(d) Payment of regular license fees and excise tax.

(2) The application shall be signed by the registered owner of the vehicle.

(3) The department may reject or refuse any application which does not conform to the provisions of chapter 237, Laws of 1987, and rules and regulations of the department.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237. 88-01-010 (Order TL/RG 39), § 308-96A-061, filed 12/7/87.]

WAC 308-96A-062 Transfer or destruction of honorary consular official special license plates. Whenever the owner or lessee transfers or assigns interest or title in the motor vehicle to which the honorary consular official special plates were issued, the plates shall be removed. The removed plates may either be immediately forwarded to the director to be destroyed, or may be transferred to another vehicle owned by the previous holder of the plates. Immediately upon transfer of the plates to another vehicle the holder of the plates shall complete and submit to the department a notification form provided by the department and payment of a \$5.00 transfer fee plus any other applicable fees and excise tax.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237. 88-01-010 (Order TL/RG 39), § 308-96A-062, filed 12/7/87.]

WAC 308-96A-065 Personalized license plates. (1) The registered owner of a vehicle may apply for personalized license plates with any acceptable and unassigned combination of one to seven letters, numbers, or combination of both pursuant to RCW 46.16.565 through 46.16.600. Single digit plates shall not be assigned the letters "I" or "O," nor the numbers "1" (one) or "0" (zero).

(2) When a vehicle with personalized plates is sold, transferred or destroyed, the owner shall remove the plates from the vehicle. The owner may retain the plates for transfer to a replacement vehicle or return the plates to the department, relinquishing the right to the letter and/or number sequence or combination, or relinquish the plates to another individual by signing a notarized release of interest in the plates. The person to whom the plates were transferred must within fifteen days make application to have the plates transferred to a vehicle registered to the person.

(3) When the owner of a personalized plate fails to renew the license within forty-five days following the renewal due date or fails to have the plate transferred to a replacement vehicle within thirty days from the sale, transfer, or destruction of the original vehicle, the plates will be cancelled.

(4) Cancelled personalized plates may be reissued anytime after cancellation if the department determines a renewal application was not applied for prior to the cancellation.

(5) The combination of letters and/or digits on a personalized license plate which has been cancelled may be

reassigned to an applicant who applies for an original personalized plate with that combination of letters and/or digits and pays the fees for an original personalized plate.

[Statutory Authority: RCW 46.16.276 and 46.16.600. 88-12-043 (Order TL/RG 41), § 308-96A-065, filed 5/27/88. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-065, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-065, filed 10/24/84; Order MV-328, § 308-96A-065, filed 7/24/75.]

WAC 308-96A-070 Ham radio operator call number plates. Anyone having an amateur radio operator's license issued by the Federal Communications Commission is entitled to apply for license plates bearing the individual's official call number. Application must be made directly to the department in Olympia and must be accompanied by a copy of the F.C.C. license. When the F.C.C. license expires every five years, the applicant must send a copy of its renewal to the department in order to retain the plates. Only one set of plates carrying call letters may be held by an amateur radio operator at any one time.

[Order MV-328, § 308-96A-070, filed 7/24/75.]

WAC 308-96A-075 Antique cars--Use limitations. Vehicles with horseless carriage or restored vehicle plates are permitted to operate over and along the public highways of the state of Washington only under the following conditions:

(1) To drive to and from meetings of organizations whose members are owners of vehicles more than thirty years old;

(2) To drive to, from and during organized community events which are featuring horseless carriages or restored vehicles;

(3) To drive for the purpose of testing the vehicle or driving others for pleasure without compensation.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-075, filed 5/5/86; Order MV-328, § 308-96A-075, filed 7/24/75.]

WAC 308-96A-080 Confidential license plates--Application procedures. (1) Every request for confidential license plates shall be made in writing, on stationery of the requesting agency, to the department of licensing, and shall be accompanied by the following:

(a) An application for confidential license plates, on a form furnished by the department;

(b) Except for those confidential plates authorized by RCW 46.08.066(3), by an explanation in support of the request for confidential license plates, on a form furnished by the department, setting forth the purposes for which the plates will be used, and why confidential license plates are necessary to accomplish this purpose;

(c) Copies of documents establishing that the vehicle is owned or controlled by the agency requesting issuance of confidential license plates; acceptable documents include, but are not necessarily limited to, current certificate of title or registration, manufacturer's statement of origin, and court orders or seizure documents;

(d) Such other documentation as the department may reasonably require.

(2) The request, application, and explanation shall be signed by the agency head or an individual designated by the agency head as the authorized contact person as provided in WAC 308-96A-085.

(3) Every request for confidential license plates will be reviewed on an individual basis to ensure compliance with RCW 46.08.066. The department has the authority to reject or refuse applications which do not conform to the provisions of the referenced statute, and rules and regulations of the department.

(4) Applications for confidential license plates to be used for the personal security of a public official or employee will be forwarded by the department to the Washington state patrol for review and recommendation prior to final determination by the department.

[Statutory Authority: RCW 46.08.066. 85-11-014 (Order TL/RG-12), § 308-96A-080, filed 5/8/85.]

WAC 308-96A-085 Confidential license plates--Agency contact. (1) Except as provided in subsection (2) of this section, the only person authorized to request issuance of confidential license plates or sign correspondence pertaining to the confidential plate licensing program, is the agency head, which shall include regional federal agency administrators and military commanding officers.

(2) The agency may designate a maximum of two individuals as contact persons authorized to apply for confidential plates and sign correspondence pertaining to the confidential plate licensing program.

(3) The agency head must submit information to the department of licensing, on a form provided by the department, indicating the name, title, address and telephone number of each contact person authorized to apply for confidential license plates.

(4) Upon removal or replacement of an agency head or designated contact person, the department of licensing shall be notified in writing within five days of the change, and a new form as indicated in subsection (3) of this section shall be forwarded to the department.

[Statutory Authority: RCW 46.08.066. 85-11-014 (Order TL/RG-12), § 308-96A-085, filed 5/8/85.]

WAC 308-96A-090 Confidential license plates--Annual inventory. (1) At least once each year, at a time designated by the department of licensing, each agency having confidential license plates in its possession shall furnish an inventory of the confidential license plates to the department. The inventory shall include:

(a) A list of confidential license plates in alphabetical order;

(b) The make, year of manufacture and identification number of each vehicle bearing confidential license plates;

(c) A certification, signed by the agency head or designated contact person, that all plates issued to the agency are being utilized solely for those purposes specified by RCW 46.08.066.

[Statutory Authority: RCW 46.08.066, 85-11-014 (Order TL/RG-12), § 308-96A-090, filed 5/8/85.]

WAC 308-96A-095 Cancellation of confidential license plates. (1) When an agency no longer requires a set of confidential license plates, the plates and fictitious registration are to be returned to the confidential plate program administrator at the department of licensing for deletion from the agency's inventory.

(2) The department of licensing may cancel or refuse to reissue confidential license plates when it has reasonable grounds to believe that the plates are being used for purposes not authorized under RCW 46.08.066, or otherwise believes continued issuance of the plates would violate the intent or meaning of the referenced statute.

[Statutory Authority: RCW 46.08.066, 85-11-014 (Order TL/RG-12), § 308-96A-095, filed 5/8/85.]

WAC 308-96A-097 Confidential license plates--Records disclosure. (1) In accordance with RCW 42.17.310(2), files, records, documents, and any other information pertaining to the confidential licensing program shall be exempt from public inspection and copying, as such disclosure would be contrary to vital government interests.

(2) Information concerning the confidential license plates issued to any particular agency shall not be released, except to the agency head or the designated contact person(s).

(3) Nothing herein shall be construed to prohibit the disclosure of statistical information which is not descriptive of the identity of the confidential vehicle or its usage.

[Statutory Authority: RCW 46.08.066, 85-11-014 (Order TL/RG-12), § 308-96A-097, filed 5/8/85.]

WAC 308-96A-100 Licensing according to use instead of vehicle type. Where a certain type of vehicle is to be used for a purpose other than the normal use for that type of vehicle, the vehicle may be licensed according to that use:

(1) Passenger cars used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as commercial use trucks.

(2) Trucks used as passenger cars may be licensed as passenger cars if the following conditions are met:

(a) Seats have been permanently installed in or in place of the bed of the truck,

(b) The vehicle has been inspected and approved for this change of class by an authorized member of the Washington state patrol.

(3) Vehicles which are not readily identified as either passenger cars or trucks, such as Jeeps, Blazers and Broncos, may be licensed either as passenger or truck vehicles depending on their use.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-100, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-100, filed 5/5/86; Order MV-328, § 308-96A-100, filed 7/24/75.]

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WAC 308-96A-105 Motor homes. (1) A motor home will normally be licensed with passenger plates. Facilities for human habitation referred to in the definition of a motor home shall mean the permanent installation of at least a stove, a bed, or a sink. The installation must be within an area covered by a waterproof roof and sides, all of which are constructed from rigid material.

(2) When a vehicle is reconstructed or converted to a motor home, the applicant must obtain a state patrol inspection. The inspector will confirm the permanent installation of at least a stove, a bed, or a sink and will confirm the rigid roof and sides. It is not necessary to confirm the permanency of installation of a former slide-in camper. It is the owner's responsibility to keep the camper installed whenever the unit is operated under passenger plates.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-105, filed 5/5/86; Order MV-328, § 308-96A-105, filed 7/24/75.]

WAC 308-96A-110 Private bus. A vehicle may be licensed as a private bus without a load license if it carries passengers without compensation and is:

(1) Used by a hotel, resort or lodge to transport guests;

(2) Used by a parking service to transport parking customers to and from a transportation terminal or other destination;

(3) Used by its owner to transport an athletic team, an educational group, members of a religious organization, a show troupe or similar organization;

(4) Used by its owner to transport family, guests or employees;

(5) Used solely for the transportation of students, teachers or staff members for school activities, operated under contract to a school district, used for no other purpose and not owned or leased by the district; or

(6) Used as a school bus by a private school.

[Order MV-328, § 308-96A-110, filed 7/24/75.]

WAC 308-96A-120 Campers. Campers may be licensed separately from licensed trucks which carry them, or the whole unit may be licensed as a motor home with passenger plates, provided that the truck is not used with the camper detached. When the truck and camper are licensed separately, the weight of the camper shall not be included as a part of the gross weight of the vehicle.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-120, filed 5/5/86; Order MV-328, § 308-96A-120, filed 7/24/75.]

WAC 308-96A-135 Fixed load vehicles. (1) Vehicles designed primarily for highway use with permanently attached structures such as well-drilling machinery, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, specialized underwater exploration support equipment or similar machine or structure may be licensed as

fixed load vehicles. If the vehicle carries lading in addition to this fixed load, it must be licensed for the total gross weight, and not as a fixed load.

(2) Owners of vehicles designed primarily for off highway use and taxed as personal property are not required to pay excise taxes but must pay all other applicable fees when applying for a license or permit.

(3) A vehicle carrying a variable load such as a concrete mixer of the "ready mix" type, in which the concrete is mixed while the vehicle is making delivery, may not be licensed as a fixed load.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-135, filed 5/5/86; Order MV-328, § 308-96A-135, filed 7/24/75.]

WAC 308-96A-136 Mopeds--License plates. The decal or other identifying device for motorcycles specified by RCW 46.16.630 shall be the same as the motorcycle license plate. The number on the plate shall be the moped's registration number.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110, 87-12-023 (Order TL/RG-34), § 308-96A-136, filed 5/28/87.]

WAC 308-96A-145 Cab and chassis. A truck may be licensed as a cab and chassis. When the body or special equipment has been installed, the owner must apply for a reissue of title and registration to show the new series and body type. Proof of ownership, a new weight slip and additional excise tax covering the additional value of the vehicle must accompany the application.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-145, filed 5/5/86; Order MV-328, § 308-96A-145, filed 7/24/75.]

WAC 308-96A-150 Farm vehicles. For licensing purposes there are three categories of farm vehicles:

(1) Farm tractors and implements, designed for exclusive farm use, with no possible commercial application, do not need to be licensed. They may be moved on the public highway for the sole purpose of getting from one field to another.

(2) Farm vehicles eligible for farm exempt decals. The decal is good for the duration of the vehicle's use as a "farm vehicle" but is not transferable. Farm vehicles as defined in RCW 46.04.181 are eligible for farm exempt decals if they are:

(a) Designed or used primarily in agricultural pursuits on farms;

(b) Used for transporting machinery, equipment, implements, farm products, supplies or farm labor;

(c) Operated on public highways only for the purpose of going from farm to farm; and

(d) Never operated beyond a radius of 15 miles from where they are principally used or garaged.

(3) Regularly licensed farm vehicles may be eligible for the 50 percent reduced farm tonnage rate.

[Order MV-328, § 308-96A-150, filed 7/24/75.]

WAC 308-96A-175 Ride-sharing vehicles. (1) Any van which is used regularly as a ride-sharing vehicle pursuant to chapter 46.74 RCW may be issued a special

license plate designating VAN POOL by satisfying the provisions of section 2, chapter 175, Laws of 1987. Any person or governmental agency desiring the special license plate shall make application on a form provided by the department and pay all initial licensing fees and the special license plate fee.

(2) A van owned, rented or leased by a governmental agency will be issued a special license plate in the VAN POOL configuration for the van described on the application if the van is regularly used as a ride-sharing vehicle. The license plate may not be transferred to any other vehicle without prior application for exemption on the other van and payment of a five dollar transfer fee.

(3) When the special VAN POOL license plate is removed or transferred to another vehicle a replacement plate fee, and excise tax prorated on the remaining months for which the van is licensed shall be collected on the vehicle from which exemption is being removed. If the transfer is being made within thirty-six consecutive months from initial registration, the full use tax originally exempted shall be payable. An application for exemption for the vehicle on which the special license plate is to be transferred must be filed pursuant to subsection (1) above with payment of a five dollar transfer fee.

(4) When a ride-sharing tax exempt vehicle is sold or transferred to another person who will continue to regularly use the van as a ride-sharing vehicle, the new owner shall make application for exemption and pay the special license plate fee.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 175 § 2, 88-01-010 (Order TL/RG 39), § 308-96A-175, filed 12/7/87.]

WAC 308-96A-205 Increasing declared gross weight for license based on gross weight. (1) A vehicle owner may increase declared gross weight for the remainder of the registration year or, if the vehicle is eligible for monthly tonnage or license based on gross weight, for any number of consecutive months within the registration year.

(2) An applicant who wishes to increase the tonnage or declared gross weight must surrender the current tonnage or license based on gross weight to receive credit.

(3) If the license has been lost, the license agent's verification of current gross weight and an affidavit of loss must accompany the application for increased gross weight to receive credit.

(4) Credit is the dollar amount remaining when the value of the expired portion of current tonnage or license based on gross weight is subtracted from the amount originally paid. This credit amount is then applied toward fees being charged for tonnage or license based on gross weight currently being issued.

(5) A tonnage license or license based on gross weight cannot be transferred from one vehicle to another vehicle in order to place additional tonnage or increase the declared gross weight on the second vehicle.

(6) When increasing tonnage or declared gross weight, the value of the expired portion of the current tonnage or license based on gross weight will be the

value of all months used, not including the current month.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-205, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-205, filed 5/5/86; Order MV-328, § 308-96A-205, filed 7/24/75.]

WAC 308-96A-210 Transfer of tonnage license--No refunds. (1) Tonnage licenses may be transferred from a former owner to a new owner and from a vehicle to a replacement vehicle.

(2) No refunds are given for a tonnage license or any portion of one not transferred.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-210, filed 5/5/86; Order MV-328, § 308-96A-210, filed 7/24/75.]

WAC 308-96A-220 Transfer of license based on gross weight--To replacement vehicle. (1) The license based on gross weight may be transferred to a replacement vehicle using a different fuel or of a different class when the amount of credit is fifteen dollars or more. If the license has been lost, the license agent's verification of current license based on gross weight and an affidavit of loss must accompany the application to receive credit.

(2) In order to qualify as a replacement, a vehicle must be:

(a) A presently unlicensed vehicle belonging to the owner; or

(b) A vehicle purchased for replacement which has either not been previously licensed or has had its license based on gross weight retained by its former owner.

(3) A person may transfer a license based on gross weight from one vehicle to a replacement which the person owns in circumstances which are limited to the following where a vehicle is:

(a) Sold and the credit amount of the license based on gross weight is fifteen dollars or more and is retained rather than given to the purchaser;

(b) Destroyed;

(c) Reclassified so a license based on gross weight is no longer required;

(d) Transferred to another state and registered there;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or

(f) Stolen.

(4) When transferring a license based on gross weight, only the dollar amount previously paid for unexpired months is considered. This dollar amount must be fifteen dollars or more and is then applied as a credit against fees to be charged for the license based on gross weight of the replacement vehicle. If the amount due is less than the amount being transferred, the surplus with its expiration date is carried on the replacement vehicle's license document as a credit due to be applied to a future license purchase during the same registration year of the vehicle from which the credit was obtained.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-220, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-

10-040 (Order TL/RG 24), § 308-96A-220, filed 5/5/86; Order MV-328, § 308-96A-220, filed 7/24/75.]

WAC 308-96A-260 Staggered licensing--Assignment of registration year first time licensed. Vehicles licensed for the first time in this state will have expiration dates assigned as follows:

(1) Fleet vehicles and prorated vehicles will have a registration year ending December 31.

(2) For hire vehicles will have a registration year ending June 30.

(3) Snowmobiles will have a registration year ending September 30.

(4) Exempt vehicles are not required to have their licenses renewed so will not have an expiration date assigned, except that exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles.

(5) All other vehicles, including those issued amateur radio operator plates, personalized plates, and ORV use permits will have a registration year beginning at 12:01 a.m. on the first day of the month in which the vehicle is first licensed and ending at 12:01 a.m. on the same date of the next succeeding year, except that if the vehicle has been leased for thirteen months, the first registration year may be for thirteen months, beginning at 12:01 a.m. on the first day of the month in which the vehicle is first licensed and ending at 12:01 a.m. on the first day of the following month of the next succeeding year.

(6) A license purchased on February 29 will have an expiration date of February 28.

(7) In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall extend through the end of the next business day.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-260, filed 5/5/86. Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-96A-260, filed 3/26/86; Order MV-355, § 308-96A-260, filed 5/10/76.]

WAC 308-96A-275 Staggered licensing--Renewal after first billing. Regardless of the number of months for which a vehicle is first billed, all subsequent renewals will be for a period of twelve months beginning with the expiration date of the previous license. Providing that those vehicles which, by being added to a fleet, or due to a change in use class, are required to have specific expiration dates, shall have the excise tax, basic fee and tonnage fees charged for anywhere from one to eighteen months as needed to achieve the desired expiration.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-275, filed 5/5/86; Order MV-355, § 308-96A-275, filed 5/10/76.]

WAC 308-96A-295 Display of tabs. The department shall issue license plates, tabs, or emblems to identify the year of expiration and the month of expiration. They may be displayed as soon as they are purchased. They must be displayed from the day of the expiration of the preceding registration year. If tabs are issued,

they shall be displayed on the rear license plate in the following manner:

(1) Motorcycle and camper plates shall display the year tab in the upper right corner and the month tab directly below the year tab.

(2) Plates with the state identification at the bottom of the plate shall have the month tab displayed in the lower left corner and the year tab in the lower right corner.

(3) Plates with the state identification at the top of the plate shall have the month tab displayed immediately following the final "N" in Washington. The year tab shall be displayed to the immediate right of the month tab in the upper right corner.

[Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-295, filed 5/5/86; Order MV-355, § 308-96A-295, filed 5/10/76.]

WAC 308-96A-300 Changing assigned registration year. (1) Whenever a registration year is established for a vehicle, that year will remain with the vehicle regardless of the date on which a renewal application may be made and as long as it is not licensed in another jurisdiction in the interim. A vehicle which remains unlicensed for more than twelve months after the expiration date assigned to the vehicle will have a new registration year assigned. The first month of the new registration year is the month in which the owner applies for license registration renewal.

(2) A new registration year will be assigned when a vehicle is sold with a vehicle license that has been expired for more than thirty days and the new owner of the vehicle has applied for license registration renewal. The first month of the new registration year is the month in which the new owner applies for license registration.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-300, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-300, filed 5/5/86; Order MV-355, § 308-96A-300, filed 5/10/76.]

WAC 308-96A-306 Definitions--Disabled person special parking privileges. For the purposes of determining eligibility for special parking permits, the following definitions apply:

(1) "Public transportation authorities" are those entities operating motor vehicles or other devices capable of being moved on a public highway. The vehicles shall be owned or operated by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations and must be used for the purpose of carrying passengers and their baggage or freight incident to business or programs conducted by those authorities: *Provided*, That those authorities may contract with private carriers to perform services entitling the carriers to the special parking privileges.

(2) "Private carriers" are those entities contracting with public transportation authorities to perform their services.

(3) "Nursing homes" are those entities licensed as nursing homes with the department of social and health services.

(4) "Senior citizen centers" are bona fide senior citizen centers recognized by the bureau of aging and adult services or a specific county government.

(5) "Private nonprofit agencies" are those entities on file with the secretary of state's office as a nonprofit organization.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-306, filed 5/28/87.]

WAC 308-96A-310 Application--Disabled person parking privileges. Application must be made on forms provided by the department and signed by the disabled person. If the applicant is physically unable to sign, the application may be signed by a family member, stating his or her relationship to the applicant. If signed by mark (X), signatures of two witnesses are required.

A statement from a physician is required to certify the applicant's disability, except loss of both hands or lower limbs may be visually verified by the licensing agent. If the disability is temporary, the physician must indicate the expected length of disability.

Special license plates may be issued for a vehicle registered to the applicant. If the vehicle is not registered to the applicant, a special decal may be issued: *Provided*, That a statement is submitted to verify (a) the relationship of the registered owner to the applicant and (b) that the vehicle is used as the primary source of transportation for the applicant.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-310, filed 12/7/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-310, filed 8/15/84.]

WAC 308-96A-315 Temporary permits. A temporary permit may be issued upon visual verification of a temporary disability for a maximum of two weeks and may not be extended without a physician's certificate of disability. An out-of-state visitor may be issued a temporary permit provided he or she submits proof that they have been determined eligible for disabled parking privileges in another state.

[Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-315, filed 8/15/84.]

WAC 308-96A-320 Cardiovascular disease. Functional limitations of cardiovascular disease as classified under standards accepted by the American Heart Association are defined as:

(1) Class III. Patients with cardiac disease resulting in marked limitation of physical activity. They are comfortable at rest. Less than ordinary physical activity causes fatigue, palpitation, dyspnea, or anginal pain.

(2) Class IV. Patients with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of cardiac insufficiency or of the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.

[Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-320, filed 8/15/84.]

WAC 308-96A-325 Loss of disabled person parking card, decal, plate. Replacement of a disabled person special parking privilege special card, decal or license plate will be issued upon receipt of a signed request from the applicant stating that the permit, decal or license plate has been lost, stolen, destroyed or mutilated. If the applicant is physically unable to sign, the statement may be signed by a family member or legal guardian.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-325, filed 12/7/87. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-325, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-325, filed 8/15/84.]

WAC 308-96A-330 Application, eligibility--Public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies--Disabled parking permits. Application for special parking privilege permits for disabled persons must be made on forms provided by the department and signed by an appropriate official of the organization, certifying that the organization meets the eligibility requirements for special parking privilege permits for disabled persons, defined under RCW 46.16.381 and chapter 308-96A WAC.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-330, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-330, filed 8/15/84.]

WAC 308-96A-335 Special parking privilege permits for public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies--Transfer, limitations. Special parking privilege permits issued to public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are limited to one for each vehicle used to transport eligible disabled persons. Permits issued to public transportation authorities, nursing homes, senior citizen centers, and private nonprofit agencies are not transferable to another vehicle. When the assigned vehicle is no longer being used by the organization to transport qualified disabled persons, the responsible official of the organization must notify the department and surrender the permit. In lieu of the permit, a statement verifying the permit has been destroyed may be accepted.

The special parking permits for the transportation of the disabled will be issued for a specified period of time as follows:

(1) Nursing homes will have permits issued to correspond with the duration of the license to operate which was issued to the nursing home by the department of social and health services, state of Washington.

(2) Senior citizen centers will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(3) Private nonprofit agencies will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(4) Public transportation authorities will be issued permits for a three-year period beginning with the date the permit was issued by the department of licensing.

(5) Private carriers who contract with public transportation authorities will be issued permits to correspond with the duration of such contract but for a period of time not to exceed three years.

A new application must be submitted before a new permit may be issued, to certify eligibility of the organization.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-335, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-335, filed 8/15/84.]

WAC 308-96A-345 Definitions. For the purposes of chapter 46.16 RCW the following definitions apply:

(1) "Jurisdiction" shall mean any district, municipal, justice and/or superior court.

(2) "NCIC (ORI) number" means the numeric code assigned by the National Crime Information Center (originator) to identify a jurisdiction.

(3) "Department" shall mean the department of licensing.

(4) "Parking violation list" shall mean a computerized listing containing all outstanding parking violations which have been processed by the department and which must be satisfied prior to renewal of license.

(5) "Agent" shall mean any county auditor, or other individual or business entity appointed to carry out vehicle licensing and titling functions for the department.

(6) "Unprocessed" shall mean no update of the computer record has occurred.

(7) "Jurisdiction seal" shall mean method of verifying authenticity of court documents.

(8) "Municipality" means every court having jurisdiction over offenses committed under RCW 46.20.270.

(9) "Local agencies" shall include district, municipal, justice and/or superior courts, and other local reporting agencies.

(10) "150 day notice" shall mean a warning notice of those violations received by the department 150 days prior to the license renewal date. The notice will list the dates and jurisdictions in which the violations occurred, unpaid fines, penalties, and a ten dollar surcharge.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-345, filed 8/15/84.]

WAC 308-96A-350 Outstanding parking tickets--Information to be supplied by issuing jurisdiction. In order to submit notification of outstanding parking tickets, a jurisdiction must provide the following:

- (1) Jurisdiction name,
- (2) NCIC number (ORI),
- (3) Parking ticket number,
- (4) Date parking ticket was issued,
- (5) Vehicle license plate number, and
- (6) Fine and penalty amount,

- (7) Jurisdiction seal,
- (8) Signature and date when required on form.

Such information must be provided on a form issued by the department, or on a computer listing sheet, or magnetic tape generated in accordance with department instructions.

Provided that an original report against a vehicle record must contain a minimum of three outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless such vehicle record indicates all existing tickets have been paid and no further tickets have been accrued in the thirteen months following said payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of three violations.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-350, filed 8/15/84.]

WAC 308-96A-355 Satisfaction of parking tickets--Information to be supplied by issuing jurisdiction. Upon satisfaction of fines and penalties previously reported as outstanding against a vehicle, the collecting jurisdiction must:

- (1) Furnish the registered owner with a proof of payment form as provided by the department, and
- (2) Within ten days of such payment, supply the department with the following information:
 - (a) Jurisdiction name,
 - (b) NCIC number (ORI),
 - (c) Parking ticket number,
 - (d) Date parking ticket was issued,
 - (e) Vehicle license plate number,
 - (f) Date of satisfaction,
 - (g) Jurisdiction seal, and
 - (h) Signature and date when required on form.

Such information must be provided on a form issued by the department or on a computer listing sheet or magnetic tape generated in accordance with department instructions.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-355, filed 8/15/84.]

WAC 308-96A-360 Return of unacceptable notification to jurisdiction. Notification of outstanding parking ticket violations and satisfactions will be returned to the jurisdiction unprocessed for such reasons as:

- (1) No vehicle record on the computer by the license plate number;
- (2) Incorrect and/or missing data required by WAC 308-96A-350 and 308-96A-355;
- (3) Ticket issue date is prior to June 30, 1984;
- (4) Ticket satisfaction date is prior to issue date;
- (5) The vehicle computer record indicates at least one of the following conditions exist:
 - (a) Vehicle has been reported destroyed by an insurance company, scrap processor, or wrecker;
 - (b) Vehicle has been titled and/or registered out of state;
 - (c) Date of transfer of ownership is more current than issue date of violation;

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(d) License plate which lawfully may be retained by the owner, has been transferred to another vehicle and the vehicle for which the ticket was incurred has been transferred, or

(e) Vehicle was reported stolen prior to the ticket issue date.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-360, filed 8/15/84.]

WAC 308-96A-365 Reinstatement of parking ticket. (1) A parking ticket previously reported as satisfied may be reinstated for such reasons as, but not limited to:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties.
- (2) The jurisdiction seeking reinstatement of a parking ticket must supply the department with the following information:
 - (a) Jurisdiction name,
 - (b) NCIC number (ORI),
 - (c) Parking ticket number,
 - (d) Date parking ticket was issued,
 - (e) Vehicle license plate number,
 - (f) Fine and penalty amount,
 - (g) Jurisdiction seal,
 - (h) Signature and date when required on form,
 - (i) Reason for reinstatement.

Such information must be on a form issued by the department or on a computer listing sheet.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-365, filed 8/15/84.]

WAC 308-96A-370 Removal of parking ticket information from active file. Parking tickets incurred for a given vehicle will be maintained on that vehicle's record with the department until such time as one of the following occurs:

- (1) Proof of payment is submitted to the department.
- (2) The department is notified by the issuing jurisdiction that the ticket has been cleared.
- (3) There is a change (such as addition or deletion of another owner) in registered ownership from that shown on record at the time the ticket was incurred.
- (4) Receipt of notification that the vehicle was reported stolen prior to issuance of the ticket(s).
- (5) If thirty-six months elapse with no renewal activity against the vehicle, both vehicle and parking violation records will be placed in an inactive file.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-370, filed 8/15/84.]

WAC 308-96A-375 Parking violation list. Upon written request to the department by the registered and/or legal owner(s) of record, a computerized parking violation list may be furnished in addition to any list which may have already been provided by the department. Such service will also be provided by automated agencies when available.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-375, filed 8/15/84.]

WAC 308-96A-380 Effect of 150 day notice on license renewal. Violations reported to the department after the 150 day notice is generated, will be posted on the vehicle license renewal record applicable to the following year.

To renew license of a vehicle whose record indicates that 150 day notice should have been generated, and whose record also indicates that all violations applicable to the current licensing period have been satisfied, the renewal application must include payment of licensing fees due, and payment of the ten dollar surcharge.

To renew license of a vehicle whose record indicates that a 150 day notice should have been generated, and whose record also indicates that violations applicable to the current licensing period remain unsatisfied, the renewal application must be accompanied by proof of payment of those violations, payment of licensing fees due, and payment of the ten dollar surcharge.

[Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-380, filed 8/15/84.]

WAC 308-96A-400 Excise tax exemption--Indians.

(1) For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian reservation" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the exclusive use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian reservations" by the United States Department of the Interior.

The following Washington reservations are the only "Indian reservations" currently recognized as such by the United States Department of the Interior: Chehalis, Clallam (Jamestown Council), Clallam (Port Gamble Council), Colville, Hoh, Kalispell, Lower Elwha, Lummi, Makah, Muckleshoot, Nisqually, Nooksack, Puyallup, Quileute, Quinault, Sauk-Suiattle, Shoalwater, Skagit, Skokomish, Spokane, Squaxin, Stillaguamish, Suquamish, Swinomish, Tulalip, and Yakima.

(b) "Indian tribe" means any organized Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means persons duly registered on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) Motor vehicles owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indian tribes located on recognized Washington Indian reservations are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(3) Any vehicle owned or leased by the governing body of an Indian tribe and used exclusively in its or their service may be exempt from the payment of licensing fees, and may be issued special "I" series license

plates, provided, that the Indian tribe itself does not license or register any tribal government service vehicle under tribal law.

(4) Motor vehicles owned by Indians having their principal residence within the recognized Washington Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the motor vehicle excise tax imposed by chapter 82.44 RCW. Mobile homes, travel trailers and campers owned by Indians having their principal residence within the recognized Indian reservation, for the tribe in which they are duly registered on the tribal rolls, are exempt from payment of the mobile home, travel trailer and camper excise tax imposed by chapter 82.50 RCW.

(5) A properly completed affidavit of exemption on a form supplied by the department must be submitted with each motor vehicle, mobile home, travel trailer or camper license application as a condition precedent to exemption from excise tax. The department may require such other proof of qualification for exemption as it deems necessary.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-400, filed 5/28/87. Statutory Authority: RCW 82.44.020 and 82.44.060. 83-08-052 (Order 714-DOL), § 308-96A-400, filed 4/1/83.]

WAC 308-96A-410 Study fee. For the purpose of assessing the study fee as applied to motor vehicles in RCW 46.16.061, the term "motor vehicle" will not include nonpowered vehicles, nor those vehicles registering under chapter 46.09 or 46.10 RCW. The study fee will be assessed at time of annual registration.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-410, filed 5/28/87.]

WAC 308-96A-415 Centennial plate issuance. Issuance of the centennial design license plates shall commence January 1, 1987 for all vehicle license plates, and shall include all license plates issued after that date, except for horseless carriage, restored, medal of honor and lemon yellow personalized plates.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-415, filed 5/28/87.]

WAC 308-96A-420 Centennial plate fee. (1) The centennial plate fee for original plates will be charged in addition to plate fees authorized by RCW 46.16.060, 46.16.320 and 46.16.585.

(2) Centennial plate fees will not be charged for centennial design plates issued to vehicles licensed under RCW 46.16.020.

[Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-420, filed 5/28/87.]

WAC 308-96A-450 Driving without valid license--Temporary vehicle registration. (1) Arresting officers, at the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090, may issue a temporary vehicle registration on behalf of the department of licensing to replace any vehicle registration confiscated pursuant to RCW 46.16.710. The temporary vehicle registration shall provide notice to the arrested driver

of the department's intention to cancel the vehicle registration and the license plates of the described vehicle in accordance with RCW 46.16.720 and 46.16.730.

(2) Vehicles may be operated during the term of the temporary registration without payment of annual renewal license fees and excise tax. Any renewal fee and tax received for the vehicle during the temporary registration period will be credited to the current renewal of the registration if any fees and/or taxes are currently owed. Fees and taxes received for vehicle registration and license plates which have been cancelled are not refundable and are not applicable to future renewals due to cancellation of the registration.

[Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-450, filed 9/9/88.]

WAC 308-96A-460 Vehicle registration cancellation hearings. (1) Upon notification by the department, or by a law enforcement officer acting on its behalf, of the department's intention to cancel the vehicle registration and license plates under authority of RCW 46.16.720, the driver may request a formal hearing. Such request must be in writing and must be received by the department within fifteen days from the date the temporary registration was issued.

(2) The department will give the driver at least 20 days advance notice of the time and place of the hearing unless the period of notice is waived by the driver. The hearing will be conducted in the county of arrest or in some other county mutually agreed to by the department and the driver.

(3) The hearing will be conducted by a hearing officer appointed by the director. The hearing officer is authorized to render final decisions.

(4) The sworn report submitted by the arresting officer constitutes a presumption that the arresting officer complied with RCW 46.16.710; that the officer arrested the driver for a violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090; that the officer had reasonable grounds to believe the arrested driver was driving in violation of RCW 46.20.342(1); and that the arrest was lawful.

(5) The driving record as maintained by the department is prima facie correct.

(6) The hearing officer shall issue a subpoena upon the request of any party upon a statement showing general relevance and reasonable scope of the evidence sought: Provided, however, that such subpoena may be issued with like effect by the attorney of record of the party in whose behalf the witness is required to appear, and the form of the subpoena may be the same as when issued by the hearing officer except that it shall only be subscribed by the signature of such attorney.

(7) Any party may cross-examine any witness and has the right to submit rebuttal evidence.

(8) The scope of the hearing shall be limited to the following issues:

(a) Whether the driver was a registered owner of the vehicle he or she was driving at the time of the arrest, or that in violation of RCW 46.12.101 no transfer of title of the vehicle has been made.

(b) Whether the arrested driver's privilege to drive was suspended or revoked, or in a suspended or revoked status, at the time of the arrest.

(9) Upon a showing of good cause, the driver may request a continuance of the scheduled hearing date: Provided, the hearing may be continued only if it can be rescheduled for a time no more than sixty days after arrest.

[Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-460, filed 9/9/88.]

WAC 308-96A-470 Driving without valid license--Reregistration after cancellation. (1) An application to reregister a vehicle whose registration and license plates have been cancelled pursuant to RCW 46.16.720 may be made:

(a) By a new owner qualified to register the vehicle when title to the vehicle is being transferred to him or her; or

(b) By the arrested driver after he or she has been issued a valid driver's license; or

(c) After the registered owner's suspended/cancelled/revoked driver's license or driving privilege has been reinstated.

(2) Application for reregistration shall be made on a form provided by the department and shall include a replacement plate fee and any annual license renewal fees and excise tax due.

(3) The reregistration expiration date will be:

(a) Unchanged - when the previous registration year has not expired; or

(b) New - when the previous expiration date was more than twelve months prior to the month of application; or

(c) One year later than the current expiration date - when the current expiration date is less than thirteen months prior to the date of application.

(4) The department will reissue a registration and issue new vehicle license tabs without cost to the registered owner(s) when the confiscated registration is cancelled in error or the cancellation is reversed by administrative hearing or by the court.

[Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-470, filed 9/9/88.]

WAC 308-96A-480 Driving without valid license--Vehicle operating on a permit. (1) At the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on a thirty day department temporary permit, the arresting officer shall mark the Washington license plates when present, inscribe on the face of the department permit that a temporary vehicle registration was issued, and issue the sixty day temporary vehicle registration.

(2) Upon receipt of the sworn report of the arresting officer, the department shall send written notice by certified mail (or registered mail to Canada) to the arrested driver cancelling any registration and/or plates issued subsequent to the temporary registration and explaining the reasons therefore. Issuance of the registration and/or plates shall not affect the cancellation of the registration

and license plates beginning sixty days after arrest, or at the time the cancellation is sustained by a hearing, whichever occurs first.

[Statutory Authority: RCW 46.16.760(2), 88-19-017 (Order TL/RG 43), § 308-96A-480, filed 9/9/88.]

WAC 308-96A-490 Driving without valid license—No valid registration. At the time of arrest for violation of RCW 46.20.021, 46.20.342(1), 46.20.420, or 46.65.090 if the vehicle is being operated on vehicle license plates and registration that are invalid, a temporary registration cannot be issued pursuant to RCW 46.16.710.

[Statutory Authority: RCW 46.01.110 and 46.16.276, 88-23-016 (Order TL/RG 45), § 308-96A-490, filed 11/7/88.]

Chapter 308-97 WAC VEHICLE LICENSE INTERSTATE AND INTRANSIT PERMITS

WAC

308-97-010	Definitions.
308-97-060	Duration, weight limit and converter gear.
308-97-090	Completing trip permits.
308-97-125	Display of trip permits.
308-97-175	Bulk purchase of trip permits.
308-97-205	Design of trip permit.
308-97-230	Appointment of vehicle trip permit agents.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-97-050	"Gross weight" defined. [Order 471-DOL, § 308-97-050, filed 12/30/77; Order MV-369, § 308-97-050, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-080	"Interstate operation" defined. [Order MV-369, § 308-97-080, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-100	Prerequisites and conditions for interstate permits issued under RCW 46.16.160. [Order MV-369, § 308-97-100, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-150	Prerequisites and conditions for intransit permits issued pursuant to RCW 46.16.160. [Order MV-369, § 308-97-150, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-200	Fees—Both interstate and intransit permits. [Order MV-369, § 308-97-200, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-210	Intransit permits. [Order 471-DOL, § 308-97-210, filed 12/30/77; Order MV-369, § 308-97-210, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-250	Issuance of permit books to authorized users. [Order MV-369, § 308-97-250, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-270	Use of permit books restricted. [Order 472-DOL, § 308-97-270, filed 12/30/77.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-290	Misuse of permits by authorized user. [Order MV-369, § 308-97-290, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

308-97-330 Payment of permit fees. [Order MV-369, § 308-97-330, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

308-97-370 Maintenance of records by authorized permit users. [Order MV-369, § 308-97-370, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

308-97-410 Director may decline to issue permit books. [Order MV-369, § 308-97-410, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

WAC 308-97-010 Definitions. Words and terms used under these rules shall have the same meaning as each has under Title 46 RCW unless otherwise specifically provided in these rules, or unless the context in which they are used in these rules clearly indicates they be given some other meaning.

[Order MV-369, § 308-97-010, filed 6/24/76.]

WAC 308-97-060 Duration, weight limit and converter gear. A trip permit is valid for:

(1) Three consecutive calendar days beginning with the first day of operation on Washington highways; and

(2) For the maximum legal weight of the vehicle as provided under RCW 46.44.041, 46.44.042 and 46.44.050;

(3) A converter gear actually being utilized to convert a semi-trailer to a full trailer is considered to be an integral part of the trailer. A converter gear being towed that is not supporting a semi-trailer is considered to be a separate vehicle for the purpose of trip permits.

[Statutory Authority: RCW 46.16.160, 81-16-010 (Order DOL 634), § 308-97-060, filed 7/24/81.]

WAC 308-97-090 Completing trip permits. The vehicle operator or designee shall use permanent ink or typewriter to fill in the required information on a trip permit.

Located at the top of the trip permit are blocks containing months of the year and blocks of numbers indicating days of the month. The blocks containing the appropriate month(s) and three consecutive days for which the permit is to be used shall be blotted out (obliterated) with permanent ink. The dates so indicated will be the period for which the permit shall be valid. All blanks on the permit indicate required information or signature and must be completed prior to operation of the vehicle on Washington highways.

[Statutory Authority: RCW 46.16.160, 81-16-010 (Order DOL 634), § 308-97-090, filed 7/24/81.]

WAC 308-97-125 Display of trip permits. The vehicle copy of the trip permit shall be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, and small trucks: Affix permit to the inside lower left corner of the rear window.

(2) Trucks, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailers, converter gears, motorcycles and mopeds: Permit must be in possession of the

vehicle operator (driver) or driver of the power unit pulling it.

Note: If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location which is visible from outside the vehicle and does not obstruct the operator's view.

[Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-125, filed 7/24/81.]

WAC 308-97-175 Bulk purchase of trip permits. Trip permits may be purchased in bulk from the Prorate and Fuel Tax Division, Highways-Licenses Bldg., Olympia, WA 98504. Orders must be accompanied by a money order, cashier's or certified check in an amount equal to ten dollars for each permit ordered. The permits may be picked-up in Olympia or will be shipped with delivery charges collect. Street address must be provided for all shipments.

[Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-175, filed 7/24/81.]

WAC 308-97-205 Design of trip permit. The department shall design the trip permit and insure that an adequate supply of the permits is maintained to meet the needs of the public. Other forms of the permit may be prescribed by the department for issuance via electronic transmission by agents of the department authorized to provide this service to the public.

[Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-205, filed 7/24/81.]

WAC 308-97-230 Appointment of vehicle trip permit agents. The director of the department of licensing or the director's designee may appoint the county auditors or other agents as his or her agent for the purpose of selling vehicle trip permits to the public.

(1) Any person or entity, other than a county auditor or other state agency, desiring to become an agent of the department for the purpose of issuing vehicle trip permits under the provisions of RCW 46.16.160 shall make application to the department on forms to be furnished by the department.

(2) Before appointment of any agent, other than a governmental agency or a governmental agency sub-agent, the department shall require the applicant for appointment as the director's permit agent to execute an agreement with the department to faithfully abide by the requirements of this chapter and RCW 46.16.160; to timely account and pay all permit fees; to subject their books and records to such periodic audit as may be deemed necessary or appropriate by the director or the director's designee; and to pay interest and penalties upon any deficiency disclosed therein. Further, said applicant shall file with the department a surety bond executed by the applicant as principal, with a corporate surety qualified under the provisions of chapter 48.28 RCW, which bond shall be payable to the state conditioned upon the faithful performance of all the requirements of this chapter, RCW 46.16.160, and payment of

any and all permit fees, payment of audit assessments, interest and penalties due and to become due thereunder. The bond shall be on a form to be provided by the department. The total amount of the bond or bonds required shall be equivalent to the monetary value of vehicle trip permits issued to such agent as determined by the department.

(3) The filing fee collected for each permit by an agent pursuant to RCW 46.01.140 shall be used by such agent to defray expenses incurred in handling and issuing said permits: *Provided*, That in the event such fee is collected by an agency of the state of Washington, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited as provided by RCW 46.01.140.

(4) As a convenience to the public, issuance of vehicle trip permits may be requested by the permit applicant to be received via collect facsimile or other electronic transmission from an agent specifically authorized by the director or the director's designee to provide such service. When issuance of vehicle trip permits via collect facsimile or other electronic transmission has been so requested, such agent may collect from the requestor, upon delivery of such facsimile or other electronic transmission, transmission fees in addition to the statutory fees prescribed in RCW 46.16.160. Such transmission fees shall not exceed fees shown on the fee schedule filed with the department by each agent authorized to provide this service. No other fees may be charged by any agent.

(5) Agents will maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office.

(6) Agent's accounts are subject to audit by the department of licensing. Vehicle trip permits issued to agents which are found to be missing, lost, or otherwise unaccounted for, will result in an assessment against said agent in an amount equal to the administrative fee and excise tax of such permit(s).

(7) Agents shall mail or deliver weekly transmittals to the department by Friday of each week for the seven-day period immediately preceding. Such transmittals shall be accompanied by the appropriate fees and such substantiating documents as may be required by the department.

(8) The director or director's designee may, in the exercise of discretion and after notice, served personally or by certified mail, revoke the appointment of any agent who has failed to comply with, or has violated any of the provisions of RCW 46.16.160, chapter 308-97 WAC, or published procedure, or who shall breach the agreement of appointment. Upon notice of revocation of the agent's appointment, the director or director's designee, shall require the return to the department of any vehicle trip permits then outstanding.

[Statutory Authority: RCW 46.16.160. 81-16-010 (Order DOL 634), § 308-97-230, filed 7/24/81. Statutory Authority: RCW 46.01.110. 80-13-001 (Order DOL 591), § 308-97-230, filed 9/4/80.]

Chapter 308-99 WAC
VEHICLE RECIPROCITY

WAC

308-99-010	Applications.
308-99-020	Definitions.
308-99-021	"Washington public assistance programs" criteria.
308-99-025	Registration required.
308-99-030	Basic policy defined.
308-99-040	Restrictions and conditions.
308-99-050	Commercial vehicle reciprocity.

WAC 308-99-010 Applications. In the absence of a written agreement between the state of Washington and another jurisdiction these rules, in conjunction with chapters 46.16, 46.85, and 46.87 RCW, shall apply to the operation of vehicles which are not licensed or registered in this state.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-010, filed 10/9/87. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-010, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-010, filed 9/9/83. Formerly WAC 410-20-010.]

WAC 308-99-020 Definitions. (1) For the purposes of vehicle license registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

- (a) Becoming a registered voter in this state; or
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring that he or she is a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.

(3) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-020, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110. 86-14-016 (Order TL/RG 26), § 308-99-020, filed 6/24/86. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-020, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-020, filed 9/9/83. Formerly WAC 410-20-020.]

WAC 308-99-021 "Washington public assistance programs" criteria. For purposes of vehicle license registration requirements of RCW 46.16.028 and WAC 308-99-020, the term "Washington public assistance programs" includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to, the

food stamp program under the Federal Food Stamp Act of 1964; programs under the Child Nutrition Act of 1966 (42 U.S.C. §§ 1771-1788) and aid to families with dependent children (42 U.S.C. §§ 601-606).

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-021, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110. 86-14-016 (Order TL/RG 26), § 308-99-021, filed 6/24/86.]

WAC 308-99-025 Registration required. (1) A resident of this state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. Pursuant to RCW 46.16.028(3), new Washington residents shall be allowed thirty days from the date they become residents as defined in RCW 46.16.028, to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in chapter 46.16 or 46.85 RCW, or in this chapter. Pursuant to RCW 46.16.010, failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than three hundred thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a motor vehicle in another state by a resident of this state, as defined in RCW 46.16.028, with willful intent to evade the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to three times the amount of delinquent taxes and fees, no part of which may be suspended or deferred.

[Statutory Authority: RCW 46.01.110, 46.16.287 [46.16.276] and 46.87.010. 89-20-043, § 308-99-025, filed 10/2/89, effective 11/2/89. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-025, filed 10/9/87. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-025, filed 9/30/85.]

WAC 308-99-030 Basic policy defined. Chapter 46.85 RCW authorizes the department of licensing to enter into agreements with other jurisdictions providing for the granting of mutual benefits, privileges, and exemption from payment of vehicle license and registration fees to owners of vehicles properly licensed or registered in one jurisdiction while being operated in Washington. Chapter 46.85 RCW further provides that in the absence of an agreement, vehicles properly licensed or registered in another jurisdiction shall receive, when operated in this state, the same benefits, privileges and exemptions granted by that jurisdiction to properly registered Washington vehicles.

It is the purpose of these rules to define this policy in terms of specific applications and to describe restrictions

and conditions to the operation of vehicles in this state which are licensed in other jurisdictions.

[Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-030, filed 9/9/83. Formerly WAC 410-20-030.]

WAC 308-99-040 Restrictions and conditions. A vehicle properly licensed or registered in another jurisdiction may be operated in Washington without further registration requirements subject to the following conditions and restrictions:

(1) Nonresident persons: Nonresident persons not employed in this state may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed six months in any continuous twelve-month period.

(2) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the institution in the vehicle which readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(3) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at his/her official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(4) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(5) Nonresident employed in Washington: Nonresident persons employed in this state may operate vehicles not to exceed 12,000 pounds registered gross vehicle weight that are currently licensed in another jurisdiction if no permanent, temporary, or part-time residence is maintained in this state for a period greater than six months in any continuous twelve-month period.

(6) Business vehicle: A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of 12,000 pounds, which is properly base licensed in another jurisdiction and registered to a bona fide business in that jurisdiction is not required to

obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.

[Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-040, filed 10/9/87. Statutory Authority: RCW 46.01.110. 87-01-029 (Order 800-DOL), § 308-99-040, filed 12/11/86. Statutory Authority: RCW 46.85.060. 86-02-056 (Order TL-RG-22), § 308-99-040, filed 12/31/85; 85-20-080 (Order TL/RG 17), § 308-99-040, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-040, filed 9/9/83. Formerly WAC 410-20-040.]

WAC 308-99-050 Commercial vehicle reciprocity. Under provisions of the International Registration Plan (IRP), the state of Washington extends reciprocity to commercial vehicles that are properly registered in other states of the United States, the District of Columbia, or Canadian provinces, and meet the following criteria:

(1) A two-axle motor vehicle having a gross weight of twenty-six thousand pounds or less; or

(2) A motor vehicle with three or more axles having a gross weight of not more than twelve thousand pounds; or

(3) Vehicles being used in combination not exceeding twenty-six thousand pounds.

[Statutory Authority: RCW 46.01.110, 46.16.287 [46.16.276] and 46.87.010. 89-20-043, § 308-99-050, filed 10/2/89, effective 11/2/89.]

Chapter 308-100 WAC

DRIVERS' LICENSES--SPECIAL PROVISIONS

WAC

308-100-010	Vehicles requiring endorsement or commercial driver license for their operation.
308-100-020	Combination motor vehicles requiring an endorsement or commercial driver license for their operation.
308-100-030	Motor vehicles which may be operated pursuant to the endorsement.
308-100-040	Examination requirement for endorsements.
308-100-050	Fees.
308-100-060	Waiver applications and forms.
308-100-090	Instruction permits—Motorcycles.
308-100-100	Commercial driver license conversion.
308-100-110	Expiration date—Extension.
308-100-120	Extra-territorial convictions—Notification.
308-100-130	Serious traffic violations.
308-100-140	Third party tester.
308-100-150	Third party tester—Qualifications.
308-100-160	Test requirements.
308-100-170	Test route approval.
308-100-180	Third party testing fee.
308-100-190	Requirements for exceeding base fee.
308-100-200	Third party tester—Termination.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-100-070	Effective date for endorsement requirements. [Order 1, § 308-100-070, filed 1/5/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-100-080	Definition of terms. [Order 106 MV, § 308-100-080, filed 8/17/71; Order 691101, § 308-100-080, filed 11/26/69; Order 1, § 308-100-080, filed 1/5/68.] Repealed by 89-18-003, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16.

WAC 308-100-010 Vehicles requiring endorsement or commercial driver license for their operation. The director of the department of licensing hereby finds that the following vehicles require special operating skills by the drivers of those vehicles: Single vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more, and any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds; or any single vehicles with a GVWR of less than 26,001 pounds or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds consisting of:

(1) Vehicles designed to transport sixteen or more passengers, including the driver;

(2) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F; and

(3) All school buses regardless of capacity.

All persons driving such vehicles must have an endorsement on their driver's license designated as INTERMEDIATE or must possess a commercial driver's license with the proper classification(s). Drivers of trucks having two axles and with a GVWR of 26,001 pounds or more must obtain a commercial driver's license in the manner prescribed by WAC 308-100-... (Commercial driver license conversion), no later than April 1, 1992.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-010, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-100-010, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

WAC 308-100-020 Combination motor vehicles requiring an endorsement or commercial driver license for their operation. The director of the department of licensing hereby finds that all combinations of vehicles with a gross combined weight rating (GCWR) of 26,001 pounds or more, if the GVWR of the vehicle being towed is in excess of 10,000 pounds, require special operating skills by the drivers of those combination vehicles. All persons driving such combination vehicles must have an endorsement on their driver's licenses designated as COMBINATION or must possess a commercial driver's license with the proper classification(s).

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-020, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-020, filed 1/19/82; Order 106 MV, § 308-100-020, filed 8/17/71; Order 1, § 308-100-020, filed 1/5/68.]

WAC 308-100-030 Motor vehicles which may be operated pursuant to the endorsement. A driver having an endorsement designated as COMBINATION on his or her driver's license is authorized thereby to drive any motor vehicle, other than a motorcycle, in the state of Washington. A driver having an endorsement designated as INTERMEDIATE on his or her driver's license is thereby authorized to drive any motor vehicle, other than a motorcycle and those combination vehicles requiring the endorsement. This section shall expire on April 1, 1992.

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[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-030, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-030, filed 1/5/68.]

WAC 308-100-040 Examination requirement for endorsements. Persons receiving an endorsement or commercial driver's license by virtue of a waiver will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the type of vehicle for which they are seeking the endorsement or commercial driver's license.

Persons who receive an endorsement or commercial driver's license, without a waiver, will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the type of vehicle for which they are seeking the endorsement or commercial driver's license. They will also be required to demonstrate successfully their operating abilities for the type of vehicle for which they seek the endorsement or commercial driver's license.

The department may conduct written examinations in a group setting. Group examinations may be conducted at job sites, union halls, or other locations deemed appropriate by the department.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-040, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-040, filed 1/5/68.]

WAC 308-100-050 Fees. The basic fee for obtaining or renewing any class of commercial driver's license shall be twelve dollars. The examination fee for each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations, shall be ten dollars. The applicant may take the same knowledge examination(s) up to three times without paying an additional fee. The examination fee for each classified skill examination or combination of skill examinations conducted by the department shall be fifty dollars. These fees are in addition to the regular drivers' licensing fees. If the department is conducting the written examination in a group setting, the payment of the basic fee and knowledge examination fee may be deferred until the applicant completes his or her application for a commercial driver's license.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-050, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-050, filed 1/19/82; Order 691101, § 308-100-050, filed 11/26/69; Order 1, § 308-100-050, filed 1/5/68.]

WAC 308-100-060 Waiver applications and forms. An application for a waiver from examination must be submitted on forms supplied by the department of licensing.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-060, filed 1/19/82; Order 691101, § 308-100-060, filed 11/26/69; Order 1, § 308-100-060, filed 1/5/68.]

WAC 308-100-090 Instruction permits—Motorcycles. Any licensed driver may, upon filing an appropriate application along with the required fee, receive a motorcycle instruction permit. Such instruction permit

shall entitle the holder thereof to operate a motorcycle upon the public highways only under the direct visual supervision of a person who has a motorcycle endorsement upon his license. In no event shall such instruction permit be construed to authorize any person other than the permit holder to ride upon a motorcycle while it is being operated under an instruction permit.

[Order 108 MV, § 308-100-090, filed 9/14/71.]

WAC 308-100-100 Commercial driver license conversion. Any person with a driver's license which has an INTERMEDIATE or COMBINATION endorsement, or who is engaged in the operation of a commercial motor vehicle, and who renews his or her driver's license between October 1, 1989, and December 31, 1991, inclusive, must obtain a commercial driver's license upon renewal in order to continue to operate a commercial motor vehicle. Any person with a driver's license which has an INTERMEDIATE or COMBINATION endorsement, or who is engaged in the operation of a commercial motor vehicle, and whose license expires after December 31, 1991, must obtain a commercial driver's license two years prior to the date their regular driver's license would otherwise expire in order to continue to operate a commercial motor vehicle. The basic fee for a commercial driver license will be prorated to six dollars for persons who must obtain a commercial driver license prior to the expiration of their regular driver license. A license with an INTERMEDIATE or COMBINATION endorsement shall not authorize a person to operate a commercial motor vehicle after April 1, 1992. Nothing in this section shall be construed to prevent the department from accelerating the commercial driver license conversion program when agreed to by an applicant or to prevent an applicant from taking a knowledge examination in a group setting prior to his or her scheduled conversion date.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-100, filed 8/24/89, effective 9/24/89.]

WAC 308-100-110 Expiration date--Extension. Any person who is outside the state at the time his or her commercial driver's license expires may request an extension. Upon request, the department may grant an extension for no more than thirty days after the date the commercial driver's license would normally expire.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-110, filed 8/24/89, effective 9/24/89.]

WAC 308-100-120 Extra-territorial convictions--Notification. A driver of a commercial motor vehicle required to notify the department of an extra-territorial conviction under the provisions of section 5, chapter 178, Laws of 1989, shall make such notification on a form provided by the department, or by other correspondence providing the information required on the department's form.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-120, filed 8/24/89, effective 9/24/89.]

WAC 308-100-130 Serious traffic violations. In addition to the violations enumerated in section 3(16),

chapter 178, Laws of 1989, "serious traffic violation" shall include:

- (1) Negligent driving, as defined by RCW 46.61.525;
- (2) Following too closely, as defined by RCW 46.61-.145; and
- (3) Improper or erratic lane changes, including violations of:
 - (a) RCW 46.61.115, overtaking on the right;
 - (b) RCW 46.61.120, overtaking on the left; and
 - (c) RCW 46.61.125, further limitations on driving to left of center of roadway.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-130, filed 8/24/89, effective 9/24/89.]

WAC 308-100-140 Third party tester. The department may enter into an agreement with third party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third party tester exists in the location covered by the third party tester, and that the third party tester is otherwise qualified.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-140, filed 8/24/89, effective 9/24/89.]

WAC 308-100-150 Third party tester--Qualifications. A third party tester is a person meeting the minimum qualifications who is trained, tested and certified by the department to conduct a standardized behind-the-wheel test of a commercial driver, such test to be used in determining the driver's qualification to obtain a commercial driver's license. A person applying to be a third party tester must meet the following requirements:

(a) Is qualified and licensed to operate and has no less than two years of experience operating vehicles representative of the class of vehicle for which he or she would conduct testing and has no less than five years of total driving experience.

(b) A check of applicant's driver's record shows:

(1) The applicant has not been convicted or found to have committed any of the following offenses within the three year period preceding the date of application:

(i) Driving a motor vehicle while under the influence of alcohol or any drug;

(ii) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;

(iii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(iv) Using a commercial motor vehicle in the commission of a felony; and

(v) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle.

(2) No more than one conviction of serious traffic violations, as defined in WAC 308-100-130 (SERIOUS TRAFFIC VIOLATIONS), within three years preceding the date of application.

(3) No driver's license suspension, cancellation, revocation, or denial within three years preceding the date of application.

(4) No more than one moving traffic violations convictions within one year or more than three moving traffic violations convictions within three years preceding the date of application. Defective equipment violations shall not be considered moving traffic violations for the purpose of determining the applicant's qualification.

(c) Complete an acceptable application on a form prescribed by the department.

(d) Have no conviction of a felony or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude.

(e) Maintain or be employed by a business or agency in which driver testing records would be maintained and available to the state or federal representatives for announced or unannounced inspections and audits.

(f) Is or is employed by a licensed business or government agency within the state of Washington or within fifty miles of state boundaries.

(g) If the applicant is part of a commercial (truck/bus) driver training facility the training course must be approved by the department.

Failure to maintain the above qualifications will result in the termination of a third party tester agreement.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-150, filed 8/24/89, effective 9/24/89.]

WAC 308-100-160 Test requirements. Any test conducted by a third party tester shall conform to the testing requirements established by the department. If the test includes additional requirements, the performance of an applicant for a commercial driver's license on the additional portions shall not be considered for commercial driver license skill testing purposes. Any applicant aggrieved by the outcome of a test conducted by a third party tester may petition the department for review of the scoring procedure used by the third party tester.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-160, filed 8/24/89, effective 9/24/89.]

WAC 308-100-170 Test route approval. The test route used by a third party tester must be approved by the department prior to its use for commercial driver license skill testing purposes.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-170, filed 8/24/89, effective 9/24/89.]

WAC 308-100-180 Third party testing fee. Except as provided in WAC 308-100-190 (REQUIREMENTS FOR EXCEEDING BASE FEE), the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than fifty dollars. The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third party tester. Any additional fees to be charged shall be reported to the department.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-180, filed 8/24/89, effective 9/24/89.]

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WAC 308-100-190 Requirements for exceeding base fee. A third party tester may petition the department for a waiver of the skill examination fee ceiling imposed by WAC 308-100-180 (THIRD PARTY TESTING FEE). The third party tester shall indicate the amount of the proposed fee and provide detailed justification for the increase. Where proper justification exists, the department may grant the higher fee. The department will review any complaints regarding higher fees, and may impose a reduction where warranted.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-190, filed 8/24/89, effective 9/24/89.]

WAC 308-100-200 Third party tester—Termination. The department may terminate an agreement with a third party tester providing commercial driver's license skill examinations where the volume of applicants for commercial driver's licenses makes such third party testing unnecessary, or upon a showing of good cause.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-200, filed 8/24/89, effective 9/24/89.]

Chapter 308-102 WAC

ADMINISTRATION OF THE FINANCIAL RESPONSIBILITY ACT—PROCEDURES

WAC

308-102-010	Order fixing amount of security.
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308-102-210	Formal hearing—Time and place.
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308-102-260	Hearing officer—Duties.
308-102-265	Financial responsibility hearing—Failure to appear.
308-102-270	Hearing officer—Powers.
308-102-280	Formal hearing.
308-102-290	Formal hearings—Findings, conclusions and decisions.
308-102-295	Formal hearings—Habitual traffic offenders.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-102-013	Amount of security—Exemption because of age of damaged vehicle. [Order 467-DOL, § 308-102-013, filed 12/30/77; Order 228, § 308-102-013, filed 12/31/74.] Repealed by 82-03-046 (Order 668
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- DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
- 308-102-030 Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-030, filed 8/17/71; Emergency Order 102-MVX, § 308-102-030, filed 4/2/71; Emergency Order 103-MVX, § 308-102-030, filed 6/4/71; Order 101-MV, § 308-102-030, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71. See later adoption, Order 103-MV, § 308-102-0301, filed 8/17/71.
- 308-102-0301 Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-0301, filed 8/17/71, Formerly § 308-102-030, filed 3/8/71, See chapter digest for disposition of § 308-102-030.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-035 Financial responsibility hearing committee established. [Order 103-MV, § 308-102-035, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-045 Hearing procedures. [Order 103-MV, § 308-102-045, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-050 Hearing—Issues. [Order 101-MV, § 308-102-050, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.
- 308-102-055 Issues to be determined by hearing committee. [Order 103-MV, § 308-102-055, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-060 Hearing officer—Powers. [Order 101-MV, § 308-102-060, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.
- 308-102-065 Notice that hearing may be requested. [Order 103-MV, § 308-102-065, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-070 Correspondence address. [Order 103-MV, § 308-102-070, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-075 Hearing committee—Powers. [Order 103-MV, § 308-102-075, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.
- 308-102-080 Hearing for person suspended prior to May 26, 1971. [Order 103-MV, § 308-102-080, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.

WAC 308-102-010 Order fixing amount of security. Whenever under the Financial Responsibility Act, the department fixes the amount of the security required of any person it shall forthwith notify him of the amount so required by mailing to him at his address as shown by department records, a notice of security stating the amount of the security required, the date by which the security must be posted, which shall be not less than twenty nor more than sixty days following the date of mailing, and which notice shall contain instructions pertaining to the filing of proof of financial responsibility.

[Order 103-MV, § 308-102-010, filed 8/17/71; Order 101-MV, § 308-102-010, filed 3/8/71.]

WAC 308-102-011 Amount of security—How determined. The department shall determine the amount of security deposit required of any person upon the basis of reports or other information submitted, such reports to be in a form provided by the department which must be completed by the parties who sustain a loss, or their successors in interest, and must provide sufficiently specific information for the department to enter its decision concerning the amount of security with reasonable certainty: *Provided*, That, failure to respond to a request for specific information within a reasonable time will allow

the department to conclude that no claim is being pursued.

[Order 228, § 308-102-011, filed 12/31/74.]

WAC 308-102-012 Amount of security—Effect of comparative negligence. The department may determine the percentage of negligence attributable to any person claiming injury or damage in twenty-five percentile units and then may reduce the amount of security in proportion to that percentage: *Provided*, That the department shall not require security if the person claiming injury or damage is ninety percent or more negligent.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-012, filed 1/19/82; Order 228, § 308-102-012, filed 12/31/74.]

WAC 308-102-020 Suspension notices. At the time the department mails a notice of security, it shall also mail an order of suspension to the person to whom notice is mailed. Said order shall effect the suspension of the driving privilege of the person required to post security which shall be not less than twenty and not more than sixty days from the date of mailing. The grounds stated in said order shall be: "Failure to deposit the security requirements and to file proof of financial responsibility." In the event the person so notified posts the security and files proof of financial responsibility for the future within the time allowed for such purposes, no suspension shall be effected. The department may extend the effective date of the suspension where it appears the person suspended has made a bona fide attempt to file proof of financial responsibility for the future within the time permitted and will in all probability be able to do so within thirty days.

[Order 103-MV, § 308-102-020, filed 8/17/71; Order 101-MV, § 308-102-020, filed 3/8/71.]

WAC 308-102-040 Hearing—Procedural rules. Any hearing conducted under the financial responsibility act shall be held in accordance with the rules published in chapter 1-08 WAC insofar as those rules are consistent with the rules adopted herein.

[Order 101-MV, § 308-102-040, filed 3/8/71.]

WAC 308-102-090 Agreements for payment of damages—Default notice. The department shall accept a notice of default on a payment agreement that was entered in lieu of the security deposit requirements as being effective only if that notice is received within three years of the date of the accident.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-090, filed 3/12/86; Order MV-172, § 308-102-090, filed 7/16/73.]

WAC 308-102-100 Request for document review or interview—Effect, timeliness. Any person, (hereinafter referred to as licensee), notified of the requirement of depositing security and suspension for failure to deposit security under the financial responsibility law, chapter 46.29 RCW, may within fifteen days of the date of the

notice of suspension of his driver's license or nonresident privilege to drive request either an interview or document review before a department of licensing referee. The request may be oral or written, but if made orally, such request must be confirmed by the licensee in writing within five days following such request.

Upon receipt of a timely request for interview or document review, the order of suspension shall be stayed pending the outcome of the document review or interview.

If the licensee does not request a document review or interview within the time specified above, or fails to attend an interview at the licensee's request, said licensee shall have waived his right to any further administrative remedies, including the formal hearing, and the order of suspension shall become effective.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-100, filed 3/12/86; Order 466-DOL, § 308-102-100, filed 12/30/77; Order MV-302, § 308-102-100, filed 3/31/75.]

WAC 308-102-110 Conduct of document review or interview--Referee. The interview or document review shall be conducted by a referee of the department of licensing who shall be delegated the authority to conduct such document reviews or interviews by the director.

[Order 466-DOL, § 308-102-110, filed 12/30/77; Order MV-302, § 308-102-110, filed 3/31/75.]

WAC 308-102-120 Financial responsibility document review or interview. All interviews or document reviews arising under and pursuant to the financial responsibility law, chapter 46.29 RCW, and any rules or regulations adopted pursuant thereto shall be held by a referee whose conclusions shall be subject to review by the department.

[Order MV-302, § 308-102-120, filed 3/31/75.]

WAC 308-102-125 Discovery. The financial responsibility files concerning the licensee, except an individual's motor vehicle collision report, unless confidentiality of such report is waived by that individual, the investigating officer's report of the accident, and any affidavits filed by, for and/or on behalf of the individual(s) claiming the loss shall be open and available for inspection, at the department of licensing in Olympia, by the licensee or his attorney at any time prior to the document review or interview. Copies of relevant documents shall, upon request, be provided to the licensee or his attorney at the actual cost to the department.

[Order 466-DOL, § 308-102-125, filed 12/30/77; Order MV-302, § 308-102-125, filed 3/31/75.]

WAC 308-102-130 Document review. Document review shall be held before a referee who, in making the decision shall consider any of the following:

(1) Affidavits filed by, for, and/or on behalf of the licensee, and/or by, for and/or on behalf of the individual(s) claiming the loss.

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(2) The financial responsibility files concerning the licensee.

(3) The investigating officer's report of the accident.

(4) Court records of any conviction or bail forfeiture of a traffic violation arising out of the accident.

(5) Any other evidence relevant to the issues to be determined.

[Order MV-302, § 308-102-130, filed 3/31/75.]

WAC 308-102-140 Interview. The interview shall be held before a referee who, in making the decision, shall consider any of the following:

(1) Oral testimony or argument offered by, for, or on behalf of the licensee.

(2) Affidavits from the individuals claiming the loss and/or from a representative of any insurance carrier that has a subrogated interest therein.

(3) Investigating officer's reports of the accident in question.

(4) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question.

(5) The financial responsibility files concerning the licensee.

(6) Affidavits or witness testimony of the licensee.

(7) Any other evidence relevant to the issues to be determined.

[Order 466-DOL, § 308-102-140, filed 12/30/77; Order MV-302, § 308-102-140, filed 3/31/75.]

WAC 308-102-150 Issues to be determined. Only the following issues shall be considered at any document review or interview held on request of the licensee:

(1) Whether the licensee was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state.

(2) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount of \$300 or more.

(3) Whether there is a reasonable possibility of a judgment being entered against the licensee in the amount required by the order of the department fixing such security.

(4) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the licensee.

(5) Whether the licensee is entitled to an exception to the requirement of security pursuant to RCW 46.29.080.

[Order 467-DOL, § 308-102-150, filed 12/30/77; Order MV-302, § 308-102-150, filed 3/31/75.]

WAC 308-102-160 Determination of possibility of judgment. The department may presume that there is a reasonable possibility of a judgment being entered against the licensee if:

(1) The licensee was convicted of or forfeited bail for a traffic violation arising out of the accident, or

(2) A law enforcement officer investigating the accident completed a report which specified that a violation

of a rule of the road contributed to the accident regardless of whether a citation was issued, or

(3) The licensee was negligent, having committed an act which a reasonably careful and prudent person would not have done under the same or similar circumstances, or failed to act in a way which a reasonably careful and prudent person would have acted under the same or similar circumstances, and such act or omission was a proximate cause of the accident.

[Order MV-302, § 308-102-160, filed 3/31/75.]

WAC 308-102-170 Notice that interview or document review may be requested. The department at the time that it issues its order of suspension to the licensee, shall send notice of the right to request document review or interview in substantially the following form:

NOTICE OF RIGHT TO INTERVIEW OR DOCUMENT REVIEW

If you feel that the requirements as to security or suspension should not apply for any reason, you may request either a document review or interview before a representative of the Department of Licensing. Such request MUST be postmarked within fifteen days of the date of notice. Failure to request an interview or document review by ----- will be deemed to be a waiver of your right to this and a hearing to contest the order of suspension.

[Order 466-DOL, § 308-102-170, filed 12/30/77; Order MV-302, § 308-102-170, filed 3/31/75.]

WAC 308-102-180 Correspondence address. All correspondence shall be addressed to the Department of Licensing, Financial Responsibility Division, Highways-Licenses Building, Olympia 98504.

[Order 466-DOL, § 308-102-180, filed 12/30/77; Order MV-302, § 308-102-180, filed 3/31/75.]

WAC 308-102-190 Document review or interview--Decision. Upon conclusion of a document review or interview the department referee shall make findings on the matter under consideration and shall properly submit the recommendations to the department. After a review of the referee's report and any attachments thereto together with the files and records maintained by the department pertaining to the accident in question and any documents submitted by the licensee, the department shall notify the licensee of the decision and said licensee's right to request a formal administrative hearing in writing by first class mail sent to the last address of record. A copy of the referee's findings shall be sent to the licensee with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-190, filed 3/12/86; Order MV-302, § 308-102-190, filed 3/31/75.]

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WAC 308-102-200 Request for formal hearing. Any licensee who is aggrieved by the interview or document review decision of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be addressed to the department of licensing and postmarked within fifteen days following the mailing of the decision of the department to the licensee. Failure to make timely request for a formal hearing to the department shall result in a waiver of the licensee's right to such hearing and the decision of the department shall become final. At the time it sends the notice of the decision, the department shall send a request for administrative hearing in substantially the following form:

REQUEST FOR ADMINISTRATIVE HEARING

Within fifteen days of this letter you may request a hearing by the department in the matter of the suspension of your driving privilege.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-200, filed 3/12/86; Order 466-DOL, § 308-102-200, filed 12/30/77; Order MV-302, § 308-102-200, filed 3/31/75.]

WAC 308-102-210 Formal hearing--Time and place. If a timely request for a formal hearing is made, the department shall notify the licensee of the time and place of such hearing in writing, and mail such notice to the last address of record, at least twenty days in advance of the hearing date. The hearing shall be held within a reasonable distance of the county wherein the licensee resides or, if the licensee is a nonresident of Washington, in the county where the accident occurred.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-210, filed 1/19/82; Order MV-302, § 308-102-210, filed 3/31/75.]

WAC 308-102-220 Formal hearing--Notice of proceeding. The notice shall include a statement of the legal authority and jurisdiction under which the hearing is held, a reference to the particular sections of the statutes and rules involved and a short and plain statement of the matters asserted.

[Order MV-302, § 308-102-220, filed 3/31/75.]

WAC 308-102-230 Hearing officer. The formal hearing shall be held before a hearing officer as appointed by the director who shall be delegated to conduct such hearings. Such hearing officer may be authorized by the director to make final determinations regarding the issuance, denial, or suspension or revocation of a driver's license or a nonresident's privilege to drive.

[Order MV-302, § 308-102-230, filed 3/31/75.]

WAC 308-102-240 Financial responsibility--Formal hearing. If the hearing officer is authorized by the director to make final determinations, the decision shall be final. If the hearing officer is not authorized to make final decisions the results shall be subject to review by

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the director or his designated representative. The director or his designated representative upon review of the records, the evidence, and the findings of the hearing officer shall promptly render his decision sustaining, modifying, or reversing the order.

[Order MV-302, § 308-102-240, filed 3/31/75.]

WAC 308-102-250 Issues to be determined--Formal hearing. Only the following issues shall be considered at any formal hearing held on request of the licensee:

(1) Whether the licensee was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state.

(2) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount of \$300 or more.

(3) Whether there is a reasonable possibility of a judgment being entered against the licensee in the amount required by the order of the department fixing such security.

(4) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the licensee.

(5) Whether the licensee is entitled to an exception to the requirement of security pursuant to RCW 46.29.080.

[Order 467-DOL, § 308-102-250, filed 12/30/77; Order MV-302, § 308-102-250, filed 3/31/75.]

WAC 308-102-260 Hearing officer--Duties. The hearing officer, in making his/her decision at the formal hearing, shall consider:

(1) Sworn oral testimony offered by the licensee.

(2) Sworn oral testimony offered by witnesses on behalf of the licensee.

(3) Sworn oral testimony offered by the individual(s) who sustained the loss.

(4) Sworn oral testimony offered by witnesses on behalf of the individual(s) who sustained the loss or offered by the representative of the insurance carrier who has a subrogated interest therein.

(5) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question.

(6) Traffic collision reports completed by a police officer who investigated the accident, all reports and other information submitted to the department by the individual(s) who sustained the loss or the insurance carrier who has a subrogated interest therein, records and documents in the possession of the department of which it desires to avail itself, repair estimates, repair and medical bills, towing bills and any other reasonable accounting of a loss proximately arising from an accident or photocopies thereof.

(7) Any other evidence related to the issues before the hearing which have probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs.

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[Statutory Authority: RCW 46.01.110, 82-03-046 (Order 668 DOL), § 308-102-260, filed 1/19/82; Order 466-DOL, § 308-102-260, filed 12/30/77; Order MV-302, § 308-102-260, filed 3/31/75.]

WAC 308-102-265 Financial responsibility hearing--Failure to appear. In the event that neither the licensee who requested a formal hearing pursuant to chapter 308-102 WAC nor the person or persons for whose benefit the department is requiring security appears at the time and place of the scheduled hearing, no hearing shall be held. The case shall be remanded to the department, and the previous department order requiring security shall be affirmed.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020, 86-07-018 (Order DS 2), § 308-102-265, filed 3/12/86.]

WAC 308-102-270 Hearing officer--Powers. The hearing officer appointed by the director shall have the power to administer oaths and affirmations, subpoena witnesses, examine witnesses, receive evidence, enter rulings as to the admissibility of evidence and offers of proof, regulate the course of the hearing, dispose of procedural requests or similar matters, and take any action authorized by these rules.

[Order MV-302, § 308-102-270, filed 3/31/75.]

WAC 308-102-280 Formal hearing. At every formal hearing, the licensee may be represented by counsel and may present evidence and testimony on his own behalf and may cross-examine opposing witnesses. The record of the hearing shall be transcribed or recorded on a mechanical recording device.

[Order MV-302, § 308-102-280, filed 3/31/75.]

WAC 308-102-290 Formal hearings--Findings, conclusions and decisions. At the conclusion of the formal hearing, the hearing officer shall, as soon as practical, make and enter findings of fact, conclusions of law and an order. They shall either affirm, rescind or modify the terms of the previous departmental order concerning the deposit of security or suspension. If the hearing officer is not authorized to make final determinations, the director or his/her authorized representative(s) shall review the recommendations together with the transcript or recording of the hearing and all evidence of record, and shall enter a final order which affirms, rescinds or modifies the departmental order of suspension. Copies of the findings of fact, conclusions of law and order so entered shall be sent to the licensee.

If the order of the department is affirmed, the department shall suspend the driver's license or nonresident driving privilege of the licensee, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the licensee may comply with the terms of the order.

If the order of the department is reversed, the department shall cancel its previous order.

If the order of the department is modified, the department shall nonetheless suspend the driver's license or nonresident driving privilege of the licensee, but the order of suspension shall carry an effective date of thirty

days after the date of mailing, during which time the licensee may comply with the terms of the order.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-290, filed 1/19/82; Order MV-349, § 308-102-290, filed 1/28/76; Order MV-302, § 308-102-290, filed 3/31/75.]

WAC 308-102-295 Formal hearings--Habitual traffic offenders. At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1): *Provided, however,* That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

(1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been advised or his or her right to be represented by counsel and or his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the driver was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked.

[Statutory Authority: RCW 46.01.110. 82-21-002 (Order 697-DOL), § 308-102-295, filed 10/7/82.]

Chapter 308-104 WAC DRIVERS' LICENSES

WAC

308-104-004	Definitions for purposes of driver licensing requirements.
308-104-006	Driver's license required.
308-104-008	Persons exempt from driver's license requirement.
308-104-010	Vision test.
308-104-012	Definition of examination.
308-104-015	Alcoholism treatment.
308-104-025	Effect of accumulation of traffic offenses.
308-104-035	Interest of safety.
308-104-040	Driver's licenses for identification and identicards.
308-104-045	Identicards.
308-104-050	Waiver of driver education requirement--When granted.
308-104-056	Convictions--Revocation and suspension terms.
308-104-057	Convictions--Driving while revoked--Terms.
308-104-060	Implied consent--Revocation terms.
308-104-070	Concurrent suspension terms.
308-104-080	Reinstatement fee--When required.
308-104-090	Reinstatement fee--Where paid and accepted.
308-104-100	Occupational driver's license--Person eligible.
308-104-105	Occupational license denial hearings.
308-104-110	Occupational license--Eligibility--Driving while suspended.
308-104-120	Extra-territorial convictions--Hearing.
308-104-130	Convictions--Driving records.

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308-104-135	Open container law infractions--Placement on driving records.
308-104-140	Driving record abstracts--Firefighters and law enforcement officers.
308-104-150	Address requests--Terms and fees.
308-104-160	Nonmoving violation defined.
308-104-170	Alcoholism treatment program.
308-104-180	Stay of habitual traffic offender revocation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-104-020	Point system. [Order 2, § 308-104-020, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-104-030	Effect of point accumulation. [Order 2, § 308-104-030, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-104-055	Convictions--Suspension terms. [Order MV-172, § 308-104-055, filed 7/16/73.] Repealed by Order MV-222, filed 10/29/74.
308-104-058	Convictions--Court recommendations. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-058, filed 1/19/82.] Repealed by 86-07-018 (Order DS 2), filed 3/12/86. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020.

WAC 308-104-004 Definitions for purposes of driver licensing requirements. (1) A "resident" is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes but is not limited to:

(a) Becoming a registered voter in this state; or

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring that he or she is a resident for the purpose of obtaining a state license, including but not limited to hunting or fishing license, or tuition fees at resident rates.

(2) The term "Washington public assistance programs" referred to in this chapter includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. Programs which are not included within the term "Washington public assistance programs" pursuant to the above criteria include, but are not limited to, the food stamp program under the Federal Food Stamp Act of 1964; programs under the Child Nutrition Act of 1966, 42 U.S.C. Secs. 1771 through 1788; and aid to families with dependent children, 42 U.S.C. Secs. 601 through 606.

(3) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty.

(4) "Jurisdiction" means a state, territory, or possession of the United States; the District of Columbia; or a province of Canada.

[Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-104-004, filed 9/22/87.]

WAC 308-104-006 Driver's license required. (1) No person, except as expressly exempted by chapter 46.20 RCW or by this chapter, may drive any motor vehicle upon a highway in this state unless the person has in his

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or her possession a valid driver's license issued under the provisions of chapter 46.20 RCW.

(2) A new Washington resident must make application for a Washington state driver's license immediately upon establishing residency.

[Statutory Authority: RCW 46.01.110, 87-19-129 (Order DS 3), § 308-104-006, filed 9/22/87.]

WAC 308-104-008 Persons exempt from driver's license requirement. In addition to persons exempt from driver license requirement pursuant to RCW 46.20.025, the following persons are exempt from driver's license requirement:

(1) Nonresident student who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued by his or her home jurisdiction. The student must be enrolled as a full-time nonresident student at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocation school as that term is defined by RCW 28C.10.020(7). The student must maintain his or her legal home of record at a location outside the state of Washington. The student must carry documentation issued by the institution which readily establishes his or her status as a nonresident student.

(2) The spouse or dependent of the nonresident student has the same licensing privilege as the nonresident student if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the nonresident student. Documentation issued by the institution attended by a student must be carried by the spouse or dependent.

(3) Nonresident military personnel who are at least sixteen years of age who has in his or her immediate possession a valid driver's license issued by the jurisdiction designated as his or her home of record.

(4) The spouse or dependent of the nonresident military personnel has the same licensing privilege as the nonresident military personnel if the spouse or dependent has a valid driver's license which was issued by the same jurisdiction as the home of record of the nonresident military personnel.

[Statutory Authority: RCW 46.01.110, 87-19-129 (Order DS 3), § 308-104-008, filed 9/22/87.]

WAC 308-104-010 Vision test. All applicants for a driver's license or renewal shall be required to take a vision test administered by the department. Any person having less than a 20/40 Snellen vision acuity with both eyes combined either corrected or uncorrected, or having some apparent significant visual limitation, must have an eye examination by an ophthalmologist or optometrist. If an applicant's vision cannot be corrected so that it will be within the 20/40 Snellen range for visual acuity or other vision problems cannot be corrected, then he must submit to a special examination in order to determine if a license or renewal shall be issued and if so what limitations or restrictions should be placed on the driving privilege.

[Order 2, § 308-104-010, filed 6/26/68.]

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WAC 308-104-012 Definition of examination. For purposes of RCW 46.20.305 an examination required by the department for driver licensing purposes may consist of any one or combination of the following:

(1) A medical certificate to be completed by a competent medical authority.

(2) A vision certificate to be completed by a competent vision authority such as an optometrist or ophthalmologist.

(3) A psychiatric evaluation by a competent authority.

(4) An alcohol evaluation or report of progress in alcohol treatment from an approved alcohol agency.

(5) A reexamination of knowledge and driving ability conducted by a license examiner.

(6) A special examination of knowledge and driving ability conducted by a license examiner.

Failure to complete an examination may constitute reason for suspension of the driving privilege. Completion of an examination but dissatisfaction with the departmental action which follows that examination may be grounds for appeal of the departmental action by the affected driver. Such driver may request a formal hearing as provided in RCW 46.20.329.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020, 86-07-018 (Order DS 2), § 308-104-012, filed 3/12/86.]

WAC 308-104-015 Alcoholism treatment. Whenever the department suspends the driving privilege of a person, pursuant to RCW 46.20.291, for the reasons set forth in RCW 46.20.031(4), reinstatement shall be contingent upon the department receiving a report confirming that the person has participated for at least sixty days in an alcoholism treatment program meeting the requirements of WAC 275-15-020 (2) or (5). Said report shall be provided by an approved and accredited facility as defined in either WAC 275-15-030 (9) or (10).

The treatment report must be completed by an administrator or alcoholism counselor as defined in WAC 275-15-030, on a form provided by the department.

The department may waive the sixty-day treatment requirement in whole or in part upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress.

[Statutory Authority: RCW 46.01.110, 82-03-046 (Order 668 DOL), § 308-104-015, filed 1/19/82.]

WAC 308-104-025 Effect of accumulation of traffic offenses. Whenever the official records of the department show that a person has committed at least four traffic offenses within a twelve-month period, or at least five traffic offenses within a twenty-four-month period, the department may require the person to appear for a driver improvement interview, as provided in chapter 46.20 RCW: *Provided*, That when a person has committed fewer traffic offenses than set forth in this section, the department may require the person to appear for a driver improvement interview or suspend the person's driving privilege when such action appears to be in the interest of the safety of other persons on the highways.

For purposes of this section, the driver improvement interview may be conducted in a group setting.

Failure to appear at the interview may result in a suspension of the driving privilege. For purposes of this section "traffic offense" means a conviction as defined in RCW 46.20.270, or a finding that a traffic infraction has been committed as defined in RCW 46.63.020, of a moving violation as defined in WAC 308-104-160. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-025, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-025, filed 1/19/82.]

WAC 308-104-035 Interest of safety. For purposes of RCW 46.20.291(c), whenever the records of the department show that a person has committed at least four traffic offenses within a twelve month period, or at least five traffic offenses within a twenty-four month period, this shall be considered prima facie evidence of violations of such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for the purposes of this section.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-035, filed 8/24/89, effective 9/24/89.]

WAC 308-104-040 Driver's licenses for identification and identicards. No identicard shall be issued, nor shall any Washington state driver's license be issued, unless the applicant therefor shall have satisfied the department regarding his/her identity. In no event shall an applicant be deemed to have satisfied identity requirements of this rule, unless he/she displays or provides the department with at least two of the following:

- (1) An expired or expiring driver's license which contains the signature and/or a photograph of the applicant;
- (2) A valid Washington state identicard;
- (3) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;
- (4) An identification card issued by the United States, any state, or any agency of either of a kind commonly used to identify the members or employees of such government agencies, (including military I.D. cards) and which contain the signature and/or the photograph of the applicant;
- (5) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities;
- (6) An affidavit of the applicant, or in case the applicant is a minor, an affidavit of his parent or guardian;
- (7) Such other documentary evidence as in the opinion of the department clearly establishes the identity of the applicant.

(1989 Ed.)

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-040, filed 1/19/82; Order 468-DOL, § 308-104-040, filed 12/30/77; Order 691101, § 308-104-040, filed 11/26/69.]

WAC 308-104-045 Identicards. The department shall issue identicards containing a picture to nondrivers. Nondrivers shall be defined as any person who has not been issued a driver's license within the last four years immediately preceding: *Provided*, That the nondriver is currently residing in the state of Washington and has a current Washington address: *And provided further*, That any individual who has been issued a driver's license within the last four years immediately preceding may qualify as a nondriver by surrendering the the driver's license and privilege to drive to the department for this express purpose. Any individual who surrenders the driver's license and privilege to drive to the department for the express purpose of qualifying as a nondriver shall forfeit said privilege to drive in this state together with all fees and license examination results.

The department shall not issue a driver's license to any individual holding an identicard unless and until that individual shall surrender said identicard to the department and the individual shall have met all other requirements of Title 46 RCW, as they pertain to an original driver's license applicant: *Provided*, That the department shall not issue a driver's license to any individual ineligible to be licensed pursuant to RCW 46.20.031 under any circumstances.

[Statutory Authority: RCW 46.20.117 and 46.20.119. 78-04-041 (Order 488-DOL), § 308-104-045, filed 3/20/78; Order MV 303, § 308-104-045, filed 2/13/75.]

WAC 308-104-050 Waiver of driver education requirement—When granted. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless:

(1) The parent, guardian, or other person having the care, custody and control of the applicants certifies that the applicant[s] is:

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of hearings, the administrator of driver responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the

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power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years.

[Statutory Authority: RCW 46.01.110, 87-19-129 (Order DS 3), § 308-104-050, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-104-050, filed 1/19/82; Order 468-DOL, § 308-104-050, filed 12/30/77; Order MV-131, § 308-104-050, filed 4/26/72.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-104-056 Convictions--Revocation and suspension terms. The department shall suspend or revoke the driver's license or nonresident driving privilege of every person who is convicted of a violation requiring such suspension or revocation, the term of which except the violation of driving while revoked, shall commence on the date of conviction: *Provided*, That the term of such suspension or revocation shall commence fifteen days from the date the department receives notice, if the court failed to secure the immediate forfeiture of the driver's license of such person or an affidavit from such person that the driver's license was lost or stolen.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020, 86-07-018 (Order DS 2), § 308-104-056, filed 3/12/86; Order MV-222, § 308-104-056, filed 10/29/74.]

WAC 308-104-057 Convictions--Driving while revoked--Terms. The department shall not reinstate or issue a new license for an additional period of one year to any person who is convicted of the violation of driving while revoked, the term of which shall commence from and after the date such person would otherwise have been entitled to apply for reinstatement at the conclusion of all current mandatory suspension or revocation terms invoked due to a conviction, including driving while suspended or revoked, and refusing to submit to the chemical test of the breath.

[Order MV-222, § 308-104-057, filed 10/29/74.]

WAC 308-104-060 Implied consent--Revocation terms. The department shall revoke the driver's license or nonresident's driving privilege of every person upon receipt of a sworn report of a law enforcement officer that the subject refused to submit to the chemical test of his breath incident to an arrest in which the arresting officer had grounds to believe that the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor, the term of which shall commence thirty days from the date of the issuance of such order: *Provided*, That any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending or during the pendency of any subsequent appeal to superior court: *Provided further*, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

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[Order MV-222, § 308-104-060, filed 10/29/74; Order MV-172, § 308-104-060, filed 7/16/73.]

WAC 308-104-070 Concurrent suspension terms. The department shall suspend or revoke the driver's license or nonresident driving privilege of every person who is convicted of more than one offense requiring such suspension or revocation arising from the same incident for one term which will be the longest of the terms of suspension or revocation.

[Order MV-172, § 308-104-070, filed 7/16/73.]

WAC 308-104-080 Reinstatement fee--When required. The driver's license or nonresident's driving privilege of any person that has been suspended or revoked for any reason shall not be reinstated until such person shall pay the required reinstatement fee; except, that such reinstatement fee shall not be required when the imposition of the suspension or revocation was invalid or void or when the suspension or revocation was imposed because the subject was incompetent to operate a vehicle due to a physical or mental disability, because the subject had failed to attend a driver improvement interview, because the subject's filing of proof of financial responsibility for the future had canceled or terminated, because the subject defaulted on an agreement to pay damages resulting from a vehicle accident, or because the subject was refused a license due to a suspension in another jurisdiction.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020, 86-07-018 (Order DS 2), § 308-104-080, filed 3/12/86; Order MV-172, § 308-104-080, filed 7/16/73.]

WAC 308-104-090 Reinstatement fee--Where paid and accepted. The reinstatement fee shall be paid by the subject and shall be accepted by the department at the driver's license examining station or through its central state office at any time.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020, 86-07-018 (Order DS 2), § 308-104-090, filed 3/12/86; Order MV-172, § 308-104-090, filed 7/16/73.]

WAC 308-104-100 Occupational driver's license--Person eligible. The department shall issue an occupational driver's license to any person who has had his or her driver's license suspended or revoked because of a conviction or bail forfeiture for any offense relating to motor vehicles, other than vehicular assault or vehicular homicide, provided, (1) the person is eligible pursuant to the provisions of RCW 46.20.380 and 46.20.391, (2) the person had an unexpired driver's license on the date of conviction for said offense, (3) the person did not have his or her resident driver's license or nonresident driving privilege suspended or revoked for any reason on the date of conviction for said offense, and (4) the person had not been required on the date of conviction to surrender his or her Washington driver's license to the department for failure to maintain the filing of proof of financial responsibility for the future for said offense. Notwithstanding the provisions of this section, an occupational driver's license shall not be issued for the operation of a commercial motor vehicle when the

commercial driver has had his or her license suspended, revoked, or denied, or has been disqualified from operating a commercial motor vehicle.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-100, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-100, filed 3/12/86. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-100, filed 1/19/82; Order MV 349, § 308-104-100, filed 1/28/76.]

WAC 308-104-105 Occupational license denial hearings. (1) Upon notification by the department that an occupational driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. No hearing need be granted where the department is prevented from issuing an occupational driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requestor in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence.

(3) The hearing shall be conducted by a referee appointed by the director. The director may delegate to such referee the authority to render final decisions.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid license on date of conviction.

(b) Whether the suspension or revocation giving rise to the application for an occupational driver's license was based upon one of the following offenses: Driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor, reckless driving, racing, eluding a police vehicle, hit and run, driving while suspended or revoked, or a felony in the commission of which a motor vehicle is used, other than vehicular assault or vehicular homicide.

(c) Whether the person has been convicted of any of the offenses listed in (b) of this subsection within the one year immediately preceding the conviction for which the occupational license is requested.

(d) Whether the person has been convicted of driving or being in physical control of a vehicle while under the influence of intoxicating liquor, or vehicular assault or vehicular homicide, within the five years immediately preceding the conviction for which the occupational license is requested.

(e) Whether the person is currently suspended or revoked for any reason other than the offense for which the occupational driver's license is requested.

(f) Whether the person is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation.

(5) The applicant's official driving record provided to the hearing officer by the department shall be prima

facie evidence of the facts in issues contained in subsection (4)(a) through (e) of this section unless the applicant presents clear and convincing evidence to the contrary.

(6) The applicant shall have the burden of proving that he or she is engaged in an occupation or trade that makes it essential to operate a motor vehicle.

(7) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational license shall be affirmed.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-105, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-105, filed 3/12/86.]

WAC 308-104-110 Occupational license—Eligibility—Driving while suspended. The department may issue an occupational driver's license during the term of an extended suspension following a conviction of driving while suspended or during the additional period of one year following a conviction of driving while revoked; provided, the petitioner was eligible for the issuance of an occupational license during the original suspension or revocation term, but did not petition for and receive an occupational driver's license during any part of that original term.

[Order MV 349, § 308-104-110, filed 1/28/76.]

WAC 308-104-120 Extra-territorial convictions—Hearing. Any person notified of the suspension of his driver's license pursuant to RCW 46.20.300 may within 15 days of the mailing date indicated on the notice of suspension/revocation request an administrative hearing before a hearing officer appointed by the director who shall conduct such hearings.

Upon receipt of a timely request for a hearing, the department shall convene the hearing as provided in RCW 46.20.329 and 46.20.332 considering only the following issues:

(1) Whether the licensee was convicted in another state of an offense which, if committed in this state, would be grounds for the suspension or revocation of the driver's license or nonresident driving privilege.

(2) Whether the statute under which the licensee was convicted in the other state provides for the suspension of the licensee's privilege to drive in that state.

The department need not show that the evidence upon which the licensee was convicted would have been sufficient to convict in this state, but need only show that the violation with which he was charged would have been grounds for suspension or revocation in this state.

[Order MV 349, § 308-104-120, filed 1/28/76.]

WAC 308-104-130 Convictions—Driving records. The department shall consider the information transmitted on the abstract of conviction as being accurate for the purposes of recording information on the defendant's

driving record and initiating suspension/revocation action. The defendant shall be deemed to have been convicted of the traffic law violation(s) if any of the following appears on the abstract:

- (1) The payment of a fine.
- (2) An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court.
- (3) A plea of guilty by the defendant.
- (4) A finding of guilt.

For the purposes of maintaining the driving record, initiating suspension/revocation action, and requiring the filing of proof of financial responsibility, the conviction shall be deemed final if any one of the above elements is present regardless of whether the imposition of sentence is deferred or penalty suspended. The department will not amend or modify the driving record of any suspension/revocation action if the court subsequently dismisses the charge at the conclusion of a successful deferral or probation period.

The forfeiture of bail shall be conclusive evidence of a conviction unless the court vacates that forfeiture. A vacation of bail forfeiture shall be effective only if that vacation is entered within sixty days of the date of that forfeiture and the case is scheduled by the court for a hearing on the merits. Any transmittal of the vacation of a forfeiture of bail must specify that these two elements exist.

The payment of a fine on a traffic violation charge shall be conclusive evidence of a conviction unless the court subsequently reimburses the defendant for all fines, costs, and other penalties imposed.

A plea of guilty shall be conclusive evidence of the conviction unless the defendant withdraws the plea of guilty during the proceedings, the defendant appeals the judgment within fourteen days or the court sets aside the judgment and orders a new trial within fourteen days.

A finding of guilt shall be conclusive evidence of the conviction unless the court approves a motion for a new trial within fourteen days or the defendant appeals the conviction to a higher court within fourteen days of the conviction.

If a court defers a finding after hearing the evidence, the department shall not consider the defendant as having been convicted until a final disposition is entered by that court, except when the defendant entered a guilty plea which was not withdrawn, or when the court imposed a penalty or sanction which could only be imposed upon a determination that the defendant was guilty.

A reporting error by the court which materially alters the original record of a conviction for a mandatory offense must be reported to the department in writing accompanied by a copy of the docket, or other permanent court record.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-130, filed 3/12/86; Order MV 349, § 308-104-130, filed 1/28/76.]

WAC 308-104-135 Open container law infractions--Placement on driving records. A traffic infraction under RCW 46.61.519 (1) or (2) shall not be placed on

the driving record of the person found to have committed the infraction if the department determines to its satisfaction that the person was a passenger in the vehicle at the time the notice of infraction was issued.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-135, filed 3/12/86.]

WAC 308-104-140 Driving record abstracts--Firefighters and law enforcement officers. The director of the department of licensing shall prescribe the text of the statement which the chief of the officers' or firefighters' department is authorized to provide under chapter 140, Laws of 1977 ex. sess. Said statement shall be notarized and shall be attached to the accident report submitted to the department of licensing.

[Order 469-DOL, § 308-104-140, filed 12/30/77.]

WAC 308-104-150 Address requests--Terms and fees. The department may respond to written requests for addresses of persons whose driving records are maintained by said department. The individual or agency requesting the address must supply the department with the full name and the driver's license number or date of birth of each person whose address is requested. The department may deny address information to any person or agency when it has reason to believe that releasing such information could result in harm to the safety or well-being of the person whose address has been requested.

The department shall collect in advance a fee of two dollars for each address requested in a single listing up to and including ten addresses, and fifteen cents for each additional address on that single listing: *Provided*, That the addresses will be provided all governmental agencies without charge.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-150, filed 1/19/82.]

WAC 308-104-160 Nonmoving violation defined. A "nonmoving violation" as used in RCW 46.65.020 shall mean any violation or traffic infraction in Title 46 RCW, other than those included in the following list:

- (1) Driving while under the influence of intoxicants or drugs
- (2) Reckless driving
- (3) Hit and run (occupied vehicle)
- (4) Vehicular homicide
- (5) Driving while driving privilege suspended or revoked
- (6) Eluding police vehicle
- (7) Racing
- (8) Embracing
- (9) Manslaughter
- (10) Speed too fast for conditions
- (11) Speed 1 to 14 MPH excess
- (12) Speed 15 to 29 MPH excess
- (13) Speed over 29 MPH excess
- (14) Failure to stop
- (15) Disobey road sign
- (16) Improper lane change
- (17) Improper lane travel
- (18) Prohibited turn

- (19) Unnecessary noise
- (20) Negligent driving
- (21) Wrong way on one-way street
- (22) Driving over center line
- (23) Drive wrong side of road
- (24) Straddling centerline
- (25) Failure to yield right of way
- (26) Disobey signalman
- (27) Disobey school patrol
- (28) Driving without lights
- (29) Failure to dim lights
- (30) Following too closely
- (31) Improper turn
- (32) Failure to signal or improper signal
- (33) Passing stopped school bus
- (34) Driving on shoulder or sidewalk
- (35) Violating license restriction(s)
- (36) Carrying passenger improperly
- (37) In physical control of vehicle while under the influence of alcohol or drugs
- (38) Vehicular assault
- (39) Crossing fire hose
- (40) Carry passengers outside vehicle
- (41) Improper backing
- (42) Obstructed vision or control
- (43) Following emergency equipment
- (44) Crossing divider
- (45) Inattention
- (46) Improper mirrors
- (47) Illegal vehicle equipment
- (48) Handle bars over height
- (49) Illegal lights
- (50) Defective equipment
- (51) Reckless endangerment
- (52) No goggles, windshield or face shield
- (53) Improper overtaking or passing
- (54) Hit and run (unattended vehicle)
- (55) Impeding traffic
- (56) More persons than provided for on motorcycle
- (57) Operating moped on freeway
- (58) Wearing earphones/viewing TV in vehicle
- (59) Open container violation (driver)
- (60) Permitting illegal vehicle operation
- (61) Violation of instruction permit.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-160, filed 3/12/86. Statutory Authority: RCW 46.01.110. 82-21-002 (Order 697-DOL), § 308-104-160, filed 10/7/82; 82-03-046 (Order 668 DOL), § 308-104-160, filed 1/19/82.]

WAC 308-104-170 Alcoholism treatment program.

(1) For the purposes of Title 46 RCW, a person shall be deemed to have undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services if he or she has been under said program for at least sixty days: *Provided*, That the department may accept a shorter treatment term upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress.

(2) The term "program approved by the department of social and health services," as used in Title 46 RCW,

shall mean an alcoholism treatment program meeting the requirements of WAC 275-15-020(5).

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-170, filed 1/19/82.]

WAC 308-104-180 Stay of habitual traffic offender revocation. When a person's driving privilege has been revoked as the result of a hearing pursuant to chapter 46.65 RCW, the department shall stay the effective date of the revocation only:

(1) When, not more than thirty days after the effective date of the revocation, there is a showing of good cause; or

(2) When the department receives from a superior court an order to stay the effective date of the revocation.

Provided, That in either case above, the person must give and maintain proof of financial responsibility as provided in chapter 46.29 RCW, and pay a ten dollar reinstatement fee as provided in RCW 46.20.311.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-180, filed 1/19/82.]

Chapter 308-106 WAC MANDATORY INSURANCE

WAC

308-106-010	Insurance identification card.
308-106-020	Insurance identification card—Content.
308-106-030	Insurance identification card—Self-insurance—Certificate of deposit—Bond.

WAC 308-106-010 Insurance identification card.

(1) Any person who operates a motor vehicle subject to registration under chapter 46.16 RCW must have an identification card in his or her possession, as required by section 4(1), chapter 353, Laws of 1989, unless exempt under section 2 (4)(a) or (b) of that chapter.

(2) In the event that an identification card contains a description of the insured vehicle(s), and the person acquires any additional or replacement vehicle(s), possession of a valid insurance identification card previously issued, along with proof of recent acquisition or transfer of ownership of the additional or replacement vehicle(s), shall be deemed to fulfill the requirements of this section for a period not to exceed thirty days after such vehicle(s) was acquired. The person must notify the company issuing the identification card of the acquisition of the additional or replacement vehicle(s) within fifteen days of acquisition. Possession of any binder issued pending the issuance of a motor vehicle liability policy shall likewise be deemed to fulfill the requirements of this section.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-010, filed 10/26/89, effective 11/26/89.]

WAC 308-106-020 Insurance identification card—Content. Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policy holder with an identification card that is to include, at a minimum:

(a) The name of the insurance company;
 (b) The policy number;
 (c) The effective date of the policy;
 (d) The expiration date of the policy; and
 (e) A description of the year, make and/or model of the insured vehicle(s) and/or the name of the insured driver. If there are five or more vehicles under common ownership, the word "fleet" may be used in place of the vehicle description. The insurance company may issue a supplemental listing of vehicles covered.

If an insurance company issues an identification card containing information in addition to that identified above, the above information shall be printed in such a way so as to be readily discernible. To the extent practical, the insurance identification card shall be printed in a manner so as to discourage tampering.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-020, filed 10/26/89, effective 11/26/89.]

WAC 308-106-030 Insurance identification card--Self-insurance--Certificate of deposit--Bond. A person or organization providing proof of compliance through self-insurance, as provided in RCW 46.29.630, certificate of deposit, as provided in RCW 46.29.550, or bond, shall provide an identification card to all covered drivers. The card shall contain the following information:

- (a) For persons or organizations who are self-insured:
- (i) The self-insurance number issued by the department of licensing;
 - (ii) The effective date of the certificate of self-insurance; and
 - (iii) A description of the year, make and/or model of the vehicles covered by the certificate of self-insurance and/or the name of the driver covered by the certificate of self-insurance. The word "fleet" may be used in place of the vehicle description. The person or organization may issue a supplemental listing of vehicles covered;
- (b) For persons or organizations who are covered by a certificate of deposit:
- (i) The certificate number issued by the state treasurer; and
 - (ii) The name of the driver covered by the certificate of deposit;
- (c) For persons or organizations covered by a liability bond:
- (i) The name of the company issuing the bond;
 - (ii) The bond number; and
 - (iii) The name of the driver covered by the bond.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-030, filed 10/26/89, effective 11/26/89.]

Chapter 308-115 WAC MIDWIFERY

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-115-010 Examinations for license to practice midwifery. [Order PL 269, § 308-115-010, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.
 308-115-020 Assignment of examination numbers to applicants. [Order PL 269, § 308-115-020, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.
 308-115-030 Minimum passing score. [Order PL 269, § 308-115-030, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.
 308-115-040 Midwives--Examination fee. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-115-040, filed 9/25/80; Order PL 269, § 308-115-040, filed 5/17/77.] Repealed by 82-19-079 (Order PL 406), filed 9/21/82. Statutory Authority: RCW 18.50.135.
 308-115-300 Uniform Disciplinary Act. [Statutory Authority: 1984 c 279 § 36. 84-21-095 (Order PL 488), § 308-115-300, filed 10/19/84, effective 8/1/85.] Repealed by 85-19-038 (Order PL 557), filed 9/12/85. Statutory Authority: RCW 18.50.125.
 308-115-400 Fees. [Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-400, filed 9/21/82.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-115-405.

WAC 308-115-050 Definitions. (1) Preceptor. A preceptor is a licensed or legally practicing obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

(2) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in nonbirth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.

(3) Survey visit is an information gathering and observational visit intended to provide the basis for the director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.

(4) Nursing education as used in these rules means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills.

(5) Practical midwifery experience as used in these rules means performance in midwifery functions, prior to obtaining a license, that is verified by affidavit, testimony or other sworn written documentation that verifies that the experience and its documentation is equivalent to that required of regularly enrolled midwifery students.

(6) Health care provider as used in RCW 18.50.108 means any licensed physician who is engaged in active clinical obstetrical practice.

(7) Academic director as used in these rules means the individual who is responsible for planning, organizing and implementing all aspects of the curriculum of a midwifery education program.

[Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-050, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-050, filed 9/21/82.]

WAC 308-115-060 Application for licensing examination. (1) All applicants shall file a completed, notarized application, with the application fee specified in WAC 308-115-400, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the department of licensing, division of professional licensing.

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon notification of eligibility, the examination fee specified in WAC 308-115-400 must be submitted. Only applicants so notified will be admitted to the examination.

(4) No fees submitted and processed by the department will be subject to refund.

(5) All applicants shall take the current state licensing examination for midwives.

(6) The minimum passing score on the licensing examination is 75 percent.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-060, filed 9/21/82.]

WAC 308-115-065 Application for examination—Out-of-state education. (1) A midwife not licensed in the state of Washington may sit for the licensing examination without completing the required coursework or

the midwife-in-training program provided the midwife meets the following requirements:

(a) Has completed a program preparing candidates to practice as a midwife provided such program is equivalent to the minimum course requirements of approved midwifery programs in Washington at the time of applicant's program completion. Proof of equivalency shall be submitted by the applicant with the application.

(b) The transcript of the applicant's completed midwifery program verifies that:

(i) All courses were completed with a grade of C (pass) or better; and

(ii) At least fifteen managed births were completed under the preceptorship of an experienced midwife approved by the candidate's educational program.

(c) If managed births completed under the preceptorship in (1)(b)(ii) are less than fifty, then affidavits of births the applicant has managed must be submitted in a sufficient number to prove that the applicant has managed a total of at least fifty births.

(2) The applicant shall submit to the department:

(i) A complete notarized application with the required fee. The fee is nonrefundable.

(ii) Notarized copies of educational preparation or an official transcript verifying educational preparation or an official transcript verifying educational preparation to practice midwifery.

(iii) Affidavits of managed births as required in (1)(c).

[Statutory Authority: RCW 18.50.135. 89-16-037 (Order PM 856), § 308-115-065, filed 7/25/89, effective 8/25/89.]

WAC 308-115-070 Release of examination results.

(1) Applicants shall be notified of examination results. All notices shall be by mail.

(2) Applicants who pass shall receive the results of the examination and instructions for obtaining a license to practice as a midwife.

(3) Applicants who fail shall receive notice of their eligibility to be reexamined, and of the procedure for applying for reexamination.

(4) Each accredited school of midwifery shall receive a statistical report of the test results of applicants who graduated from that school.

(5) Results of the examination will not be released to anyone except as provided above unless release is authorized by the applicant in writing.

(6) The applicant's examination results will be maintained by the department.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-070, filed 9/21/82.]

WAC 308-115-080 Failures. (1) An applicant who has failed the examination may be reexamined if he/she

(a) Applies to the department at least 30 days prior to the next scheduled examination, and

(b) Pays any required fee as specified in WAC 308-115-400.

(2) If an applicant fails his/her first examination, no additional fee will be required if the candidate is reexamined within one year. Applicants shall pay an examination fee determined by the director for examinations taken after the first reexamination.

(3) Applicants who fail the second retest shall be required to submit evidence to the director of completion of an individualized program of study prior to being permitted to be reexamined.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-080, filed 9/21/82.]

WAC 308-115-090 Purpose of accreditation of midwifery educational programs. The director provides for accreditation of midwifery educational programs for the following reasons:

(1) To ensure that only qualified midwives will be licensed to practice in the state of Washington.

(2) To ensure the safe practice of midwifery by setting minimum standards for midwifery educational programs that prepare persons for licensure as midwives.

(3) To ensure that each midwifery educational program has flexibility to develop and implement its program of study and that it is based on minimum standards for accredited schools of midwifery provided herein.

(4) To ensure that standards for each accredited midwifery program promote self evaluation.

(5) To assure the graduates of accredited schools of their eligibility for taking the licensing examination for midwives.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-090, filed 9/21/82.]

WAC 308-115-100 Philosophy, purpose and objectives of an accredited midwifery educational program. The philosophy, purpose and objectives of an accredited midwifery educational program shall be stated clearly and shall be in written form.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-100, filed 9/21/82.]

WAC 308-115-110 Advisory body. Each institution that offers a midwifery educational program shall appoint an advisory body composed of health professionals, midwives and public members. The group should have a minimum of five members and should meet regularly. Functions of the advisory body shall include but not be limited to the following:

(1) Promoting communication between the community and the school;

(2) Making recommendations on the curriculum, student selection and faculty;

(3) Informing the school about needs in midwifery education and practices; and

(4) Being informed about the school's finances.

In institutions whose advisory bodies are provided for by statute, or rule as in the case of public community colleges, universities and vocational-technical institutes, it can be presumed that the advisory body provided for meets these requirements.

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[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-110, filed 9/21/82.]

WAC 308-115-120 Learning sites. (1) Learning sites utilized by accredited midwifery educational programs shall:

(a) Include a variety of sites in addition to the school that may be used for student experience. These may include, but need not be limited to, hospitals, clinics, offices of health professionals and health centers.

(b) Provide learning experiences of sufficient number and variety that students can achieve the course/curriculum objectives and requirements of the statute.

(2) Written agreements shall be maintained between the school and any supervising clinicians and faculty. Such agreements shall be reviewed periodically by the parties and shall state the responsibilities and privileges of each party.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-120, filed 9/21/82.]

WAC 308-115-130 Staffing and teacher qualifications. At the time of application for accreditation pursuant to WAC 308-115-180, the school shall provide proof of the following:

(1) That the academic director for the midwifery program is either (a) a midwife licensed under chapter 18.50 RCW or (b) a nurse midwife (ARNP) licensed under chapter 18.88 RCW or (c) has been educated in a midwifery program having standards comparable to standards in Washington and has experience in legal midwifery clinical practice.

(2) That the clinical faculty and preceptors either (a) hold a current license in the jurisdiction where they practice and demonstrate expertise in the subject area to be taught, or (b) are legally engaged in an active clinical practice and demonstrate expertise in the subject area to be taught.

(3) That each member of the faculty either (a) holds a certificate or degree in midwifery or the subject area to be taught, or (b) has no less than three years of experience in the subject area to be taught.

[Statutory Authority: RCW 18.50.045. 86-16-012 (Order PM 608), § 308-115-130, filed 7/25/86. Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-130, filed 9/21/82.]

WAC 308-115-140 Curriculum. (1) The basic curriculum shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years. Each student must undertake the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods.

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The care of up to thirty five women in each of the periods may be undertaken as a part of previous nursing education or practical midwifery experience as defined in WAC 308-115-050(5). No less than fifteen women must be cared for in each period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the intrapartum period in order to qualify for licensure. Up to thirty five of these observations may be as a part of previous nursing education or practical midwifery experience as defined in WAC 308-115-050(5). No less than fifteen women must be observed in the intrapartum period while enrolled in the school from which the student graduates.

(2) Each school must ensure that the students receive instructions in the following instruction area:

(a) Instruction in basic sciences (including biology, physiology, microbiology, anatomy with emphasis on female reproductive anatomy, genetics and embryology) normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, breast feeding, neonatology, epidemiology, community care, and medicolegal aspects of midwifery.

(b) Instruction in basic nursing skills and clinical skills, including but not limited to vital signs, perineal prep, enema, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture, administration of intravenous fluids, infant and adult resuscitation, and charting.

(c) Clinical practice in midwifery which includes care of women in the prenatal, intrapartum and early postpartum periods, in compliance with RCW 18.50.040.

(3) Provision shall be made for systematic, periodic evaluation of the curriculum.

(4) Any proposed major curriculum revision shall be presented to the director at least three months prior to implementation.

[Statutory Authority: RCW 18.50.135. 87-21-011 (Order PM 686), § 308-115-140, filed 10/9/87; 85-23-044 (Order PL 566), § 308-115-140, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-140, filed 9/21/82.]

WAC 308-115-150 Students. (1) Written policies and procedures for selection, admission, promotion, graduation and withdrawal of students shall be available.

(2) Courses completed prior to enrollment in the midwifery school should have been completed within ten years of enrollment and must be documented by official transcript in order for reduction of basic requirements to be considered.

(3) Students who seek admission by transfer from another midwifery educational program shall meet the equivalent of the school's current standards for those regularly enrolled. The school may grant credit for the care of up to thirty five women in each of the periods undertaken as a part of previous midwifery education. No less than fifteen women must be cared for in each

period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the intrapartum period in order to qualify for licensure. Up to thirty five of these observations may be as a part of previous midwifery education. No less than fifteen women must be observed in the intrapartum period while enrolled in the school from which the student graduates.

(4) Individuals may request advanced placement on the basis of their previous practical midwifery experience as specified in RCW 18.50.040(2) and WAC 308-115-050(5) but in no case shall a school grant credit for more than thirty-five of the fifty required managed births. At least fifteen of the managed births must be undertaken while enrolled in the school granting advanced placement.

(5) Each school shall maintain a comprehensive system of student records.

[Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-150, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-150, filed 9/21/82.]

WAC 308-115-160 Student midwife permit. (1) A permit may be issued to any individual who has:

(a) Successfully completed an accredited midwifery program as specified in RCW 18.50.040 (2)(a) and (b); and

(b) Undertaken the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods as required by RCW 18.50.040 (2)(c) and by these rules; and

(c) Satisfactorily completed the licensing examination required by RCW 18.50.060; and

(d) Filed a completed application for student midwife permit accompanied by a nonrefundable fee as specified in WAC 308-115-400.

(2) The student midwife permit authorizes the individuals to practice and observe fifty women in the intrapartum period under the supervision of a licensed midwife, licensed physicians or CRN (nurse midwife).

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-160, filed 9/21/82.]

WAC 308-115-170 Reports to the director of department of licensing by accredited midwifery educational programs. (1) An annual report on the program and its progress for the period July 1 to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

(a) Change in the administrator or academic director.

(b) Organizational change.

(c) Changes in extended learning sites.

The information submitted to the department of licensing shall include the reason for the proposed change.

(3) The director may require submission of additional reports.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-170, filed 9/21/82.]

WAC 308-115-180 Application for accreditation. Applicants for accreditation as midwifery educational programs shall:

(1) Apply for accreditation using a form provided by the director.

(2) Comply with the department's accreditation procedures and obtain accreditation before its first class graduates, in order for these graduates to be eligible to take the state licensing examination.

The accreditation will be based on, but not limited to, the quality of the curriculum and the qualifications of the faculty and preceptors.

[Statutory Authority: RCW 18.50.045. 86-16-012 (Order PM 608), § 308-115-180, filed 7/25/86. Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-180, filed 9/21/82.]

WAC 308-115-190 School survey visits. The director's designee shall make survey visits to midwifery educational programs:

(1) At least annually during the first three years of operation, and

(2) At least every two years after the new school's first three years of operation or more often at the discretion of the director.

(3) The cost of a survey visit to a midwifery educational program outside the state of Washington shall be borne by the program requesting accreditation.

[Statutory Authority: RCW 18.50.135. 85-23-044 (Order PL 566), § 308-115-190, filed 11/18/85; 82-19-079 (Order PL 406), § 308-115-190, filed 9/21/82.]

WAC 308-115-200 Appeal of department of licensing decisions. A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-200, filed 9/21/82.]

WAC 308-115-210 Closure of an accredited school of midwifery. (1) When an organization decides to discontinue its school of midwifery, written notification of the planned closure should be sent to the department.

(2) A school in the process of closing shall remain accredited until the students who are enrolled at the time the department receives the notice of planned closure have been graduated, provided that the minimum standards are maintained by the school.

(3) When a closing midwifery school's last students graduate, its accreditation shall terminate.

(4) A closing midwifery school shall provide for safe storage of vital school records and should confer with the director concerning the matter.

[Statutory Authority: RCW 18.50.135. 82-19-079 (Order PL 406), § 308-115-210, filed 9/21/82.]

WAC 308-115-220 Credit toward educational requirements for licensure. (1) Applicants not meeting the minimum requirements set forth in WAC 308-115-060

may apply to the department for licensure by submitting the following:

(a) A completed, notarized application on a form provided by the department accompanied by a nonrefundable fee as specified in WAC 308-115-405;

(b) Credit for academic courses:

(i) Certification by an accrediting body, which has been approved by the department, of completed academic and continuing education courses as required in RCW 18.50.040(b) for which the applicant has received a grade of "C" or better. A certified copy of the courses taken and grades or scores achieved shall be submitted by the accrediting body directly to the department; or

(ii) Completion of challenge examinations approved by the department with a minimum score of 75% for any academic subject required in RCW 18.50.040(b). Challenge examinations shall be administered a minimum of twice a year. An applicant for challenge examination must file a completed application for each examination along with the required fee with the department at least 45 days prior to the examination.

(c) A prospectus for permission to undertake a midwife-in-training program. Such a program shall be on such terms as the department finds necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth in RCW 18.50.040, and shall include, but not be limited to the following:

(i) The program shall be under the guidance and supervision of a preceptor, and shall be conducted for a period of not more than five years;

(ii) The program shall be designed to provide for individual learning experiences and instruction based upon the applicant's academic background, training, and experience;

(iii) The prospectus for the program shall be submitted on an approved form, signed by the preceptor, and approved by the department prior to the commencement of the program. Any changes in the program shall be reported within 30 days in writing to the department, and the department may withdraw the approval given, or alter the conditions under which approval was originally given, if the department finds that the program as originally submitted and approved has not been or is not being followed.

(2) The midwife-in-training program prospectus must include the following components:

(a) A plan for completion of required academic subjects required in RCW 18.50.040(b);

(b) Planned reading and written assignments;

(c) A project including at least one problem-solving component to be submitted in writing. The problem-solving component should include the definition of an acknowledged problem, the method of approach to the problem, the listing of possible alternatives, the actions taken, evaluation, and final recommendations to improve care given;

(d) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community;

(e) A quarterly written report, on an approved form, submitted to the department by the trainee, which shall

include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period;

(f) The program must provide for a broad range of experience with a close working relationship between preceptor and the trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two midwives-in-training simultaneously. Exception to this rule may be granted by the department in unusual circumstances;

(g) The department may, in an individual case, require additional approved education, based upon assessment of the individual applicant's background, training and experience.

(3) Upon approval of the application, a trainee permit will be issued which enables the trainee to practice under the supervision of a preceptor. The permit shall expire within one year of issuance and may be extended as provided by rule.

(4) The trainee shall provide documentation of care given as follows:

(a) Records of no more than thirty-five women to whom the trainee has given care in each of the prenatal, intrapartum, and early postpartum periods, although the same women need not have been seen through all three periods. These records must contain affidavits from the clients certifying that the care was given. If a client is unavailable to sign an affidavit, an affidavit from a preceptor or a certified copy of the birth certificate may be substituted. The care may have been given prior to the beginning of the midwife-in-training program or during the trainee period;

(b) After being issued a trainee permit, the trainee must manage care in the prenatal, intrapartum, and early postpartum period of fifteen women under the supervision of the preceptor. These women shall be in addition to the women whose records were used to meet the conditions of WAC 308-155-220 (4)(a). The preceptor shall submit, on approved forms, completed check-lists of skills and experiences when this requirement has been met;

(c) Evidence, on an approved form, of observing 50 deliveries in addition to those specified in section (4)(b) above. The deliveries may have been observed prior to the beginning of the midwife-in-training program or may be observed during the trainee period.

(5) Upon satisfactory completion of sections (1)(a) through (4)(c) of this subsection, the trainee is eligible to apply for the examination.

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-220, filed 5/27/88.]

WAC 308-115-230 Preceptor for midwife-in-training program. (1) In reviewing a proposed midwife-in-training program, the department shall use the following criteria in assessing the qualifications and determining the responsibilities of the preceptor:

(a) Qualifications of preceptor:

(i) The preceptor shall have demonstrated the ability and skill to provide safe, quality care;

(ii) The preceptor shall have demonstrated continued interest in professional development beyond the requirements of basic licensure;

(iii) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the department; and,

(iv) The preceptor shall be licensed in the state of Washington. Exception to this rule may be granted by the department in unusual circumstances.

(b) Responsibilities of the preceptor:

(i) The preceptor shall monitor the educational activities of the trainee and shall have at least one conference with the trainee quarterly to discuss progress;

(ii) The preceptor shall submit quarterly progress reports on approved forms to the department, and,

(iii) The preceptor shall maintain and submit the checklists as specified in WAC 308-115-220 (4)(b).

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-230, filed 5/27/88.]

WAC 308-115-240 Trainee permit for midwife-in-training program. (1) A trainee permit may be issued to any individual who has:

(a) Been approved for a midwife-in-training program; and,

(b) Filed a completed application accompanied by a non-refundable fee.

(2) The trainee permit authorizes individuals to manage care as required in WAC 308-115-220 (4)(b).

(3) Permits will be issued yearly for the duration of the trainee's midwife-in-training program.

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-240, filed 5/27/88.]

WAC 308-115-250 Legend drugs and devices. (1) Licensed midwives may purchase and use legend drugs and devices which are deemed integral to providing safe care to the public. Such devices include the following:

(a) Dopplers, syringes, needles, phlebotomy equipment, suture, urinary catheters, intravenous equipment, heparin locks, amnihooks, and "DeLee type" mucous traps;

(b) Pharmacies may fill orders for diaphragms which have been issued by licensed midwives for postpartum women.

(2) In addition to medications listed in RCW 18.50.115, licensed midwives may administer the following medications:

(a) Intravenous fluids limited to Lactated Ringers, 5% Dextrose with Lactated Ringers, and 5% Dextrose with water;

(b) Heparin for use in heparin locks, Epinephrine for use in allergic reactions, and Magnesium Sulphate shall be used according to midwifery advisory committee established protocols. Such protocols shall state the indications for use, the dosage and the administration of these medications.

(c) Licensed midwives may obtain and administer Rubella vaccine to non-immune postpartum women.

(3) The client's records shall contain documentation of all medications administered.

(4) Whenever Epinephrine or Magnesium Sulfate is administered, a report, on approved forms, shall be submitted within thirty days to the midwifery advisory committee.

[Statutory Authority: RCW 18.50.040(3) and 18.50.115. 88-12-040 (Order PM 732), § 308-115-250, filed 5/27/88.]

WAC 308-115-260 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Midwife" means a person licensed pursuant to chapter 18.50 RCW.

(6) "Mentally or physically disabled midwife" means a midwife who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice midwifery with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-260, filed 6/30/89.]

WAC 308-115-270 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the midwife being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-270, filed 6/30/89.]

WAC 308-115-280 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home shall report to the department when any midwife's services are terminated or are restricted based on a determination that the midwife has either committed an act or acts which may constitute unprofessional conduct or that the midwife may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-280, filed 6/30/89.]

WAC 308-115-290 Midwifery associations or societies. The president or chief executive officer of any midwifery association or society within this state shall report to the department when the association or society determines that a midwife has committed unprofessional conduct or that a midwife may not be able to practice midwifery with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-290, filed 6/30/89.]

WAC 308-115-310 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a midwife has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-310, filed 6/30/89.]

WAC 308-115-320 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to midwives shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured midwife's incompetency or negligence in the practice of midwifery. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the midwife's alleged incompetence or negligence in the practice of midwifery.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-320, filed 6/30/89.]

WAC 308-115-330 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed midwives, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-330, filed 6/30/89.]

WAC 308-115-340 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a midwife is employed to provide patient care services, to report to the department whenever such a midwife has been judged to have demonstrated his/her incompetency or negligence in the practice of midwifery, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled midwife. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-340, filed 6/30/89.]

WAC 308-115-350 Cooperation with investigation.

(1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-115-350, filed 6/30/89.]

WAC 308-115-405 Midwifery fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Initial application	\$225.00
Examination	250.00
Reexamination (second subsequent or more)	250.00
Renewal	175.00
Late renewal penalty	175.00

Title of Fee	Fee
Duplicate license	15.00
Certification	25.00
Application fee—Midwife-in-training program	75.00

[Statutory Authority: RCW 18.50.135. 89-08-008 (Order PM 827), § 308-115-405, filed 3/24/89. Statutory Authority: RCW 43.24.086. 87-18-031 (Order PM 667), § 308-115-405, filed 8/27/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-115-405, filed 8/10/83. Formerly WAC 308-115-400.]

WAC 308-115-500 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270, 88-22-077 (Order PM 786), § 308-115-500, filed 11/2/88.]

Chapter 308-117 WAC PRACTICAL NURSES

WAC

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WAC 308-117-010 Definitions. (1) "Program" means a division or department within a state supported educational institution, or other institution of higher learning charged with the responsibility of preparing persons to qualify for the licensing examination.

(2) "Philosophy" means the beliefs and principles upon which the curriculum is based.

(3) "Terminal objectives" means the statements of goals which reflect the philosophy and are the measurable outcomes of the total curriculum.

(4) "Behavioral objectives" means the measurable outcomes of specific content.

(5) "Minimum standards of competency" means the functions that are expected of the beginning level licensed practical nurse.

(6) "Conceptual framework" means the theoretical base around which the curriculum is developed.

(7) "Beginning practitioner" means a newly licensed practical nurse beginning to function in the practical nurse role.

(8) "Client" means the person who receives the services of the practical nurse.

(9) "Standards" means the overall behavior which is the desired outcome.

(10) "Competencies" means the tasks necessary to perform the standards.

(11) "Client advocate" means a supporter of client rights and choices.

(12) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(13) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78-072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270, 88-24-017 (Order PM 768), § 308-117-010, filed 12/1/88. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-010, filed 12/19/83. Formerly WAC 308-116-005.]

WAC 308-117-020 Functions of a licensed practical nurse. A licensed practical nurse is one who has met the requirements of the Washington LPN Act, chapter 18.78 RCW. The licensed practical nurse recognizes and is able to meet the basic needs of the client, and gives nursing care under the direction and supervision of the registered nurse or licensed physician to clients in routine nursing situations. In more complex situations the licensed practical nurse functions as an assistant to the registered nurse and carries out selected aspects of the designated nursing regimen.

A routine nursing situation is one that is relatively free of scientific complexity. The clinical and behavioral state of the client is relatively stable and requires abilities based upon a comparatively fixed and limited body of knowledge.

In complex situations, the licensed practical nurse facilitates client care by meeting specific nursing requirements to assist the registered nurse in the performance of nursing care.

The functions of the licensed practical nurse makes practical nursing a distinct occupation within the profession of nursing. The licensed practical nurse has specific roles in nursing in direct relation to the length, scope and depth of his or her formal education and experience. In the basic program of practical nursing education, the emphasis is on direct client care.

With additional preparation, through continuing education and practice, the licensed practical nurse prepares to assume progressively more complex nursing responsibilities.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-020, filed 12/19/83. Formerly WAC 308-116-010.]

WAC 308-117-025 Standards of conduct for discipline for licensed practical nurses. The standards of conduct for discipline serve as guidelines for the licensed practical nurse. Violation of these standards may be grounds for disciplinary action pursuant to RCW 18.130.180(7). The licensed practical nurse assumes a measure of responsibility, trust and the corresponding

obligation to adhere to the standards of conduct, which include, but are not limited to the following:

(1) The licensed practical nurse, functioning under the direction and supervision of other licensed health care professionals as provided in RCW 18.78.010(5), shall be responsible and accountable for his or her own nursing judgments, actions and competence.

(2) The licensed practical nurse shall practice practical nursing in the state of Washington only with a current Washington license.

(3) The licensed practical nurse shall not permit his or her license to be used by another person for any purpose.

(4) The licensed practical nurse shall have knowledge of the statutes and rules governing licensed practical nurse practice and shall function within the legal scope of licensed practical nurse practice.

(5) The licensed practical nurse shall not aid, abet or assist any other person in violating or circumventing the laws or rules pertaining to the conduct and practice of licensed practical nursing.

(6) The licensed practical nurse shall not disclose the contents of any licensing examination or solicit, accept or compile information regarding the contents of any examination before, during or after its administration.

(7) The licensed practical nurse shall delegate activities only to persons who are competent and qualified to undertake and perform the delegated activities, and shall not delegate to unlicensed persons those functions that are to be performed only by licensed nurses.

(8) The licensed practical nurse, in delegating functions, shall supervise the persons to whom the functions have been delegated.

(9) The licensed practical nurse shall act to safeguard clients from unsafe practices or conditions, abusive acts, and neglect.

(10) The licensed practical nurse shall report unsafe acts and practices, unsafe practice conditions, and illegal acts to the appropriate supervisory personnel or to the appropriate state disciplinary board.

(11) The licensed practical nurse shall respect the client's privacy by protecting confidential information, unless required by law to disclose such information.

(12) The licensed practical nurse shall make accurate, intelligible entries into records required by law, employment or customary practice of nursing, and shall not falsify, destroy, alter or knowingly make incorrect or unintelligible entries into client's records or employer or employee records.

(13) The licensed practical nurse shall not sign any record attesting to the wastage of controlled substances unless the wastage was personally witnessed.

(14) The licensed practical nurse shall observe and record the conditions of a client, and report significant changes to appropriate persons.

(15) The licensed practical nurse may withhold or modify client care which has been authorized by an appropriate health care provider, only after receiving directions from an appropriate person, unless in a life threatening situation.

(16) The licensed practical nurse shall leave a nursing assignment only after properly reporting to and notifying appropriate persons and shall not abandon clients.

(17) The licensed practical nurse shall not misrepresent his or her education and ability to perform nursing procedures safely.

(18) The licensed practical nurse shall respect the property of the client and employer and shall not take equipment, materials, property or drugs for his or her own use or benefit nor shall the licensed practical nurse solicit or borrow money, materials or property from clients.

(19) The licensed practical nurse shall not obtain, possess, distribute or administer legend drugs or controlled substances to any person, including self, except as directed by a person authorized by law to prescribe drugs.

(20) The licensed practical nurse shall not practice nursing while affected by alcohol or drugs, or by a mental, physical or emotional condition to the extent that there is an undue risk that he or she, as a licensed practical nurse, would cause harm to him or herself or other persons.

(21) It is inconsistent for a licensed practical nurse to perform functions below the minimum standards of competency as expressed in WAC 308-117-400.

[Statutory Authority: RCW 18.78.050, 18.130.050 (1) and (12) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-025, filed 8/27/86. Statutory Authority: RCW 18.78.050. 86-01-084 (Order PL 574), § 308-117-025, filed 12/18/85.]

WAC 308-117-030 Licensure qualifications. (1) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 308-117-300, or its equivalent as determined by the board. Effective May 1, 1988, every applicant must have satisfactorily completed an approved practical nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the board to determine current theoretical and clinical knowledge of practical nursing practice.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

(3) An interim permit (WAC 308-117-095) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved practical nursing programs after the filing of a completed application, payment of the application fee, and official notification from the program certifying that

the individual has satisfactorily completed all requirements for the diploma/certification. The interim permit is only issued for the first examination period for which the applicant is eligible after graduation.

(4) All other requirements of the statute and regulations shall be met.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-030, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-030, filed 8/25/88. Statutory Authority: 18.78.050, 18.78.060 and 18.130.050. 88-08-034 (Order PM 718), § 308-117-030, filed 4/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-030, filed 12/19/83. Formerly WAC 308-116-295.]

WAC 308-117-040 Licensing examination and passing score. (1) The current series of the National Council of State Board of Nursing Practical Nurse Examination (NCLEX) shall be the official examination for practical nurse licensure.

(2) The NCLEX will consist of two tests with the score for the total examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in April and October.

(4) The executive secretary of the board shall negotiate with the National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-040, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-040, filed 12/19/83.]

WAC 308-117-050 Release of results of examination. (1) Applicants shall be notified regarding the examination results by mail only. The results will not be released until the candidate's official transcript is on file with the board.

(2) Applicants who pass shall receive a license to practice as a licensed practical nurse provided all other requirements are met.

(3) Applicants who fail shall receive a letter of notification regarding their eligibility to retake the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each practical nursing program in Washington shall receive a statistical report of the examination results of applicants from that school and a report of state and national statistics.

(5) Examination results for all candidates will be maintained in the application files in the division of professional licensing, department of licensing.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-050, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-050, filed 12/19/83.]

WAC 308-117-060 Filing of application for licensure examination. (1) All applicants shall file with the

Washington state board of practical nursing a completed notarized application, with the required fee prior to February 15, for the April examination and August 15, for the October examination. The fee is not refundable.

(2) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(3) Applicants shall request the school of nursing to send an official transcript directly to the board of practical nursing. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(4) Applicants shall also file an examination application, along with the required fee, directly with the testing service.

(5) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(6) Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-060, filed 12/1/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-060, filed 12/19/83.]

WAC 308-117-070 Failures--Repeat examination.

(1) The application form to retake the examination and the required fees shall be filed with the board on or before February 15 for the April examination and August 15 for the October examination. The fees are not refundable.

(2) Applicants who fail the examination will be permitted to retake the examination three times within the two-year period from the date of first taking the examination.

(3) Applicants who fail to pass the examination within the time period specified in (2) above shall be required to follow remedial measures as specified by the board before being scheduled to retake the examination.

[Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-070, filed 12/19/83.]

WAC 308-117-080 Licensure of graduates of foreign schools of nursing. Applicants who received their nursing education outside the United States or its territories shall meet the following requirements for licensure:

(1) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

(2) Satisfactory passage of the test of English as a foreign language (TOEFL). As of May 1, 1988, all applicants with nursing educations obtained in countries

outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the board's discretion and for good cause, to this requirement.

(3) All other requirements of the statute and regulations shall be met.

(4) File with the board of practical nursing a completed notarized license application with the required fee prior to February 15 for the April examination and prior to August 15 for the October examination. The fees are not refundable.

(5) Submit one recent United States passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(6) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

(7) File an examination application, along with the required fee, directly with the testing service.

(8) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing score required in Washington.

[Statutory Authority: RCW 18.78.050, 18.78.060, 18.78.070 and 18.130.050. 89-10-075 (Order PM 835), § 308-117-080, filed 5/3/89; 88-05-011 (Order PM 705), § 308-117-080, filed 2/9/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-080, filed 12/19/83.]

WAC 308-117-090 Licensure by interstate endorsement. A license to practice as a licensed practical nurse in Washington may be issued without examination provided the applicant meets all the following requirements:

(1) The applicant has graduated and holds a credential from a state board approved program preparing candidates for licensure as a practical nurse or its equivalent as determined by the board.

(a) The applicant has fulfilled the minimum requirements prevailing for state board approved practical nursing programs in Washington at the time of the applicant's graduation.

(b) Applicants who take the NCLEX after October 1, 1988, shall present a score of pass. All other applicants shall present a minimum score of 350 on the state board

test pool examination or NCLEX, except those applicants who were licensed after October 1, 1973, but before October 1, 1982, shall present a minimum score of 400 on the state board test pool examination.

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

(3) The applicant shall:

(a) Submit a completed application with the required fee. The fee is not refundable.

(b) Request the nursing education program to send directly to the board of practical nursing an official transcript verifying graduation from an approved practical nursing program. The transcript shall provide sufficient documentation to verify that statutory requirements are met.

(c) Submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-090, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-090, filed 8/25/88. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-090, filed 12/19/83.]

WAC 308-117-095 Documents which indicate authorization to practice practical nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a practical nurse in Washington.

(1) License - Active status. A license is issued upon completion of all requirements for licensure and confers the right to use the title licensed practical nurse and its abbreviation, L.P.N., and to practice in the state of Washington.

(2) Interim permit. An interim permit may be issued to a graduate from an approved practical nursing program who has met all qualifications, has filed an application for examination, and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued or when the candidate receives first notice of failure, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit within three days to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of practical nursing as described in chapter 18.78 RCW. It is in violation of the law regulating the practice of practical nursing to use the title "licensed practical nurse." The title "graduate practical nurse," or its abbreviation G.P.N., may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status (see WAC 308-117-105).

(4) Inactive license. A license issued to a practical nurse who is temporarily or permanently retired from

practice. The holder of an inactive license shall not practice practical nursing in this state.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-095, filed 8/25/88.]

WAC 308-117-100 Renewal of licenses. (1) Individuals making applications for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(2) Individuals making application for initial license with the state of Washington under the interstate endorsement regulations, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(3) Issuance of license - Licensed practical nurses who complete the renewal application accurately, are practicing practical nursing in compliance with the law, and pay the renewal fee, shall be issued a license to practice. Should the licensee fail to renew his or her license prior to the expiration date, the individual is subject to the penalty fee as stated in RCW 18.78.090. If the licensee fails to renew the license within one year from date of expiration, application for renewal of license shall be made under statutory conditions then in force.

(4) A license, active or inactive, that is not renewed is considered lapsed. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-117-105.

(5) Illegal practice - Any person practicing as a licensed practical nurse during the time that such individual's license is inactive or has lapsed shall be considered an illegal practitioner and shall be subjected to the penalties provided for violators under the provisions of RCW 18.130.190.

(6) Effective January 1, 1989, all persons making application for their 1989 license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-117-360. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-100, filed 12/1/88. Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-100, filed 8/25/88. Statutory Authority: RCW 18.78.050, 18.130.050 (1) and (12) and 1986 c 259 §§ 19, 128 and 131. 86-18-031 (Order PM 612), § 308-117-100, filed 8/27/86. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-100, filed 12/19/83. Formerly WAC 308-116-280.]

WAC 308-117-105 Return to active status from inactive or lapsed status. After October 1, 1988, persons on inactive and/or lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to

enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-105, filed 8/25/88.]

WAC 308-117-110 Establishment of new practical nursing program. (1) Application. An organization desiring to establish a board approved practical nursing program shall submit an application in the form requested by the board. The organization shall submit the proposed curriculum plans which shall include the statements of philosophy, purpose and objectives, the conceptual framework and the arrangements for learning opportunities through which students are expected to achieve the curriculum objectives. The organization shall submit the plan at least four weeks prior to a scheduled board meeting at which the plan is to be reviewed. This review shall take place three months prior to the scheduled opening date of the program.

The nurse administrator of the program and other administrative officers of the organization shall meet with the board to present the formal application and clarify and amplify materials included in the written report.

(2) The board shall either grant or withhold initial approval of the proposed nursing program.

(3) Schools receiving initial approval shall:

(a) Submit course outlines and objectives to the board for review and approval at least three months prior to offering the course;

(b) Submit progress reports as requested by the board. Survey visits shall be scheduled as deemed necessary by the board during the period of initial approval.

(4) At least three months prior to graduation of the first class, a school shall be surveyed to assess its eligibility for full approval.

[Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-110, filed 12/19/83.]

WAC 308-117-120 Survey visits. (1) The board of practical nursing, through its authorized representative, shall survey each practical nursing program in the state at least once every four years. More frequent visits may occur as deemed necessary by the board or at the request of the school.

(2) The survey visit to the program shall be scheduled on dates mutually acceptable to the board and to the program.

(3) The board shall require a self-evaluation report by the nurse administrator and the faculty of the program, based on the rules and regulations for approval of programs and in accordance with guidelines and forms provided by the board.

(4) Copies of the self-evaluation report shall be submitted to the board at least one month prior to the scheduled visit.

(5) In schools where combined nursing programs exist, one self-evaluation addressing both program requirements may be submitted in lieu of a separate report.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-120, filed 12/19/83.]

WAC 308-117-130 Board action following survey visits. (1) Whenever a matter directly concerning a practical nursing program is being considered by the board, any board member who is associated with the program shall not participate in the deliberation or decision-making action of the board.

(2) Each program shall be evaluated in terms of its conformance to the curriculum standards as provided in this chapter.

(3) The board shall give written notice to the educational institution and the nurse administrator of the practical nursing program regarding its decision on the program's approval status.

(4) Continuing full approval shall be granted a practical nursing program that meets the requirements of the law and the rules and regulations of the board. Full approval may carry recommendations for improvement and for correcting deficiencies.

(5) If the board determines that an approved practical nursing program is not maintaining the curriculum standards required for approval, the board shall give written notice specifying the deficiencies and shall designate the period of time in which the deficiencies must be corrected. The program's approval shall be suspended if a program fails to correct the deficiencies within the specified period of time.

[Statutory Authority: RCW 18.78.050 and 18.130.050, 87-17-021 (Order PM 672), § 308-117-130, filed 8/12/87. Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-130, filed 12/19/83.]

WAC 308-117-140 Termination of a suspension. A program of practical nursing may petition to the board for restoration of approval by submitting evidence that it is in compliance with the minimum standards.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-140, filed 12/19/83.]

WAC 308-117-150 Student records. The school shall maintain records with regard to each student that contain the following:

(1) Evidence of satisfactory completion of 10th grade or its equivalent.

(2) Transcript of practical nursing program and interpretation of credit or unit.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-150, filed 12/19/83.]

WAC 308-117-160 Statement of completion of the course. The school shall submit a statement of completion to the boards of practical nursing for each graduate making application for the state licensing examination on forms provided.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-160, filed 12/19/83.]

WAC 308-117-170 Readmissions, transfers. The educational institution shall have written policies

regarding readmissions and acceptance of transfer students which insure that such students have met the same curriculum objectives required of regularly enrolled practical nursing students.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-170, filed 12/19/83. Formerly WAC 308-116-098.]

WAC 308-117-180 Clinical practice areas. (1) Clinical learning opportunities shall be selected so that they enable the student to observe and practice safe nursing care and provide experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and provide nursing care to clients in the areas of acute and chronic illnesses, promotion and maintenance of wellness, prevention of illness, rehabilitation and support in death. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy and objectives of the program.

(2) There shall be sufficient experienced and supervisory personnel in clinical practice areas to safeguard the client's well-being and the interests of students so that curriculum objective can be attained.

(3) The manner in which experiences in each clinical area contribute to achievement of the identified student terminal objectives shall be documented and maintained on file.

(4) The students' curriculum objectives shall not be sacrificed in order to provide nursing service for clients.

(5) Facilities utilized as clinical practice areas shall be licensed and/or accredited by the appropriate agency.

(6) When a practical nursing program plans to add a new clinical practice area for student experience, it shall notify the board and submit the objectives to be gained from the experiences 60 days prior to the scheduled use. The new clinical practice area must meet all the requirements of this rule.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-180, filed 12/19/83. Formerly WAC 308-116-052.]

WAC 308-117-190 Structure for curriculum implementation. (1) The curriculum shall be designed to prepare students for licensure as practical nurses.

(2) The basic curriculum shall be not less than nine months or 40 weeks.

(3) The time requirements for all clinical practice areas shall be sufficient for students to achieve the curriculum objectives.

(4) The number of hours of class and clinical practice opportunities and distribution of these shall be in direct ratio to the amount of time necessary for the student at that particular stage of development to accomplish the objectives of the course.

(5) Throughout the program the total hours of class and required clinical practice opportunities shall not exceed 40 hours per week.

[Statutory Authority: RCW 18.78.050, 84-01-061 (Order PL 452), § 308-117-190, filed 12/19/83.]

WAC 308-117-200 Curriculum standards in an approved practical nursing program. (1) In order to insure that the curriculum is well defined the statements of philosophy, purpose, objectives and conceptual framework of the curriculum must be carefully formulated, reviewed and revised periodically and must be consistent with the philosophy and goals of the controlling institution.

(2) The philosophy of the nursing curriculum must express the nursing faculty's beliefs about education, learning, nursing, nursing education and practical nursing as an integral part of nursing.

(3) The curriculum shall be consistent with the program philosophy, objectives and conceptual framework and with the law governing the practice of practical nursing.

(4) The philosophy and objectives must be communicated to the students and to staff involved with students in clinical areas to ensure achievement of the objectives.

(5) The ratio between nursing and nonnursing classes shall be based on a well developed rationale which supports the program philosophy, purpose and terminal objectives.

(6) The behavioral objectives must be realistic, attainable and measurable, based on the goal of preparing practitioners who function within the accepted role of the licensed practical nurse and the standards of competency identified in WAC 308-117-400.

(7) Learning opportunities and instructional approaches shall facilitate the achievement of curriculum objectives.

(8) The school shall have flexibility to develop and implement the curriculum as it determines will best achieve the program philosophy and objectives.

(9) The manner in which the theoretical and practical studies contribute to the achievement of the students' terminal objectives must be documented, maintained and be available for review upon request by the board of practical nursing.

(10) The curriculum shall provide concurrent theoretical instruction and practical application in the care of selected individuals at all developmental levels with different degrees of wellness-illness and various types of incapacities.

(11) Any plan for major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be submitted to the board for approval sixty days prior to implementation.

(12) A school offering practical nursing programs at more than one educational site must have the same curricular philosophy and terminal objectives at each site.

(13) The curriculum shall be evaluated on a regular basis to ensure that graduates will demonstrate the knowledge and practical application consistent with that expected of a beginning licensed practical nurse.

(14) The curriculum shall encompass broad areas of learning. Nursing content based on scientific principles shall be consistent with the practical nursing role and shall facilitate the application of nursing concepts to the care of the client.

[Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-200, filed 8/12/87. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-200, filed 12/19/83.]

WAC 308-117-300 Curriculum content. Content of the curriculum shall include:

(1) Concepts of social, behavioral, and related foundation subjects.

(a) Normal growth and development.

(b) Psychology – social facts and principles; communication techniques and defense mechanisms, normal and abnormal behavior; loss, grief and dying.

(c) Personal and vocational relationships.

(2) Biological and related foundation subjects.

(a) Anatomy and physiology.

(b) Microbiology – elementary concepts.

(c) Chemistry and physics – elementary concepts.

(d) Nutrition and diet therapy.

(e) Pharmacology and applied mathematics.

(3) Principles and practice of practical nursing consistent with the practical nursing role of the beginning practitioner as provided by the standards of competency identified in WAC 308-117-400.

(a) Nursing ethics, nursing history and trends, vocational and legal aspects of nursing.

(b) Fundamentals of nursing.

(c) Medical and surgical nursing.

(d) Parent/child nursing with only an assisting role in the care of clients during labor and delivery and those with abnormal complications.

(e) Geriatric nursing.

(f) Mental health nursing.

(g) All nursing courses shall include components of restorative, rehabilitative and supportive care.

(h) Laboratory and clinical practice in the functions of the practical nurse including but not limited to administration of medications, common medical surgical techniques and related client teaching.

(i) Concepts of client care management.

[Statutory Authority: RCW 18.78.050 and 18.130.050. 87-17-021 (Order PM 672), § 308-117-300, filed 8/12/87. Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-300, filed 12/19/83.]

WAC 308-117-360 AIDS education and training.

(1) Acceptable education and training. Effective January 1, 1989, the board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall

show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.78.072, 18.78.090, 18.78.225, 18.130.050 and 70.24.270. 88-24-017 (Order PM 768), § 308-117-360, filed 12/1/88.]

WAC 308-117-400 Standards/competencies. Minimum standards of competency expected of beginning licensed practical nurses include the following:

(1) **STANDARD I** – The practical nurse assists in implementing the nursing process. The nursing process is defined as a systematic approach to nursing care which has the goal of facilitating an optimal level of functioning for the client, recognizing cultural and religious diversity.

The components of the nursing process are assessing, planning, implementing and evaluating. Written and verbal communication is essential to the nursing process.

COMPETENCIES:

(a) **Assessment** – Makes observations, gathers data and assists in identification of needs and problems relevant to the client.

(i) Makes basic observations of clients' safety and comfort needs.

(ii) Identifies physical discomfort and environmental threats to client safety.

(iii) Identifies basic physiological, emotional, sociological, cultural, economic, and spiritual needs.

(iv) Collects specific data as directed.

(v) Identifies major deviation from normal.

(vi) Selects data from established sources relevant to client's needs or problems.

(vii) Collaborates in organizing data.

(viii) Assists in formulating the list of clients' needs or problems.

(ix) Identifies major short and long term needs of clients.

(b) **Planning** – Contributes to the development of approaches to meet the needs of clients and families.

(i) Develops client care plans, utilizing a standardized nursing care plan.

(ii) Assists in setting priorities for nursing care.

(iii) Participates in client care conferences.

(c) **Implementation** – Carries out planned approaches to client care.

(i) Carries out nursing actions developed in care plan to ensure safe and effective nursing care.

(ii) Performs common therapeutic nursing techniques.

(d) **Evaluation** – Utilizing a standard plan for nursing care, appraises the effectiveness of client care.

(i) Collaborates in data collection relevant to outcome of care.

(ii) Assists in comparing outcome of care to formulated objective.

(iii) Assists with adjustments in care.

(iv) Reports outcome of care given.

(2) **STANDARD II.** The practical nurse uses communication skills effectively in order to function as a member of the nursing team. Communication is defined as a process by which information is exchanged between individuals through a common system of symbols, signs, or behaviors that serves as both a means of gathering information and of influencing the behavior and feelings of others.

COMPETENCIES:

(a) Applies beginning skills in verbal, nonverbal and written communication, recognizing and respecting cultural diversity and respecting the spiritual beliefs of individual clients.

(i) Uses common medical terminology and abbreviations.

(ii) Interprets common medical terminology and abbreviations.

(iii) Reports pertinent client communications regarding his/her physical and psycho-social welfare.

(iv) Develops a working relationship with the client, family, and health team members.

(v) Interviews clients to collect specific data with or without a structured tool.

(vi) Identifies possible communication blocks.

(vii) Recognizes that communication can be facilitated by certain responses.

(viii) Interacts appropriately in a one-to-one relationship and in a group setting.

(ix) Modifies own communication pattern.

(x) Documents observations and actions correctly in the chart.

(3) **STANDARD III.** In a structured setting the practical nurse demonstrates responsibility for own actions by using common techniques of problem solving and decision making to plan and organize own assignment. Problem solving and decision making include utilization of available resources to secure a desired result.

COMPETENCIES:

(a) Participates in self-assessment.

(i) Identifies own strengths and weaknesses.

(ii) Maintains personal health.

(iii) Maintains appropriate appearance.

(iv) Seeks assistance as needed.

(v) Requests recommendations for improvements.

(vi) Incorporates new and appropriate behaviors in nursing action.

(vii) Evaluates completion of assigned duties.

(b) Seeks learning opportunities that will foster growth.

(i) Plans goals for self improvement of performance with help of a supervisor.

(ii) Seeks opportunities for personal vocational growth.

(iii) Utilizes new knowledge and skills.

(iv) Participates in staff development.

(v) Demonstrates knowledge of professional organization and other contributors to past and present nursing advancement.

(c) Applies knowledge of ethical and legal principles and responsibilities pertinent to self, clients, and others.

(i) Identifies scope and limitations of own role.

(ii) Functions within the law regulating the practice of practical nursing.

(iii) Demonstrates ethical practice in providing client care.

(iv) Respects and maintains the client's privacy interests.

(d) Practices conservation of available resources.

(i) Demonstrates an understanding of hospital and client costs by economical use of supplies and equipment.

(ii) Participates in nursing audit.

(e) Follows employer rules and regulations.

(i) Functions according to the job description, recognizing employer/employee expectations.

(ii) Explains employer rules and regulations as they apply to client and family.

(4) STANDARD IV. The practical nurse assists in the health teaching of clients recognizing individual differences. Health teaching is defined as facilitating learning and instructing clients and significant others in preventive and therapeutic measures.

COMPETENCIES:

(a) Health teaching – Assists in the development of teaching plans for the individual client.

(i) Identifies major health education needs and problems of clients.

(ii) Communicates observation of health and learning needs.

(iii) Assists in individualizing the teaching plan to include others when appropriate.

(b) Implements teaching of basic health information according to the appropriate teaching plan.

(c) Communicates client's request for information to appropriate team member.

(d) Documents client teaching on the appropriate records.

(5) STANDARD V. The practical nurse demonstrates an understanding of own role in the health care delivery system. Health care delivery systems are defined as the voluntary and governmental organizations and institutions at international, national, state, and local levels that influence health policy and encompass comprehensive services.

COMPETENCIES:

(a) Functions as a practical nurse within the health care delivery system. (See chapter 18.78 RCW.)

(i) Functions within the role of the practical nurse.

(ii) Identifies the basic functions of members of the health care delivery team.

(b) Recognizes functions of health care delivery systems.

(i) Identifies supportive services in client care settings.

(ii) Identifies community resources.

(iii) Identifies the need for assistance from other agencies.

(iv) Demonstrates ability to obtain information about health care agencies.

(c) Acts as client advocate in health maintenance and clinical care.

(i) Recognizes the rights of individuals to control their own health needs and make decisions about health services.

(ii) Provides client education concerning health care delivery systems.

(6) STANDARD VI. The practical nurse recognizes the need for change in a structured health care setting and demonstrates willingness to participate in effecting change. Change is defined as a systematic process which includes careful assessment and acceptance of responsibility for own actions, resulting in a significant alteration.

COMPETENCIES:

(a) Recognizes need to adjust functions to comply with the accepted practical nurse role and assists in assessing effectiveness of current nursing practices in a given health care delivery system.

(i) Recognizes problems and the need for change in current nursing practice.

(ii) Communicates needs for further change through appropriate channels.

(iii) Identifies personal factors which influence response to change. Adapts own behavior.

(v) Accepts potential risks with instituting change.

[Statutory Authority: RCW 18.78.050. 84-01-061 (Order PL 452), § 308-117-400, filed 12/19/83.]

WAC 308-117-410 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 practical nursing as outlined in chapter 18.78 RCW.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(b) All faculty shall be qualified to develop and implement the program of study.

(c) Faculty shall be sufficient in number to achieve the stated program objectives.

(3) Course content.

(a) The course content shall consist of a minimum of sixty hours of theory content and one hundred twenty hours of clinical practice.

(b) 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.

(c) The theory course content shall include, but not be limited to, a minimum of sixty hours in current basic concepts of:

(i) Nursing process;

(ii) Pharmacology;

(iii) Review of the concepts in the areas of:

(A) Practical 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 practical nursing knowledge and skills to include, but not be limited to, concepts of fundamentals, medical/surgical, parent/child, geriatric, and mental health nursing.

(d) The clinical course content shall include a minimum of one hundred twenty hours of clinical practice in the area(s) listed in (c) of this subsection. Exceptions shall be justified to and approved by the board.

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) 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 practical nurse license or a limited educational license approved by the board.

(6) Records.

(a) Evidence that the student has successfully completed the course and met the stated objectives shall be kept on file.

(b) The refresher course provider shall submit a certification of successful completion of the course to the board.

(7) Refresher courses taken outside of the state of Washington shall be reviewed individually for approval by the board prior to starting the course.

(8) Approval of refresher courses shall be requested and approved in advance as directed by the board.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-410, filed 8/25/88.]

WAC 308-117-420 Scope of practice--Advisory opinions. (1) The board may issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners, and consumers concerning the practice of practical nursing. Such questions must be presented in writing to the office of the board.

(2) Questions may be referred to a committee of the board. Upon such referral, the committee shall develop a draft response which shall be presented to the full board at a public meeting for ratification, rejection, or modification. The committee may, at its discretion, consult with health care practitioners for assistance in developing its draft response.

(3) If the board issues an opinion on a given issue, such opinion shall be provided to the requesting party and shall be included in the board minutes.

(4) Each opinion issued shall include a clear statement to the effect that:

(a) The opinion is advisory and intended for the guidance of the requesting party only; and

(b) The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the board.

(5) In no event shall this section be construed to supersede the authority of the board to adopt rules related to the scope of practice nor shall it be construed to restrict the ability of any person to propose a rule or to seek a declaratory judgment from the board.

[Statutory Authority: RCW 18.78.050, 18.78.054, 18.78.060, 18.130.050 and SHB 1404, 1988 c 211. 88-18-005 (Order PM 768), § 308-117-420, filed 8/25/88.]

WAC 308-117-460 Terms used in WAC 308-117-460 through 308-117-480. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 308-117-470, which enters into a contract with practical nurses who have substance abuse problems regarding the required components of the practical nurse's recovery activity and oversees the practical nurse's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating practical nurses.

(2) "Contract" is a comprehensive, structured agreement between the recovering practical nurse and the approved monitoring program wherein the practical nurse consents to comply with the monitoring program and the required components of the practical nurse's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services, under RCW 70.96A.020(2) or 69.54.030 to provide concentrated alcoholism or drug treatment if located within Washington state. Out-of-state drug and alcohol treatment programs must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a practical nurse's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the practical nurse and the practical nurse's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Nurse support group" is a group of nurses meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced nurse facilitator in which nurses may discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve step groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a

power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested.

[Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-460, filed 3/3/89.]

WAC 308-117-470 Approval of substance abuse monitoring programs. The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program.

(1) The approved monitoring program will not provide evaluation or treatment to the participating practical nurses.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of practical nursing in order to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Nurses' support groups;
- (e) The practical nursing work environment; and
- (f) The ability of the practical nurse to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the practical nurse and the board to oversee the practical nurse's compliance with the requirements of the program.

(4) The approved monitoring program may make, on an individual basis, exceptions to components of the contract.

(5) The approved monitoring program staff will determine, on an individual basis, whether a practical nurse will be prohibited from engaging in the practice of practical nursing for a period of time and restrictions, if any, on the practical nurse's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the practical nurse as to the acceptability of treatment progress.

(8) The approved monitoring program shall report to the board any practical nurse who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually.

(10) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of practical nursing for those participating in the program.

[Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-470, filed 3/3/89.]

WAC 308-117-480 Participation in approved substance abuse monitoring program. (1) In lieu of disciplinary action, the practical nurse may accept board referral into the approved substance abuse monitoring program.

(a) The practical nurse shall undergo a complete physical and psychosocial evaluation before entering into the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The practical nurse shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to, the following:

(i) The practical nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The practical nurse will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The practical nurse must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(iv) The practical nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The practical nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The practical nurse will attend nurses' support group(s) facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The practical nurse will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The practical nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the practical nurse does not comply with the requirements of this contract.

(c) The practical nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The practical nurse may be subject to disciplinary action under RCW 18.130.160 if the practical nurse does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A practical nurse who is not being investigated by the board, not subject to current disciplinary action, or not currently being monitored by the board for substance abuse, may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW

18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program.

(a) The practical nurse shall undergo a complete physical and psychosocial evaluation before entering into the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The practical nurse shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to, the following:

(i) The practical nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The practical nurse will agree to remain free of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The practical nurse must complete the prescribed aftercare program of the approved treatment facility, which may include individual and/or group psychotherapy.

(iv) The practical nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The practical nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The practical nurse will attend nurses' support group(s) facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The practical nurse will comply with employment conditions and restrictions as defined by the contract.

(viii) The practical nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the nurse does not comply with the requirements of this contract.

(c) The practical nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

[Statutory Authority: RCW 18.78.050, [18.78.]054, 18.130.050 and [18.130.]175. 89-07-005 (Order PM 823), § 308-117-480, filed 3/3/89.]

(1989 Ed.)

WAC 308-117-500 Practical nurse fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (examination and reexamination)	\$35.00
License renewal	25.00
Late renewal penalty	10.00
Inactive renewal	15.00
Inactive late renewal penalty	5.00
Endorsement - reciprocity	35.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-117-500, filed 10/5/88; 87-10-028 (Order PM 650), § 308-117-500, filed 5/1/87.]

Chapter 308-120 WAC REGISTERED NURSES

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- 308-120-780 Participation in approved substance abuse monitoring program.
- 308-120-800 Scope of practice—Advisory opinions.
- 308-120-810 Determination and pronouncement of death.
- 308-120-130 Minimum standards for accredited schools of nursing. [Order PL-124, § 308-120-130, filed 5/26/72.] Repealed by 80-04-072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.
- 308-120-140 Procedures for accreditation of schools of nursing. [Order PL-124, § 308-120-140, filed 5/26/72.] Repealed by 80-04-072 (Order PL 339), filed 3/27/80. Statutory Authority: RCW 18.88.080.
- 308-120-150 High school equivalency. [Order PL-124, § 308-120-150, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.
- 308-120-160 Licensure qualifications and requirements—Examinations. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-160, filed 5/2/78; Order PL 196, § 308-120-160, filed 7/25/75; Order PL 153, § 308-120-160, filed 11/26/73; Order PL 124, § 308-120-160, filed 5/26/72.] Repealed by 81-04-007 (Order PL 370), filed 1/27/81. Statutory Authority: RCW 18.88.080.
- 308-120-18001 Temporary retirement. [Order PL 153, § 308-120-18001, filed 11/26/73.] Repealed by Order PL 252, filed 7/9/76. Later promulgation, see WAC 308-120-185.
- 308-120-190 Advanced registered nurse application requirements. [Order PL 258, § 308-120-190, filed 12/7/76; Order PL 252, § 308-120-190, filed 7/9/76; Order PL 182, § 308-120-190, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-191 Advanced registered nurse program of study criteria. [Order PL 252, § 308-120-191, filed 7/9/76.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-192 Alternative satisfaction of program of study requirement. [Order PL 258, § 308-120-192, filed 12/7/76.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-200 Advanced registered nurse authorized practice. [Order PL 182, § 308-120-200, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-210 Specialized registered nurse application requirements. [Order PL 252, § 308-120-210, filed 7/9/76; Order PL 182, § 308-120-210, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-220 Specialized registered nurse authorized practice. [Order PL 182, § 308-120-220, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-230 ARN/SRN registration. [Order PL 182, § 308-120-230, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-240 ARN/SRN renewal. [Order PL 258, § 308-120-240, filed 12/7/76; Order PL 182, § 308-120-240, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-250 ARN/SRN violations. [Order PL 182, § 308-120-250, filed 11/21/74, effective 2/1/75.] Repealed by Order PL 270, filed 6/16/77.
- 308-120-260 Registered nurse—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-120-260, filed 9/25/80. Statutory Authority: RCW 18.88.160 and 43.24.085. 79-11-087 (Order PL 291), § 308-120-260, filed 10/24/79. Statutory Authority: RCW 43.24.085. 78-10-050 (Order PL-291), § 308-120-260, filed 9/21/78; Order PL 216, § 308-120-260, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-120-275.
- 308-120-310 Certification programs approved by the board. [Order PL 270, § 308-120-310, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-320 Scope of practice of certified registered nurse. [Order PL 270, § 308-120-320, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-120-010 Definitions. [Order 5, § 308-120-010, filed 5/1/68; Interpretative Rule (part), effective 1/8/62.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-012 Responsibilities—Employer, school of nursing, and nursing aide. [Order 5, § 308-120-012, filed 5/1/68; Interpretative Rule (part), effective 1/8/62.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-015 Interpretation of terms appearing in RCW 18.88.280 (Professional nurse practice act). [Order 5, § 308-120-015, filed 5/1/68; Rules (part), filed 1/8/63.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-020 Policy regarding psychiatric nursing requirement of graduates of out-of-state schools of nursing. [Rules (part), filed 1/8/63; Rule I, filed 3/13/61.] Repealed by Order 120-70-1, filed 8/19/70.
- 308-120-021 Reciprocity, declaration of policy. [Order 120-70-1, § 308-120-021, filed 8/19/70.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-025 Applications by foreign nurses. [Order 120-70-1, § 308-120-025, filed 8/19/70; Order 5, § 308-120-025, filed 5/1/68; Rule II, filed 3/13/61.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-030 Policy regarding licensing of graduates of U. S. naval hospital corps schools. [Rule III, filed 3/13/61.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-040 Policy regarding qualification for hospitals used for clinical facilities. [Order 5, § 308-120-040, filed 5/1/68; Rules, filed 1/20/66.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-050 Accreditation of a school of professional nursing. [Order 5, § 308-120-050, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-060 High school equivalency. [Order 5, § 308-120-060, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-070 Examinations. [Order PL-109, § 308-120-070, filed 6/4/71; Order 5, § 308-120-070, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-080 Documents which indicate authorization to practice professional nursing in Washington. [Order 5, § 308-120-080, filed 5/1/68.] Repealed by Order PL-124, filed 5/26/72.
- 308-120-110 Reciprocity, declaration of policy. [Order PL-124, § 308-120-110, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.
- 308-120-115 Applications by foreign nurses. [Order PL-124, § 308-120-115, filed 5/26/72.] Repealed by Order PL 196, filed 7/25/75.
- 308-120-120 Policy regarding licensing of graduates of U.S. naval hospital corps schools. [Order PL-124, § 308-120-120, filed 5/26/72.] Repealed by 80-04-072 (Order

- 308-120-330 ARN/SRN registration expiration. [Order PL 270, § 308-120-330, filed 6/16/77.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-340 CRN approved associations and/or certifying boards. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-340, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-350 CRN certification program. [Statutory Authority: RCW 18.88.080. 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-350, filed 5/2/78.] Repealed by 82-22-091 (Order PL 410), filed 11/3/82. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140.
- 308-120-355 Termination of certification by the certification program. [Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-355, filed 11/3/82.] Repealed by 85-24-027 (Order PL 569), filed 11/26/85. Statutory Authority: RCW 18.88.080.
- 308-120-507 Purpose, philosophy and objectives for approved schools of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-507, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-508 Organization and administration for approved schools of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-508, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-509 Resources, facilities and services for approved schools of nursing. [Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-509, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-509, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-510 Nurse administrator for approved school of nursing. [Statutory Authority: RCW 18.88.080. 81-10-026 (Order PL 377), § 308-120-510, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-510, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-511 Faculty for approved schools of nursing. [Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-511, filed 11/18/87. Statutory Authority: RCW 18.88.080. 81-10-026 (Order PL 377), § 308-120-511, filed 4/28/81; 80-04-072 (Order PL 339), § 308-120-511, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-512 Curriculum for approved schools of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-512, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-513 Students in approved schools of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-513, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-514 Program evaluation by approved schools of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-514, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.130.050 and 1988 c 211.
- 308-120-515 Reports to the board of nursing by approved schools of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-515, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.130.050 and 1988 c 211.
- 308-120-516 Survey visits. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-516, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.130.050 and 1988 c 211.
- 308-120-517 Board action following survey visits. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-517, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.130.050 and 1988 c 211.
- 308-120-518 Restoration of approval. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-518, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.130.050 and 1988 c 211.
- 308-120-519 Appeal of board decisions. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-519, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-520 Consultation services. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-520, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-521 Closure of an approved school of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-521, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-522 Establishment of a new school of nursing. [Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-522, filed 3/27/80.] Repealed by 88-16-034 (Order PM 751), filed 7/28/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211.
- 308-120-600 Purpose. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-600, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-601 Scope. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-601, filed 12/2/83.]

- Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-602 General requirements. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-602, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-603 License renewal requirements. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-603, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-604 Acceptable continuing education. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-604, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-605 Unacceptable continuing education. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-605, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-606 Validation of educational programs. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-606, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-607 Contact hour. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-607, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.
- 308-120-608 Waivers. [Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-608, filed 12/2/83.] Repealed by 85-24-024 (Order PL 570), filed 11/26/85, effective 1/1/86. Statutory Authority: RCW 18.88.080 and 18.88.190.

WAC 308-120-100 Definitions. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law

and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(8) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(9) "Nursing student" is a person currently enrolled in an approved school of nursing.

(10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing.

(a) "Direction and supervision" - the nursing aide may function only under the "direction and supervision" of the licensed registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he shall not perform duties or functions beyond her/his educational nursing preparation, as determined by the school in which she/he is enrolled. Supervision and direction shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities - employer and nursing aide":

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC 308-120-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88.280" - the terms "direction and supervision," "auxiliary services," and "minor nursing services" are defined as follows:

(a) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform

said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation.

(14) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illnesses as defined by the board of health by rule.

(15) "Office on AIDS" means a section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-100, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-100, filed 7/28/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-100, filed 1/27/81; 80-04-072 (Order PL 339), § 308-120-100, filed 3/27/80; Order PL-124, § 308-120-100, filed 5/26/72.]

WAC 308-120-161 Qualification/eligibility to write the licensing examination. (1) Graduates from Washington state board approved schools of nursing holding a degree/diploma from such a school shall be eligible to write the examination provided all other requirements are met.

(2) Graduates from a nursing school approved by a board of nursing in another U.S. jurisdiction shall be eligible to write the examination provided that:

(a) The nursing school meets the minimum standards approved for state board school of nursing in Washington at the time of the applicant's graduation;

(b) Graduate holds a degree/diploma from the approved school of nursing;

(c) All other requirements of the statute and regulations shall be met.

(3) An interim permit (WAC 308-120-170(2)) and a notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved schools of nursing after filing of a completed application, payment of the application fee, and official notification from the school certifying that the individual has successfully completed all requirements for the diploma/degree. The results of the licensing examination

will not be released until the candidate's official transcript is on file with the board.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-161, filed 11/9/88. Statutory Authority: RCW 18.88.080. 82-01-012 (Order PL 387), § 308-120-161, filed 12/7/81; 81-04-007 (Order PL 370), § 308-120-161, filed 1/27/81.]

WAC 308-120-162 Filing of application for licensing examination. (1) All applicants shall file with the Washington state board of nursing a completed notarized application, with the required fee prior to May 1, for the July examination and December 1 for the February examination.

(2) Applicants shall request the school of nursing to send an official transcript directly to the board of nursing.

(3) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(4) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-162, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-162, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-162, filed 1/27/81.]

WAC 308-120-163 Licensing examination. (1) The current series of the National Council of the State Board of Nursing Registered Nurse Examination (NCLEX) shall be the official examination for registered nurse license.

(2) The NCLEX will consist of four ninety minute tests with the overall score for the examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in February and July.

(4) The executive secretary of the board shall negotiate with The National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-163, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-163, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-163, filed 1/27/81.]

WAC 308-120-164 Release of results of examination. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each school of nursing in Washington shall receive a statistical report of the examination results of candidates from that school.

(5) The candidate's examination results will be maintained in his/her application file in the division of professional licensing, department of licensing.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-164, filed 7/28/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-164, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-164, filed 1/27/81.]

WAC 308-120-165 Failures--Repeat examination.

(1) The application forms to rewrite the examination and fees shall be filed on or before May 1 for the July examination and December 1 for the February examination.

(2) Candidates who fail the examination will be permitted to rewrite the examination three times within the two-year period from the month of first writing.

(3) If the candidate fails the first examination, the state will require no additional fee from the candidate who takes the next scheduled examination.

(4) Candidates who fail to pass the examination within the time period specified in (2) above shall be required to complete a program of study approved by the board. Upon successful completion of the approved program, the candidate shall be required to write the entire examination.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-165, filed 11/18/87. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-165, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-165, filed 1/27/81.]

WAC 308-120-166 Applicants previously licensed in a foreign country. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure:

(a) Satisfactory completion of a basic nursing education program approved in the country of original licensure.

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

(ii) Any deficiencies in the nursing program (theory and clinical practice in medical, psychiatric, obstetric, surgical and pediatric nursing) shall be satisfactorily completed in a state board approved school of nursing.

(b) Satisfactory passage of the screening examination for foreign nurses. As of May 1, 1981, all applicants from countries outside the United States, and never before licensed in one of the United States jurisdictions shall have passed the commission on graduates of foreign nursing schools (CGFNS) qualifying examination.

(c) Applicants licensed under the laws of a country outside the United States or its territories shall be required to take the current series of the National Council of State Boards of Nursing Registered Nurse Examination (NCLEX) as provided in WAC 308-120-163: *Provided*, That those persons meeting the requirements of WAC 308-120-168(2) are exempt from this requirement.

(d) All other requirements of the statute and regulation shall be met.

(2) Applicants for examination shall:

(a) File with the board of nursing a completed notarized license application with the required fee prior to May 1 for the July examination and prior to December 1 for the February examination.

(b) Request the school of nursing to submit an official transcript directly to the division of professional licensing.

(c) Applicants shall also file an examination application, along with the required fee directly with the testing service.

(d) Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-120-610.

(e) Request the licensing agency in the country of original license to submit evidence of licensure.

(f) Submit a notarized copy of the certificate issued by the CGFNS.

(g) If the applicant's original documents (education and licensing) are on file in another state or with the CGFNS, the applicant may request that the state board or the CGFNS send notarized copies in lieu of the originals.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70-24.270. 88-23-035 (Order PM 795), § 308-120-166, filed 11/9/88. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-166, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-166, filed 1/27/81.]

WAC 308-120-168 Licensure by interstate endorsement. (1) A license to practice as a registered nurse in Washington may be issued without examination provided the applicant meets all of the following requirements:

(a) The applicant has graduated and holds a degree/diploma from a state board approved school of nursing preparing candidates for licensure as a registered nurse provided such nursing program is equivalent to the minimum nursing educational standards prevailing for state board approved schools of nursing in Washington at the time of the applicant's graduation.

(i) Applicants who were licensed prior to January 1, 1953, shall have scored at least 75% on the state board examination in the state of original licensure.

(ii) Applicants licensed after January 1, 1953, but before June 1, 1982, shall have passed the state board test pool examination for registered nurse licensure with a minimum standard score of 350 in each test.

(iii) Applicants licensed after July 1, 1982, shall have passed with a minimum standard score of 1600 for the total examination.

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

(c) The applicant complies with the education requirements of WAC 308-120-610; however, upon written application an applicant, who is otherwise qualified for licensure, may be licensed and have up to ninety days from the date of the issuance of such license to comply with, and submit certification of, the minimum training and education requirements of WAC 308-120-610.

(d) The application shall be completed and notarized, the fee must be filed with the application. The fee is not refundable. A notarized copy of a valid current license shall be filed with the application.

(e) Verification of licensure by examination shall be obtained from the state or territory of original licensure. Any fee for verification required by the state or territory of original license shall be paid by the applicant.

(2) Applicants from countries outside the United States who were granted a license in another United States jurisdiction or territory prior to December 31, 1971, and who were not required to pass the state board test pool examination shall meet the following requirements:

(a) The nursing education program shall meet the minimum approved standards prevailing for schools of nursing in Washington at the time of the applicant's graduation.

(b) The applicant holds a valid current license to practice as a registered nurse in another United States jurisdiction or territory.

(c) The applicant shall submit to the board:

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

(ii) Verification of original licensure obtained in the United States jurisdiction or territory.

(iii) Notarized copies of educational preparation and licensure by examination submitted directly from the country of original licensure or from the state board or territory of original United States licensure.

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

(v) Evidence to show compliance with the education requirements of WAC 308-120-610.

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

[Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].130, [18.88].140, [18.88].150, 18.130.050 and 70.24.270. 89-12-032 (Order PM 846), § 308-120-168, filed 6/1/89. Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-168, filed 11/9/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-168, filed 1/27/81.]

WAC 308-120-170 Documents which indicate authorization to practice registered nursing in Washington. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure - confers the right to use the title registered nurse and the use of its abbreviation, R.N. and to practice as a registered nurse in the state of Washington.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires to retire temporarily from the practice of nursing in this state.

(3) Interim permit. An interim permit may be issued to a graduate from an approved nursing school who has met all qualifications, has filed an application for examination and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued, when the candidate receives first notice of failure, or within one year from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse." The title "interim permit nurse" or "graduate nurse" may be used.

(4) Limited educational license. A limited educational license may be issued to a person who has been on non-practicing status for three years or more and who wishes to return to active status (see WAC 308-120-185).

(5) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP" or any title or abbreviation which may indicate that the person is entitled to practice at an advanced and specialized level as a nurse practitioner, a specialized nurse practitioner, a nurse midwife, or a nurse anesthetist. This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(6) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(7) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This authorizes the ARNP to prescribe

legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

[Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-170, filed 6/1/89. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-170, filed 7/28/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-170, filed 11/26/85; 81-10-026 (Order PL 377), § 308-120-170, filed 4/28/81; Order PL 196, § 308-120-170, filed 7/25/75; Order PL-124, § 308-120-170, filed 5/26/72.]

WAC 308-120-180 Renewal of licenses. (1) The license renewal date shall coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees may renew their licenses, at the current renewal fee rate.

(3) The late payment penalty provision will be applied as follows:

Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-120-185.

(4) Effective January 1, 1989, all persons making application for 1989 license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-120-610. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirements.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-180, filed 11/9/88. Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-180, filed 7/28/88. Statutory Authority: RCW 18.88.080. 83-24-048 (Order PL 449), § 308-120-180, filed 12/2/83; Order PL 216, § 308-120-180, filed 11/5/75; Order PL-134, § 308-120-180, filed 10/13/72.]

WAC 308-120-185 Return to active status from inactive or lapsed status. After January 1, 1974, persons on inactive status for three years or more and after August 1, 1988, persons on lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-185, filed 7/28/88. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-185, filed 1/27/81; 78-05-085 (Order PL 288, Resolution 78-143), § 308-120-185, filed 5/2/78; Order PL 258, § 308-120-185, filed 12/7/76. Formerly WAC 308-120-18001.]

WAC 308-120-186 Criteria for approved refresher course. (1) Philosophy, purpose and objectives.

(a) Philosophy, purpose and objectives of the course shall be clearly stated and available in written form. They shall be consistent with the definition of nursing as outlined in RCW 18.88.030.

(b) Objectives reflecting the philosophy shall be stated in behavioral terms and describe the capabilities and competencies of the graduate.

(2) Faculty.

(a) All nurse faculty shall hold a current license to practice as a registered nurse in the state of Washington.

(b) All faculty shall be qualified academically and professionally for their respective areas of responsibility.

(c) All faculty shall be qualified to develop and implement the program of study.

(d) Faculty shall be sufficient in number to achieve the stated program objectives.

(e) The maximum faculty to 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 shall consist of a minimum of forty hours core course content, forty hours of specialty course content, and one hundred sixty hours of clinical practice in the specialty area.

(b) 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.

(c) The core course content shall include, but not be limited to, a minimum of forty 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.
 (d) The specialty course content shall include, but not be limited to, a minimum of forty hours of theory in current specialty nursing practice concepts of basic nursing related to the special area of interest such as surgical; pediatrics; obstetrics; psychiatric; acute, intensive, or extended care nursing; or community health nursing.

(e) The clinical course content shall include a minimum of one hundred sixty hours of clinical practice in the specialty area(s) listed in (c), (d), and (e) of this subsection. Exceptions shall be justified to and approved by the board.

(4) Evaluation.

(a) Evaluation methods shall be used to measure the student's achievement of the stated theory and clinical objectives.

(b) 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 RN license or a 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) The refresher course provider shall submit a certification of successful completion of the course 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 prior to starting the course.

[Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050. 88-05-010 (Order PM 704), § 308-120-186, filed 2/9/88. Statutory Authority: RCW 18.88.080. 79-06-025 (Order PL-305), § 308-120-186, filed 5/15/79.]

WAC 308-120-270 Provision for continuity of drug therapy for residents. When a resident of a long term care facility has the opportunity for an unscheduled therapeutic leave that would be precluded by the lack of an available pharmacist to dispense drugs prescribed by an authorized practitioner, a registered nurse designated by the facility and its consultant or staff pharmacist and who agrees to such designation, may provide the resident or a responsible person with up to a 72-hour supply of a prescribed drug or drugs for use during that leave from the resident's previously dispensed package of such drugs. The drugs shall only be provided in accordance with protocols developed by the pharmaceutical services committee and shall be available for inspection. These protocols shall include the following:

(1) Criteria as to what constitutes an unscheduled therapeutic leave requiring the provision of drugs by the registered nurse;

(2) Procedures for repackaging and labeling the limited supply of previously dispensed drugs by the designated registered nurse that comply with all state and

federal laws concerning the packaging and labeling of drugs;

(3) Provision to assure that none of the medication provided to the resident or responsible person may be returned to the resident's previously dispensed package of such drug or to the facility's stock.

(4) Assurance that the RN informs the resident or responsible person of:

(a) The name, strength and quantity of drug provided,

(b) The proper administration of the drug,

(c) Potential adverse responses to the drug, and

(d) What actions to take should adverse responses occur.

(5) Provision for documenting by the RN in the resident's health record:

(a) Date and time of unscheduled leave,

(b) Name, strength and quantity of drug provided,

(c) Name of person to whom the drug was given and by whom it was given, and

(d) Confirmation that information described in (2) above was provided.

See WAC 360-13-100 for related regulations regarding this practice.

[Statutory Authority: RCW 18.88.080. 83-12-026 (Order PL 436), § 308-120-270, filed 5/25/83.]

WAC 308-120-275 Registered nurse fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application - examination	\$30.00
License renewal	20.00
Late renewal penalty	15.00
Inactive license renewal	10.00
Inactive late renewal penalty	5.00
Endorsement - reciprocity	25.00
Duplicate license	15.00
Examination (second - subsequent retake or more)	30.00
Certification	25.00
ARNP application	25.00
ARNP renewal	20.00
ARNP prescriptive application	30.00
ARNP prescriptive renewal	20.00

[Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-120-275, filed 10/5/88; 87-10-028 (Order PM 650), § 308-120-275, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-120-275, filed 8/10/83. Formerly WAC 308-120-260.]

WAC 308-120-300 Advanced registered nurse practitioner. An advanced registered nurse practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. This practice builds on previous knowledge and skill and utilizes indepth knowledge of physical assessment and management of illnesses or conditions within the advanced registered nurse practitioner's scope of practice. Advanced registered nurse practice includes collaboration with other licensed health professionals

such as physicians, pharmacists, podiatrists, dentists, and nurses. An advanced registered nurse practitioner shall:

- (1) Hold a current license to practice as a registered nurse in Washington; and
- (2) Have completed an advanced formal education program in the area of specialty; and
- (3) Have been granted a certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board.

[Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-300, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140, 82-22-091 (Order PL 410), § 308-120-300, filed 11/3/82; Order PL 270, § 308-120-300, filed 6/16/77.]

WAC 308-120-305 Use of nomenclature. Any person who qualifies under WAC 308-120-300 and whose application for advanced registered nurse practitioner designation has been approved by the board shall be designated as an advanced registered nurse practitioner and shall have the right to use the title "advanced registered nurse practitioner" and the abbreviation following the nurse's name shall read "ARNP" and the title or abbreviation designated by the approved national certifying body. No other initials or abbreviations shall legally denote advanced nursing practice. No other person shall assume such title or use such abbreviation. No other person shall use any other title, words, letters, signs or figures to indicate that the person using same is recognized as an advanced registered nurse practitioner and:

- (1) Family nurse practitioner, FNP; or
 - (2) Women's health care nurse practitioner; or
 - (3) Pediatric nurse practitioner/associate, PNP/PNA;
- or
- (4) Adult nurse practitioner, ANP; or
 - (5) Geriatric nurse practitioner, GNP; or
 - (6) Certified nurse midwife/nurse midwife, CNM; or
 - (7) Nurse anesthetist, CRNA; or
 - (8) School nurse practitioner, SNP.

[Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050, 89-12-033 (Order PM 847), § 308-120-305, filed 6/1/89. Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-305, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140, 82-22-091 (Order PL 410), § 308-120-305, filed 11/3/82; Order PL 270, § 308-120-305, filed 6/16/77.]

WAC 308-120-315 Certification and certification program. (1) Certification is a voluntary form of credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

(a) A scope of practice statement as identified in WAC 308-120-300 shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.

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(b) A formal program of study requirement in the area of certification which shall:

- (i) Be based on measurable objectives that relate directly to the scope of practice;
- (ii) Include theoretical and clinical content directed to the objectives; and
- (iii) Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

- (i) Measure the theoretical and clinical content denoted in the scope of practice;
- (ii) Be developed in accordance with generally accepted standards of validity and reliability; and
- (iii) Be open only to registered nurses who have successfully completed the program of study referred to in (b) of this subsection.

(3) A licensee credentialed by a national certifying body which meets the requirements of subsection (2)(a) and (c) of this section but not subsection (2)(b) of this section may petition the board for individual recognition as an ARNP by submitting documentation that the licensee's advanced formal education program in the area of specialty meets the requirements of subsection (2)(b) of this section.

[Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-315, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140, 82-22-091 (Order PL 410), § 308-120-315, filed 11/3/82.]

WAC 308-120-325 Board approval of certification programs. (1) A licensee or certifying program may request that a certification program be considered for approval and shall submit documentation showing that the program meets the requirements of WAC 308-120-315(2).

(2) The board shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 308-120-315(2).

(3) The board shall notify the certification program of pending review and may request that the program submit further information regarding its continued compliance with the provisions of WAC 308-120-315(2).

[Statutory Authority: RCW 18.88.080, 85-24-027 (Order PL 569), § 308-120-325, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140, 82-22-091 (Order PL 410), § 308-120-325, filed 11/3/82.]

WAC 308-120-335 Application requirements for ARNP. A registered nurse applicant for designation as an ARNP shall:

(1) After January 1, 1995 show evidence of a master's degree in the nursing or health care field from an accredited college or university, except for those applicants who provide documentation as requested by the board that the applicant was:

(a) Certified by a board approved national certification program prior to December 31, 1994; and

(b) Recognized by another state board of nursing for advanced practice prior to December 31, 1994.

(2) Meet the requirements of WAC 308-120-300.

(3) Submit a completed application on a form furnished by the board.

(4) Submit evidence of certification by a certification program approved by the board.

(5) Submit a nonrefundable fee as specified in WAC 308-120-275.

[Statutory Authority: RCW 18.88.030(2), 18.88.080, 18.88.086, 18.88.140 and 18.130.050. 88-07-049 (Order PM 717), § 308-120-335, filed 3/14/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-335, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-335, filed 11/3/82.]

WAC 308-120-338 Application requirements for ARNP interim permit. A registered nurse who has completed advanced formal education and registered for a board approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination.

(1) An applicant for ARNP interim permit shall:

(a) Submit a completed application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-275; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled shall immediately return the permit to the department of licensing.

(4) The interim permit authorizes the holder to perform function of advanced and specialized nursing practice as described in this section.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-338, filed 7/28/88.]

WAC 308-120-345 Renewal of ARNP designation. ARNP designation shall be renewed every two years on the ARNP's birthday. The applicant shall:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the board:

(a) Formal academic study;

(b) Continuing education offerings.

(4) Attest, on forms provided by the board, to having a minimum of two hundred fifty hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services.

(5) Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-345, filed 11/26/85. Statutory Authority: RCW 18.88.030 and 18.88.080. 83-04-051 (Order PL 424), § 308-120-345, filed 2/1/83.]

WAC 308-120-360 Termination of ARNP designation by the board. ARNP designation may be terminated by the board when the ARNP has:

(1) Practiced outside the scope of practice denoted for the area of certification, or

(2) Been found in violation of any provision of RCW 18.88.230 or 18.130.180.

[Statutory Authority: RCW 18.88.080, 18.88.086 and 18.130.050. 88-18-082 (Order PM 760), § 308-120-360, filed 9/6/88. Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-360, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-360, filed 11/3/82.]

WAC 308-120-365 CRN recognition at effective date. Any registered nurse recognized as a CRN on the effective date of this rule shall continue to be recognized as a specialized and advanced nurse, but will be designated as an "advanced registered nurse practitioner" (ARNP) and shall be eligible for renewal of the ARNP designation under the provisions of these rules.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-365, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-365, filed 11/3/82.]

WAC 308-120-400 ARNP with prescriptive authorization. A registered nurse licensed under chapter 18.88 RCW when authorized by the board of nursing may prescribe drugs pursuant to applicable state and federal laws.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-400, filed 11/26/85; 83-16-065 (Order PL 441), § 308-120-400, filed 8/2/83. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-400, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-400, filed 8/17/79.]

WAC 308-120-410 Application requirements for ARNP with prescriptive authority. A registered nurse who applies for authorization to prescribe drugs shall:

(1) Be currently designated as an advanced registered nurse practitioner in Washington.

(2) Be designated by their national certifying body as a:

(a) Family nurse practitioner; or

(b) Women's health care nurse practitioner; or

(c) Pediatric nurse practitioner/associate; or

(d) Adult nurse practitioner; or

- (e) Geriatric nurse practitioner; or
- (f) Nurse midwife; or
- (g) Nurse anesthetist; or
- (h) School nurse practitioner; or
- (i) Clinical specialist in psychiatric and mental health nursing.

(3) Provide evidence of completion of thirty contact hours of education in pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and:

(a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.

(b) Are obtained within a two-year time period immediately prior to the date of application for prescriptive authority.

(c) Are obtained from the following:

- (i) Study within the advanced formal educational program; and/or
- (ii) Continuing education programs.

Exceptions shall be justified to and approved by the board of nursing.

(4) Submit a completed, notarized application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-260.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-410, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-410, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-410, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-410, filed 8/17/79.]

WAC 308-120-420 Authorized prescriptions by the ARNP with prescriptive authority. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall be signed by the prescriber with the initials ARNP and the prescriber's identification number assigned by the board.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.88.280(16).

(4) Any ARNP with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration and the pharmacy board.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-420, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-420, filed 11/3/82. Statutory Authority: RCW 18.88.080. 81-04-007 (Order PL 370), § 308-120-420, filed 1/27/81; 79-09-038 (Order PL-310), § 308-120-420, filed 8/17/79.]

WAC 308-120-430 Termination of ARNP prescriptive authorization. Prescriptive authorization may be terminated by the board when the ARNP with prescriptive authority has:

- (1) Not maintained current designation as an ARNP in the area of certification; or
- (2) Prescribed outside the ARNP scope of practice or for other than therapeutic purposes; or
- (3) Violated provisions of RCW 18.88.230;

(4) Violated any state or federal law or regulations applicable to prescriptions.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-430, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-430, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-430, filed 8/17/79.]

WAC 308-120-440 Prescriptive authorization period. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the applicant's renewal date for ARNP designation.

(3) Authorization shall be renewed after the applicant meets the requirements of WAC 308-120-450.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-440, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-440, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-440, filed 8/17/79.]

WAC 308-120-450 Renewal. ARNP with prescriptive authorization shall be renewed every two years. For renewal of ARNP with prescriptive authorization, the licensee shall:

(1) Meet the requirements of WAC 308-120-345 (1), (2), and (3).

(2) Provide documentation of fifteen additional contact hours of continuing education during the renewal period in pharmacotherapeutics related to licensee's scope of practice. This continuing education shall meet the requirements of WAC 308-120-410 (3)(a).

(3) Submit a completed and notarized renewal application with nonrefundable fee as specified in WAC 308-120-275. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275.

[Statutory Authority: RCW 18.88.080. 85-24-027 (Order PL 569), § 308-120-450, filed 11/26/85. Statutory Authority: RCW 18.88.030(2), 18.88.080 and 18.88.140. 82-22-091 (Order PL 410), § 308-120-450, filed 11/3/82. Statutory Authority: RCW 18.88.080. 79-09-038 (Order PL-310), § 308-120-450, filed 8/17/79.]

WAC 308-120-505 Philosophy governing approval of nursing education programs. While the board herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered nurses to meet current and future nursing needs of the public. The board believes that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose and objectives.

The board further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self-evaluation which may lead to program development and improvement.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88-.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130-.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-505, filed 7/28/88. Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-505, filed 3/27/80.]

WAC 308-120-506 Purposes of board approval of nursing education programs. The board approves nursing education programs for the following purposes:

- (1) To assure preparation for the safe practice of nursing by setting minimum standards for nursing education programs preparing persons for licensure as registered nurses;
- (2) To provide guidance for the development of new nursing education programs;
- (3) To foster continued improvement of established nursing education programs;
- (4) To provide criteria for the board to evaluate new or established nursing education programs;
- (5) To assure the student adequate educational preparation;
- (6) To assure eligibility for admission to the licensing examination for registered nurses, and to facilitate interstate endorsement of graduates of board approved schools of nursing.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88-.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130-.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-506, filed 7/28/88. Statutory Authority: RCW 18.88.080. 80-04-072 (Order PL 339), § 308-120-506, filed 3/27/80.]

WAC 308-120-525 Approval of nursing education programs. (1) Application for program development.

(a) An educational institution wishing to establish a program in nursing shall:

- (i) Submit to the board at least eighteen months in advance of expected opening date a statement of intent to establish a nursing education program.
- (ii) Submit to the board, along with the statement of intent, a feasibility study to include at least the following information:
 - (A) Nursing studies documenting the need for the program in this state.
 - (B) Purposes and classification of the program.
 - (C) Availability of qualified faculty.
 - (D) Budgeted faculty positions.
 - (E) Availability of adequate clinical facilities for the program.
 - (F) Availability of adequate academic facilities for the program.
 - (G) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.
 - (H) Anticipated student population.
 - (I) Tentative time schedule for planning and initiating the program.
- (iii) Respond to the board's request(s) for additional information.

(b) The board shall either grant or withhold approval for program development.

- (2) Program development.

(a) At least twelve months in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a proposed nursing education program. The proposed program plan shall include:

- (i) Purpose, philosophy, and objectives.
- (ii) Organization and administration.
- (iii) Budget.
- (iv) Resources, facilities, and services.
- (v) Provisions for faculty, including qualifications, responsibilities, organization, and faculty/student ratio.
- (vi) Curriculum, including course descriptions and course outlines.
- (vii) Policies and procedures for student selection, admission, progression, withdrawal and graduation, and record system.
- (viii) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the board a written report of the proposed program plan at least five weeks prior to a scheduled board meeting at which time the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) The nurse administrator of the program and other administrative officers of the organization shall attend the board meeting to present the formal application and clarify and amplify materials included in the written report of the proposed program plan.

(d) The board shall either grant or withhold provisional approval of the proposed nursing program.

(3) Provisional approval.

(a) The school shall submit course outlines to the board for review and approval at least three months prior to offering the course; and

(b) The school shall submit progress reports as requested by the board;

(c) Survey visits shall be scheduled as deemed necessary by the board during the period of provisional approval.

(4) Full approval.

(a) Within six months following graduation of the first class, a self-evaluation report of compliance with the standards for nursing education shall as identified in WAC 308-120-550 through 308-120-575 be submitted and a survey visit shall be made for consideration of full approval of the program.

(b) The board will review the self-evaluation report, survey reports and added materials for full approval of the nursing education program only at scheduled board meetings.

(c) The self-evaluation report, added materials and survey reports shall be in the board office at least five weeks prior to the board meeting.

(5) Satellite nursing education programs. An approved nursing education program wishing to initiate an off-campus, extended or satellite nursing program must submit a plan to the board demonstrating that:

(a) Faculty on-site meet all the requirements and qualifications of the parent nursing education program.

(b) Adequate clinical facilities are available and meet the requirements of the parent program.

(c) Academic facilities and resources are comparable to those of the parent program.

(6) Periodic evaluation of approved programs.

(a) To ensure continuing compliance with the plan and standards of nursing education all nursing education programs will be surveyed and reevaluated for continued approval every eight years. More frequent visits may occur as deemed necessary by the board or at the request of the nursing education program.

(i) The survey visit will be made by representative(s) of the board on dates mutually agreeable to the board and the nursing education program.

(ii) Announcement of a survey visit will be sent to programs at least eighteen months in advance of the visit.

(iii) Prior to the survey a program shall submit a self-evaluation report which provides evidence of compliance with the standards of nursing education as identified in WAC 308-120-550 through 308-120-575.

(iv) The self-evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the board's survey report for that year if a national accreditation survey is scheduled for that year. Where appropriate the survey will be made in conjunction with a national accreditation visit.

(v) A draft of the survey visit report will be made available to the school for review and corrections in statistical data and for response to issues raised.

(vi) Following the board's review and decision, written notification regarding approval of the program and the board comments and recommendations will be sent to the administrator of the nursing education program.

(b) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the board for approval at least three months prior to implementation.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-525, filed 7/28/88.]

WAC 308-120-530 Denial, conditional approval or withdrawal of approval. (1) The board may deny approval to new programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such board actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the board.

(2) Conditional approval shall be granted a nursing education program that has failed to meet the minimum standards contained in the law and the rules and regulations of the board.

(a) Conditions that must be met within a designated time period shall be specified in writing.

(b) A conditionally approved program shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

(i) Restoration of full approval;

(ii) Continuation of conditional approval for a specified period of time; or

(iii) Withdrawal of approval.

(3) The board may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the board.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-530, filed 7/28/88.]

WAC 308-120-535 Reinstatement of approval. The board may consider reinstatement of withdrawn approval of a nursing education program upon submission of satisfactory evidence that the program meets the standards of nursing education, WAC 308-120-550 through 308-120-575.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-535, filed 7/28/88.]

WAC 308-120-540 Appeal of board decisions. A nursing education program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-540, filed 7/28/88.]

WAC 308-120-545 Closing of an approved nursing education program. (1) Voluntary closing. When a governing institution decides to close a program it shall notify the board in writing, stating the reason, plan, and date of intended closing. The governing institution may choose one of the following closing procedures:

(a) The program shall continue until the last class enrolled is graduated.

(i) The program shall continue to meet the standards for approval WAC 308-120-550 through 308-120-575 until all of the enrolled students have graduated.

(ii) The date of closure is the date on the degree, diploma, or certificate of the last graduate.

(iii) The board shall be notified by the governing institution of the closing date.

(b) The program shall close after assisting in the transfer of students to other approved programs.

(i) The program shall continue to meet the standard required for approval, WAC 308-120-550 through 308-120-575 until all students are transferred.

(ii) A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(iii) The date on which the last student was transferred shall be the closing date of the program.

(c) Custody of records.

(i) If the program closes but the governing institution continues to function, it shall assume responsibility for the records of the students and graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

(2) Closing as a result of withdrawal of approval. When the board withdraws approval of a nursing education program, the governing institution shall comply with the following procedures:

(a) Students of the program shall be notified in writing of their status and options for transfer to an approved program.

(b) The program shall close after assisting in the transfer of students to other approved programs. A time frame for the transfer process will be established by the board.

(c) A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(d) Custody of records.

(i) If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130-.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-545, filed 7/28/88.]

WAC 308-120-550 Purpose, philosophy, and objectives for approved nursing education programs. (1) The purpose, philosophy, and objectives of the program shall be stated clearly and shall be available in written form. They shall be consistent with the definition of nursing practice as outlined in RCW 18.88.030.

(2) The nursing education program shall have a statement of philosophy that is consistent with the philosophy of the governing institution.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective, and psychomotor capabilities of the graduate.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130-.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-550, filed 7/28/88.]

WAC 308-120-555 Organization and administration for approved nursing education programs. (1) The nursing education program shall be an integral part of the accredited governing institution. The governing institution accreditation must be by an approved accrediting body.

(2) The relationship of the nursing education program to other units within the governing institution shall be clearly delineated.

(3) The nursing education program shall be organized with clearly defined authority, responsibility, and channels of communication.

(4) The nursing education faculty shall be involved in determining academic policies and procedures of the nursing program.

(5) The nursing education program shall allow student participation in committees in the determination of program policies and procedures, curriculum planning and evaluation.

(6) The nursing education program shall be administered by a registered nurse currently licensed in this state with the following qualifications:

(a) In a program offering the associate degree, a minimum of a masters with a major in nursing, preparation in education and administration, and at least five years of professional experience as a registered nurse including two years of experience in nursing education.

(b) In a program offering the baccalaureate degree in nursing, a masters degree with a major in nursing, a doctoral degree in nursing and/or a related field, preparation in education and administration, and at least five years of experience as a registered nurse including two years of experience in nursing education.

(7) The administrator of the nursing education program shall be responsible for creation and maintenance of an environment conducive to teaching and learning through:

(a) Facilitation of the development, implementation and evaluation of the curriculum.

(b) Liaison with central administration and other units of the governing institution.

(c) Facilitation of faculty development and performance review consistent with the policies of institution.

(d) Facilitation of faculty recruitment and appointment.

(e) Recommendation of faculty for appointment, promotion, tenure, and retention consistent with the policies of the institution.

(f) Facilitation of the development of long-range goals and objectives for the nursing program.

(g) Facilitation of recruitment, selection, and advisement of students.

(h) Assurance that the rules and regulations of the state board of nursing are effectively implemented.

(i) Notifying the board of any major changes in the program or its administration.

(8) The administrator of the nursing education program shall have designated time provided to conduct relevant administrative duties and responsibilities.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-555, filed 7/28/88.]

WAC 308-120-560 Resources, facilities, and services for approved nursing education programs. (1) Classrooms, laboratories, and conference rooms shall be available and shall be adequate in size, number, and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number, and type to provide faculty with opportunity for uninterrupted work and privacy for the conferences with students. Adequate space shall be provided for clerical staff, records, files, and other equipment.

(3) Clinical facilities.

(a) A variety of sites shall be utilized for learning experiences. These may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and extended care resources.

(b) Clinical facilities shall be selected to provide learning experience of sufficient number and kind for student achievement of the course/curriculum objectives.

(c) Clinical facilities shall be approved by the appropriate accreditation or licensing evaluation bodies, if such exist.

(4) Library facilities shall be provided for use by the faculty and students. Physical facilities, hours, and scope and currency of learning resources shall be appropriate for the purpose of the program and for the number of faculty and students.

(5) Periodic evaluations of resources, facilities, and services shall be conducted by the administration, faculty, and/or students.

(6) Adequate financial support for faculty, support personnel, equipment, supplies, and services shall be demonstrated.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-560, filed 7/28/88.]

WAC 308-120-565 Students in approved nursing education programs. (1) Policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal shall be consistent with the policies of the governing institution, and shall be available in written form. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(2) Students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards required of those regularly enrolled.

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(3) A system of student records shall be maintained.

(4) A statement of student rights and responsibilities shall be available in written form.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-565, filed 7/28/88.]

WAC 308-120-570 Faculty in approved nursing education programs. (1) There shall be a sufficient number of qualified faculty with adequate diversity of expertise in nursing to meet the purposes and objectives of the nursing education program.

(2) The maximum ratio of faculty to students in clinical areas involving direct care of patients or clients shall be one faculty member to twelve students. A lower ratio may be required by the board of nursing for students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(a) The preparation and expertise of the faculty member;

(b) The objectives to be achieved;

(c) The level of students;

(d) The number, type, and conditions of patients;

(e) The number, type, location, and physical layout of clinical facilities being used for a particular course(s).

(3) Nursing faculty, including those in career ladder programs, shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A masters degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment.

(i) Exceptions allowed without prior board approval:

(A) Current tenured faculty.

(B) Ongoing reappointment of faculty.

(C) Temporary faculty replacement for less than one academic term.

(ii) Exceptions allowed with prior board approval:

(A) Temporary short-term faculty appointment of one academic term or more.

(B) Faculty specializing in a highly selected clinical area such as operating room.

(c) Clinical experience as a registered nurse relevant to area(s) of responsibility.

(4) Nonnurse faculty must have academic and professional education and experience in their field of specialization.

(5) Faculty shall be responsible for:

(a) Developing, implementing, and evaluating the purpose, philosophy, and objectives of the nursing education program.

(b) Designing, implementing, and evaluating the curriculum.

(c) Developing and evaluating student admission, progression, retention, and graduation policies within the framework of the policies of the governing institution.

(d) Participating in or providing for academic advising and guidance of students.

(1989 Ed.)

(e) Evaluating student achievement, in terms of curricular objectives as related to both nursing knowledge and practice.

(f) Selecting, guiding, and evaluating student learning.

(g) Participating in activities to improve their own nursing competency in area(s) of responsibility.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-570, filed 7/28/88.]

WAC 308-120-575 Curriculum for approved nursing education programs. (1) The basic curriculum shall not be less than two academic years.

(2) The length, organization, content, methods of instruction, and placement of courses shall be consistent with the philosophy of the program.

(3) The curriculum shall include:

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined, or presented as separate courses.

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology and anthropology, which may be integrated, combined, or presented as separate courses.

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing, which may be integrated, combined, or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing.

(d) History, trends, and legal and ethical issues pertaining to the nursing profession, which may be integrated, combined, or presented as separate courses. Baccalaureate programs shall include study of research principles.

(e) Opportunities for the student to learn assessment of needs, planning, implementation, and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership.

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and have direct involvement in, responsibility and accountability for nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy, and objectives of the program.

(g) Opportunities for the student to participate in multidisciplinary health care.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.88.110, 18.88.120, 18.88.140, 18.88.160, 18.88.190, 18.88.200, 18.88.220, 18.130.050 and 1988 c 211. 88-16-034 (Order PM 751), § 308-120-575, filed 7/28/88.]

(1989 Ed.)

WAC 308-120-610 AIDS education and training.
 (1) Acceptable education and training. Effective January 1, 1989, the board will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that education and training has taken place.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-610, filed 11/9/88.]

WAC 308-120-700 Standards of nursing conduct or practice. The purpose of defining standards of nursing conduct or practice through WAC 308-120-700 and 308-120-710 is to identify responsibilities of the nurse in health care settings and as provided in the Nursing Practice Act chapter 18.88 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW. Each individual, upon entering the practice of nursing, assumes a measure of responsibility and public trust and the corresponding obligation to adhere to the standards of nursing practice. The nurse shall be responsible and accountable for the quality of nursing care given to clients. This responsibility cannot be avoided by accepting the orders or directions of another person. The standards of nursing conduct or practice include, but are not limited to the following:

(1) Nursing process:

(a) The nurse shall collect pertinent objective and subjective data regarding the health status of the client.

(b) The nurse shall plan and implement nursing care which will assist the client to maintain or return to a state of health or will support a dignified death.

(c) The nurse shall communicate significant changes in the client's status to appropriate members of the health care team. This communication shall take place in a time period consistent with the client's need for care.

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(d) The nurse shall document, on essential client records, the nursing care given and the client's response to that care.

(2) Delegation and supervision: The nurse shall be accountable for the safety of clients receiving nursing service by:

(a) Delegating selected nursing functions to others in accordance with their education, credentials, and demonstrated competence.

(b) Supervising others to whom he/she has delegated nursing functions.

(3) Other responsibilities:

(a) The nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.

(b) The nurse shall be responsible and accountable for practice based on and limited to the scope of her/his education, demonstrated competence, and nursing experience.

(c) The nurse shall obtain instruction, supervision, and consultation as necessary before implementing new or unfamiliar techniques or practices.

(d) The nurse shall be responsible for maintaining current knowledge in his/her field of practice.

(e) The nurse shall conduct nursing practice without discrimination.

(f) The nurse shall respect the client's right to privacy by protecting confidential information.

(g) The nurse shall report unsafe nursing acts and practices, and illegal acts as defined in WAC 308-120-730.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-700, filed 11/18/87.]

WAC 308-120-710 Violations of standards of nursing conduct or practice. The following will serve as a guideline for the nurse as to the acts, practices, or omissions that are inconsistent with generally accepted standards of nursing conduct or practice. Such conduct or practice may be grounds for action with regard to the license to practice nursing pursuant to chapter 18.88 RCW and the Uniform Disciplinary Act, chapter 18.130 RCW. Such conduct or practice includes, but is not limited to the following:

(1) Failure to adhere to the standards enumerated in WAC 308-120-700(1) which may include:

(a) Failing to assess and evaluate a client's status or failing to institute nursing intervention as required by the client's condition.

(b) Willfully or repeatedly failing to report or document a client's symptoms, responses, progress, medication, or other nursing care accurately and/or intelligibly.

(c) Willfully or repeatedly failing to make entries, altering entries, destroying entries, making incorrect or illegible entries and/or making false entries in records pertaining to the giving of medication, treatments, or other nursing care.

(d) Willfully or repeatedly failing to administer medications and/or treatments in accordance with policy and procedure.

(e) Willfully or repeatedly failing to follow the policy and procedure for the wastage of medications where the nurse is employed or working.

(f) Willfully causing or contributing to physical or emotional abuse to the client.

(2) Failure to adhere to the standards enumerated in WAC 308-120-700(2) which may include:

(a) Delegating nursing care function or responsibilities to a person who the nurse knows or has reason to know lacks the ability or knowledge to perform the function or responsibility, or delegating to unlicensed persons those functions or responsibilities the nurse knows or has reason to know are to be performed only by licensed persons. This section should not be construed as prohibiting delegation to family members and other care givers exempted by RCW 18.88.030 or 18.88.280.

(b) Failure to supervise those to whom nursing activities have been delegated. Such supervision shall be adequate to prevent an unreasonable risk of harm to clients.

(3) Failure to adhere to the standards enumerated in WAC 308-120-700(3) which may include:

(a) Performing or attempting to perform nursing techniques and/or procedures for which the nurse lacks the appropriate knowledge, experience, and education and/or failing to obtain instruction, supervision and/or consultation for client safety.

(b) Violating the confidentiality of information or knowledge concerning the client, except where required by law or for the protection of the client.

(c) Writing prescriptions for drugs unless authorized to do so by the board.

(4) Other violations:

(a) Appropriating for personal use medication, supplies, equipment, or personal items of the client, agency, or institution.

(b) Practicing nursing while impaired by any mental, physical and/or emotional condition to the extent that the person may be unable to practice with reasonable skill and safety.

(c) Willfully abandoning clients by leaving a nursing assignment without transferring responsibilities to appropriate personnel or care giver when continued nursing care is required by the condition of the client(s).

(d) Practicing nursing while impaired by alcohol and/or drugs.

(e) Conviction of a crime involving physical abuse or sexual abuse relating to the practice of nursing.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-710, filed 11/18/87.]

WAC 308-120-720 Mitigating circumstances. The board recognizes that there may be circumstances inherent to various practice settings that may affect the board's decision whether to issue a statement of charges, to make a finding of unprofessional conduct, or to determine a sanction.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-720, filed 11/18/87.]

WAC 308-120-730 Mandatory reporting defined. It is not the intent of the board of nursing that each and every nursing error be reported or that mandatory reporting take away the disciplinary ability and responsibility from the employer of the nurse. Anyone, including nurses, health care facilities and agencies, and state or local government agencies, knowing of a nurse whose behavior or nursing practice fails to meet accepted standards for the level at which the nurse is licensed, should report the nurse to the person in the work setting who has authority to institute corrective action. Failure of any nurse to comply with the reporting requirements may in itself constitute a violation of nursing standards.

(1) Anyone, including nurses, health care facilities and agencies, and state or local government agencies, who has knowledge or concern that a nurse has committed an act which constitutes unprofessional conduct as provided in RCW 18.130.180, including violations of chapter 308-120 WAC, or is unable to practice with reasonable skill or safety as the result of a physical or mental condition shall report or cause a report to be made to the board of nursing.

(2) The decision to report a suspected violation of chapters 18.130 or 18.88 RCW or the rules adopted thereunder shall be based on, but not limited to the following:

- (a) The past history of the nurse's performance.
 - (b) A demonstrated pattern of unsafe practice or conduct in violation of the standards of nursing.
 - (c) The magnitude of any single occurrence for actual or potential harm to the public health and safety.
- (3) The following shall always be reported to the board of nursing:

(a) A nurse imposter. As used here "nurse imposter" means an individual who is ineligible for nursing licensure or advanced registered nurse practitioner licensure and who practices or offers to practice nursing or advanced nursing or uses any title, abbreviation, card, or device to indicate that the individual is licensed to practice in Washington.

(b) A person who is practicing nursing when the license has become void due to nonpayment of fees.

(c) A person who is practicing nursing as defined in chapter 18.88 RCW unless licensed as a registered nurse, or a person who is practicing as a nurse practitioner as defined in WAC 308-120-300 while not licensed as an advanced registered nurse practitioner.

(d) A nurse who has been convicted of a crime which relates to the practice of nursing.

(e) A nurse who has been dismissed from employment due to unsafe practice or conduct in violation of the standards of nursing.

(f) Client abuse by a nurse.

(g) A demonstrated pattern of conduct in violation of the standards of nursing as defined by the rules of the board or a single occurrence that creates serious harm or risk to the client.

(h) Any violation of a disciplinary sanction imposed on a nurse's license by the board.

(i) Substance abuse as defined in RCW 18.130.180 (6) and (23). Nursing professionals counseling impaired

nurses for substance abuse are exempt from the reporting requirements except as provided in chapter 5.62 RCW.

(k) Any other cause for discipline as defined in RCW 18.130.170 and 18.130.180.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-730, filed 11/18/87.]

WAC 308-120-740 Violations considered for disciplinary purposes only. The consideration of violations of chapter 308-120 WAC are intended only for the purpose of disciplinary action by the board pursuant to chapters 18.88 and 18.130 RCW.

[Statutory Authority: RCW 18.88.080, 18.88.086, 18.130.050, 18.130.070 and 18.130.180. 87-23-050 (Order PM 691), § 308-120-740, filed 11/18/87.]

WAC 308-120-750 Philosophy governing voluntary substance abuse monitoring programs. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for nurses whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such nurses be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer nurses impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-750, filed 11/9/88.]

WAC 308-120-760 Terms used in WAC 308-120-750 through 308-120-780. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 308-120-770 which enters into a contract with nurses who have substance abuse problems regarding the required components of the nurse's recovery activity and oversees the nurse's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating nurses.

(2) "Contract" is a comprehensive, structured agreement between the recovering nurse and the approved monitoring program stipulating the nurse's consent to comply with the monitoring program and its required components of the nurse's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide concentrated alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a nurse's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the nurse and the nurse's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Nurse support group" is a group of nurses meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced nurse facilitator in which nurses may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve steps groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(8) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-760, filed 11/9/88.]

WAC 308-120-770 Approval of substance abuse monitoring programs. The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating nurses.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of nursing as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories;
- (b) Laboratory results;
- (c) Providers of substance abuse treatment, both individuals and facilities;
- (d) Nurses' support groups;
- (e) The nursing work environment; and
- (f) The ability of the nurse to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the nurse and the board to oversee the nurse's compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a nurse will be prohibited from engaging in the practice of nursing for a period of time and restrictions, if any, on the nurse's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the nurse as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any nurse who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually.

(10) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of nursing for those participating in the program.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-770, filed 11/9/88.]

WAC 308-120-780 Participation in approved substance abuse monitoring program. (1) In lieu of disciplinary action, the nurse may accept board referral into the approved substance abuse monitoring program.

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The nurse will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The nurse may be subject to disciplinary action under RCW 18.130.160 if the nurse does not consent to be referred to the approved monitoring program does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A nurse who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The nurse shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The nurse shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The nurse will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The nurse will agree to remain free of all mind-altering substances including alcohol except for medications prescribed by an authorized prescriber as defined in RCW 69.41.030 and 69.50.101.

(iii) The nurse must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The nurse must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis and goals.

(v) The nurse will submit to random drug screening as specified by the approved monitoring program.

(vi) The nurse will attend nurses' support groups facilitated by a nurse and/or twelve step group meetings as specified by the contract.

(vii) The nurse will comply with employment conditions and restrictions as defined by the contract.

(viii) The nurse shall sign a waiver allowing the approved monitoring program to release information to the board if the nurse does not comply with the requirements of this contract.

(c) The nurse is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment and random drug screens.

(3) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450, and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in subsections (1) and (2) of this section. Records held by the

board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

[Statutory Authority: RCW 18.88.080, 18.88.140, 18.130.175 and 70.24.270. 88-23-035 (Order PM 795), § 308-120-780, filed 11/9/88.]

WAC 308-120-800 Scope of practice--Advisory opinions. (1) The board may issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners and consumers concerning the authority of various categories of nursing practitioners to perform particular acts. Such questions must be presented in writing to the department staff.

(2) Questions may be referred to a committee of the board to be denominated the practice committee. Upon such referral, the committee shall develop a draft response which shall be presented to the full board at a public meeting for ratification, rejection or modification. The committee may, at its discretion, consult with health care practitioners for assistance in developing its draft response.

(3) If the board issues an opinion on a given issue, such opinion shall be provided to the requesting party and shall be included in the board minutes.

(4) Each opinion issued shall include a clear statement to the effect that:

(a) The opinion is advisory and intended for the guidance of the requesting party only; and

(b) The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the board.

(5) In no event shall this section be construed to supersede the authority of the board to adopt rules related to the scope of practice nor shall it be construed to restrict the ability of any person to propose a rule or to seek a declaratory judgment from the board.

[Statutory Authority: RCW 18.88.080. 85-17-031 (Order PL 548), § 308-120-800, filed 8/14/85.]

WAC 308-120-810 Determination and pronouncement of death. A nurse may determine and pronounce death, but shall not certify death as defined in RCW 70.58.160 unless the nurse is an ARNP-certified nurse midwife as defined in WAC 308-120-300.

(1) A nurse may assume responsibility for the determination and pronouncement of death only if there are written policies and procedures relating to the determination and pronouncement of death in the organization with which the nurse is associated as an employee or by contract, provided:

(a) The decedent was under the care of a health care practitioner qualified to certify cause of death; and

(b) The decedent was a patient of the organization with which the nurse is associated; and

(c) There is a "do not resuscitate order" in the patient's record when the decedent was assisted by mechanical life support systems at the time of determination and pronouncement of death.

(2) A nurse who assumes responsibility for the determination and pronouncement of death shall be knowledgeable of the laws and regulations regarding death

and human remains which affect the nurse's practice of this responsibility.

(3) A nurse who assumes responsibility for the determination and pronouncement of death shall:

(a) Perform a physical assessment of the patient's condition;

(b) Insure that family and physician and other care givers are notified of the death; and

(c) Document the findings of the assessment and notification in all appropriate records.

[Statutory Authority: RCW 18.88.080, [18.88].086, [18.88].110, [18.88].130, [18.88].140, [18.88].175, [18.88].280 and 18.130.050. 89-12-033 (Order PM 847), § 308-120-810, filed 6/1/89.]

Chapter 308-121 WAC NURSING ASSISTANTS

WAC

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.
308-121-055	Nursing assistants trained in approved programs.
308-121-060	Issuing verification of completion.
308-121-070	Registration of nursing assistants.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-010, filed 9/11/79.] Repealed by 88-23-036 (Order PM 796), filed 11/9/88. Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270.
308-121-020	Nursing assistant certificate examination. [Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-020, filed 9/11/79.] Repealed by 88-23-036 (Order PM 796), filed 11/9/88. Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270.

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.

(b) Changes related to the curriculum shall be submitted to the board for approval thirty days prior to their implementation.

(c) 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 32 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.

(g) AIDS education and training – 7 hours:

(i) Epidemiology;

(ii) Pathophysiology;

(iii) Infection control guidelines;

(iv) Testing and counseling;

(v) Legal and ethical issues;

(vi) Medical records;

(vii) Clinical manifestations and diagnosis;

- (viii) Treatment and disease management; and
- (ix) Psychosocial and special group issues.
- (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 infection control 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: RCW 18.52A.040, 18.52B.070 and 70.24.270, 88-23-036 (Order PM 796), § 308-121-030, filed 11/9/88. 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:

(A) Trainees must be able to communicate in English.

(B) Trainees shall be registered as nursing assistants with the state of Washington under the provisions of chapter 18.52B RCW.

(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.

The nursing home conducting the program shall provide for the safe maintenance of records for a ten-year period which include:

(i) Program director and instructional staff qualifications;

(ii) Course outline and schedule;

(iii) Dates of employment, enrollment, class attendance and completion of program;

(iv) Teaching methodology including the number of classroom hours and hours in supervised clinical practice;

(v) Evaluation tool for trainee performance based on the competencies defined in WAC 308-121-030;

(vi) Documentation of board approval of program; and

(vii) A copy of the verification of completion.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-040, filed 11/9/88. 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 verification of completion by a nursing home when 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

(2) These programs may include but shall not be limited to:

(a) Basic nursing courses completed in schools of nursing approved pursuant to chapters 18.88 and 18.78 RCW;

(b) Programs conducted in other states; and

(c) Apprenticeship programs approved under chapter 49.04 RCW.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-050, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-050, filed 9/11/79.]

WAC 308-121-055 Nursing assistants trained in approved programs. Any nursing assistant who has previously completed a nursing assistant program specified in WAC 308-121-030 and 308-121-040 must provide documentation of completion of the approved program and registration as a nursing assistant.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-055, filed 11/9/88.]

WAC 308-121-060 Issuing verification 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 verification of completion.

(2) A copy of the verification of completion shall be maintained in the employing nursing home.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-060, filed 11/9/88. Statutory Authority: 1979 c 114 § 6. 79-10-030 (Order PL-313), § 308-121-060, filed 9/11/79.]

WAC 308-121-070 Registration of nursing assistants. All nursing assistants employed by a nursing home after October 15, 1988, shall be registered with the department of licensing. All nursing assistants newly employed by a nursing home after October 15, 1988, shall be required to submit a registration form and fee to the department of licensing within three days of employment. A nursing assistant-registered may assist in the care of patients under the direction and supervision of a licensed registered nurse or licensed practical nurse, provided that a nursing home shall not assign a nursing assistant to provide resident care until the assistant has demonstrated skill necessary to perform assigned duties and responsibilities.

[Statutory Authority: RCW 18.52A.040, 18.52B.070 and 70.24.270. 88-23-036 (Order PM 796), § 308-121-070, filed 11/9/88.]

Chapter 308-122 WAC LICENSING OF PSYCHOLOGISTS

WAC

308-122-001	Guidelines for the promulgation of administrative rules.
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308-122-211	Psychologists—Education prerequisites to licensing for applicants enrolled in a doctoral program between December 28, 1978 to October 19, 1987.
308-122-215	Psychologists—Experience prerequisite to licensing.
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308-122-700	Telephone directory listings.
308-122-710	License application fees—Failure to appear at examination session.
308-122-720	Temporary permits.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-122-010	Registered sanitarians—License renewal fee. [Order PL 254, § 308-122-010, filed 8/17/76; Order PL 204, § 308-122-010, filed 11/5/75; Order PL 165, § 308-122-010, filed 4/2/74.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
308-122-020	Registered sanitarians—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-122-020, filed 9/25/80; Order PL 204, § 308-122-020, filed 11/5/75.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.
308-122-030	Renewal of licenses. [Order PL 262, § 308-122-030, filed 1/13/77.] Memo filed by the Office of the Attorney General, dated 8/7/85. Decodified due to repeal of chapter 18.90 RCW.

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- 308-122-040 Application for registration—Process. [Statutory Authority: RCW 18.90.020(2), 80-02-114 (Order PL 334, Resolution 1/80), § 308-122-040, filed 1/28/80.] Repealed by 81-01-082 (Order PL 364), filed 12/17/80. Statutory Authority: RCW 18.90.020(2).
- 308-122-050 Registered sanitarians—Written examination. [Statutory Authority: RCW 18.90.020(2), 80-02-114 (Order PL 334, Resolution 1/80), § 308-122-050, filed 1/28/80.] Repealed by 81-01-082 (Order PL 364), filed 12/17/80. Statutory Authority: RCW 18.90.020(2).
- 308-122-210 Psychologists—Experience prerequisite to licensing. [Statutory Authority: Chapters 18.83 and 34.04 RCW, 78-12-046 (Order PL 293), § 308-122-210, filed 11/27/78; Order PL-245, § 308-122-210, filed 4/15/76.] Repealed by 85-06-043 (Order PL 521), filed 3/5/85. Statutory Authority: RCW 18.83.070(3).
- 308-122-300 Psychologists—License renewal fee. [Order PL 163, § 308-122-300, filed 3/18/74.] Repealed by Order PL 277, filed 11/5/75. Later promulgation, see WAC 308-122-460.
- 308-122-460 Psychologist—Fees. [Statutory Authority: RCW 43-24.085, 80-14-022 (Order 356), § 308-122-460, filed 9/25/80; Order PL 227, § 308-122-460, filed 11/5/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-122-275.

WAC 308-122-001 Guidelines for the promulgation of administrative rules. The examining board of psychology shall not promulgate rules which restrict access to information from applicant/employee psychological evaluations sought by public safety agencies.

[Statutory Authority: RCW 18.83.050(1), 86-19-061 (Order PM 616), § 308-122-001, filed 9/16/86.]

WAC 308-122-005 Definitions. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: 1988 c 206 § 604, 88-23-059 (Order PM 798), § 308-122-005, filed 11/15/88.]

WAC 308-122-006 Applications for licensure. Effective January 1, 1989, persons applying for licensure or certification shall submit, in addition to the other requirements, evidence to show compliance with the educational requirements of WAC 308-122-280.

[Statutory Authority: 1988 c 206 § 604, 88-23-059 (Order PM 798), § 308-122-006, filed 11/15/88.]

WAC 308-122-060 Guidelines for the employment and/or supervision of auxiliary staff. (1) Qualifications of the supervisor: The supervisor shall be licensed in Washington state for the practice of psychology and have adequate training, knowledge, and skill to evaluate the competence of the work of the auxiliary staff. The supervisor may not be employed by the auxiliary staff.

(2) Qualifications of the auxiliary staff: The staff person must have the background, training, and experience that is appropriate to the functions performed. The

supervisor is responsible for determining the adequacy of the qualifications of the staff person and the designation of his/her title.

(3) Responsibilities of the supervisor: The supervisor accepts full legal and professional responsibility for all services that may be rendered by the auxiliary staff. To this end, the supervisor shall have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan and assure the delivery of effective services. The supervisor is responsible for assuring that appropriate supervision is available or present at all times. The supervisor is responsible for assuring that auxiliary staff are informed of and adhere to requirements of confidentiality. The supervisor shall assure that the staff person providing services is appropriately covered by professional liability insurance and adheres to accepted business practices.

(4) Conduct of supervision: It is recognized that variability in preparation for duties to be assumed will require individually tailored supervision. In the case of auxiliary staff providing psychological services, a detailed job description shall be developed and a contract for supervision prepared.

(5) Conduct of services that may be provided by auxiliary staff: Procedures to be carried out by the auxiliary staff shall be planned in consultation with the supervisor. Clients of the auxiliary staff shall be informed as to his/her status and shall be given specific information as to his/her qualifications and functions. Clients shall be informed of the identity of the supervisor. They shall be informed that they might meet with the supervisor at their own request, the auxiliary staff person's or the supervisor's request. Written reports and communications shall be countersigned by the supervisor.

[Statutory Authority: RCW 18.83.050(5), 86-04-087 (Order PL 578), § 308-122-060, filed 2/5/86.]

WAC 308-122-200 Psychologists—Education prerequisite to licensing. To meet the education requirement of RCW 18.83.070, an applicant shall possess a doctoral degree from an institution of higher education accredited in the region in which the doctoral program is offered at the time the applicant's degree was awarded. In that doctoral program, at least forty semester hours, or sixty quarter-hours, of graduate courses shall have been passed successfully, and can be clearly identified by title and course content as being part of a psychology program. One of the standards for issuance of said degree shall have been the submission of an original dissertation which was psychological in nature. Endorsement by the program administrator shall be requested and considered.

An integrated program of graduate study in psychology shall be defined as follows:

(1) The following defines the organizational structure of the program:

(a) The program shall be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures shall show intent to educate and train psychologists.

(b) The psychology program shall stand as a recognized, coherent, entity within the institution.

(c) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(d) There shall be an organized sequence of study planned by those responsible for the program to provide an appropriate, integrated experience covering the field of psychology.

(e) There shall be an identifiable psychology faculty and a psychologist administratively responsible for the program.

(f) There shall be an identified body of students selected on the basis of high ability and appropriate educational preparation.

(2) The following defines the academic program:

(a) The curriculum shall encompass a minimum of three academic years of full-time graduate study or their equivalent. The doctoral program shall involve at least one continuous year of full-time residency at the institution which grants the degree. The applicant shall clearly have had instruction in: History and systems, research design and methodology, statistics and psychometrics. The program shall require each student to complete three or more semester hours (five or more quarter-hours) of core study in each of the following content areas:

(i) Biological bases of behavior (physiological psychology, comparative psychology, neurobases, sensation and perception, biological bases of development);

(ii) Cognitive-affective bases of behavior (learning, thinking, motivation, emotion, cognitive development);

(iii) Social bases of behavior (social psychology, organizational theory, community psychology, social development);

(iv) Individual differences (personality theory, psychopathology); and

(v) Scientific and professional ethics.

(b) The program shall include practicum, internship, field or laboratory experience appropriate to the area of psychology that is the student's major emphasis.

(3) If the major emphasis is in clinical, counseling, school or other applied area, the program shall include coordinated practicum and internship experience.

(a) Practicum experience shall total at least two semesters (three quarters) and consist of a total of at least 300 hours of direct experience and 100 hours of supervision.

(b) The practica shall be followed by an organized internship. Predoctoral internship programs accredited by the American Psychological Association shall be accepted by the board as meeting this requirement. Otherwise, an organized internship shall be as follows:

(i) The internship shall be designed to provide a planned, programmed sequence of training experiences, the primary focus of which is to assure breadth and quality of training.

(ii) The internship setting shall have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed/

certified by the state/provincial board of psychology examiners.

(iii) The internship setting shall have two or more psychologists available as supervisors, at least one of whom is licensed/certified as a psychologist.

(iv) Supervision shall be provided by the person who is responsible for the cases being supervised. At least seventy-five percent of the supervision shall be provided by a psychologist(s).

(v) At least twenty-five percent of the intern's time shall be spent in direct client contact (minimum 375 hours) providing assessment and intervention services.

(vi) There shall be a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with the direct psychological services rendered by the intern. There shall also be a minimum of 2 hours of other learning activities such as: Case conferences, seminars on applied issues, co-therapy with a staff person including discussion, group supervision.

(vii) Supervision/training relating to ethics shall be an ongoing aspect of the internship program.

(viii) Trainees shall have titles such as "intern," "resident," "fellow," or other designation of trainee status.

(ix) The internship setting shall have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of trainees' work, and made available to prospective interns.

(x) The internship experience shall consist of at least 1500 hours and shall be completed within twenty-four months.

(4) Applicants for licensure who obtained degrees from foreign universities shall first submit, at their own expense, their credentials to an independent, private professional organization approved by the board to establish equivalency of training required by this section.

[Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-200, filed 4/15/88. Statutory Authority: RCW 18.83.050(2) and 18.83.070(2). 87-19-096 (Order PM 678), § 308-122-200, filed 9/17/87. Statutory Authority: Chapter 18.83 RCW. 78-12-046 (Order PL 293), § 308-122-200, filed 11/27/78; Order PL-245, § 308-122-200, filed 4/15/76.]

WAC 308-122-211 Psychologists—Education prerequisites to licensing for applicants enrolled in a doctoral program between December 28, 1978 to October 19, 1987. (1) This rule applies in lieu of WAC 308-122-200 for applicants enrolled between December 28, 1978 and October 19, 1987 in a program leading to a doctoral degree. 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 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 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: RCW 18.83.050. 89-11-054 (Order PM 845), § 308-122-211, filed 5/17/89.]

WAC 308-122-215 Psychologists—Experience prerequisite to licensing. (1) Need for supervision. The law requires that the applicant have at least twelve months experience practicing psychology under qualified supervision after having completed all requirements for a doctoral degree. Supervision must be appropriate to the area(s) of professional activity in which the candidate intends to function.

(2) Twelve months of experience shall include a MINIMUM of 1500 supervised clock hours of psychological work. There should be a MINIMUM of one hour of individual supervision for every twenty hours of psychological work. The majority of supervised hours should be in the area(s) of intended psychological work. Documentation of experience and supervision hours shall be kept by supervisee and supervisor. The supervisor(s) shall forward to the board a written evaluation at the end of the twelve-month period, and shall indicate whether the supervisee has satisfactorily completed the supervised clock hours of psychological work. If any supervisor's(s') written evaluation indicates that the supervisee has failed to satisfactorily complete the required work, the board may require additional supervised clock hours of psychological work.

(3) Appropriate supervision is that provided by a licensed psychologist with two years post-license experience, a psychiatrist with three years of experience beyond residency, or an MSW with five years post degree experience or a doctoral level psychologist by training and degree with two years of post-doctoral experience who is exempt from licensure by RCW 18.83.200 (1); (2); (3); or, (4), but only when supervising within the exempt setting. At least 50 percent of supervision must be provided by a licensed psychologist. The supervisor must have competence in the area(s) of intended psychological work of the supervisee. The supervisor shall not supervise in any area in which he or she does not have competence.

(4) Content of supervision. Supervision should include, but not be limited to, the following content area:

(a) Discussion of services provided by the supervisee;

(b) Selection, service plan, and review of each case or work unit of the supervisee;

(c) Discussion of and instruction in theoretical conceptions underlying the supervised work;

(d) Discussion of the management of professional practice or other administrative or business issues;

(e) Evaluation of the supervisory process, supervisee, and supervisor;

(f) Discussion of the coordination of services among other professionals involved in particular work units;

(g) Review of relevant Washington laws and rules and regulations;

(h) Discussion of ethical principles including principles that apply to current work;

(i) Review of standards for providers of psychological services;

(j) Discussion of other relevant reading materials specific to cases, ethical issues, and the supervisory process.

(5) Mode of supervision. The nature of supervision will vary depending on the theoretical orientation of the supervisor, the training and experience of the supervisee, and the duration of the supervisory relationship. It is reasonable for a supervisor to ask for detailed process notes and progress reports. Audio tapes, video tapes, client supplied information such as behavioral ratings, and one-way mirror observations are also appropriate when deemed useful and/or necessary. However accomplished, supervision shall include some direct observation of the supervisee's work. The preferred mode of supervision is face-to-face discussion between supervisor and supervisee.

(6) Authority of supervisor. The supervisor is ethically and legally responsible for all supervisee work covered in the written agreement for supervision. Therefore, it is the authority of the supervisor to alter service plans or otherwise direct the course of psychological work.

(7) Written agreement for supervision. The supervisor and supervisee shall have a written agreement for supervision. This shall include:

(a) The area(s) of professional activity in which supervision will occur;

(b) Hours of supervision and/or ratio of supervisory hours or professional hours;

(c) Supervisory fees, if appropriate;

(d) Process of supervision including mode of supervision, expectations for recordkeeping, and expectations for evaluation and feedback;

(e) Relevant business arrangements;

(f) How the supervisee will represent him or herself;

(g) How disagreements will be handled.

(8) Representation of supervisee to the public. It shall be the responsibility of the supervisee to represent him or herself to the consuming public as being in training status with a suitable supervisor. Clients shall be informed of the identity and responsibilities of the supervisor; and shall be informed of their right to consult or speak directly with the supervisor. Such titles as psychological resident, psychological intern or psychological supervisee, are deemed appropriate for the supervisee. NO services provided by the supervisee shall be represented to third parties as having been provided by the supervisor. Insurance forms should be filled out to indicate the nature of the supervisory relationship.

[Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-215, filed 4/15/88. Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-215, filed 2/5/86. Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-215, filed 3/5/85.]

WAC 308-122-220 Psychologists--Written examination. Written examination requirements: The written

examination that is used in the state of Washington is the examination of professional practice of psychology. The examination consists of objective multiple choice questions covering the major areas of psychology. Each form of the examination contains between 150 and 200 items in the areas listed below:

(1) Background information, including physiological psychology and comparative psychology, learning, history, theory and systems, sensation and perception, motivation, social psychology, personality, cognitive processes, developmental psychology and psychopharmacology.

(2) Methodology including research design and interpretation, statistics, test construction and interpretation, scaling.

(3) Clinical psychology including test usage and interpretation, diagnosis, psychopathology, therapy, judgment in clinical situations, community mental health.

(4) Behavior modification including learning and applications.

(5) Other specialties including management consulting, industrial and human engineering, social psychology, t-groups, counseling and guidance, communication systems analysis.

(6) Professional conduct and ethics including interdisciplinary relations and knowledge of professional affairs.

The cutoff score which the Washington state board of examiners uses is 75% of the raw score, or the national mean of all first time doctorates, whichever is the lowest.

[Statutory Authority: RCW 18.83.050. 82-18-073 (Order PL 404), § 308-122-220, filed 9/1/82; 80-07-010 (Order PL 346), § 308-122-220, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-220, filed 7/9/79; Order PL-245, § 308-122-220, filed 4/15/76.]

WAC 308-122-225 Psychology examination--Application submittal date. To be eligible to take any particular written examination, an applicant for licensure must file his or her application with the department of licensing not less than sixty days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in April and October of each year.

[Statutory Authority: RCW 18.83.030, 18.83.050 and 18.83.060. 79-08-008 (Order PL-308), § 308-122-225, filed 7/9/79.]

WAC 308-122-230 Psychologists--Oral examination. Oral examination: The oral exam covers the same core issues for all candidates ranging through four major foci:

(1) Professional judgment in areas of stated competence;

(2) Knowledge of state laws pertaining to psychologist and psychological ethics;

(3) Knowledge and skills in area of stated competence. The candidate must be able to articulate and relate conceptual rationale and methodological interventions;

(4) Adequacy of candidate's professional training, supervision and experience.

[Statutory Authority: RCW 18.83.050. 79-08-009 (Order PL-309), § 308-122-230, filed 7/9/79; Order PL-245, § 308-122-230, filed 4/15/76.]

WAC 308-122-235 Qualifications for granting of license by reciprocity. (1) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170 (1) and (2) shall:

(a) Provide evidence of meeting the educational requirements set forth in RCW 18.83.200 in effect at the time the applicant entered his/her doctoral program;

(b) Pass the oral examination administered by the board pursuant to RCW 18.83.050.

(2) Candidates applying for licensure pursuant to the provisions of RCW 18.83.170(3) shall:

(a) Pass the oral examination administered by the board pursuant to RCW 18.83.050.

[Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-235, filed 4/15/88.]

WAC 308-122-275 Psychology fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application—Written examination (initial and retake)	\$150.00
Application—Oral examination (initial and retake)	150.00
Renewal	210.00
Duplicate license	15.00
Certificate of qualification	30.00
Certification	25.00
Amendment of certificate of qualification	30.00

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-122-275, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-122-275, filed 8/10/83. Formerly WAC 308-122-460.]

WAC 308-122-280 AIDS education and training.

(1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC 308-122-520(1), shall be a minimum of seven clock hours, and shall include, but not be limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on lapsed, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-059 (Order PM 798), § 308-122-280, filed 11/15/88.]

WAC 308-122-350 Psychologists—Renewal of licenses. (1) The annual license renewal date for psychologists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) On a one time basis beginning January 1, 1989, all persons making application for licensure or certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-122-280. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

[Statutory Authority: 1988 c 206 § 604. 88-23-059 (Order PM 798), § 308-122-350, filed 11/15/88; Order PL 227, § 308-122-350, filed 11/5/75; Order PL 177, § 308-122-350, filed 10/15/74.]

WAC 308-122-360 Certificates of qualification. Procedures by which the Washington state board of psychologist examiners approves certificates of qualification are primarily based upon RCW 18.83.105 that states: "The board may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of doctor of philosophy or its equivalent in psychology from an accredited educational institution." Procedures and rules established by the board are as follows.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-360, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-360, filed 10/1/75.]

WAC 308-122-370 Certificates of qualification—Title. Applicants receiving the certificates of qualification shall hold the title of "psychological assistant," unless the board approves the applicant's petition to work without immediate supervision in which case the applicant shall hold the title of "psychological affiliate."

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-370, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-370, filed 10/1/75.]

WAC 308-122-380 Certificates of qualification-- Educational requirements. The applicant shall have received at least a master's degree in psychology or a degree considered equivalent by the board. The applicant must have completed an adequate major in psychology from a regular graduate program of an accredited institution, as evaluated by the board.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-380, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-380, filed 10/1/75.]

WAC 308-122-390 Certificates of qualification-- Experience and training requirements. The applicant shall have completed at least three years of full time experience or its equivalent satisfactory to the board. All of the supervisors of the experience time shall be listed on the application form as references. The applicant shall have completed a minimum of one year's experience practicing psychology under qualified and appropriate supervision, after receiving the graduate degree. It is the candidate's responsibility to describe the way in which he or she meets these supervision requirements. Ordinarily this description will delineate the nature and objectives of his supervision, the ways in which the activities supervised met these objectives, and the specifics of time, place, frequency, and type of contact (e.g. observation, audio-tapes, video-tapes, co-counseling).

While the board does not prescribe exact supervision requirements, it does subscribe to certain principles and guidelines regarding effective supervision. Effective supervision is viewed as that which is planned and systematic, psychological in nature, intensive in depth of analysis; and involving direct or taped observation and critique on a regular basis.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-390, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-390, filed 10/1/75.]

WAC 308-122-400 Certificates of qualification-- Psychological functions. Applicants for certificates of qualification shall receive the certificates in specific areas of competence. Certificates shall indicate the general title "psychological assistant" or "psychological affiliate" along with a specific function. The specific functions may include:

- (1) Intellectual and/or personality assessment. (e.g. psychometrist or neuropsychological technician.)
- (2) Educational-vocational counseling. (e.g. educational counselor, high school or college counselor, vocational counselor or rehabilitation counselor.)
- (3) Mental health counseling. (e.g. alcohol and drug counselor, behavior modification counselor, or group counseling co-leader.)
- (4) Educational development and learning. (e.g. counseling and evaluation of education related problems.)
- (5) Research.
- (6) Industrial/organizational development. (e.g. personnel technician, group process co-leader, organizational development staff member.)

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Specific functions other than those listed above may be suggested by applicants and subsequently determined and approved by the board.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-400, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-400, filed 10/1/75.]

WAC 308-122-410 Certificates of qualification-- Written examination. The applicant must satisfactorily pass the written examination developed by the professional testing service of the American Association of State Psychology Boards. The cutting score for the written examination shall be 75% of the raw score. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-410, filed 9/19/89, effective 10/20/89. Statutory Authority: RCW 18.83.050. 80-07-010 (Order PL 346), § 308-122-410, filed 6/9/80; 79-08-009 (Order PL-309), § 308-122-410, filed 7/9/79; Order PL 202, § 308-122-410, filed 10/1/75.]

WAC 308-122-420 Certificates of qualification-- Oral examination. Each oral examination conducted by the board shall include questioning in the following areas:

- (1) Professional judgment in the applicant's specialty areas; and
- (2) Knowledge of current laws regulating the practice of psychology; and
- (3) Knowledge and awareness of ethical issues and problems in the applicant's specialty areas and for psychologists in general; and
- (4) Knowledge and skills in areas in which the applicant considers himself/herself competent to offer psychological services; and
- (5) Applicant's past supervision and career plans; and
- (6) Applicant's plans for professional development and continued supervision.

In the event that an applicant fails in the initial oral examination he or she may be rescheduled for another oral examination before the board.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-420, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-420, filed 10/1/75.]

WAC 308-122-430 Certificates of qualification-- Procedure for additional areas of function. A person receiving a certificate of qualification may apply for certification in an additional area of function by updating his/her application form and references, submitting the required fee and by taking an oral examination in the new area following the procedures outlined above.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-430, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-430, filed 10/1/75.]

WAC 308-122-440 Continued supervision of persons receiving certificates of qualification. (1) The law states that the holder of a certificate of qualification

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must perform psychological functions "under the periodic direct supervision of a psychologist licensed by the board." The board's interpretation of this statement is that the psychological assistant is certified *in tandem* with a licensed psychologist and not in his or her own right. That is, the board will evaluate simultaneously the professional capabilities of the applicant and the qualifications of the licensed psychologist to supervise the assistant in the specific professional functions outlined by the assistant. The board's approval of an association between a psychological assistant and a licensed psychologist is done purely on an examination of the professional qualifications of the two parties concerned and on the execution of an agreement between the two of them as proposed supervisor and supervisee. The board in no way involves itself with the specific work conditions, fees, salaries, and related factors except insofar as they have a bearing on the quality of the professional relationship or services offered to the public.

(2) The applicant must indicate on the application form, in detail, his or her areas of intended practice. After initial screening (evaluation of the person's education, experience and supervision) and passing the national written examination, the applicant shall furnish the board with a plan for continued supervision which will include detailed information regarding the supervisor which indicates an agreement to supervise. The board will use this information in conjunction with the oral examination to assess the supervision plans.

(3) Minimum supervision shall entail discussion of the assistant's work through regularly scheduled contacts with the supervisor at appropriate intervals. Whenever possible, supervision should consist of occasional direct observation or review of taped case material. The supervisor shall be responsible for preparing evaluative reports of the assistant's performance, which will be forwarded to the division of professional licensing on a periodic basis.

(4) When a licensed psychologist assumes the responsibility of supervision, he or she shares the professional and ethical responsibility for the nature and quality of all of the psychological services as the assistant may provide. Failure to provide supervision when such a relationship is claimed may result in appropriate action against the license of the supervisor.

(5) Interruption or termination of a supervisory relationship shall be promptly communicated to the division of professional licensing.

(6) In every case where psychological testing is done and a report is written based on that testing by a psychological assistant, the supervising licensed psychologist will countersign the report indicating his approval.

(7) An applicant or holder of a certificate may apply to the board for authority to work without immediate supervision in particular areas of function. In these cases the board may require further evidence of proficiency. Even though the immediate supervision requirement is waived for the psychological affiliate, periodic supervisory consultation as deemed appropriate by the board is required. Evidence of supervisory consultation must be

submitted to the division of professional licensing with the annual license fee.

[Statutory Authority: RCW 18.83.090, 89-19-053 (Order PM 862), § 308-122-440, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-440, filed 10/1/75.]

WAC 308-122-450 Certificates of qualification--Representations to clients. (1) Each client of the psychological assistant or psychological affiliate must be informed of the nature of the assistant's or affiliate's professional status, the function in which he or she is certified, and the fact that said assistant is under the supervision of a licensed psychologist.

(2) Only psychological affiliates may advertise their services (e.g. representations of themselves in telephone directories and announcements and on business cards). In doing so, the affiliate must list the functions for which he or she is certified and state his or her academic degree.

[Statutory Authority: RCW 18.83.090, 89-19-053 (Order PM 862), § 308-122-450, filed 9/19/89, effective 10/20/89; Order PL 202, § 308-122-450, filed 10/1/75.]

WAC 308-122-500 Continuing education--Purpose and scope. The ultimate aim of continuing education is to ensure the highest quality of professional work. Continuing psychological education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in the science and applications of psychology as appropriate to the work settings. The objectives are to improve and increase the ability of the psychologist or psychological associate or affiliate to deliver the highest possible quality of psychological work and to keep the psychologist or associate or affiliate abreast of current developments in a rapidly changing field. All psychologists licensed pursuant to chapter 18.83 RCW, and psychological associate or affiliate holders of certificates of qualification issued pursuant to RCW 18.83.105 (all types hereafter referred to as licensees), will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal.

[Statutory Authority: RCW 18.83.090, 89-19-053 (Order PM 862), § 308-122-500, filed 9/19/89, effective 10/20/89. Statutory Authority: RCW 18.83.050(5), 86-04-087 (Order PL 578), § 308-122-500, filed 2/5/86; Order PL 276, § 308-122-500, filed 11/16/77.]

WAC 308-122-503 Staggered effective periods for new continuing education rules, WAC 308-122-550 through 308-122-580. (1) WAC 308-122-505 through 308-122-545 applies to those licensees who are required to submit affidavits of compliance with their 1989, 1990, or 1991 renewal of licenses for the continuing psychological education as attested to on those affidavits.

(2) For those licensees who have submitted or are required to submit an affidavit of compliance pursuant to WAC 308-122-545 in 1989, WAC 308-122-550 through 308-122-580 shall apply for the submission of proof of continuing psychological education with the licensees' 1992 renewals of licenses instead of WAC 308-122-505 through 308-122-545.

(3) For those licensees who are required to submit an affidavit of compliance pursuant to WAC 308-122-545 in 1990, WAC 308-122-550 through 308-122-580 shall apply for the submission of proof of continuing psychological education with the licensees' 1993 renewals of licenses instead of WAC 308-122-505 through 308-122-545.

(4) For those licensees who are required to submit an affidavit of compliance pursuant to WAC 308-122-545 in 1991, WAC 308-122-550 through 308-122-580 shall apply for the submission of proof of continuing psychological education with the licensees' 1994 renewals of licenses instead of WAC 308-122-505 through 308-122-545.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-503, filed 9/19/89, effective 10/20/89.]

WAC 308-122-505 Continuing education--General requirements. The Washington state board of psychology examiners (hereafter referred to as the board) requires one hundred fifty credit hours of continuing psychological education (hereafter referred to as CPE) every three years. One clock hour of acceptable CPE activity equals one credit hour. Currently licensed psychologists will be divided into three groups, by birthdate[s], for ease in implementing CPE. Group I, those with birthdates falling in the months of January, February, March or April, will have 1 year to show evidence of 50 hours, Group II, those with birthdates falling in the months of May, June, July or August, will have 2 years to show evidence of 100 hours, and Group III, those with birthdates falling in the months of September, October, November or December, will have 3 years to show evidence of 150 hours. Groups I and II may distribute their hours in any of the categories without minimum or maximum category limitations. After implementation phase, all licensees will be on the 3 year cycle. All new psychologists licensed after the effective date will have 3 years to show evidence of 150 hours.

Any holder of certificate of qualification on February 1, 1986 will have 3 years from their birthdate following February 1, 1986, to show evidence of 150 hours. Any person issued a certificate of qualification after February 1, 1986 will have 3 years from the date of issuance to show evidence of 150 hours.

[Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-505, filed 2/5/86; Order PL 276, § 308-122-505, filed 11/16/77.]

Reviser's note: RCW 34.05.395 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 308-122-510 Continuing education--Categories of creditable activities. The following are categories of creditable CPE activities approved by the board:

- (1) Category I - Educational activities.
- (2) Category II - Educational activities.
- (3) Category III- Teaching, supervision, and training of psychologists, psychology students or allied services.

(4) Category IV- Books, papers, publications, and exhibits.

(5) Self-programed, nonsupervised and creative activities, i.e., self-instruction, specialty board examination preparation or other meritorious learning experiences.

[Order PL 276, § 308-122-510, filed 11/16/77.]

WAC 308-122-515 Continuing education requirements. (1) One clock hour shall equal one credit hour for the purpose of satisfying the one hundred fifty hour CPE requirement.

(2) A minimum of 30 hours must be earned in Category I and it is further required that a minimum of 25 credit hours be earned in each of 2 other categories.

(3) A maximum of ninety credit hours may be earned in Category I. A maximum of seventy-five credit hours may be earned in Category II. A maximum of forty-five credit hours may be earned in each of Categories III, IV, and V.

(4) The maximum credit hours allowed in each category and the minimum number of three categories required in the above have as their purpose encouraging a reasonable broad and rounded scope of CPE, while at the same time enabling specialized areas of interest to be pursued more extensively than other areas.

(5) Any reported credit hours that are in excess of the requirements set forth, will not serve to credit or off-set the required CPE requirements for any succeeding three year cycle.

(6) Professionals offering CPE courses must meet the training and the full qualifications of their respective professions. For example; a psychologist should either be licensed or have a core of basic psychological courses, in residency, culminated in a Ph.D. or equivalent degree; a psychiatrist should have an MD, appropriate psychiatric residency; a social worker should have appropriate educational qualifications and be eligible for membership in ACSW. All professionals shall have demonstrated an expertise in the areas in which they are instructing.

(7) Audited courses are acceptable if evidence of completion is recorded on a transcript or a validating letter from the instructor is available at the time of CPE review.

[Order PL 276, § 308-122-515, filed 11/16/77.]

WAC 308-122-520 Definition of categories of creditable CPE. (1) Category I--Educational activities. A maximum of ninety credit hours may be earned in this category, a minimum of 30 hours must be earned. Recognized as appropriate under this category are:

(a) Courses, seminars, workshops and post-doctoral institutes offered by educational institutions chartered by a state and recognized (accredited) by a regional association of school, colleges and universities and which offer graduate level courses. Attendance shall be in the home state in which the institution is accredited/chartered. Exceptions may be made for courses offered by educational institutions chartered/accredited in contiguous states or provinces to Washington.

(b) Courses (including correspondence courses), seminars, workshops and post-doctoral institutes sponsored

by the National Academy of Professional Psychologists, the American Psychological Association, regional psychological associations, the Washington State Psychological Association and its divisions, and other states' psychological associations which have CPE programs or requirements, agencies with American Psychological Association approved internship programs and other nationally recognized behavioral science organizations, e.g., courses, workshops etc. offered by NASW, NTL, APGA and AGPA. Simple attendance at professional association conventions or meetings is not creditable under Category I (see Category V).

Note: All activities in this and all other categories, must be directly relevant to maintaining or increasing professional competence in psychology.

(2) Category II—Educational activities. A maximum of seventy-five credit hours may be earned in this category. Creditable CPE activities include:

(a) Courses (including correspondence courses), practica, seminars, experiential or didactic workshops offered by institutions or organizations not meeting requirements of Category I.

(b) Obtaining consultative training from a licensed professional or institute (other than that which is required in ones employment).

(c) Organized forms of CPE which include in-service and in-house seminars, lectures, professional journal and book study groups, as well as privately organized regularly scheduled seminars.

(3) Category III—Teaching, supervision, and training of psychologists, psychology students or allied services. A maximum of 45 credit hours may be earned in this category. Creditable CPE activities include instruction and/or supervision of psychologists, psychology students, institutional staff, or other professionals or students from an institution with a formal teaching or training program, if the institution has approved the instruction and/or supervision.

(a) CPE credit for a specific course taught can be given one time only (usually the first time it is taught, unless there is substantial revision). The number of hours credited is based on the number of class contact hours, up to a maximum of 30 hours.

(b) CPE credit for supervision may be earned, up to a maximum of 30 hours.

(4) Category IV—Books, papers, publications, and exhibits. A maximum of 45 credit hours may be earned in this category with specific credit hour allowances listed as follows: Credit may be earned only during the three year period in which the presentation or publication was made or published.

(a) Twenty-five credit hours may be claimed for each publication and for each chapter of a book that is authored and published. Publications must be in a scientific or professional psychological, or allied field journal. Editing is not acceptable for credit in any category.

(b) Ten credit hours may be claimed for each scientific or professional paper or program presentation given at a meeting and for each exhibit shown. All must be

presented at a meeting of psychological or allied professional disciplines and must be of scientific or professional nature. Credit may be claimed only once for presentation of the same materials or program and should be claimed as of the date of presentation or publication. Presentations to lay audiences are not credited under this or any other CPE category.

(5) Category V—Self-programmed, nonsupervised and creative activities. A maximum of 45 credit hours may be earned in this category. Credit may be earned only for activities pursued during the three year period prior to the date of current relicensure application. All activities in this category must be primarily psychological in nature and closely related to maintaining and increasing psychological competence. Activities which increase personal scope such as golfing, sailing, potter, cooking, etc., are not acceptable for CPE credit in this, or any other category. Personal therapy is also not acceptable.

Examples of acceptable Category V activities include:

(a) Self-instruction – Credit hours may be earned for reading of scientific, professional and clinical journals, books and professional/scientific tapes.

(b) Attendance at or participation in professional meetings or conventions of national, regional or state psychological associations or other behavioral science conventions – A maximum of 5 CPE credit hours can be earned for attendance at each convention or meeting, up to a maximum total of 15 hours in any one year and 45 hours in 3 years.

[Order PL 276, § 308-122-520, filed 11/16/77.]

WAC 308-122-525 Continuing education—Special considerations. In lieu (total or partial) of one hundred fifty hours of CPE the board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a CPE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the CPE credit hour requirements of the board.

(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary CPE program may submit to the board evidence of completion of that other state's or country's CPE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without CPE requirements, or who are not legally required to meet those CPE requirements, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's CPE requirements.

(4) The board may also accept evidence of diplomate award by the American Board of Examiners in Professional Psychology (ABPP) in lieu of one hundred fifty hours of CPE for that three year period in which the diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established.

(6) All board members appointed after December 31, 1985 shall receive, for each year of service on the board, ten continuing education credits, to be applied in any category the board member chooses.

[Statutory Authority: RCW 18.83.050(5), 86-04-087 (Order PL 578), § 308-122-525, filed 2/5/86; Order PL 276, § 308-122-525, filed 11/16/77.]

WAC 308-122-530 Continuing education--Enforcement. Failure to meet above CPE requirements within each three year time period will result in nonrenewal of license. The licensee may petition the board for a hearing. License renewal will be based on decision of the board.

[Order PL 276, § 308-122-530, filed 11/16/77.]

WAC 308-122-535 Continuing education--Exemptions. In the event a licensee fails to meet requirements because of illness or retirement (with no further provision of psychological services to consumers) or failure to renew, or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant a time extension. In the case of permanent retirement or illness, the board may grant indefinite waiver of CPE as a requirement for relicensure, provided an affidavit is received indicating the psychologist is not providing psychological services to consumers. If such permanent illness or retirement status is changed (reversed) or consumer psychological services are resumed, it is incumbent upon the licensed psychologist to immediately notify the board and meet CPE requirements for relicensure. CPE credit hours will be prorated for the portion of that three year period involving resumption of such services.

[Order PL 276, § 308-122-535, filed 11/16/77.]

WAC 308-122-540 Continuing education--Program or course approval. (1) The board will accept any CPE that reasonably falls within the above categories and requirements. The board relies upon each individual psychologist's integrity with the intent and spirit of the CPE requirements.

(2) CPE program sponsors or institutes should not apply for, nor expect to receive, prior or current board approval for Category I status, except as required by WAC 308-122-515 and 308-122-520. The CPE category in which credit hours may be claimed will be determined by the definitions as shown in WAC 308-122-520.

(3) The number of creditable hours may be determined by counting the actual contact hours of instruction or, in the case of workshops, the formal hours of the workshop.

Note: The board relies upon the integrity of program sponsors to present CPE that constitutes a professional and/or scientific learning experience of quality and pertinent to psychology.

[Order PL 276, § 308-122-540, filed 11/16/77.]

(1989 Ed.)

WAC 308-122-545 Continuing education--Certification of compliance. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the one hundred fifty hours CPE requirement on a form supplied by the board.

(2) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate, compliance with the one hundred fifty hours CPE requirement. Therefore, it is the responsibility of each licensee to maintain records, certificates, or the other evidence of CPE compliance.

[Order PL 276, § 308-122-545, filed 11/16/77.]

WAC 308-122-550 Continuing education requirements. (1) The Washington state examining board of psychology (hereafter referred to as the board) requires a minimum of eighty credit hours of continuing psychological education (hereafter referred to as CPE) every three years.

(2) One clock hour of instruction and/or training shall equal one credit hour for the purpose of satisfying the eighty hour CPE requirement.

(3) All licensees will be on the three-year cycle. All new licensees licensed after the effective date will have three years from their next birthday to show evidence of eighty CPE hours.

(4) Credit hours that are in excess of the requirements set forth cannot be credited to CPE requirements for any succeeding three-year cycle.

(5) A minimum of four hours credit must be earned in ethics every three years prior to renewal of license. Ethics to be covered, dependent upon the licensee's primary area(s) of function, are practice, consultation, research, teaching, and/or supervision.

(6) Faculty providing CPE offerings shall meet the training and the full qualifications of their respective professions. All faculty shall have demonstrated expertise in the areas in which they are instructing.

[Statutory Authority: RCW 18.83.090, 89-19-053 (Order PM 862), § 308-122-550, filed 9/19/89, effective 10/20/89.]

WAC 308-122-555 Definition of creditable CPE.

(1) CPE activities shall be a minimum of three credit hours dealing with the same topic or subject matter. The required minimum of three credit hours need not be three continuous hours, however, the three hours must be at consecutive sessions and must deal with the same topic or subject matter.

(2) All CPE activities shall be directly relevant to maintaining or increasing professional or scientific competence in psychology. Courses or workshops primarily designed to increase practice income or office efficiency, while valuable to the licensee, are specifically noneligible for CPE credit.

(3) Recognized activities shall include:

(a) Courses, seminars, workshops and post-doctoral institutes offered by educational institutions chartered

by a state and recognized (accredited) by a regional association of school, colleges and universities that meet the requirements of this subsection.

(b) Courses (including correspondence courses), seminars, workshops and post-doctoral institutes sponsored or accredited by the National Academy of Professional Psychologists, the American Psychological Association, regional psychological associations, the Washington State Psychological Association and its chapters, other states' psychological associations which have CPE programs or requirements, agencies with American Psychological Association approved internship programs and other professionally or scientifically recognized behavioral science organizations, including but not limited to, the National Association of Social Work (NASW), National Training Lab (NTL), American Association for Counseling and Guidance (AACG), Veterans Administration Regional Medical Education Centers (RMEC), American Medical Association (AMA), Northwest Family Training Institute (NFTI), Mental Research Institute (MRI), American Association for Behavior Therapy (AABT), Society of Behavioral Medicine (SBM), Association for Applied Psychophysiology and Biofeedback (AAPB), American Orthopsychiatric Association (AOA). These must meet the requirements of this subsection.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-555, filed 9/19/89, effective 10/20/89.]

WAC 308-122-560 Definition of acceptable documentation and proof of CPE. (1) Licensees are responsible for acquiring and maintaining all acceptable documentation of their CPE activities.

(2) In order to be acceptable to the board upon audit, documentation shall include transcripts, letters from course instructors, or certificate of completion. In all cases other than transcripts, the participant's name, the activity title, number of activity credit hours, activity date(s), faculty signature and degree (when appropriate), and signature and title of verifying individual must be clearly evident.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-560, filed 9/19/89, effective 10/20/89.]

WAC 308-122-565 Continuing education--Special considerations. (1) The board will accept evidence of diplomate award by the American Board of Examiners in Professional Psychology (ABPP) in lieu of eighty hours of CPE for that three year period in which the diplomate was awarded.

(2) Credit hours may be earned for other specialty board, education awards, or diploma certifications if and when such are established.

(3) Psychologists or psychological associates licensed in Washington state who wish to retain their Washington license, but are working and living in another state, United States territory or country, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and partial or total approval based on conformity to the board's CPE requirements.

[Title 308 WAC—p 324]

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-565, filed 9/19/89, effective 10/20/89.]

WAC 308-122-570 Continuing education--Enforcement. (1) Certificate of compliance: Every third year, in conjunction with the application for renewal of license, a licensee shall submit an affidavit of compliance with the eighty hours CPE requirement on a form supplied by the board. Failure to submit such affidavit at licensure renewal time, or submission of the affidavit in such manner that CPE compliance cannot be determined by the board will result in denial of renewal of license. Renewal will be based on decision of the board after compliance requirement is adequately met.

(2) Audit: A percentage, which shall be determined by the board, of all licensees' affidavits submitted along with license renewal applications will be regularly audited by the board. Upon audit, it is the sole responsibility of the licensee to submit copies of the appropriate and acceptable documentation to the board. Failure to comply with the audit documentation request, or failure to supply acceptable documentation within sixty days from date of audit request (in the absence of justification acceptable to the board) shall result in disciplinary action until compliance is deemed acceptable by the board.

(3) Failure to meet CPE requirements within each three year time period shall result in disciplinary action by the board. The licensee may petition the board for a hearing. License reinstatement will be based on decision of the board.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-570, filed 9/19/89, effective 10/20/89.]

WAC 308-122-575 Continuing education--Exemptions. In the event a licensee fails to meet requirements, because of illness, retirement (with no further provision of psychological services to consumers), failure to renew, or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant a time extension. The board may, in its discretion, limit in part or in whole the provision of psychological services to the consumers until the CPE requirements are met. In the case of retirement or illness, the board may grant indefinite waiver of CPE as a requirement for relicensure, provided an affidavit is received indicating he psychologist is not providing psychological services to consumers. If such illness or retirement status is changed or consumer psychological services are resumed, it is incumbent upon the licensee to immediately notify the board and to resume meeting CPE requirements for relicensure. CPE credit hours will be prorated for the portion of that three year period involving resumption of such services.

[Statutory Authority: RCW 18.83.090. 89-19-053 (Order PM 862), § 308-122-575, filed 9/19/89, effective 10/20/89.]

WAC 308-122-580 Continuing education--Program or course approval. (1) The board will accept CPE that meets the requirements of this chapter. The board relies

upon each individual licensee's integrity and the integrity of CPE providers to comply with the intent and spirit of the CPE requirements.

(2) CPE program sponsors or institutes should not apply for, nor expect to receive, prior or current board approval for CPE status. Audits of individual licensee's CPE shall be performed in accordance with specifications indicated in WAC 308-122-523 and 308-122-530.

[Statutory Authority: RCW 18.83.090, 89-19-053 (Order PM 862), § 308-122-580, filed 9/19/89, effective 10/20/89.]

WAC 308-122-600 Code of ethics--General considerations. Psychologists respect the dignity and worth of the individual and strive for the preservation and protection of fundamental human rights. They are committed to increasing knowledge of human behavior and of people's understanding of themselves and others and to the utilization of such knowledge for the promotion of human welfare. While pursuing these objectives, they make every effort to protect the welfare of those who seek their services of the research participants that may be the object of study. They use their skills only for purposes consistent with these values and do not knowingly permit their misuse by others. While demanding for themselves freedom of inquiry and communication, psychologists accept the responsibility this freedom requires: Competence, objectivity in the application of skills, and concerns for the best interests of clients, colleagues, students, research participants, and society. In the pursuit of these ideals, psychologists subscribe to principles in the following areas: 1. Responsibility, 2. Competence, 3. Public statements, 4. Confidentiality, 5. Welfare of the consumer, 6. Professional relationships, 7. Assessment techniques, 8. Research with human participants, and 9. Care and use of animals.

[Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-600, filed 3/5/85.]

WAC 308-122-610 Responsibility. In providing services, psychologists maintain the highest standards of their profession. They accept responsibility for the consequences of their acts and make every effort to ensure that their services are used appropriately.

(1) As scientists, psychologists accept responsibility for the selection of their research topics and the methods used in investigation, analysis, and reporting. They plan their research in ways to minimize the possibility that their findings will be misleading. They provide thorough discussion of the limitations of their data, especially where their work touches on social policy or might be construed to the detriment of persons in specific age, sex, ethnic, socioeconomic, or other social groups. In publishing reports of their work, they never suppress disconfirming data, and they acknowledge the existence of alternative hypotheses and explanations of their findings. Psychologists take credit only for work they have actually done.

(2) Psychologists clarify in advance with all appropriate persons and agencies the expectations for sharing and utilizing research data. They avoid relationships that may limit their objectivity or create a conflict of

interest. Interference with the milieu in which data are collected is kept to a minimum.

(3) Psychologists have the responsibility to attempt to prevent distortion, misuse, or suppression of psychological findings by the institution or agency of which they are employees.

(4) As members of governmental or other organizational bodies, psychologists remain accountable as individuals to the highest standards of their profession.

(5) As teachers, psychologists recognize their primary obligation to help others acquire knowledge and skill. They maintain high standards of scholarship by presenting psychological information objectively, fully, and accurately.

(6) As practitioners, psychologists know that they bear a heavy social responsibility because their recommendations and professional actions may alter the lives of others. They are alert to personal, social, organizational, financial, or political situations and pressures that might lead to misuse of their influence.

(7) Psychologists do not employ psychological techniques for entertainment, nor for other purposes inconsistent with the development of psychology as a science.

[Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-610, filed 3/5/85.]

WAC 308-122-620 Competence. The maintenance of high standards of competence is a responsibility shared by all psychologists in the interest of the public and the profession as a whole. Psychologists recognize the boundaries of their competence and the limitations of their techniques. They only provide services and only use techniques for which they are qualified by training and experience. In those areas in which recognized standards do not yet exist, psychologists take whatever precautions are necessary to protect the welfare of their clients. They maintain knowledge of current scientific and professional information related to the services they render.

(1) Psychologists accurately represent their competence, education, training, and experience.

(2) As teachers, psychologists perform their duties on the basis of careful preparation so that their instruction is accurate, current, and scholarly.

(3) Psychologists recognize the need for continuing education and are open to new procedures and changes in expectations and values over time.

(4) Psychologists recognize differences among people, such as those that may be associated with age, sex, socioeconomic, and ethnic backgrounds. When necessary, they obtain training, experience, or counsel to assure competent service or research relating to such persons.

(5) Psychologists responsible for decisions involving individuals or policies based on test results have an understanding of psychological or educational measurement, validation problems, and test research.

(6) Psychologists recognize that personal problems and conflicts may interfere with professional effectiveness. Accordingly, they refrain from undertaking any activity in which their personal problems are likely to

lead to inadequate performance or harm to a client, colleague, student, or research participant. If engaged in such activity when they become aware of their personal problems, they seek competent professional assistance to determine whether they should suspend, terminate, or limit the scope of their professional and/or scientific activities.

[Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-620, filed 3/5/85.]

WAC 308-122-630 Moral and legal standards. Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

(1) As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward such materials.

(2) As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual orientation relating to competent, consenting adults, religion, or national origin in hiring, promotion, or training. Sexual orientation shall not be construed to include activities or practices which are illegal, pathological or abusive.

(3) In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

(4) As practitioners and researchers, psychologists act in accord with current professional standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. When federal, state, provincial, organizational, or institutional laws, regulations, or practices are in conflict with professional standards and guidelines, psychologists made known their commitment to professional standards and guidelines and, wherever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

[Statutory Authority: RCW 18.83.050(5), 86-04-087 (Order PL 578), § 308-122-630, filed 2/5/86.]

WAC 308-122-640 Public statements. Public statements, announcements of service, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgments and choice. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(1) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: Name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, diplomate status, professional association status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of these ethical principles.

(2) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner which falsely implies sponsorship or certification of that organization. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They do not contain

(a) A false, fraudulent, misleading, deceptive, or unfair statement;

(b) A misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

(c) A statement intended or likely to create false or unjustified expectations of favorable results;

(d) A statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services.

Psychologists do not use power, influence or offers of compensation to solicit testimonials from clients.

(3) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(4) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(5) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

(6) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.

(7) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

(8) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.

(9) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.

(10) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.

(11) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.

[Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-640, filed 4/15/88. Statutory Authority: RCW 18.83.050(5). 86-04-087 (Order PL 578), § 308-122-640, filed 2/5/86; 85-06-044 (Order PL 522), § 308-122-640, filed 3/5/85.]

WAC 308-122-650 Confidentiality. Psychologists have a primary obligation to respect the confidentiality

of information obtained from persons in the course of their work as psychologists. They reveal such information to others only with the consent of the person or the person's legal representative, except in those unusual circumstances in which not to do so would result in clear danger to the person or to others. Where appropriate, psychologists inform their clients of the legal limits of confidentiality.

(1) Information obtained in clinical or consulting relationships or evaluative data concerning children, students, employees, and others, is discussed only for professional purposes and only with persons clearly concerned with the case. Written and oral reports present only data germane to the purposes of the evaluation, and every effort is made to avoid undue invasion of privacy.

(2) Psychologists who present personal information obtained during the course of professional work in writings, lectures, or other public forums either obtain adequate prior consent to do so or adequately disguise all identifying information.

(3) Psychologists make provisions for maintaining confidentiality in the storage and disposal of records.

(4) When working with minors or other persons who are unable to give voluntary, informed consent, psychologists take special care to protect these persons' best interests.

[Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-650, filed 3/5/85.]

WAC 308-122-660 Welfare of the consumer. Psychologists respect the integrity and protect the welfare of the people and groups with whom they work. When conflicts of interest arise between clients and psychologists' employing institutions, psychologists clarify the nature and direction of their loyalties and responsibilities and keep all parties informed of their commitments. Psychologists must inform consumers as to the purpose and nature of an evaluation, treatment, educational, or training procedure, and they freely acknowledge that clients, students, or participants in research have freedom of choice with regard to participation.

(1) Psychologists are continually cognizant of their own needs and of their potentially influential position vis-a-vis persons such as clients, students, and subordinates. They avoid exploiting the trust and dependency of such persons. Psychologists make every effort to avoid dual relationships that could impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, research with and treatment of employees, students, supervisees, close friends, or relatives. Sexual intimacies with clients are unethical.

(2) When a psychologist agrees to provide services to a client at the request of a third party, the psychologist assumes the responsibility of clarifying the nature of the relationships to all parties concerned.

(3) Where the demands of an organization require psychologists to violate this code of ethics, psychologists clarify the nature of the conflict between the demands

and these principles. They inform all parties of psychologists' ethical responsibilities and take appropriate action.

(4) Psychologists make advance financial arrangements that safeguard the best interests of and are clearly understood by their clients. They neither give nor receive any remuneration for referring clients for professional services.

(5) Psychologists terminate a clinical or consulting relationship when it is reasonably clear that the consumer is not benefiting from it. They offer to help the consumer locate alternative sources of assistance.

(6) Psychologists do not offer psychological services entirely by mail. They do not use or utilize mechanical devices alone in the interpretation of test results.

(7) Psychologists do not use untrained personnel for provision of psychological services.

[Statutory Authority: RCW 18.83.050(5), 85-06-044 (Order PL 522), § 308-122-660, filed 3/5/85.]

WAC 308-122-670 Professional relationships. Psychologists act with due regard for the needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

(1) Psychologists understand the areas of competence of related professions. They make full use of all the professional, technical, and administrative resources that serve the best interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists of the responsibility of securing for their clients the best possible professional service, nor does it relieve them of the obligation to exercise foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

(2) Psychologists know and take into account the traditions and practices of other professional groups with whom they work and cooperate fully with such groups. If a person is receiving similar services from another professional, psychologists do not offer their own services directly to such a person. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceed with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues with the client so as to minimize the risk of confusion and conflict.

(3) Psychologists who employ or supervise other professionals or professionals in training accept the obligation to facilitate the further professional development of these individuals. They provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

(4) Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated

comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient or that create for the recipient an intimidating, hostile, or offensive environment.

(5) In conducting research in institutions or organizations, psychologists secure appropriate authorization to conduct such research. They are aware of their obligations to future research workers and ensure that host institutions receive adequate information about the research and proper acknowledgment of their contributions.

(6) Publication credit is assigned to those who have contributed to a publication in proportion to their professional contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the individual who made the principal contribution listed first. Minor contributions of a professional character and extensive clerical or similar nonprofessional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgement through specific citations is made for unpublished as well as published material that has directly influenced the research or writing. Psychologists who compile and edit material of others for publication, publish the material in the name of the originating group, if appropriate, with their own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

[Statutory Authority: RCW 18.83.050(5), 86-04-087 (Order PL 578), § 308-122-670, filed 2/5/86.]

WAC 308-122-680 Assessment techniques. In the development, publication, and utilization of psychological assessment techniques, psychologists make every effort to promote the welfare and best interests of the client. They guard against the misuse of assessment results. They respect the client's right to know the results, the interpretations made, and the bases for their conclusions and recommendations. Psychologists make every effort to maintain the security of tests and other assessment techniques within limits of legal mandates. They strive to ensure the appropriate use of assessment techniques by others.

(1) In using assessment techniques, psychologists respect the right of clients to have full explanations of the nature and purpose of the techniques in language the clients can understand, unless an explicit exception to the right has been agreed upon in advance. When the explanations are to be provided by others, psychologists establish procedures for ensuring the adequacy of these explanations.

(2) Psychologists responsible for the development and standardization of psychological test and other assessment techniques utilize established scientific procedures and observe the 1974 American Psychological Association standards.

(3) In reporting assessment results, psychologists indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessments or the inappropriateness of the norms for the person tested. Psychologists strive to ensure that the results of

assessments and their interpretations are not misused by others.

(4) Psychologists recognize that assessment results may become obsolete. They make every effort to avoid and prevent the misuse of obsolete measures.

(5) Psychologists offering scoring and interpretation services are able to produce appropriate evidence for the validity of the programs and procedures used in arriving at interpretations. The public offering of an automated interpretation service is considered a professional-to-professional consultation. Psychologists make every effort to avoid misuse of assessments reports.

(6) Psychologists do not encourage or promote the use of psychological assessment techniques by inappropriately trained or otherwise unqualified persons through teaching, sponsorship, or supervision.

[Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-680, filed 3/5/85.]

WAC 308-122-690 Research with human participants. The decision to undertake research rests upon a considered judgment by the individual psychologist about how best to contribute to psychological science and human welfare. Having made the decision to conduct research, the psychologist considers alternative directions in which research energies and resources might be invested. On the basis of this consideration, the psychologist carries out the investigation with respect and concern for the dignity and welfare of the people who participate and with cognizance of federal and state regulations and professional standards governing the conduct of research with human participants.

(1) In planning a study, the investigator has the responsibility to make a careful evaluation of its ethical acceptability. To the extent that the weighing of scientific and human values suggests a compromise of any principle, the investigator incurs a correspondingly serious obligation to seek ethical advice and to observe stringent safeguards to protect the rights of human participants.

(2) Considering whether a participant in a planned study will be a "subject at risk" or a "subject at minimal risk," according to recognized standards, is of primary ethical concern to the investigator.

(3) The investigator always retains the responsibility for ensuring ethical practice in research. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur similar obligations.

(4) Except in minimal-risk research, the investigator establishes a clear and fair agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement. The investigator informs the participants of all aspects of the research that might reasonably be expected to influence willingness to participate and explains all other aspects of the research about which the participants inquire. Failure to make full disclosure prior to obtaining informed consent

requires additional safeguards to protect the welfare and dignity of the research participants. Research with children or with participants who have impairments that would limit understanding and/or communication requires special safeguarding procedures.

(5) Methodological requirements of a study may make the use of concealment or deception necessary. Before conducting such a study, the investigator has a special responsibility to

(a) Determine whether the use of such techniques is justified by the study's prospective scientific, educational, or applied value;

(b) Determine whether alternative procedures are available that do not use concealment or deception; and

(c) Ensure that the participants are provided with sufficient explanation as soon as possible.

(6) The investigator respects the individual's freedom to decline to participate in or to withdraw from the research at any time. The obligation to protect this freedom requires careful thought and consideration when the investigator is in a position of authority or influence over the participant. Such positions of authority include, but are not limited to, situations in which research participation is required as part of employment or in which the participant is a student, client, or employee of the investigator.

(7) The investigator protects the participant from physical and mental discomfort, harm, and danger that may arise from research procedures. If risks of such consequences exist, the investigator informs the participant of the fact. Research procedures likely to cause serious or lasting harm to a participant are not used unless the failure to use the procedures might expose the participant to risk of greater harm, or unless the research has great potential benefit and fully informed and voluntary consent is obtained from such participant. The participant should be informed of procedures for contacting the investigator within a reasonable time period following participation should stress, potential harm, or related questions or concerns arise.

(8) After the data are collected, the investigator provides the participant with information about the nature of the study and attempts to remove any misconceptions that may have arisen. Where scientific or human values justify delaying or withholding this information, the investigator incurs a special responsibility to monitor the research and to ensure that there are no damaging consequences for the participant.

(9) Where research procedures result in undesirable consequences for the individual participant, the investigator has the responsibility to detect and remove or correct these consequences, including long-term effects.

(10) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others may obtain access to such information, this possibility, together with the plans for protecting confidentiality, is explained to the participant as part of the procedure for obtaining informed consent.

[Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-690, filed 3/5/85.]

WAC 308-122-695 Care and use of animals. An investigator of animal behavior strives to advance understanding of basic behavior principles and/or to contribute to the improvement of human health and welfare. In seeking these ends, the investigator ensures the welfare of animals and treats them humanely. Laws and regulations notwithstanding, an animal's immediate protection depends upon the scientist's own conscience.

(1) The acquisition, care, use, and disposal of all animals are in compliance with current federal, state or provincial, and local laws and regulations.

(2) A psychologist trained in research methods and experienced in the care of laboratory animals closely supervises all procedures involving animals and is responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(3) Psychologists ensure that all individuals using animals under their supervision have received explicit instruction in experimental methods and in the care, maintenance, and handling of the species being used. Responsibilities and activities of individuals participating in a research project are consistent with their respective competencies.

(4) Psychologists make every effort to minimize discomfort, illness, and pain of animals. A procedure subjecting animals to pain, stress, or privation is used only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value. Surgical procedures are performed under appropriate anesthesia; techniques to avoid infection and minimize pain are followed during and after surgery.

(5) When it is appropriate that the animal's life be terminated, it is done rapidly and painlessly.

[Statutory Authority: RCW 18.83.050(5). 85-06-044 (Order PL 522), § 308-122-695, filed 3/5/85.]

WAC 308-122-700 Telephone directory listings. Psychologists listed in the yellow pages of a telephone directory must include their PERMANENT Washington state psychologist license number.

Agencies listed under the "Psychologist" heading in the yellow pages of a telephone directory must include the names and PERMANENT Washington state psychologist license number(s) of the psychologist(s) affiliated with that agency.

[Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-700, filed 3/5/85.]

WAC 308-122-710 License application fees—Failure to appear at examination session. License application fees shall be forfeited whenever a candidate fails to attend a scheduled examination session, except in the case of a bona fide emergency.

[Statutory Authority: RCW 18.83.070(3). 85-06-043 (Order PL 521), § 308-122-710, filed 3/5/85.]

WAC 308-122-720 Temporary permits. (1) Pursuant to RCW 18.83.082(1), a temporary permit issued to a license applicant:

(a) Is valid for no more than 1 year from the date of issue;

(b) Is terminated if the license applicant fails either the written or oral examination administered by the board pursuant to RCW 18.83.050; and/or,

(c) Is terminated if the license applicant fails to appear for a scheduled written or oral examination, unless the applicant notifies the board in advance of the inability to appear.

[Statutory Authority: RCW 18.83.050. 88-09-029 (Order PM 722), § 308-122-720, filed 4/15/88.]

Chapter 308-124 WAC

REAL ESTATE BROKERS AND SALESMEN

WAC

308-124-001	Promulgation—Authority.
308-124-005	Organization.
308-124-007	Meetings.
308-124-021	Definitions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124-010	Credit and character report. [Order RE 107, § 308-124-010, filed 7/20/73; Order RE-101, § 308-124-010, filed 2/17/71; Rule 1, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
308-124-020	Application for license—Credit and character report. [Rule 2, filed 3/24/60.] Repealed by Order RE-101, filed 2/17/71.
308-124-030	Applicant for license previously licensed in another state. [Rule 3, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
308-124-040	Corporate or copartnership applicants for licenses—Proof required. [Order RE 107, § 308-124-040, filed 7/20/73; Rule 4, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
308-124-050	Corporate or copartnership applications for temporary salesman's permit—Proof required. [Rule 5, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
308-124-060	Renewal of licenses—Exemption of servicemen. [Rules (part), filed 12/21/66; Rule 6, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
308-124-065	Salesman second renewal requirements. [Order RE-105, § 308-124-065, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.
308-124-070	Successful applicants must apply for license. [Order RE 110, § 308-124-070, filed 3/27/74; Rule 7, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
308-124-080	Notice required of intention to take examination. [Order RE 107, § 308-124-080, filed 7/20/73; Order RE-105, § 308-124-080, filed 9/1/72; Order 5, § 308-124-080, filed 5/13/69; Rules (part), filed 6/28/67; Rule 8, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.
308-124-085	Credit and character report—Temporary permit. [Order RE 107, § 308-124-085, filed 7/20/73.] Repealed by Order RE 114, filed 7/2/75.
308-124-087	No temporary permit issued after examination failure. [Order RE 112, § 308-124-087, filed 1/23/75.] Repealed by Order RE 120, filed 9/20/77.
308-124-090	Unsuccessful broker applicants—Loss of waiver privilege. [Order RE 107, § 308-124-090, filed 7/20/73; Order 09-11-70, § 308-124-090, filed 9/14/70; Rule 9, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.
308-124-100	Prevention of the same or deceptively similar real estate firm names. [Rule 10, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

- 308-124-110 Real estate office in same building as residence requirements. [Order RE-102, § 308-124-110, filed 10/28/71; Rule 11, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-120 Payment of earned commissions to salesmen or associate brokers by broker. [Rule 12, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-130 Subdivision advertising—Filing with director. [Order RE 110, § 308-124-130, filed 3/27/74; Rule 13, filed 6/28/67.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-140 Summary revocation of licenses. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-150 Application for license—Fingerprinting. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-170 Discriminatory acts—Prohibition. [Order 4, § 308-124-170, filed 4/16/68.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-180 Branch offices operating under another name. [Order 5, § 308-124-180, filed 5/13/69.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-190 License fees—Expiration—Renewal. [Order RE-102, § 308-124-190, filed 10/28/71.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-200 Fee brokers prohibited. [Order RE-105, § 308-124-200, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-210 Notification of adverse court action. [Order RE 108, § 308-124-210, filed 9/26/73.] Repealed by Order RE 114, filed 7/2/75.

WAC 308-124-001 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.85.040, does hereby promulgate the following rules and regulations relating to the licensing of real estate brokers, associate real estate brokers and real estate salespersons, and the registration of land development representatives.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124-001, filed 10/7/87; Order RE 120, § 308-124-001, filed 9/20/77; Order RE 114, § 308-124-001, filed 7/2/75 (Repealed and amended by Order RE 114, filed 7/2/75); Order RE 107, § 308-124-001, filed 7/20/73; Promulgation to Rules 1-6 (WAC 308-124-010 through 308-124-060), filed 3/24/60.]

WAC 308-124-005 Organization. The principal location of Real Estate Program Management is on the Fourth Floor, Quince Street Building, 1300 Quince Street, Olympia, Washington 98504. A Spokane office is at East 11530 Sprague Avenue, Spokane, Washington 99206.

Real estate program management of the business and professions administration of the department of licensing administers the Washington real estate license law, chapter 18.85 RCW. The real estate commission, composed of the director of the department of licensing and six commission members, appointed by the governor from the real estate industry, prepares or reviews and approves examination questions for license applicants, holds real estate education conferences, advises the director as to the issuance of rules and regulations governing the activities of real estate brokers and salespersons and performs such other duties and functions as prescribed by chapter 18.85 RCW. Submissions and requests for information regarding real estate licenses, the

real estate commission, or the real estate program, may be sent in writing to the Real Estate Program Manager, Department of Licensing, P.O. Box 9649, Olympia, Washington 98504.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124-005, filed 10/7/87; 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.]

WAC 308-124-007 Meetings. The real estate commission meets quarterly or at the call of the director. Individuals desiring to be informed as to date, time and place and agenda of the meeting must make a written request to the real estate program manager.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124-007, filed 10/7/87; Order RE 114, § 308-124-007, filed 7/2/75; Order RE-104, § 308-124-007, filed 2/16/72; Order RE-103, § 308-124-007, filed 12/14/71.]

WAC 308-124-021 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Designated broker" is the natural person designated by a corporation or partnership to act as a broker on behalf of the corporation or partnership. The designated broker must be an officer of the corporation or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(3) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(4) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(5) "Incorporated associate broker" is the natural person qualified as a broker who works with a broker and who is licensed as a corporation and whose license states that he or she is associated with a broker.

(6) "Real estate program manager" is the person appointed by the director of the department of licensing to administer the real estate program of the department of licensing.

(7) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, incorporated associate brokers, and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124-021, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124-021, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124-021, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.]

Chapter 308-124A WAC

REAL ESTATE--LICENSING AND EXAMINATION

WAC

- 308-124A-010 Character report.
- 308-124A-020 Application for a license—Fingerprinting.
- 308-124A-025 Application process to take examination.
- 308-124A-030 Successful applicants must apply for license.
- 308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege.
- 308-124A-110 Application for real estate examination, licensed in another jurisdiction.
- 308-124A-120 Application for license—Interim license.
- 308-124A-130 Salesperson, associate brokers—Termination of services.
- 308-124A-200 Corporate or copartnership applicants for licenses—Proof required.
- 308-124A-205 Corporate license renewal—Proof required.
- 308-124A-410 Application for broker license examination—Two years sales experience.
- 308-124A-420 Application for broker license examination, other qualification or related experience.
- 308-124A-425 Waiver of clockhours.
- 308-124A-430 Grading of examinations.
- 308-124A-440 Reexamination.
- 308-124A-450 Examination procedures.
- 308-124A-460 Real estate brokers and salespersons and land development representative fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124A-100 Applicant for license previously licensed in another state. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-100, filed 2/10/81; Order RE 114, § 308-124A-100, filed 7/2/75.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.
- 308-124A-115 Nonresident licenses—Expiration—Renewal. [Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-115, filed 8/18/87, effective 10/1/87.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.
- 308-124A-210 Corporate or copartnership application for land development representative—Proof required. [Order RE 120, § 308-124A-210, filed 9/20/77; Order RE 114, § 308-124A-210, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.
- 308-124A-310 Salesman second renewal requirements. [Order RE 114, § 308-124A-310, filed 7/2/75.] Repealed by 81-05-016 (Order RE 128), filed 2/10/81. Statutory Authority: RCW 18.85.040.
- 308-124A-400 License fees—Expiration—Renewal. [Order RE 114, § 308-124A-400, filed 7/2/75.] Repealed by Order RE 120, filed 9/20/77.

WAC 308-124A-010 Character report. 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 and good character. Proof of good character shall be obtained and attested by the employing broker upon a form to be provided by the department.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-010, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124A-010, filed 10/23/78; Order RE 120, § 308-124A-010, filed 9/20/77; Order RE 114, § 308-124A-010, filed 7/2/75.]

WAC 308-124A-020 Application for a license—Fingerprinting. All persons who have been convicted of a crime within ten years of application must submit fingerprint identification, on a form provided by the department prior to issuance of a license for:

- (1) A real estate salesperson license;
- (2) An individual broker license;
- (3) A corporation or partnership broker license;
- (4) An associate real estate broker license; or
- (5) A land development representative registration.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-020, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-020, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-020, filed 2/10/81; Order RE 120, § 308-124A-020, filed 9/20/77; Order RE 114, § 308-124A-020, filed 7/2/75.]

WAC 308-124A-025 Application process to take examination. (1) Any person desiring to take an examination for a real estate salesperson license, except candidates who are actively licensed in another jurisdiction or were so licensed in the preceding six months or candidates who have received clockhours in another jurisdiction, must submit a completed examination application together with the examination fee and supporting documents, including evidence satisfactory to the department of having successfully completed an approved thirty clockhour fundamentals course, to the testing service approved by the department. Dishonored checks will be considered as an incomplete application.

(2) Any person desiring to take an examination for a real estate broker license or real estate salesperson license who is actively licensed in another jurisdiction or was so licensed in the preceding six months or who has received clockhours in another jurisdiction must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clockhour courses for licensure, to the licensing division of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall submit the completed examination application and examination fee to the testing service approved by the department.

(3) The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for eligibility for any specific examination is available to the applicant upon request.

(4) An examination candidate who has a completed examination application with the examination walk-in fee and supporting documents, including evidence satisfactory to the department of having successfully completed an approved thirty clockhour fundamentals course for candidates for a salesperson license, may walk-in to an examination if there are adequate space and test booklets after accommodating all candidates who have pre-applied under sections (1) and (2) of this rule. A candidate for a real estate broker license or real estate salesperson license who is actively licensed in another jurisdiction or was so licensed in the preceding six months or who has received clockhours in another jurisdiction must have his or her qualifications for the examination verified by the department as provided in section

(2) prior to walking-in to an examination as permitted in this section. The examination walk-in fee shall be paid in the form of a personal check, a cashier's check or money order made payable to the testing service approved by the department. Cash will not be accepted from walk-in candidates.

(5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing.

[Statutory Authority: RCW 18.85.040. 89-08-009 (Order PM 829), § 308-124A-025, filed 3/24/89; 88-20-036 (Order PM 774), § 308-124A-025, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-025, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-025, filed 2/10/81; Order RE 114, § 308-124A-025, filed 7/2/75.]

WAC 308-124A-030 Successful applicants must apply for license. Examination results are valid for one year only. Any person who has passed the examination for real estate broker or real estate salesperson licensure must become licensed within one year from the date of such examination. Failure to comply with this provision will necessitate the taking and passing of another examination prior to licensure.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-030, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.]

WAC 308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege. Whenever any applicant for a broker's license receives a waiver from the requirement of two years of actual experience as a full-time real estate salesperson based upon approval of alternative qualifications, but subsequently fails to pass the broker's examination, the applicant shall lose the privilege of the waiver and must satisfy the requirement as provided in RCW 18.85.090.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-040, filed 10/7/87; 82-17-039 (Order 130), § 308-124A-040, filed 8/13/82; Order RE 114, § 308-124A-040, filed 7/2/75.]

WAC 308-124A-110 Application for real estate examination, licensed in another jurisdiction. Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in another state, territory of the United States or province of the Dominion of Canada and has maintained his or her license in good standing or who was actively licensed in good standing within the preceding six months may become licensed as a Washington real estate broker, associate broker or salesperson after passing an examination on Washington law and real estate practices if he or she meets the minimum requirements established by RCW 18.85.090, 18.85.095, and/or 18.85.120 whichever is (are) applicable, except as provided in WAC 308-124A-425(3).

Any person applying to take the examination under this rule shall submit evidence of licensure in another state, territory of the United States or province of the

Dominion of Canada by a license verification form completed by an administrative officer of the licensure authority if such jurisdiction.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-110, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-110, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-110, filed 2/10/81.]

WAC 308-124A-120 Application for license—Interim license. (1) A person who desires to be licensed as a real estate salesperson or associate broker, or broker shall make application on a form approved by the director and the real estate salesperson and associate broker application shall be signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. All signatures must be original signatures of the signators, unless signed under authority of a written power of attorney.

(2) Upon receipt of notice of passage of the examination and the license application form, applicants for a real estate salesperson license may commence working upon the postmark date to the department or date of hand delivery to the licensing division of the department of the signed, dated and completed license application form with the license fee. The completed license application form, if submitted with the license fee, shall serve as an interim license for a period up to forty-five days after the postmark date or date of hand delivery to the department, unless grounds exist to take disciplinary action against the license under RCW 18.85.230. If the applicant's birthdate occurs during the forty-five days of the interim license, then the interim license shall expire on the applicant's birthdate and the applicant shall submit a renewal fee.

(3) There are no interim licenses for designated brokers for corporations or partnership, individual real estate brokers or associate brokers. Upon notification of passage of the examination, applicants for associate broker licenses, individual broker licenses, or designated broker licenses for corporations or partnerships must submit a complete license application with the license fee to the department of licensing and qualify for the license under chapter 18.85 RCW and the rules.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-120, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-120, filed 2/10/81.]

WAC 308-124A-130 Salesperson, associate brokers—Termination of services. A person licensed as salesperson or associate broker may perform duties and activities as licensed only under the direction and supervision of a licensed individual broker or designated broker and as a representative of such broker. This relationship may be terminated unilaterally by either the broker or salesperson or associate broker. Notice of such termination shall be given by the broker to the director without delay and such notice shall be accompanied by and include the surrender of the salesperson's or associate broker's license. The broker may not condition

his or her surrender of license to the director upon performance of any act by the salesperson or associate broker. Notice of termination shall be provided by signature of the broker, or a person authorized by the broker to sign for the broker, on the surrendered license of the salesperson or associate broker or surrender of the license by the licensee to the department. The termination date shall be the postmark date or date the license is hand delivered to the department.

If the license cannot be surrendered to the department because the license has been lost, the salesperson or associate broker and the broker shall complete an affidavit of lost license on a form provided by the department. No license transfers shall be permitted unless the license is surrendered or the affidavit of lost license is completed and filed with the department. If the license cannot be surrendered because the broker is conditioning the surrender of the license, the associate broker or salesperson shall so advise the department in writing and cooperate in full with the investigation of the broker's failure to comply with this rule. Upon receipt of the salesperson or associate broker's written statement about broker conditioning the release of the license, the department shall process the license transfer.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124A-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124A-130, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-130, filed 2/10/81.]

WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required. The minimum qualifications for a corporation or partnership to receive a broker's license are:

(1) An officer in the corporation or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating of the designated broker, officers, and principal owners of the corporation directly involved in the company's Washington real estate activity and, in the case of a partnership, the general partners and all principal owners. A new credit rating is not required if one has been [filed] with the department within the preceding eighteen months.

(3) If the applicant is a partnership, it shall furnish a copy of its partnership agreement.

(4) Licenses issued to corporations and partnerships expire one year from [the] date of issuance which date will henceforth be the renewal date: *Provided*, That current licenses with an expiration date of December 31, 1987, will expire as follows:

(a) Corporations and partnerships whose name begins with A through F will be issued with an expiration date of December 31, 1988.

(b) Corporations and partnerships whose name begins [with] G through L will be issued [with] an expiration date of January 31, 1989.

(c) Corporations and partnerships whose name begins [with] M through R will be issued [with] an expiration date of February 28, 1989.

(d) Corporations and partnerships whose name begins [with] S through Z will be issued [with] an expiration date of March 31, 1989.

(5) If a corporation applies for licensure as an incorporated associate broker, the associate broker shall be the sole licensee of the corporation. The renewal period for the incorporated associated broker shall be the same as the renewal period for corporations or partnerships under this chapter.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-200, filed 9/30/88. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-200, filed 8/18/87, effective 10/1/87. Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-200, filed 2/10/81; Order RE 114, § 308-124A-200, filed 7/2/75.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-124A-205 Corporate license renewal—Proof required. Applicants for renewal of corporate license shall furnish proof of current master license renewed by authority of secretary of state.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-205, filed 10/7/87.]

WAC 308-124A-410 Application for broker license examination—Two years sales experience. To qualify for two years of actual experience as a full-time real estate salesperson, applicants for a real estate broker license examination shall provide evidence of either:

(1) A minimum of forty hours per week spent in licensed real estate activity for the period; or

(2) A major source of income from licensed real estate activity continuously for the period.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-410, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-410, filed 2/10/81.]

WAC 308-124A-420 Application for broker license examination, other qualification or related experience. Applications for a real estate broker license examination by persons who do not possess two years of actual experience as a full-time real estate salesperson as required by RCW 18.85.090 which show other and similar qualifications, or qualification by reason of practical experience in a business allied with or related to real estate shall be submitted to the Real Estate Program Manager, P.O. Box 9012, Olympia, Washington 98504. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with appropriate documentation, and a letter from each of five business associates describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of

experience which may qualify in lieu of two years of full-time sales experience:

(1) Post-secondary education with major study in real estate together with one year experience as a real estate salesperson or one year experience under the provisions of subsections (2) - (7) below.

(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience as an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser for a governmental agency.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods suggested in these guidelines shall be within the last seven years prior to the date of application.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-420, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-420, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-420, filed 2/10/81.]

WAC 308-124A-425 Waiver of clockhours. (1) Waiver of the thirty clock hours required for second renewal under RCW 18.85.095 shall not be considered or granted.

(2) Waiver of the thirty clockhours required for activation of an inactive license under RCW 18.85.215(3) shall not be considered or granted.

(3) Waiver of the thirty clockhours of real estate fundamentals required under RCW 18.85.095 shall not be considered or granted, except a waiver may be granted to an applicant for a real estate salesperson's license who is actively licensed or was actively licensed in good standing within the six months preceding the application in another state, territory of the United States or province of the Dominion of Canada if the education requirements for licensure in the other jurisdiction are determined by the director with the advice of the commission as being at least equivalent to the real estate fundamentals course required under RCW 18.85.095.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124A-425, filed 9/30/88.]

WAC 308-124A-430 Grading of examinations. (1) A minimum scaled score of 70 is required to pass the real estate salesperson examination.

(2) A minimum scaled score of 75 is required to pass the real estate broker examination.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-430, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-430, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-440 Reexamination. An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination, provided the required reexamination fee is submitted.

An applicant who has failed the examination or failed to appear for a scheduled examination may walk in to an examination upon payment of the reexamination walk-in fee if there are adequate space and test booklets and upon presentation of the failure notice or exam admission ticket. The failure notice or exam admission ticket shall be valid for walk-in testing for a period of no more than six months after date of issuance. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

[Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-440, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-440, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-450 Examination procedures. (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the licensing division not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information; using unauthorized materials during any portion of the examination; or removing test booklets and/or notes from the testing room will be subject to denial of a license.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-450, filed 10/7/87; 86-11-011 (Order PM 595), § 308-124A-450, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees. The following fees shall be charged by the professional licensing division of the department of licensing.

Title of Fee	Fee
Real estate broker:	
Application/examination	\$ 85.00
Reexamination	85.00
Walk-in for examination	25.00
Original license	80.00
License renewal	80.00
Late renewal with penalty	105.00

Title of Fee	Fee
Duplicate license	25.00
Certification	25.00
Name or address change, transfer or license activation	25.00
Real estate broker – Branch office:	
Original license	\$ 75.00
License renewal	75.00
Late renewal with penalty	100.00
Duplicate license	25.00
Name or address change	25.00
Real estate salesperson:	
Application/examination	\$ 85.00
Reexamination	85.00
Walk-in for examination	25.00
Original license	50.00
License renewal	50.00
Late renewal with penalty	75.00
Duplicate license	25.00
Certification	25.00
Name or address change, transfer or license activation	25.00
Land development representative:	
Registration	25.00

[Statutory Authority: RCW 18.85.220 and 43.24.086. 90-02-048, § 308-124A-460, filed 12/29/89, effective 1/29/90. Statutory Authority: RCW 18.85.040. 89-08-009 (Order PM 829), § 308-124A-460, filed 3/24/89. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-460, filed 8/18/87, effective 10/1/87.]

**Chapter 308-124B WAC
REAL ESTATE--BROKER'S OFFICE**

WAC

- 308-124B-030 Franchise advertising.
- 308-124B-100 Office identification.
- 308-124B-110 Display of licenses.
- 308-124B-120 Change of office location.
- 308-124B-130 Names prohibited.
- 308-124B-140 Multiple business usage of office.
- 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124B-010 Prevention of the same or deceptively similar real estate firm names. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-010, filed 8/13/82; Order RE 114, § 308-124B-010, filed 7/2/75.] Repealed by 88-06-039 (Order PM 711), filed 3/1/88. Statutory Authority: RCW 18.85.040.
- 308-124B-040 Branch offices operating under another name. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-040, filed 2/10/81; Order RE 114, § 308-124B-040, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.

WAC 308-124B-030 Franchise advertising. Each broker using the name of a franchise service or other

service in the advertising, display signs or directory listings shall prominently display the name of the real estate firm as it appears on the Washington real estate license of such licensee.

[Order RE 114, § 308-124B-030, filed 7/2/75.]

WAC 308-124B-100 Office identification. Any main or branch office of the real estate broker shall be identified by displaying the name, visible to the public, of the broker as licensed at the address appearing on the license.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124B-100, filed 10/7/87; Order RE 114, § 308-124B-100, filed 7/2/75.]

WAC 308-124B-110 Display of licenses. Licenses of the real estate broker, all associate real estate brokers, branch managers, salespersons and land development representatives shall be displayed prominently in the office located at the address appearing on the individual license.

[Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-110, filed 2/10/81; Order RE 114, § 308-124B-110, filed 7/2/75.]

WAC 308-124B-120 Change of office location. The real estate broker shall notify the director of the change of location and mailing address of the broker's office by promptly filing a completed change of address application with the department together with the return of all licenses and payment of the correct fees.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124B-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124B-120, filed 2/10/81; Order RE 114, § 308-124B-120, filed 7/2/75.]

WAC 308-124B-130 Names prohibited. A real estate broker shall not be issued a license nor advertise in any manner using names or trade styles which are similar to currently issued licenses or imply that the real estate firm is a nonprofit organization, research organization, public bureau or public group. A bona fide franchisee may be licensed using the name of the franchisor with the firm name of the franchisee.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124B-130, filed 10/7/87; Order RE 114, § 308-124B-130, filed 7/2/75.]

WAC 308-124B-140 Multiple business usage of office. (1) A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, compatible business activity. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

(2) Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility,

and no deception of the public as to the separate identities of the brokerage business firms results.

[Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-140, filed 8/13/82.]

WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction. The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the maintenance of trust account and transaction records for a period of three years in the state of Washington in one location at the Washington office of an escrow agent licensed in the state of Washington, a real estate broker licensed in the state of Washington, attorneys at law licensed to practice in the state of Washington or title companies for all Washington transactions for the broker. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Spokane, Seattle, or Olympia) nearest to the location of the records to sign the audit report.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-150, filed 3/1/88.]

Chapter 308-124C WAC REAL ESTATE--RECORDS AND RESPONSIBILITIES

WAC

- 308-124C-010 Licensee's responsibilities.
- 308-124C-020 Required records.
- 308-124C-030 Accuracy and accessibility of records.
- 308-124C-040 Suit or complaint notification.

WAC 308-124C-010 Licensee's responsibilities. (1) The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though another person or persons may be assigned by the broker the duties of preparation, custody or recording.

(2) It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.85 RCW.

(3) It is the responsibility of each and every licensee to keep the director informed of his or her current home address.

(4) It is the broker's responsibility to ensure accessibility of their offices and records to auditors of the department.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124C-010, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.]

WAC 308-124C-020 Required records. The minimum real estate records the real estate broker shall be required to keep are as follows:

(1) Bank trust account records:

(a) Duplicate receipt book or cash receipts journal recording all receipts;

(b) Prenumbered checks with check register, cash disbursements journal or check stubs;

(c) Validated duplicate bank deposit slips;

(d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;

(e) In conjunction with (d) above, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor;

(f) Reconciled bank statements and canceled checks for all trust bank accounts.

(2) Other records:

(a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the real estate firm;

(c) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: *Provided*, That a source document is maintained at the brokers office which contains the name and address of the tenant; address of the leased premises, if different from the tenant's address; duration of the lease; rental amount; the amount(s) of any and all deposits made by the tenant and the purpose of said deposits; the location where said deposits are being held; and any modification of the terms of the original lease document;

(d) The original lease document may be maintained at a branch office: *Provided*, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager.

[Statutory Authority: RCW 18.85.040. 86-06-011 (Order 138R), § 308-124C-020, filed 2/21/86; 85-21-035 (Order 136R), § 308-124C-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124C-020, filed 8/13/82; Order RE 114, § 308-124C-020, filed 7/2/75.]

WAC 308-124C-030 Accuracy and accessibility of records. All required real estate records shall be accurate, posted and kept up to date. All required real estate

records shall be kept at an address where the real estate broker is licensed to maintain a real estate office. Such records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years. While RCW 18.85.230(20) requires the retention of records for three years, licensees should be aware that the applicable statute of limitations may vary from this three-year retention period.

In the case of a corporate brokerage firm, the responsibility imposed by this section shall apply to both the corporation and the natural person designated and licensed to act as broker for the corporation. Prior to issuing a new license indicating a change of designated broker for a corporate licensee, the licensee must submit evidence that the requirements have been satisfied.

A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, copies of trust account bank statements and the latest trust account reconciliations and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities will satisfy this requirement. The incoming designated broker shall not be deemed responsible for any discrepancy identified in the statement, unless the incoming designated broker contracted to accept such responsibility.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124C-030, filed 10/7/87; 82-17-039 (Order 130), § 308-124C-030, filed 8/13/82; Order RE 120, § 308-124C-030, filed 9/20/77; Order RE 114, § 308-124C-030, filed 7/2/75.]

WAC 308-124C-040 Suit or complaint notification. Every licensee shall, within twenty days after service or knowledge thereof, notify the real estate program manager of the following:

(1) Any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

(2) Entry of a civil court order, verdict, or judgment, against the licensee in any court of competent jurisdiction in which the subject matter therein involves any real estate or business-related activity by the licensee. Notification is required regardless of any pending appeal.

[Statutory Authority: RCW 18.85.040. 90-01-043, § 308-124C-040, filed 12/14/89, effective 1/14/90; 87-20-091 (Order PM 683), § 308-124C-040, filed 10/7/87; Order RE 114, § 308-124C-040, filed 7/2/75.]

Chapter 308-124D WAC

REAL ESTATE--OPERATIONAL PROCEDURES

WAC

- 308-124D-010 Checks--Payee requirements.
- 308-124D-020 Negotiating agreements and closing.
- 308-124D-030 Expeditious performance.
- 308-124D-040 Disclosure of agency representation.
- 308-124D-050 Property management agreements and disclosures.
- 308-124D-061 Broker supervision of affiliated licensees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124D-060 Broker supervision of affiliated licensees. [Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124D-060, filed 12/7/88.] Repealed by 89-11-032 (Order PM 844), filed 5/12/89. Statutory Authority: RCW 18.85.040.
- 308-124D-065 Broker and affiliated licensees--Written relationship agreement. [Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124D-065, filed 12/7/88.] Repealed by 89-11-032 (Order PM 844), filed 5/12/89. Statutory Authority: RCW 18.85.040.
- 308-124D-100 Payment of earned commissions. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124D-100, filed 8/13/82; Order RE 114, § 308-124D-100, filed 7/2/75.] Repealed by 85-21-036 (Order 137R), filed 10/11/85. Statutory Authority: RCW 18.85.040.

WAC 308-124D-010 Checks--Payee requirements. All checks received as earnest money, security or damage deposits, rent, lease payments, contract or mortgage payments on real property or business opportunities owned by clients shall be made payable to the real estate broker as licensed, unless it is mutually agreed in writing by the principals that the deposit shall be paid to the lessor, the seller or an escrow agent named in the agreement. The broker shall retain a copy of the written agreement.

[Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124D-010, filed 8/13/82; Order RE 114, § 308-124D-010, filed 7/2/75.]

WAC 308-124D-020 Negotiating agreements and closing. The real estate licensee shall be responsible for negotiating the agreement between seller and purchaser as follows:

(1) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(2) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(3) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(4) A legible copy of the agreement to purchase shall be retained in each participating real estate broker's files.

(5) Sales transactions may be closed in the office of the real estate broker if so provided in the agreement, provided that no escrow, service, closing or any other fee except sales commission is charged to the purchaser or seller by the broker. An escrow agent's certificate of registration is required to close real estate transactions for compensation.

(6) The real estate broker shall furnish or cause to be furnished to each buyer and to each seller in every real estate or business opportunity transaction wherein the licensee acts as broker, at the time the transaction is closed, a complete detailed closing statement as it applies to the buyer and a complete detailed closing statement as it applies to the seller. The broker shall retain a

copy of all closing statements of the respective buyers or sellers wherein the licensee acts as broker for all transactions even though funds are not handled by the broker and closing is done elsewhere for inspection by any authorized representative of the director.

(7) The closing statements of all real estate or business opportunity transactions in which a real estate broker participates shall show the date of closing, the total purchase price of the property, an itemization of all adjustments, money, or things of value received or paid showing to whom each item is credited and/or to whom each item is debited. The dates of the adjustments shall be shown, together with the names of the payees, makers and assignees of all notes paid or made or assumed.

(8) The net proceeds of sale on all real estate transactions closed by the real estate broker are to be paid direct to the seller unless otherwise provided by written agreement.

(9) Where an agreement for the sale of real estate has been negotiated involving the services of more than one broker, and funds are to be deposited by the purchaser prior to the closing of the transaction, the broker first receiving such funds shall retain custody thereof and be accountable therefor, until such fund are distributed in accordance with written instructions signed by all parties to the transaction.

[Order RE 120, § 308-124D-020, filed 9/20/77; Order RE 114, § 308-124D-020, filed 7/2/75.]

WAC 308-124D-030 Expeditious performance. A real estate licensee shall perform all acts required of the licensee by a real estate agreement as expeditiously as possible. Intentional or negligent delays in such performance shall be considered detrimental to the public interest in violation of RCW 18.85.230(26).

[Order RE 114, § 308-124D-030, filed 7/2/75.]

WAC 308-124D-040 Disclosure of agency representation. A licensee acting as the listing and selling agent or as a selling agent must make an oral and/or written disclosure of agency representation to buyer(s) in a real estate or business opportunity transaction. The disclosure must have been made at least once prior to preparing the purchase and sale agreement, including options to purchase, lease purchase agreements and exchange agreements.

The seller shall be provided disclosure of the selling agent's agency representation by the listing agent or the selling agent at least once prior to presenting the agreement.

The disclosure shall be confirmed in a separate paragraph titled "Agency disclosure" in the agreement, which shall be as follows:

"AGENCY DISCLOSURE: At the signing of this agreement the selling agent (insert name of selling agent and broker) represented _____ and the listing agent (insert name of listing agent and broker) represented _____. Each party signing this document confirms that prior oral and/or written disclosure of agency was provided to him/her in this transaction."

The licensee's conduct in the real estate transaction shall be in conformity with the agency disclosure made. The payment of compensation or the obligation to pay compensation to a licensee is not necessarily determinative of a particular agency relationship.

[Statutory Authority: RCW 18.85.040. 88-24-058 (Order PM 810), § 308-124D-040, filed 12/7/88; 88-20-037 (Order PM 775), § 308-124D-040, filed 9/30/88; 87-05-065 (Order PM 639), § 308-124D-040, filed 2/18/87, effective 4/1/87; 86-19-062 (Order PM 617), § 308-124D-040, filed 9/16/86, effective 4/1/87.]

WAC 308-124D-050 Property management agreements and disclosures. (1) All properties managed by the broker must be supported by a written management agreement signed by the owner and broker and retained. The management agreement must state as a minimum: (a) The broker's compensation (b) the type (i.e., apartments, industrial) and number of individual units in the project or square footage (if other than residential) (c) whether or not the broker is authorized to collect funds and disburse funds and for what purposes (d) authorization, if any, to hold security deposits and the manner in which security deposits may be disbursed and (e) the frequency of furnishing summary statements to the owner.

(2) All properties rented or leased by the firm must be supported by a written rental or lease agreement.

(3) Each owner of property managed by the broker must be provided a summary statement as provided in the property management agreement for each property managed showing: (The broker is to retain a true copy of this statement).

(a) Balance carried forward from previous summary statement.

(b) Total rent receipts.

(c) Owner contributions.

(d) Other itemized receipts.

(e) Itemization of all expenses paid.

(f) Ending balance.

(g) Number of units rented or square footage if other than residential.

(4) The broker may provide other services to owners of properties managed provided full disclosure to the owner is provided in writing of the broker's relationship with any and all persons providing such services, prior disclosure of fees charged, and permission is granted by the owner.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124D-050, filed 10/7/87.]

WAC 308-124D-061 Broker supervision of affiliated licensees. (1) Individual and designated brokers shall be responsible for supervising the conduct of all associate brokers and salespersons licensed to them, whether in an individual capacity or through a corporate entity. A broker shall not be held responsible for inadequate supervision if:

(a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;

(b) Reasonable procedures had been established to verify that adequate supervision was being performed;

(c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(d) The broker did not participate in the violation;

(e) The broker did not ratify the violation; and

(f) The broker did not attempt to avoid learning of the violation.

(2) The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

[Statutory Authority: RCW 18.85.040. 90-01-044, § 308-124D-061, filed 12/14/89, effective 1/14/90.]

Chapter 308-124E WAC

REAL ESTATE--TRUST ACCOUNT PROCEDURES

WAC

- 308-124E-012 Administration of funds held in trust--General procedures.
- 308-124E-013 Administration of funds held in trust--Real estate and business opportunity transactions.
- 308-124E-014 Administration of funds held in trust--Property management.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124E-010 Administration of trust accounts. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124E-010, filed 2/10/81; Order RE 114, § 308-124E-010, filed 7/2/75.] Repealed by 82-17-039 (Order 130), filed 8/13/82. Statutory Authority: RCW 18-85-040.
- 308-124E-011 Administration of funds held in trust. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124E-011, filed 10/7/87; 85-21-035 (Order 136R), § 308-124E-011, filed 10/11/85; 82-17-039 (Order 130), § 308-124E-011, filed 8/13/82.] Repealed by 88-06-040 (Order PM 712), filed 3/1/88. Statutory Authority: RCW 18.85.310.

WAC 308-124E-012 Administration of funds held in trust--General procedures. Any real estate broker who receives funds or moneys from any principal or any party to a real estate or business opportunity transaction, property management agreement, or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to

such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a Washington state banking institution approved by the banking division, department of general administration, state of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed.

(2) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited by written assignment agreement to the broker may not be maintained in the trust account. The broker is responsible to make arrangements with the financial institution to credit this interest to the general account of the firm.

(3) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the department.

(4) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate or signature of another person authorized to act on the broker's behalf.

(5) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except:

(a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event; and

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, owned exclusively by the real estate broker or the broker's real estate firm.

(c) For purposes of this section, Saturday shall not be considered a banking day.

(6) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(7) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint, teller's stamp, or electronic transfer memo identifying the source of funds and transaction to which it applies. Receipt of funds by wire transfer are to be posted in the same manner as other receipts provided there is a traceable identifying number provided by the financial institution or transferring entity. The broker must also make arrangements for a follow-up "hard-copy" receipt for the deposit.

(8) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered including, but not limited to "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit" "interest." The debit entries must show the date of the check, check number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(9) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients.

(10) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account.

(11) All disbursements of trust funds shall be made by check, or electronic transfer, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction, or collection/management agreement. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(b) The broker must make arrangements with the financial institution in which the trust account is located to provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.

(c) The broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(12) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed"; or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(15) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(c) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to persons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker.

(d) For bank charges of any nature, including bank services, checks or other items, except as specified in WAC 308-124E-013 (1)(a) and (d). Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the brokers business bank account.

(16) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files.

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record.

(c) The broker will maintain a printed, dated source document file to support any changes to existing accounting records.

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier. The program may, if desired assign suffixes or subaccount codes before or after the check number for identification purposes.

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer.

[Statutory Authority: RCW 18.85.040, 90-01-045, § 308-124E-012, filed 12/14/89, effective 1/14/90; 88-24-059 (Order PM 811), § 308-124E-012, filed 12/7/88. Statutory Authority: RCW 18.85.310, 88-06-040 (Order PM 712), § 308-124E-012, filed 3/1/88.]

WAC 308-124E-013 Administration of funds held in trust--Real estate and business opportunity transactions. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for real estate sales or

business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account [identified as] housing trust fund account for deposit of trust funds which are five thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than five thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in subsection (a) of this section shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in subsection (a) of this section if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in subsection (a) of this section, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in subsection (b)(i) of this section, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in subsection (b)(i) of this section, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under subsection (a) of this section, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money

agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker shall deliver the deposit to the party designated to hold the funds, unless the parties to the transaction instruct otherwise in writing. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement. A dated receipt will be obtained and placed in the transaction file.

[Statutory Authority: RCW 18.85.040. 88-20-037 (Order PM 775), § 308-124E-013, filed 9/30/88. Statutory Authority: RCW 18.85.310. 88-16-102 (Order 755), § 308-124E-013, filed 8/3/88; 88-06-040 (Order PM 712), § 308-124E-013, filed 3/1/88.]

Reviser's note: RCW 34.05.395 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 308-124E-014 Administration of funds held in trust—Property management. Any real estate broker who receives funds or moneys from any principal or any party to property management agreement or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. These procedures are applicable to property management and contract/mortgage collection agreements, and are in addition to the general trust account procedures in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for property management transactions are exempt from the interest-bearing requirement of RCW 18.85.310. However, interest-bearing accounts for property management transactions may be established as described in this section.

(a) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established when directed by written property management agreement or directive signed by the owner: *Provided*, That all interest or earnings shall accrue to the owner;

(b) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to

the owner, if the broker is by written agreement designated a "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act;

(c) The broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the broker;

(d) A common account, usually referred to as a "clearing account" may be established if desired. No funds which belong to the broker or firm or are related to transactions on property owned by the broker or firm shall be maintained in this account.

(2) Any property management accounting system is to be an accounting of cash received and disbursed by the managing broker only. Any other method of accounting offered to owners for their rental properties, unit and/or complexes are to be supplementary to the brokers accounting of all cash received and disbursed through his/her trust account(s). All owners' summary statements must include this accounting.

(3) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if the account contains tenant security deposits or funds belonging to more than one client.

(4) A single check may be drawn on the real estate trust bank account, payable to the broker as licensed, in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(5) No disbursements from the real estate trust bank account shall be made of funds received as damage or security deposit on a lease or rental contract for property managed by the broker to the owner or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

(6) When the management agreement between the owner(s) and the broker is terminated, the owner(s) funds shall be disbursed according to the agreement. Funds held as damage or security deposits shall be disbursed to the owner(s) or successor property manager, and the tenants so notified by the disbursing broker consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

[Statutory Authority: RCW 18.85.040. 90-01-046, § 308-124E-014, filed 12/14/89, effective 1/14/90. Statutory Authority: RCW 18.85-310. 88-06-040 (Order PM 712), § 308-124E-014, filed 3/1/88.]

Chapter 308-124F WAC

REAL ESTATE--MISCELLANEOUS PROVISIONS

WAC

308-124F-010 Real estate office in same building as residence requirements.

308-124F-020 Discriminatory acts--Prohibition.

(1989 Ed.)

308-124F-030 Misuse of broker's license--Prohibited.

308-124F-040 Standards for professional associations and educational organizations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124F-050 Subdivision advertising--Filing with director. [Order RE 114, § 308-124F-050, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

308-124F-200 Summary revocation of licenses. [Order RE 114, § 308-124F-200, filed 7/2/75.] Repealed by 81-05-015 (Order RE 129), filed 2/10/81. Statutory Authority: RCW 18.85.040.

WAC 308-124F-010 Real estate office in same building as residence requirements. A real estate broker may maintain an office in a residential building provided: (1) The office is separate from any living quarters; (2) the office is identified as a real estate office by a sign at the office entrance that is visible to the public; (3) the office entrance is open to the public and does not lead through any living quarters; (4) the office is in conformance with existing zoning; and (5) the office is accessible to the public by a reasonably locatable street address.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124F-010, filed 10/7/87; 81-05-015 (Order RE 129), § 308-124F-010, filed 2/10/81; Order RE 114, § 308-124F-010, filed 7/2/75.]

WAC 308-124F-020 Discriminatory acts--Prohibition. (1) Real estate licensees shall not:

(a) Refuse to communicate to the owner of a listed property any written offer, concerning the same, made by any person or persons because of race, color, creed, sex, age or national origin.

(b) Refuse to negotiate for the sale or rental of, or otherwise make available or deny, real property to any person because of race, color, creed, sex, age or national origin.

(c) Discriminate against any person in the terms, conditions, privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, age or national origin.

(d) Make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race, color, creed, sex, age or national origin, or an intention to make any such preference, limitation or discrimination.

(e) Represent to any person because of race, color, creed, sex, age or national origin that any real property is not available for inspection, sale or rental when such real property is in fact available.

(f) Induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, age or national origin.

(2) Nothing in this regulation shall be construed to define or restrict the power of any other federal, state or

local government agency to pursue such measures as such agency may deem appropriate to ensure that the opportunity to purchase, rent or lease real property is made available to all persons without regard to race, color, creed, sex, age or national origin.

(3) Any real estate licensee who continues to sell any real estate or operates according to a plan of selling which is contrary to this regulation, will be disciplined in the manner provided by the real estate licensing law, chapter 18.85 RCW.

[Order RE 114, § 308-124F-020, filed 7/2/75.]

WAC 308-124F-030 Misuse of broker's license--Prohibited. A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management responsibility for all real estate brokerage activities of the business or he does not exercise adequate supervision over the activities of his licensed salespersons, associate brokers or branch managers as required by chapter 18.85 RCW. A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person.

[Statutory Authority: RCW 18.85.040, 82-17-039 (Order 130), § 308-124F-030, filed 8/13/82; Order RE 114, § 308-124F-030, filed 7/2/75.]

WAC 308-124F-040 Standards for professional associations and educational organizations. Standards for a professional association or an educational organization to obtain recognition by the real estate commission for the purpose of securing printed lists of individual real estate salesperson and broker licensees.

The professional association or educational organization must submit the following information.

(1) A corporate entity must furnish certification that they are a nonprofit corporation as defined in chapter 24.03 RCW.

(a) Domestic corporation

(i) Certificate of incorporation; or

(ii) Certificate of elective coverage.

(b) A foreign corporation must have a certificate of authority.

(2) Noncorporate entities must submit all of the following items which they have.

(a) Current business license in the city or county in which they are located.

(b) Certificate of registration with the Washington state commission for vocational education.

(c) Department of revenue registration, or other acceptable proof that they are a lawful business under the laws of the state of Washington.

(3) An executed affidavit agreeing to protect the list of licensees from being used for commercial purposes.

(4) The real estate commission will then review and approve or disapprove each application based upon the information received.

Recognition of a professional association or educational organization shall not be denied solely on the basis

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that such association or organization has been in lobbying activities.

[Statutory Authority: RCW 18.85.040, 85-21-035 (Order 136R), § 308-124F-040, filed 10/11/85.]

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-020 Administration.
- 308-124H-030 Filing of courses.
- 308-124H-033 Updating of course materials in the event of a statute or rule change.
- 308-124H-035 Real estate fundamentals course content.
- 308-124H-036 Real estate brokerage management course content.
- 308-124H-037 Real estate law course content.
- 308-124H-038 Course titles.
- 308-124H-040 Approval of classes.
- 308-124H-043 Temporary approval of instructors.
- 308-124H-045 Recordkeeping.
- 308-124H-050 Review applications.
- 308-124H-055 Broker real estate education requirements.
- 308-124H-060 Teachers and/or instructors.
- 308-124H-065 Inspection of records.
- 308-124H-070 Completion of courses.
- 308-124H-080 Courses for license activation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-124H-032 Course eligibility. [Statutory Authority: RCW 18.85.040, 79-07-063 (Order RE 127), § 308-124H-032, filed 6/27/79.] Repealed by 85-21-035 (Order 136R), filed 10/11/85. Statutory Authority: RCW 18.85.040.

WAC 308-124H-010 Approval of real estate courses to satisfy clock hour requirements. To satisfy a requirement for clock hours of instruction pursuant to RCW 18.85.090, 18.85.095, 18.85.165, or 18.85.215 as applicable, a licensee or applicant for license shall submit to the department evidence of satisfactory completion of courses in a manner and on forms prescribed by the department.

(1) All licensees applying for renewal of an active license on or after January 1, 1991, shall, pursuant to RCW 18.85.165, submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director commenced within thirty-six months of a licensee's 1991 renewal date.

(2) All licensees applying for renewal of an active license after December 31, 1991, shall, pursuant to RCW 18.85.165, submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of any two-year renewal date; up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date.

(3) Courses previously taken for the "second renewal" requirement pursuant to RCW 18.85.095(2) may be

used for continuing education if taken within thirty-six months prior to licensee's renewal date; courses taken to activate an inactive license pursuant to RCW 18.85.215(3) cannot be used to satisfy RCW 18.85.165 for continuing education; courses taken to satisfy broker's educational requirements pursuant to RCW 18.85.090(4) may be used to satisfy RCW 18.85.165 if taken within thirty-six months of a licensee's renewal date in 1991; Subsequent renewals must comply with WAC 308-124H-010(2); courses for clock hour credit pursuant to RCW 18.85.165 shall be commenced after issuance of a first license, except courses for clock hour credit pursuant to RCW 18.85.095 (1)(c) shall be commenced prior to first licensure.

(4) A licensee shall not place a license on inactive status to avoid the requirement of RCW 18.85.165. A licensee shall submit evidence of completion of clock hours pursuant to RCW 18.85.165 to reactivate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

(5) Waiver of the clock hours required under RCW 18.85.090, 18.85.095, 18.85.165, 18.85.215 shall not be considered or granted, except as provided in WAC 308-124A-425(3).

(6) Clock hour credit shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Clock hours for license renewal were commenced prior to the date of first licensure;

(c) The course(s) is a repeat or duplication of course(s) material for which credit had been accepted by the department the preceding renewal date; except approved courses in real estate law, real estate finance, taxation, and license law, rules and regulations may be repeated for credit;

(d) A course(s) was previously used to satisfy the requirements of RCW 18.85.095 (1)(c); except clock hour credit taken to satisfy RCW 18.85.095 (1)(c) in 1990 may be applied to satisfy RCW 18.85.165 in 1991.

(7) Instructors shall not receive clock hour credit for teaching or course development.

[Statutory Authority: RCW 18.85.040, 90-01-047, § 308-124H-010, filed 12/14/89, effective 1/14/90; 87-20-091 (Order PM 683), § 308-124H-010, filed 10/7/87; 85-21-035 (Order 136R), § 308-124H-010, filed 10/11/85; 78-11-052 (Order RE 125), § 308-124H-010, filed 10/23/78; Order RE 116, § 308-124H-010, filed 4/30/76.]

WAC 308-124H-020 Administration. (1) Each application from a private school, individual or agency seeking approval or consideration of courses shall designate one person responsible for administration of the real estate school. The school administrator shall file with the real estate administrator evidence showing previous experience in administration of educational institutions, courses or programs, or previous experience in administration of business activities related to education or to the field of real estate in which instruction will be offered. In the case of a public community college, university, or vocational technical school, the head of the real estate department shall be conclusively presumed to meet the requirements.

(2) Any school, individual or agency requesting approval or consideration of courses shall not apply to itself, either as part of its name or in any manner, the designation of "college" or "university" unless it, in fact, meets the standards and qualifications of and has been approved by the state agency having jurisdiction.

(3) Course requirements for clock-hour credit from schools in other states may be accepted if in the opinion of the director with the advice of the commission they are similar to requirements in this chapter.

(4) Real estate educational courses offered by national institutions with uniform scope and quality of representation may be approved regardless of the course location and instructors used.

[Statutory Authority: RCW 18.85.040, 85-21-035 (Order 136R), § 308-124H-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-020, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-020, filed 2/10/81; Order RE 116, § 308-124H-020, filed 4/30/76.]

WAC 308-124H-030 Filing of courses. Each proprietary school, individual, association or agency seeking approval of courses, shall apply to the department on a prescribed form. Courses shall meet the following requirements:

(1) Each course shall include at least one text book that is in general circulation or other instructional materials approved by the commission.

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

(3) Each course must be supervised or under the direction of at least one natural person who meets the qualifications of WAC 308-124H-060.

(4) Each course must deal with substantive real estate subject matter such as, but not limited to, legal aspects of real estate, real estate principles and practices, real estate finance, appraising, deposit receipts and earnest money agreements. General sales motivation courses will not qualify.

(5) Each course must require a comprehensive examination or examinations and a final grade.

(6) Each course must require a minimum of three hours of classroom work for the student; a classroom hour is a period of fifty minutes of actual classroom or workshop instruction. The time allotted for examinations shall not be applicable toward the minimum hours of course study.

(7) All course content materials must be accurate and current.

[Statutory Authority: RCW 18.85.040, 89-11-032 (Order PM 844), § 308-124H-030, filed 5/12/89; 88-24-059 (Order PM 811), § 308-124H-030, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124H-030, filed 10/7/87; 85-21-035 (Order 136R), § 308-124H-030, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-030, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-030, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-030, filed 10/23/78; Order RE 116, § 308-124H-030, filed 4/30/76.]

WAC 308-124H-033 Updating of course materials in the event of a statute or rule change. Schools shall update their course materials no later than thirty days after the effective date of a statute or rule change so as to keep the materials accurate and current.

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124H-033, filed 12/7/88.]

WAC 308-124H-035 Real estate fundamentals course content. Schools applying for approval of real estate fundamentals will follow the outline prescribed below:

The real estate fundamentals course will include:

Fiduciary commitment, agency, ethics, real estate law and agency relationships and disclosure rules	4 hours
Market analysis	3 hours
Contracts and documents	9 hours
Financing (including qualifying the buyer)	8 hours
Closing (costs etc.)	3 hours
Government rules and regulations	3 hours

[Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124H-035, filed 12/7/88; 86-11-011 (Order PM 595), § 308-124H-035, filed 5/12/86, effective 10/1/86.]

WAC 308-124H-036 Real estate brokerage management course content. Schools applying for approval of real estate brokerage management will follow the outline prescribed below:

The real estate brokerage management course will include:

Agency and Washington state law	3 hours
Government impact rules	3 hours
Trust account procedures	3 hours
Basic management concepts relative to real estate brokerage	3 hours
Planning and organizing a real estate office, staffing	6 hours
In house training (recruiting, selecting, training)	3 hours
Direction and control (marketing)	6 hours
Real estate and its future (horizontal and vertical expansion)	3 hours

[Statutory Authority: RCW 18.85.040. 86-11-011 (Order PM 595), § 308-124H-036, filed 5/12/86, effective 10/1/86.]

WAC 308-124H-037 Real estate law course content. Schools applying for approval of real estate law will follow the outline prescribed below.

The real estate law class will include:

Introduction to law and legal systems; land/property and related concerns	3 hours
Forms of ownership (including community property concepts); limited partnerships; easements; nonpossessory rights; leasehold estates and leases	3 hours
Title and transfer of title; title insurance; recording acts; conveyancing and closing	3 hours

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Fraud and deceit; negligence; misrepresentation and agency, dual agency and unauthorized practice of law	6 hours
Contract law and documents (including options and options to purchase)	3 hours
Real estate security documents (real estate contracts, mortgages and deeds of trust)	3 hours
Landlord tenant, Washington State Fair Housing Law, discrimination, Regulation Z	3 hours
Condominiums, Cooperatives and Securities Law	1 hours
Public and Private Land Use Control Regulation, Duties and Liabilities of Licensees	2 hours
	3 hours

[Statutory Authority: RCW 18.55.040. 86-16-055 (Order PM 606), § 308-124H-037, filed 8/1/86, effective 10/1/86.]

WAC 308-124H-038 Course titles. Only courses approved by the director for clock hours in real estate fundamentals pursuant to WAC 308-124H-035, real estate brokerage management pursuant to WAC 308-124H-036, and real estate law pursuant to WAC 308-124H-037 may include in their course titles the phrases "real estate fundamentals," "real estate brokerage management," and "real estate law."

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-038, filed 10/7/87.]

WAC 308-124H-040 Approval of classes. 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, 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 the directors or ownership of schools must be submitted to the department within twenty days from the date of such changes for referral to the director and real estate commission for consideration of continued approval.

Any changes in course content or material must be submitted to the department no later than twenty days

prior to the date of such changes for referral to the director and the real estate commission for approval of the change.

Any change in qualified course instructors, school name, or instruction location must be submitted to the department for approval by the director before implementing such change.

Approval may be withdrawn if the school or course is not conducted in accordance with this chapter or chapter 18.85 RCW, or the school, or its owners, managers or employees, directly or indirectly, solicits information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions. The proceedings for the withdrawal of approval shall be held in accordance with chapter 34.04 RCW.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-040, filed 10/7/87; 87-01-085 (Order PM 631), § 308-124H-040, filed 12/22/86; 86-11-011 (Order PM 595), § 308-124H-040, filed 5/12/86, effective 10/1/86; 86-06-011 (Order 138R), § 308-124H-040, filed 2/21/86; 85-21-035 (Order 136R), § 308-124H-040, filed 10/11/85; 81-05-015 (Order RE 129), § 308-124H-040, filed 2/10/81; 79-07-063 (Order RE 127), § 308-124H-040, filed 6/27/79; 78-11-052 (Order RE 125), § 308-124H-040, filed 10/23/78; Order RE 116, § 308-124H-040, filed 4/30/76.]

WAC 308-124H-043 Temporary approval of instructors. If an emergency arises which prevents sufficient time to obtain the director's approval for a change in instructors as required in WAC 308-124H-040, then schools may obtain a substitute instructor to teach the course or courses until the emergency ends or the director has approved a change in instructors, whichever occurs first. The school shall obtain any and all substitute instructors from a list of approved instructors maintained by the real estate division of the department of licensing. Substitute instructors shall only teach a course in which they have been approved to teach. Instructors shall be reapproved biannually. The real estate division of the department of licensing shall maintain a list of courses in which instructors are approved to teach and the lists shall be updated to eliminate courses if an instructor is disapproved for teaching certain courses and to add courses if an instructor is approved for teaching additional courses.

[Statutory Authority: RCW 18.85.040. 86-06-011 (Order 138R), § 308-124H-043, filed 2/21/86.]

WAC 308-124H-045 Recordkeeping. Upon approval of a course or courses, each proprietary school, individual, association or agency shall, for a period of six years, establish and maintain for each student a complete, accurate and detailed record which shall include the student's attendance, total number of hours of instruction undertaken, and completed areas of study in real estate subjects prescribed by these regulations.

Upon request, a copy of these records shall be made available to the director or student for purposes of determining whether the student has satisfied the provisions of RCW 18.85.090 and/or 18.85.095.

Each approved school shall furnish to the real estate division the date and time of all scheduled offerings, along with a sample of the advertising and promotional materials to be used and a map giving directions to the school. On a monthly basis the school shall submit a schedule of all clock-hour offerings for the next month. In the event of a cancellation, change in place, time or date, immediate notification shall be made to the real estate division.

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. 86-06-011 (Order 138R), § 308-124H-045, filed 2/21/86; 85-21-035 (Order 136R), § 308-124H-045, filed 10/11/85; 81-05-015 (Order RE 129), § 308-124H-045, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-045, filed 10/23/78.]

WAC 308-124H-050 Review applications. All approved courses shall be submitted to the director for review biennially for continued approval. The school shall make application on a form provided by the director. The application must be submitted not later than thirty days prior to the expiration of two years after the effective date of approval, which date will henceforth be the review date. Approval of any course not submitted for review prior to thirty days before the biennial review date shall be cancelled. A cancelled course may be submitted for reapproval by making application as a new course.

Review applications shall be submitted to the real estate commission for recommendation at the next scheduled commission meeting after thirty days from receipt of such application by the director. Approval of a course remains in effect until the review application is acted upon by the commission and director. Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Courses which have received approval on or before January 1, 1981 will be assigned an annual review date by the director.

[Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124H-050, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-050, filed 10/23/78; Order RE 116, § 308-124H-050, filed 4/30/76.]

WAC 308-124H-055 Broker real estate education requirements. After April 1, 1979, applications for the broker's examination will be required to have ninety clock hours of real estate education which shall be in addition to the thirty clock hours for salesperson renewal.

[Statutory Authority: RCW 18.85.040. 78-11-052 (Order RE 125), § 308-124H-055, filed 10/23/78.]

WAC 308-124H-060 Teachers and/or instructors. Each course of instruction herein being considered for approval shall be under the supervision of a qualified teacher or instructor who shall be present in the classroom at all sessions: *Provided*, That if the instructional

methods include use of prerecorded audio and visual instructional materials, presentation shall be under the supervision of a monitor who shall be present in the classroom at all sessions and a qualified teacher or instructor who shall at the minimum be available by telephone to respond to specific questions from students during the time the school is open for instructional purposes.

Each teacher or instructor shall be competent in the field of real estate they propose to teach and in techniques of instruction. Competency shall be evidenced by the following experience or education:

(1) Two years of experience in the area of real estate which that person proposes to teach, or completion of equivalent courses of study in that area of real estate, if approved by the director; and

(2) One year of teaching experience approved by the director or at least eight hours in training in teaching techniques approved by the director.

(3) A designated real estate instructor (DREI) shall be deemed to meet the competency requirements of subsections (1) and (2) of this section.

Guest instructors may be used provided that an approved instructor is also present during the classroom sessions. Guest instruction shall not exceed twenty-five percent of the total number of classroom hours.

[Statutory Authority: RCW 18.85.040, 85-21-035 (Order 136R), § 308-124H-060, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-060, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-060, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-060, filed 10/23/78; Order RE 118, § 308-124H-060, filed 7/6/76; Order RE 116, § 308-124H-060, filed 4/30/76.]

WAC 308-124H-065 Inspection of records. A duly authorized designee of the director of the department of licensing may inspect any offering and/or the records of the school at any time during a class presentation or during reasonable office hours.

[Statutory Authority: RCW 18.85.040, 85-21-035 (Order 136R), § 308-124H-065, filed 10/11/85.]

WAC 308-124H-070 Completion of courses. (1) To satisfy the requirement of having received clock hours of instruction in real estate, an applicant must submit proof of satisfactory completion of courses which have been approved pursuant to WAC 308-124H-010 through 308-124H-060.

(2) The student shall not receive clock hour credits for any course which is a duplication of material of a course that the student has previously taken and successfully completed.

(3) It is the responsibility of each student to furnish the department with a copy of the student's grade report or transcript at the time of application for first salespersons license, second renewal of salespersons license, activation of brokers or salespersons license after being inactive for three years or more or application for the brokers examination.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124H-070, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124H-070, filed 10/23/78; Order RE 116, § 308-124H-070, filed 4/30/76.]

WAC 308-124H-080 Courses for license activation. The course(s) for activation of a license that has been inactive for three or more years cannot be the same course(s) used for second renewal requirements.

The course(s) for activation of a license that has been inactive for three or more years cannot be the same course(s) used for prelicense requirements for broker's examination.

[Statutory Authority: RCW 18.85.040, 85-21-035 (Order 136R), § 308-124H-080, filed 10/11/85.]

Chapter 308-126A WAC LAND DEVELOPMENT REGISTRATION-- JURISDICTION

WAC

308-126A-010 Definitions.

308-126A-020 Exemption.

308-126A-030 Waiver.

308-126A-040 Office of interstate land sales registration.

WAC 308-126A-010 Definitions. (1) The terms and definitions used in the act have the same meaning given therein when used in these rules.

(2) "Act" means Lands Sales Development Act of 1973, chapter 58.19 RCW.

(3) "Advertising" means any oral or implied representation, pamphlet, circular, form letter, fact sheet, sign; radio, television or telephone presentation; newspaper or magazine advertisement; visitation, vacation or dinner promotion; certificate, sales manual, portfolio, kit, lecture, or other communication intended for direct or indirect influence of prospective purchasers.

(4) "Application for registration" means written information and documents, including a statement of record, a property report, and advertising material arranged and submitted according to the format prescribed by the director for filing.

(5) "Bold type" means letters which are all capitalized and underlined, or letters larger than the majority of the letters on a page.

(6) "Common promotional plan" includes those lots, parcels, units or interests in land offered in a manner which gives purchasers a choice among two or more of such parcels, units or interests. This definition shall not include a multiple listing service for real estate brokers offering unrelated properties in their regular course of business, unless such plan is adopted for the purpose of evasion of the act.

(7) "OILSR" means the office of interstate land sales registration, conducting registration of land under the Interstate Land Sales Full Disclosure Act, 15 U.S.C. §§ 1701-1720 (1968).

(8) "Property report" means a public offering statement containing full disclosure of pertinent information concerning developed lands, filed pursuant to RCW 58.19.070.

(9) "Statement of record" means that part of the application for registration filed pursuant to RCW 58.19.060.

(10) "Material change" means any circumstance occurring since registration or a fact not disclosed at registration or an unfulfilled promise which could adversely affect a lot purchaser.

[Order RE 123, § 308-126A-010, filed 12/13/77.]

WAC 308-126A-020 Exemption. (1) In determining a claim of exemption, the number of lots, units, or interests which are part of a common promotional plan shall be included with respect to the development.

(2) The method of disposition shall not be considered to be adopted for the purpose of evasion of the act if, in offering nine lots among a larger number:

(a) The developer designates the specific lots to be offered; and

(b) The lots are legally platted; and

(c) There is or will be an adequate county-approved potable water supply available to each lot offered; or information about the lack of water will appear in bold type on the face of each earnest money agreement and real estate contract concerning such lots; and

(d) Each lot offered has been approved for installation of an on-site waste disposal system or each lot can have access to an approved waste disposal system; or

(i) The developer will agree to make the sale of any lot conditional upon the ability of a purchaser to obtain county approval for such an on-site waste disposal system, and the condition will appear in bold type on each earnest money agreement; or

(ii) Information about the inability to obtain an on-site waste disposal permit will appear in bold type on the face of each earnest money agreement and real estate contract concerning these lots;

(e) The lots are not known to be subject to landslide or avalanche; and

(f) Each lot has an easement or access to the public right of way.

[Order RE 123, § 308-126A-020, filed 12/13/77.]

WAC 308-126A-030 Waiver. The director may waive the provisions of the act for a development of twenty-five or fewer lots, parcels, units, or interests if it is determined that the plan of promotion and disposition is primarily directed to persons in the local community in which the development is situated.

(1) The lots in a development shall include those lots which were unsold in March 1, 1974 and those lots acquired thereafter.

(2) The local community shall be presumed to include the persons reached by the daily and weekly newspapers published nearest to the location of the development.

(3) The director may waive the provisions of the act for a development after considering the following information about the plan:

(a) There are

(i) No blanket encumbrances on the development as confirmed by a qualified title opinion prepared within twenty days of date of application, or

(ii) If a blanket encumbrance does exist on the development, such encumbrance contains an unconditional provision for partial deed releases without payment of additional money by a lot purchaser or an alternative plan complies with the requirements of RCW 58.19.180. Any such plan must be reviewed and approved by the director;

(b) The lots are legally platted.

[Statutory Authority: RCW 58.19.250 and 59.19.040 [58.19.040]. 89-18-038, § 308-126A-030, filed 8/29/89, effective 9/29/89; Order RE 123, § 308-126A-030, filed 12/13/77.]

WAC 308-126A-040 Office of interstate land sales registration. (1) Any development registered under the interstate land sales full disclosure act shall, at the developer's request, be registered under the act if the developer complies with all of the following requirements:

(a) Files with the director a copy of the federal statement of record and property report and copies of all papers, documents, exhibits, and certificates filed with and received from the federal government in regard to current federal registration;

(b) Files with the director an affidavit that copies of all papers, documents, and exhibits upon which the federal government relied in granting the current federal registration have been submitted to the director. The affidavit shall also state the effective date of the federal filing;

(c) Complies with RCW 58.19.180 of the act, dealing with blanket encumbrances;

(d) Complies with chapter 252, Laws of 1977 ex. sess., which requires safeguards if lot purchasers are required to pay money in addition to the purchase price for constructing, completing, or maintaining improvements;

(e) Completes the applicable sections in the statement of record application form, submitting any documents required by those sections.

(2) State registration under this provision of the act shall only be valid and current so long as:

(a) The developer's federal registration is valid and current; and

(b) The director is promptly advised of any change in the developer's federal registration and is promptly provided with copies of all papers, documents, exhibits and certificates relating to the development which the developer has filed with or received from the federal government subsequent to the date on which the federal registration was granted.

(3) An OILSR accepted registration shall be considered as not current and valid where the developer is in violation of the federal rules or the facts concerning a development are inconsistent with the disclosure in the OILSR registration and such registration has not been amended. Such violation or inconsistency might include a material change, amenities not as stated, or false or misleading advertising.

[Order RE 123, § 308-126A-040, filed 12/13/77.]

Chapter 308-126B WAC
LAND DEVELOPMENT REGISTRATION--
REGISTRATION

WAC

308-126B-010	Address of director.
308-126B-020	Documents.
308-126B-030	Statement of record and property report—Contents and filing.
308-126B-040	Statements and reports—Proper form.
308-126B-050	Statements and reports—Effective dates.
308-126B-060	Mortgages, liens, or other encumbrances.
308-126B-070	Instruments of sale.
308-126B-080	Improvements.
308-126B-090	Notice of deficiency—Rejection.
308-126B-100	Amendments.
308-126B-110	Consolidated registration.
308-126B-120	Withdrawal.
308-126B-130	Reports—Registration.
308-126B-140	Termination of developer's business.

WAC 308-126B-010 Address of director. The official address of the director for delivery and receipt of all mail, telegrams, information, filings, registration, fees, and other material required by the act or these rules is:

Land Development Registration
and Administration
Real Estate Division
P.O. Box 247
Olympia, Washington 98504.

[Order RE 123, § 308-126B-010, filed 12/13/77.]

WAC 308-126B-020 Documents. (1) The application for registration shall be typewritten or in legible handwriting. One side of the paper only shall be used except for exhibits. Exhibits or documents shall be reduced or folded to a size not to exceed 8 1/2 by 13 inches. All papers filed shall become part of the public record.

(2) The use of true copies of original documents is permitted. The original signatures must be submitted where signatures are required on the face of the statement of record.

[Order RE 123, § 308-126B-020, filed 12/13/77.]

WAC 308-126B-030 Statement of record and property report—Contents and filing. (1) A developer shall make application for a registration of nonexempt developed land and the application shall include a statement of record and a property report completed in the form prescribed by the director.

(2) The statement of record and property report shall be filed at the official address of the director.

(3) Two additional copies of the final, accepted property report shall be filed with the director.

(4) The registration fee shall accompany an application for registration, and shall be paid by check or money order, payable to the Washington state treasurer.

[Order RE 123, § 308-126B-030, filed 12/13/77.]

WAC 308-126B-040 Statements and reports—Proper form. An application for registration shall include a correct fee, pertinent information, documents,

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and exhibits, with all material in the application for registration assembled in the manner prescribed by the director. For those developments not registered with OILSR, the application will include the following:

(1) If an environmental impact statement is required by the appropriate governmental authorities, an application for registration shall not be accepted as complete unless an environmental impact statement which has been accepted by the appropriate governmental authorities is included.

(2) No application for registration will be considered to be complete until a final recorded plat for the development is included.

(3) The developer shall be responsible for submitting separate signed statements from each of the developers and developers' directors, general partners, officers, trustees and each person including limited partners, having an ownership interest of five percent or more of the development being registered, stating whether the person:

(a) Has had a civil suit filed against him or her by a purchaser of land in the past five years.

(b) In the last ten years has been subject to bankruptcy or foreclosure proceedings as an individual or as an officer or director of a corporation.

(c) Has been subject to any injunction or administrative order of judgment restraining a false or misleading promotional plan involving land dispositions entered under the provisions of RCW 19.86.080 or 19.86.090 involving a violation or violations of the provisions of RCW 19.86.020 (the Consumer Protection Act) within the past ten years.

(d) Has been convicted of a crime involving land dispositions or any aspect of land sales business in this state, the United States, or any other state or foreign country within the past ten years.

(e) Has been convicted of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud or any similar offense in any court of competent jurisdiction within the past ten years.

[Order RE 123, § 308-126B-040, filed 12/13/77.]

WAC 308-126B-050 Statements and reports—Effective dates. (1) Upon a determination that an application for registration is complete, the director shall issue a notice of filing to the applicant. If the application is not complete, the director shall issue a notice of improper form to the applicant.

(2) The effective date of registration shall not be later than thirty days for an in-state offering and sixty days for an out-of-state offering after the mailing date of issuance of notice of filing unless:

(a) The applicant has consented in writing to suspension of the effective date after a notice of deficiencies has been issued; or

(b) The department has entered an order of rejection with notice of specific deficiencies; or

(c) An amendment to the registration is received prior to the date on which the registration becomes effective. Application for registration shall then be considered to

have been filed when the amendment was received. If the amendment is prepared with the consent of or pursuant to order of the department, the amendment shall be considered as filed as of the original notice of filing date: *Provided*, That the director shall always have ten business days to consider any amendment.

[Order RE 123, § 308-126B-050, filed 12/13/77.]

WAC 308-126B-060 Mortgages, liens, or other encumbrances. (1) A blanket encumbrance shall either contain adequate partial release clauses in the encumbering instrument, to assure that the blanket encumbrance will be removed prior to the time at which the developer is contractually obligated to deliver title to the purchaser or the developer shall adopt one of the alternatives in (2) or (3) below. Adequate partial release clauses must satisfy the following requirements:

- (a) Any partial release clauses must be recorded; and
- (b) Terms of the release clause shall provide that the purchaser shall obtain legal title in the form of a deed or other interest contracted for upon the purchaser's compliance with the terms and conditions of the contract or agreement of sale, whether or not the obligation secured by the encumbrance instrument has been fulfilled; and
- (c) The rights of the holder of the blanket encumbrance shall be subordinate to the rights of purchasers at all times prior to the execution of a release by the holder of a blanket encumbrance.

(2) If the developer elects to maintain an escrow depository as described in RCW 58.19.180(1) of the act, the director shall determine the adequacy of the escrow account. All such escrow accounts shall be subject to the following provisions:

- (a) All funds including, but not limited to, deposits or payments made by the purchaser under a contract shall be kept and maintained in an account separate and apart from the owner's personal or business accounts.
- (b) The account shall be established in a state-regulated depositing company.
- (c) The developer shall submit quarterly statements concerning escrow accounts to the director.
- (d) The developer shall not have a proprietary interest of more than ten percent in the company which acts as the development escrow depository.
- (e) Any contract for lot purchases shall reflect on its face the name and address of the escrow depository to which the purchaser's payments are to be made.
- (f) No person other than the designated escrow depository shall be authorized to receive payment without prior approval from the director.
- (g) Each escrow account established for the benefit of a purchaser shall be maintained by the escrow agent until:
 - (i) An unconditional release is obtained from the lien of the blanket encumbrance; or
 - (ii) There is a forfeiture of the interest of the purchaser or developer or a legal determination as to the disposition of escrowed moneys; or
 - (iii) The developer orders a return of escrowed moneys to the purchaser.

(h) If an escrow agent terminates an escrow account for reasons other than those given above, ninety days notice shall be given to the purchaser, lender, developer and the director. Purchasers shall make lot purchase payments directly to the developer's lender until new provisions meeting the requirements of RCW 58.19.180 are accepted by the director.

(3) If the encumbering instrument does not contain adequate partial release clauses, and if the developer elects to convey the purchaser's interest in the development property in trust as permitted in RCW 58.19.180, the director shall determine the adequacy of the trust agreement, provided all such trust agreements shall be subject to the following provisions:

- (a) When the purchaser makes initial payment upon any agreement to purchase, the developer shall convey the developer's interest in the development in trust and shall direct the purchaser to make payments directly to a state-regulated trustee;
- (b) The trustee shall not appoint the trustor-developer its agent or collector of purchaser payments, without prior written approval from the director;
- (c) The trust agreement from the developer to the trustee shall be recorded in the county or counties where the development is situated;
- (d) The developer shall submit quarterly reports concerning the trust to the director.

[Order RE 123, § 308-126B-060, filed 12/13/77.]

WAC 308-126B-070 Instruments of sale. Applicants who have not registered with OILSR have the burden of an affirmative showing of compliance with the following requirements:

- (1) An instrument evidencing sale or disposition of an interest in a development shall be executed in a recordable form in accordance with the laws of the state where the land is located.
- (2) Each contract, agreement or other evidence of disposition shall contain a notice printed on its face in bold type that if the purchaser did not receive a copy of the property report forty-eight hours in advance of the time the purchaser signs the contract, then the purchaser has the power to revoke, in writing, the contract within forty-eight hours of the signing of the contract and that the period of forty-eight hours shall not include a Saturday, Sunday or legal holiday.
- (3) Any instrument employed in the disposition of developed lands that contains a provision for the unconditional refund of the purchase price of a lot in whole or part beyond thirty days from the date of the first payment by the purchaser of the lot shall be deemed a substantial risk which must be disclosed unless:
 - (a) Provisions have been made for the deposit of any moneys received from prospective purchaser by the seller in a neutral escrow account, in trust for the purchaser for the entire period during which such funds are subject to being returned to the purchaser; or
 - (b) Other satisfactory assurances demonstrate that the registrant will be in a position to refund in accordance with the terms of the agreement.

(4) If at the time the developer has contracted to deliver title, the developer cannot provide to a purchaser a policy of title insurance showing good title, the contract must allow the purchaser to rescind for any lack of good title which has been caused by the actions of the developer.

(5) If the developer has failed to provide for a grace period of at least sixty days before default or cancellation, the property report must disclose the possible consequences in bold type.

(6) If the developer has failed to provide for recording the sales instrument, the property report must disclose the possible consequences in bold type.

[Order RE 123 § 308-126B-070, filed 12/13/77.]

WAC 308-126B-080 Improvements. (1) If a lot owner is required to pay any money in addition to the purchase price of the lot for constructing, completing, or maintaining any development improvements, the money shall be collected by one of the following:

- (a) A governmental agency;
- (b) An association comprised solely of persons who have purchased lots in the development, or their assignees; or
- (c) A person who is not affiliated with the developer, in trust, and on terms acceptable to the director. The treasurer of a lot owner's association who is a lot owner not related to the developer or a business associate of the developer, or related to a business associate of the developer may serve as trustee provided the treasurer reports to all the lot owners at least annually the balances, receipt, payment, and location of all money collected.

(2) The property report shall be amended to show any newly instituted or changed collection of purchasers' payments for constructing, completing, or maintaining improvements.

(3) Where construction of a promised improvement in a development has not been completed, the property report shall disclose the possible consequences in bold type. An uncompleted improvement does not constitute as great a risk if the improvement is assured by a bond, an irrevocable bank letter of credit, or similar undertaking deposited with a public authority and acceptable to the director, or by adequate reserves established and maintained in an escrow account. In determining adequacy of the disclosure of the risk factor, the department will be guided by the facts and circumstances of each individual case.

[Order RE 123, § 308-126B-080, filed 12/13/77.]

WAC 308-126B-090 Notice of deficiency--Rejection. (1) If the director has reasonable grounds to believe that a registration, amended statement of record, amended property report or consolidated statement of record is incomplete, materially misleading or inaccurate, a notice of deficiency or an order of rejection with respect to the application shall be issued by the director within thirty days after the date of notice of filing for an in-state application and sixty days for an out-of-state application.

[Title 308 WAC—p 352]

(2) A notice of deficiency shall specify the reasons that the director considers that the application does not satisfy the requirements of RCW 58.19.060 – 58.19.080 of the act.

(3) If the developer does not consent in writing to suspension of the effective date for registration while the specified deficiencies are corrected, an order of rejection shall take effect.

(4) If the developer wishes a hearing on the deficiencies specified in an order of rejection, a written request for a hearing must be made within twenty days after the order is mailed.

[Order RE 123, § 308-126B-090, filed 12/13/77.]

WAC 308-126B-100 Amendments. (1) An amendment to an effective statement of record or to a property report shall be filed with the director if any material change occurs. An amendment shall be filed within fifteen days of the date on which the developer knows or should have known that there has been a material change.

(2) A property report is not effective as a current public offering statement for the purpose of completing a sale of a lot as required by RCW 58.19.050 if it has not been amended to reflect a material change in the development.

(3) Any change which would result in the property report or the statement of record not reflecting the true facts of the development offering is considered as a material change. Generally, the following will be regarded as material changes. The listing is not all-inclusive and should be used as a guide only. If a developer questions whether or not a change is material, it should be submitted for consideration:

- (a) Changes in title to developer's land. This change may require a new registration;
- (b) Changes in money handling provisions when purchaser's money is collected for constructing, completing or maintaining improvements of the development;
- (c) Filing of a lawsuit, statement of charges, injunction or judgment which could adversely affect the development;
- (d) Failure to maintain promised progress on improvements;
- (e) Change in responsibility for utilities;
- (f) Changes resulting from lot splits or realignment of lot lines;
- (g) Discovery of hazards, such as adverse geologic conditions;
- (h) Substantial changes in taxes and assessments, or new control by districts having the power to tax or levy assessments;
- (i) A blanket encumbrance placed on the development.

(4) A material change shall be specifically described and shall be supported by such documentation as would be required in connection with an initial filing. Any such amendments shall be accompanied by:

- (a) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that part and page of

the statement of record or property report which is being amended; and

(b) All pages of the statement of record or property report which have been amended, retyped in the approved format, reflecting the amendments.

(5) Where it appears during registration that a material change is likely to occur, the developer may be required to report concerning the material change.

(6) After the director accepts an amendment to a property report, all property reports subsequently issued to a prospective purchaser shall include the amendment.

[Order RE 123, § 308-126B-100, filed 12/13/77.]

WAC 308-126B-110 Consolidated registration. (1) If, in connection with lots or units previously registered, the developer intends to offer additional lots or units as part of a common promotional plan, either a new or consolidated application for registration shall be filed. The developer shall answer specifically each question in the statement of record and submit a new property report. The developer shall not incorporate by reference answers to questions in the previous filing, except that supporting documentation may be incorporated by reference where it applies to both the original registration and to the additional lots or units offered. In all other respects, the consolidated registration shall conform to the requirements of an initial registration filed in accordance with these rules.

(2) An initial registration or consolidated registration of lots or units in a development under this act shall include lots or units in the development which are repossessed by the developer whether or not they are specifically enumerated in the registration: *Provided*, That

(a) The repossessed lots or units are in a development included in the same promotional plan;

(b) The total number of repossessed lots or units, together with the unsold lots in the registered development, does not exceed the number of lots registered in the development.

(3) Consolidation filing fees are to be based on the lots or units added to the development by the consolidation.

[Order RE 123, § 308-126B-110, filed 12/13/77.]

WAC 308-126B-120 Withdrawal. (1) Request for withdrawal of a registration may be made by letter prior to or after registration. The director may enter an order of withdrawal or prescribe certain conditions or prerequisites to be met in connection therewith. The entry of such an order shall not preclude the issuance of cease and desist orders or other orders provided herein.

(2) No refund of fees will be made unless an application for registration or for a waiver of registration is withdrawn before an examination of the application is begun.

[Order RE 123, § 308-126B-120, filed 12/13/77.]

(1989 Ed.)

WAC 308-126B-130 Reports--Registration. (1) Quarterly reports. Each developer shall submit on or before the 10th day of each calendar quarter the following information on a form supplied by the director:

(a) A record of all persons who agree to purchase a lot and those persons who subsequently withdraw or attempt to withdraw from the agreement either by formal notification to the developer, by failure to make payments, by claim of rescission or otherwise; and

(b) Copies of statements obtained from escrow agents; and

(c) Copies of receipts of bond premiums paid during the quarter; and

(d) Information concerning progress toward completion of an improvement or amenity; and

(e) Reports of any material change in a development.

(2) The director may require such other reports as may be deemed necessary for the protection of purchasers and for carrying out the intent of this act and these rules.

(3) Final reports. Every developer who has sold all lots in a development or who is no longer subject to the Land Development Act shall file a final report with the director. The final report shall include the reason for termination of the obligation to report and an affidavit of the date of termination.

[Order RE 123, § 308-126B-130, filed 12/13/77.]

WAC 308-126B-140 Termination of developer's business. The obligations imposed under these regulations shall continue in the event of death, incompetency, bankruptcy or other interruption or termination of the developer's business.

[Order RE 123, § 308-126B-140, filed 12/13/77.]

Chapter 308-126C WAC LAND DEVELOPMENT REGISTRATION-- ADMINISTRATION

WAC

- 308-126C-010 Declaratory rulings--Advisory opinion.
- 308-126C-020 Officers to administer oaths and affirmations.
- 308-126C-030 Officers to issue subpoenas and institute discovery.
- 308-126C-040 Service of process.
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- 308-126C-070 Advertising.
- 308-126C-080 Advertising presumptions.
- 308-126C-090 Promotional activities.
- 308-126C-100 Reports--Advertising and promotion.
- 308-126C-110 Rules effect.

WAC 308-126C-010 Declaratory rulings--Advisory opinion. (1) The director, upon request by an interested person, may issue a declaratory ruling on the applicability of the act or a rule if the person submits to the director the following:

(a) A clear and concise statement of the facts; and

(b) If the interested person desires, a brief or a reference to legal authorities relied upon for determination of the applicability of the act or a rule to the statement of facts.

(2) The director, upon determination that a declaratory ruling should be issued, shall notify the person of the time in which the director will issue the ruling.

(3) A declaratory ruling shall repeat the facts, the legal authority on which the department relies for its ruling, if any, and the ruling it makes. The director may not retroactively change the ruling, but the director may prospectively change a ruling.

(4) An advisory opinion may be issued on a hypothetical fact situation, but such an opinion shall not be binding on the director.

[Order RE 123, § 308-126C-010, filed 12/13/77.]

WAC 308-126C-020 Officers to administer oaths and affirmations. The following officers are designated to administer oaths and affirmations during any investigation or proceeding under the act:

- (1) Director of the department of licensing.
- (2) Administrator, real estate division.
- (3) Chief, land development registration and administration.
- (4) Deputy chief, land development registration and administration.
- (5) Presiding officer of a hearing.

[Order RE 123, § 308-126C-020, filed 12/13/77.]

WAC 308-126C-030 Officers to issue subpoenas and institute discovery. (1) The following officers of the department are designated to issue orders to cease, desist and refrain; issue registrations, stipulations for waiver of registration, rejection of registration, suspension of property report; subpoena witnesses, issue subpoenas duces tecum, and institute discovery proceedings in any investigation or proceeding under the act:

- (a) Director of the department of licensing;
- (b) Administrator, real estate division;
- (c) Chief, land development registration and administration;
- (d) Deputy chief, land development registration and administration.

(2) Nothing in this rule shall be construed to abrogate chapter 34.04 RCW.

[Order RE 123, § 308-126C-030, filed 12/13/77.]

WAC 308-126C-040 Service of process. (1) In addition to the methods of service provided for in any other provision of law, the director may serve a registered developer by sending a copy of the process and of the pleading by certified mail to the developer or its agent at its last known address.

(2) The developer shall make an irrevocable appointment of the director to receive service of any lawful process in any noncriminal proceeding arising under the act against the developer or its personal representative. Notice that such process has been received by the director shall be sent to the developer by certified mail at the developer's last known address. The director shall also attempt to notify the developer at its last known telephone number.

[Order RE 123, § 308-126C-040, filed 12/13/77.]

[Title 308 WAC—p 354]

WAC 308-126C-050 Hearings. (1) Notice of a hearing shall be sent to interested parties at their last known address, not less than twenty days before the date of the hearing. A hearing shall be scheduled within a reasonable time.

(2) A hearing shall be open to the public and shall be conducted in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

(3) A hearing shall be conducted by a hearing officer who shall be appointed by the director.

[Order RE 123, § 308-126C-050, filed 12/13/77.]

WAC 308-126C-060 Posting of notice of order. (1) Whenever an order has been issued under the act and statutory rules thereto, the director shall, if deemed necessary for the protection of purchasers, require the posting of a sign or signs in a prominent place or places where prospective purchasers are taken to sign purchase contracts. These signs will indicate that the development or a section thereof is covered by a departmental order and offers made by the developer during the effect of the order may be unlawful. Appropriate signs will be supplied by the director and posted by the developers. The developer will be responsible for keeping the signs properly posted. Failure to do so will be a violation of these regulations and it will subject the developer to the penalties of the act. The developer shall forward to the director a photograph of the posted sign within ten days after it has been posted.

(2) The director may, where the developer makes a sales presentation or conducts a promotional activity at a location away from the development, require the posting of signs at such locations.

[Order RE 123, § 308-126C-060, filed 12/13/77.]

WAC 308-126C-070 Advertising. (1) General rules:

(a) No person shall publish in this state any advertisement concerning a development subject to the registration requirements of this chapter after the director finds that the advertisement contains any statements that are false, misleading, or deceptive and so notifies the person in writing. Such notification may be given summarily without notice or hearing.

(i) At any time after the issuance of a notification under this section the person desiring to use the advertisement may in writing request the order to be rescinded.

(ii) Upon receipt of such written request, the matter shall be set down for hearing to commence within fourteen days after such receipt unless the person making the request consents to a later date.

(iii) After a hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW, the director shall determine whether to affirm and to continue or to rescind such an order and shall have all the powers granted under such act.

(b) The director may require that any material used by a developer or its agent to induce prospective purchasers to visit the developed land contain certain additional pertinent information. The information may

include, but is not limited to, terms and conditions of the offers and the nature and extent of the developer's participation in the campaign. The director may require reasonable assurances that promises made by a developer or its agents can be met.

(c) Advertising shall not contain asterisks or any other reference symbol as a means of contradicting or changing any previously made statement or as a means of obscuring a material fact or facts.

(2) Portrayal of development.

(a) Advertising shall not use artists' sketches to portray proposed improvements or nonexistent scenes without a caption indicating that such portrayal is an artist's sketch and that the improvements are proposed or the scenes do not exist.

(b) Advertising which uses statements, photographs or sketches portraying use to which advertised land can be put by the purchaser must set forth qualified cost estimates for preparing the land for the advertised use and state that the cost is not included in the purchase price.

(c) Advertising shall not utilize "before and after" pictures unless such pictures portray actual development conditions of the interest being offered.

(d) Maps, plates or representations shall indicate the date when the development will be completed. If completion dates are over a period of years, a series of shadings, outlines, or coding may be used to indicate dates of completion.

(e) Photographs or sketches depicting areas not in the development shall have a caption plainly stating the location of the area depicted. No photograph or sketch of an area not in the development shall be used if it may mislead.

(3) Representation of promotional activity:

(a) Advertising shall not use names or trade styles which imply that the developer is a nonprofit organization, research organization, public bureau, or group, when such is not the case.

(b) Advertising and promotion shall not represent that a developer or another acting on behalf of a developer is conducting a survey, contest, poll or other similar inquiry, when in fact it is a market approach in an effort to dispose of property.

(c) Advertising and promotion shall not represent to a prospective purchaser special selection of such person when selection is general.

(d) The advertising and promotion shall not represent that a prospective purchaser has to pay a refundable or nonrefundable temporary membership fee in order to visit, tour or inspect a development for the reason that the development is restricted to members only when in fact such offer is made on a regular basis to persons solicited for purchase.

(e) All advertising calculated to induce any attendance or participation in a land sales presentation, shall state the length of such presentation.

(4) Physical features of development:

(a) The advertising of land without direct road access must disclose the lack of access and describe any alternative method of access.

(b) The existence of a road easement or a road right of way shall not be advertised unless such easement or right of way has been dedicated and recorded in the public records of the county in which the property is located.

(c) Advertising which makes reference to "roads" and "streets" shall make affirmative disclosures as to the nature of unsurfaced roads and streets - i.e., gravel, dirt, etc. All unsurfaced streets and roads reflected on maps used in connection with an advertising program will be so designated on the map.

(d) When a community is referred to in advertising, the advertising must include the distance of the development in road miles from the community, together with type or types of unsurfaced roads traversed.

(e) Advertising shall not use such terms as "minutes away," "short distance," "only miles" and "near" and terms of similar import to indicate distances unless the actual distance in road miles is used in conjunction with such terms, together with type or types of unsurfaced roads traversed and any ferries or toll bridges.

(f) Advertising shall not contain statements, photographs or sketches relating to sports, leisure or recreational facilities located outside the development, or other conveniences which are not presently in existence, unless it unmistakably states that such facilities are not on the land or not completed and the distance thereto in road miles and type of unsurfaced road. When such facilities are not complete, the advertisement must disclose a bona fide completion date.

(g) Advertising shall not refer to improvements, facilities, or utilities which are not completed unless their completion is provided for by bonding or other assurance of completion approved by the director or the lack of financial assurance of completion is disclosed. The advertising must disclose the present state of construction of improvements. Improvements, facilities, or utilities may not be advertised if they will not be completed within six months of the date the advertisement is published: *Provided*, That utilities and roadways which are bonded may be advertised, as long as the estimated completion dates are included in all such advertisements.

(h) Advertising shall not contain reference to conditions which require irrigation or other application of water to create or maintain the advertised condition, unless irrigation or other facilities to provide such moisture are presently in existence or the lack of means of water application is disclosed.

(i) Advertising may refer to property as waterfront or tideland only where the property being offered actually fronts on a body of water and

(i) Has full and usable access along the frontage; or

(ii) The nature of the access to the water along the frontage is fully disclosed; and

(iii) The governmental regulations regarding the waterfront or tideland are disclosed.

(j) Advertising which employs the term "canal" or "canals" shall contain a full disclosure of the width and depth of water in such "canal" or "canals."

(k) Advertising which indicates the size of the lot offered shall include the amount of land available for use

by the purchaser after all easements except easements for utilities have been deducted. If the property is subject to easements which are unusual in size, then this fact shall also be noted. All maps, plats, representations, or drawings shall show either the dimensions of the tract or the amount of acreage after deductions of easements.

(5) Inducement:

(a) Advertising shall not contain statements concerning future price increases by the developer which are not specific as to amount and as to the date of the increase. No such price increase may be alluded to unless it is bona fide.

(b) Lots or interests or promotional activities or merchandise shall not be advertised as free if the prospective purchaser is required to give any consideration whatsoever, or when any lot, lots, interest or interests must be purchased to render the "free" lot, interest, activity or merchandise freely usable.

(c) Advertising shall not refer to predevelopment offers at a lower cost estimate because the land has not yet been developed, segregated or subdivided unless there are bona fide plans of such development, and the higher costs are disclosed and a final subdivision plat for such subsequent development has been recorded.

(d) Advertising and promotion shall not represent a commission, bonus, discount, reward, override, set-off or prizes for referring other purchasers to the developer, where such promise or representation is similarly made to those referred.

(e) Advertising shall not compare land values unless such disclosure indicates who is making the comparison and the comparison is accurate and fair.

(f) Advertising which refers to purchase price of any lot, parcel or unit of land must also include existing assessments or costs to the prospective purchaser.

(g) Advertising shall not indicate a discount on property that merely appears to effect a price reduction from the advertised price. A discount may be given as consideration for quantity purchases, cash, larger payments, or upon any reasonable basis. The regular price must have been the customary disposition price for a reasonable period of time. The purpose of this standard is to eliminate the use of fictitious pricing and illusory discounts.

(h) Land shall not be advertised for "closing costs only" when these costs are substantially higher than appraised value, or when additional land must be purchased at a higher price to render the land usable.

(i) Advertising shall not use the word "appraised," unless the statistics or research material which support such conclusions include, but are not limited to:

- (i) Date of the appraisal;
- (ii) Appraiser's name, address and telephone number;
- (iii) Limiting conditions and other special factors of an appraisal;
- (iv) The relationship of the appraiser to the developer including fees paid by the developer for the appraisal.

(6) Investment potential:

(a) Advertising and promotion shall not represent investment value, price value or market value increases unless based on specific and substantial evidence that

after deduction of all costs including resale costs, the return over time to lot sellers in the development, or to sellers of equivalent properties in the local market, has been greater than current Washington state demand deposit savings bank interest. If no resales have occurred, the developer may submit local comparable land values showing the development lots are sold at prices equal to or less than other lots sold independently in the local market and that the independent local market value of such lots is increasing.

(b) When any advertisement or promotional meeting includes a reference to land as having investment value or as serving as an inflation hedge, the reference shall be presumed to apply directly to a development named in the same advertisement or promotional meeting.

(c) Advertising which refers to property exchange privileges must state any qualifications and costs concerning such exchange.

(d) Advertising shall not contain the terms "warranty," "guarantee" or "guaranteed refund" unless the refund is unconditional and the terms are disclosed. If the effect of the warranty is to limit an implied warranty, the limitation must be stated.

(e) Advertising may not imply that the developer will resell, assign, set-off, or repurchase the property or any portion thereof being offered at some future time unless the contract used for the advertised offer includes a provision for the resale, assignment, set-off, or repurchase of the property for or on behalf of purchasers wherein the terms of such provisions are fully disclosed.

(f) Advertising shall not represent that the property being offered may be subdivided, segregated or otherwise divided into smaller parcels for disposition unless it indicates all necessary information, including governmental legal requirements and cost of such future activity.

(g) Advertising or promoting which forecasts information as to events or population trends shall be pertinent and directly affect the offering.

[Order RE 123, § 308-126C-070, filed 12/13/77.]

WAC 308-126C-080 Advertising presumptions. (1) When homesites or building lots are advertised, the presumption is that:

(a) There is or will be an adequate government approved potable water supply available;

(b) Each lot can be approved for installation of on-site waste disposal system or that each lot can have access to an approved waste disposal system;

(c) The individual homesites or building lots are accessible by automobile over an existing right of way without additional expense to the purchaser;

(d) The land is immediately accessible and usable for such purpose by purchasers without the necessity for draining, filling or other improvement except for reasonable preparation for construction, and that no fact or circumstance exists to prohibit immediate use of the land for such purposes.

(2) The following presumptions are created by the described advertising practices:

(a) When title insurance or attorney's opinion as to title is promised, the developer can and will convey fee simple title free and clear of all liens, encumbrances, and defects except those which are disclosed in writing to the prospective purchaser before signing any agreement;

(b) When a recreational facility, improvement, accommodation or privilege is advertised, it is on the land at the present time and available without restriction to the purchasers of lots;

(c) Advertising published or disseminated or communicated by or in behalf of an owner or entity owning more than one development is being used to offer lands in all developments registered by that owner or entity unless express limitation is evidenced;

(d) Advertising published or disseminated by or on behalf of a developer's sales agent is being used to offer lands in all developments for which the person is a sales agent unless an express limitation is evidenced.

[Order RE 123, § 308-126C-080, filed 12/13/77.]

WAC 308-126C-090 Promotional activities. (1) A prospective purchaser who expresses a desire or intent to leave a promotional presentation at any time during or after the presentation may not in any manner be impeded from departing, pressured to remain, or denied any benefit promised in exchange for attending the presentation, including any transportation.

(2) A false or dummy buyer shall not be used to initiate offerings or a buying climate or for any other purposes.

(3) When contact with a prospective purchaser is made, the developer or agent shall clearly identify himself or herself as a developer or agent.

(4) If no fixed expiration date for the rights afforded on a gift certificate is stated, it may be redeemed by a holder at any time.

(5) When a participant in a visitation, vacation or dinner program listens to or is subject to a promotion, the developer shall supply, prior to participation in a program, a copy of the property report.

(6) Material for a visitation program shall disclose:

(a) The expenses which will be paid in whole or in part by the participant;

(b) That a person visiting will be subjected to sales promotion.

[Order RE 123, § 308-126C-090, filed 12/13/77.]

WAC 308-126C-100 Reports—Advertising and promotion. (1) Every developer subject to registration shall submit to the director prior to use any material amendment to advertisements approved at registration or any new advertisement.

(2) Advertising will be approved or rejected by the director within fifteen days after its receipt. Where an order of rejection is not entered within that time, the advertising will be deemed approved unless the developer has consented in writing to a delay.

(3) In reviewing any advertising submitted by the developer, the director shall determine, by examining the form, language, and content of the advertising and supporting data, and any other available information,

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whether the express and implied representations are true and make a full and fair disclosure as to all developed lands to which the filing relates. If not, the director will enter an order of rejection or take other action provided under the act.

(4) When advertising approved by the director is disapproved in another state or jurisdiction, the advertising may be changed to meet the requirements of that state or jurisdiction without prior approval by the director if:

(a) A copy of the advertising as changed is filed with the director within five days;

(b) A copy of correspondence from the other state or jurisdiction requiring the change is filed with the director within five days.

(5) Promotional activities. The director shall be notified of a visitation, vacation, dinner program or similar group promotional meeting in writing not less than five days before its date. Notice shall consist of the date, hour, place, and length of the meeting and the names of the developer and real estate broker involved.

[Order RE 123, § 308-126C-100, filed 12/13/77.]

WAC 308-126C-110 Rules effect. Nothing in these rules shall limit the director's determinations, as these rules are not all-inclusive in evaluating any developer submission to determine whether it is false, deceptive or misleading and fails to make full and fair disclosure within the general intent of the act.

[Order RE 123, § 308-126C-110, filed 12/13/77.]

Chapter 308-127 WAC TIMESHARE

WAC

308-127-010	Promulgation—Authority.
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308-127-030	Definitions.
308-127-040	Materially adverse change.
308-127-100	Exemptions from registration.
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308-127-200	Activities requiring registration as a timeshare salesperson.
308-127-210	Relationship of timeshare promoters and salespersons and real estate brokers and salespersons.
308-127-220	Original application, renewal, termination, and fees for a timeshare salesperson registration.
308-127-300	Impoundment.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-127-150	Application of four dollars per interval fee. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-150, filed 12/6/83.] Repealed by 88-15-017 (Order PM 749), filed 7/11/88. Statutory Authority: RCW 64.36.081.
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WAC 308-127-010 Promulgation—Authority. The director of the department of licensing, state of

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Washington, pursuant to the authority vested in him by the Timeshare Act, chapter 22, Laws of 1983 1st ex. sess., does hereby promulgate the following rules and regulations relating to the registration of timeshare offerings and timeshare salespersons.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-010, filed 12/6/83.]

WAC 308-127-020 Organization. The administrator, real estate division, business and professions administration, department of licensing, administers the Timeshare Act for the director of licensing. Information regarding the regulation of timeshare offerings and timeshare salespersons may be obtained by writing to: Administrator, Real Estate Division, Department of Licensing, P.O. Box 247, Olympia, Washington 98504. Persons desiring to visit the real estate division on matters relating to timeshare offerings and timeshare salespersons may do so at the real estate division offices located on the Sixth Floor, Highways-Licenses Building, 12th and Franklin Streets, Olympia, Washington.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-020, filed 12/6/83.]

WAC 308-127-030 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Timeshare Act, sec. 1, chapter 22, Laws of 1983 1st ex. sess., unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Agency" means the department of licensing in the state of Washington.

(3) "Timeshare project and timeshare property" mean all the properties subject to a timeshare program established by a particular set of timeshare instruments.

(4) "Timeshare program" means the rights and obligations of the timeshare owners, and methods and procedures for occupying and managing the timeshare project, as established by a particular set of timeshare instruments.

(5) "Resale timeshare offering" means a timeshare interval or intervals offered or sold by a person, on his or her own account, who:

(a) Is not the original promoter of the timeshare, or an agent, affiliate, or bulk-sale transferee of an original promoter; and

(b) Is not engaged in the business of selling or offering timeshares; and

(c) Was not an owner of the timeshare property at, or prior to, the time such property was made subject to a timeshare program.

(6) "Start-up timeshare offering" means a timeshare interval or intervals offered or sold by a person who:

(a) Is a promoter of the timeshare; or

(b) First establishes the timeshare program and makes the property subject to the program; or

(c) Is in the business of offering or selling timeshares; or

(d) Was an owner of the timeshare property at the time it was made subject to a timeshare program.

(7) "Limited timeshare offering" means a timeshare interval or intervals offered or sold in which:

(a) None of the owners of interests are owners for the purpose of making a profit from renting, exchanging, or selling the timeshare interests; and none do in fact make a profit from such activities during a three year term subsequent to establishment of the program; and

(b) The establishment of the project is not for the purpose of making a profit on behalf of any person; and

(c) All co-owners had personal knowledge of each other prior to establishment of the program and there is no solicitation of co-owners by means of advertising in public media.

(8) "Public offering statement" means the disclosure document referred to in the Timeshare Act.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-030, filed 12/6/83.]

WAC 308-127-040 Materially adverse change. (1) A materially adverse change means any change in the condition of a promoter or its affiliates which causes or might cause loss or risk of loss to the interests of the timeshare purchasers or prospective purchasers.

A materially adverse change occurs under circumstances which include, but are not limited to, the following:

(a) Any bulk sale of all or a significant portion of the timeshare properties;

(b) Any actual or threatened bankruptcy, receivership, or similar proceeding involving the promoter or its affiliates;

(c) Any lien, encumbrance, or similar circumstance which threatens to affect, or does affect, any of the timeshare properties;

(d) Any sale, lease, substitution of, or addition to the inventory of the timeshare properties by the promoter or its affiliates;

(e) Any amendment or change in the timeshare instruments or the timeshare program;

(f) Any change in the affiliation of the promoter or the association with a timeshare exchange company;

(g) Any change in the promoter's or an affiliate's plan of promotion;

(h) Any change in the status of an escrow, trust, bond, letter of credit, impound or other protective device, being utilized in the timeshare program for purposes of purchaser protection;

(i) Any criminal prosecution, civil lawsuit, or administrative proceeding in which the promoter or its affiliates are parties;

(j) Sell-out of the number of intervals registered to be sold to persons residing in the state of Washington;

(k) Any change in the financial status of the promoter or its affiliates that might adversely affect their ability to pay the timeshare expenses, including reserve accounts, during marketing of the timeshares.

(2) Materially adverse changes shall be reported to the agency for purposes of amending or renewing the registration and the public offering statement at the time they are known or proposed by the promoter or its affiliates. Failure to report such changes within 20 days shall

be cause for suspension, revocation, or denial of a registration.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-040, filed 12/6/83.]

WAC 308-127-100 Exemptions from registration.

(1) Provided that, the conditions stated are met, the director may exempt from registration the following types of offerings:

(a) Limited offerings are exempt from registration, provided that:

(i) The project contains fewer than ten owners or timeshare intervals for at least three years after its establishment; and

(ii) There is not soliciting of purchasers in the project from among the general public; and

(iii) There appears to be neither hazard to the public or owners nor violation of the nonregistration provisions of the statute; and

(iv) The co-owners of the project provide the agency with advance notice of their "intent to establish a limited timeshare offering." Such notice may be given on a form for this purpose provided by the agency, or otherwise, which shall include information about the names and addresses of all co-owners of the project, the identity and location of the timeshare properties, and a description of the timeshare program, including a copy of all agreements and forms that financially commit the owners to the program.

(b) Resales, by an owner, on the owner's own account, are exempt from registration, provided that:

(i) Within any twelve-month period the owner offers or sells no more than nine resale timeshare intervals in any single timeshare project; or within any twelve-month period, the owner offers or sells no more than fifteen resale timeshare intervals in two or more timeshare projects; and

(ii) The owner of these timeshares is not in the business of marketing timeshares. There shall be a presumption that a person is engaged in the business of marketing timeshares if the person is a corporation, partnership, venture or single proprietorship formed for such purposes and does in fact engage in offering or selling of timeshares; or the person does in fact offer or sell in excess of fifteen intervals in two or more timeshare projects in a given twelve-month period.

(c) Offering resale timeshares for another person's account, by a person actively licensed as a broker under chapter 18.85 RCW, shall be exempt from registration under the Timeshare Act, provided that:

(i) The broker shall act solely in a brokerage capacity; and

(ii) The broker shall provide prospective purchasers with information about the timeshares, as required in the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.; and

(iii) The broker shall assure the transfer of the timeshares; and

(iv) The broker shall not be in a business of marketing as a clearing house for the primary purpose of offering or selling timeshares.

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(d) Start-up projects are exempt from registration, provided that the project contains four timeshares or fewer during any given three-year period; and the promoter offers no less than a 25 percent interest to any owner in such a project.

(2) The director may, by written order, exempt any timeshare offering where the director finds that registration is unnecessary for the protection of the public. Exemptions shall not be granted where it appears that project documentation or structuring is inadequate or contrary to industry standards for similar projects, or that the nonregistration provisions of the Timeshare Act are being violated.

(3) Those timeshare projects registered with the agency prior to August 1, 1983, under the provisions of the Land Development Act, and which are currently registered, shall be exempt from registration under the Timeshare Act until the agency notifies the promoter of termination of the Land Development Act registration. Promoters of such projects shall actively work towards transferring registrations to the Timeshare Act, during the period of exemption. Failure to do so shall be cause for cancellation of the exemption.

[Statutory Authority: 1983 1st ex.s. c 22 §§ 2 and 26. 83-24-057 (Order 733 DOL), § 308-127-100, filed 12/6/83.]

WAC 308-127-110 Disclosure documents--Projects already registered in foreign jurisdictions. (1) Whenever a timeshare project or a significant portion of a timeshare project's properties are sited in a foreign jurisdiction and there has been a prior registration in that jurisdiction under an enactment specifically addressing the regulation of timeshares, the director may accept in whole or in part the disclosure statement of such foreign jurisdiction for purposes of satisfying the disclosure requirements of the Timeshare Act, sec. 3, chapter 22, Laws of 1983 1st ex. sess.

(2) Promoters who wish to utilize a disclosure document accepted by a foreign jurisdiction shall forward a copy of the foreign state's disclosure document to the agency along with the state of Washington registration forms, documents and filing fee ordinarily required of promoters.

(3) If a foreign jurisdiction's disclosure document is incorporated by reference into the state of Washington public offering statement, the state of Washington registration is deficient and void at the moment the foreign jurisdiction's registration expires, or, if for any reason, that jurisdiction's disclosure statement is or becomes deficient.

[Statutory Authority: 1983 1st ex.s. c 22 §§ 7 and 26. 83-24-057 (Order 733 DOL), § 308-127-110, filed 12/6/83.]

WAC 308-127-120 Financial information requirements. (1) The agency may require that the financial statements provided for in the Timeshare Act, sec. 4(1), chapter 22, Laws of 1983 1st ex. sess., be prepared and audited by an independent certified public accountant, in a manner which complies with the standards and guidelines established by the American Institute of Certified

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Public Accountants, under circumstances which include but are not limited to the following:

(a) For promoters of projects where accommodations or facilities are not completed at the time of the taking of a binding purchaser commitment and review of such statements will assist the agency in determining the promoter's ability to perform; or

(b) For promoters of right-to-use projects where a review of such statements will assist the agency in determining the ability of the promoter to provide continued future quiet enjoyment of the timeshare; or

(c) For promoters of projects where the promoter's payment of project expenses and servicing of reserve accounts cannot be assured by means other than reliance upon the promoter's own ability to pay such obligations from the promoter's existing assets.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-120, filed 12/6/83.]

WAC 308-127-130 Disclosure of number of intervals to be sold to persons residing in the state of Washington. The public offering statement shall declare the total number of intervals to be sold to persons residing within the state of Washington.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-130, filed 12/6/83.]

WAC 308-127-140 Expiration and renewal of timeshare offering registration. A timeshare offering registration shall expire one year from the date of issuance of the registration, or at the time the promoter sells the total number of intervals registered to be sold to persons residing in the state of Washington, whichever event occurs first. In order to continue offering the timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration.

[Statutory Authority: 1983 1st ex.s. c 22 §§ 6 and 26. 83-24-057 (Order 733 DOL), § 308-127-140, filed 12/6/83.]

WAC 308-127-155 Fees. The following fees shall be paid under the provisions of chapter 64.36 RCW:

(1) Registration application fees.

(a) Applicants for registration of a start-up timeshare offering shall pay a registration fee of \$750.00.

(b) Applicants filing for registration of a start-up timeshare offering which has or will have more than a single timeshare project in the program shall pay a registration fee of \$750.00 for the first project in the program and \$250.00 for each additional project in the program.

(c) Applicants filing for registration of a start-up timeshare offering of intervals in personal property shall pay a registration fee of \$500.00 for the first unit of personal property in the program and \$50.00 for each additional unit of personal property placed in the program up to and including ten units and \$35.00 for each unit of personal property after the tenth unit.

(d) Applicants filing for registration of businesses listing or brokering resale intervals shall pay a registration fee of \$250.00.

(2) Interval fees. In addition to the registration fees, registrants shall pay the following fees for intervals in the registration:

(a) No fee for the first 52 intervals;

(b) \$1.00 for each interval fifty-three through four hundred;

(c) \$.50 for each interval four hundred and one through one thousand;

(d) No fee for intervals beyond the one thousandth interval;

(e) No interval fee for resale offerings. Instead, registrants of resale offerings shall file listings for sale inventories with the department once every calendar month and registrants of resale offerings shall pay a fee of \$10.00 for each filing.

(3) Renewal fees.

(a) Registrants, whose programs consist of a single timeshare project and fifty two or fewer intervals, shall pay a renewal fee of \$150.00. The late renewal fee is \$350.00.

(b) Registrants, whose programs involve more than one timeshare project or include more than fifty two intervals, shall apply a renewal fee of \$350.00. The late renewal fee is \$550.00.

(c) Failure to renew within six months after the renewal date shall result in the termination of the registration and a new application for registration must be made, including payment of all fees for an original applicant.

(4) Consolidation fees. A consolidation shall mean any adding of intervals, real estate or units of timeshared personal property to a program. Consolidations shall not be construed as amendments to the registration for purposes of determining fees under this rule.

(a) Registrants, whose registrations involve a single timeshare project shall pay a consolidation fee of \$150.00 for each grouping of fifty-two intervals or less being added to the program subsequent to initial registration.

(b) Registrants, whose registrations involve more than one timeshare project shall pay a consolidation fee of \$350.00 for each added timeshare project.

(c) Registrants, whose programs involve the timesharing of personal property, shall pay a consolidation fee of \$250.00 for each unit of personal property being added to the program.

(5) Fees for exemptions. The granting of exemptions pursuant to RCW 64.36.020(4) shall be by an order from the director and shall issue only after the department has examined the petition for an exemption and any supporting documentation. The fee for petitioning for an exemption shall be \$150.00 for programs containing a single timeshare project and fifty-two or fewer intervals. For all other types of programs, the fee for petitioning for an exemption shall be \$250.00.

(6) Fees for impounds, escrows, trusts, and depositories. For each impound, escrow, trust, or other arrangement requiring a depository for purposes of satisfying the provisions of RCW 64.36.130, the initial establishment fee shall be \$250.00 and the fee for each required periodic report shall be \$10.00.

(7) Fees for advertising.

(a) For each individual advertisement filed with the department, there shall be a fee of \$25.00 paid at the time of the initial submission of the advertisement to the department. Should a registrant fail to submit a required filing of an advertisement or advertisements or fail to file the advertisement or advertisements in a timely manner, the \$25.00 fee for each advertisement shall be collected from the registrant, even if the advertisement or advertisements at issue are no longer in use or being disseminated.

(b) Registrants or applicants submitting an advertisement or advertisements involving no examination of project instruments and which are for the purpose of marketing surveys or feasibility studies shall pay a fee of \$75.00.

(8) Fees for persons in the business of offering commercial promotional programs.

(a) Applicants in the business of offering or selling commercial promotional programs as defined in RCW 64.36.010(3) shall pay a registration fee of \$300.00.

(b) All fees or funds of any description collected from persons in advance, in connection with delivery by the promisor of gifts, prizes, awards, or any other item of value shall be placed in a depository designated by the agency.

(c) A fee of \$250.00 shall be paid for the establishment of any impound, escrow, trust, depository, or other security device required under section 13, chapter 370, Laws of 1987.

(9) Salespersons fees. Applicants for registration as timeshare salespersons shall pay a registration fee of \$50.00 and a fee of \$25.00 for each renewal or transfer of the salesperson registration.

(10) Fees for amending registration and public offering statement. For each amendment of registration or amendment of the public offering statement pursuant to WAC 308-127-040(2), a fee of \$10.00 shall be paid. A penalty fee of \$100.00 shall be assessed for failure to file an amendment within 20 days of the occurrence of a materially adverse change as defined in WAC 308-127-040(2).

(11) Inspection fees. Applicants and registrants shall pay the cost of inspections conducted pursuant to section 5, chapter 370, Laws of 1987. The inspection fees shall be paid prior to the granting of a registration, a renewal of registration or consolidation. The inspection fee shall be determined by the actual cost to the department for conducting of the inspection.

(12) All fees shall be paid to the order of the treasurer, state of Washington.

[Statutory Authority: RCW 64.36.081. 88-15-017 (Order PM 749), § 308-127-155, filed 7/11/88.]

WAC 308-127-200 Activities requiring registration as a timeshare salesperson. (1) An individual acts as a timeshare salesperson whenever the individual induces, solicits, or attempts to encourage a person to acquire a timeshare; or the individual is responsible for causing an advertiser to publicize a timeshare offer.

(2) Unless exempted under the Timeshare Act, or these rules, a timeshare salesperson shall be registered in the state of Washington whenever:

(a) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located in this state; or

(b) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the project is located outside of this state, and

(i) The offer is made in or from this state, or

(ii) The person receiving the offer is located in this state at the time the offer is received.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-200, filed 12/6/83.]

WAC 308-127-210 Relationship of timeshare promoters and salespersons and real estate brokers and salespersons. (1) A timeshare salesperson shall be registered to a specific timeshare promoter who has one or more timeshare offerings registered in this state. The promoter shall have full responsibility for all activities of the promoter's timeshare salesperson which relate to offering timeshares for sale.

(2) An active real estate broker or salesperson may act as the brokerage agent of one or more timeshare promoters without registering as a timeshare salesperson. However, this exemption from registration as a timeshare salesperson applies only when the exempted person is performing real estate brokerage in compliance with chapter 18.85 RCW. Further, this exemption only pertains to the timeshare salesperson registration requirement. All other provisions of the Timeshare Act apply to real estate brokers and salespersons offering timeshares for sale.

(3) A natural person may be registered as a timeshare salesperson while actively licensed as a real estate broker or salesperson. However, the natural person shall carry out timeshare activities and maintain associated business records in a manner which is separate and apart from his or her activities carried out and records maintained as a real estate broker or salesperson. The term "separate and apart" shall not preclude location of timeshare salesperson and real estate brokerage activities at the same office.

(4) Any individual who is registered as a timeshare salesperson and actively licensed as a real estate broker or salesperson shall disclose in writing to the recipient of a timeshare sales offer whether he or she is acting as the timeshare salesperson of a promoter or a real estate broker or salesperson at the time he or she presents the public offering statement to the prospective purchaser.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-210, filed 12/6/83.]

WAC 308-127-220 Original application, renewal, termination, and fees for a timeshare salesperson registration. (1) An individual shall apply for an original registration as a timeshare salesperson on a form and by procedures prescribed by the agency. The registration which the agency may issue entitles an individual to act

as a timeshare salesperson for a specific promoter for a period of one year beginning on the issuance date printed on the registration.

(2) The registration of a timeshare salesperson shall be retained at all times by the timeshare promoter. When a timeshare salesperson ceases to be employed by the promoter to whom the timeshare salesperson is registered, the timeshare salesperson's registration is terminated. Notice of this termination shall be given by the promoter to the director and this notice shall be accompanied by and include the timeshare salesperson's registration. A terminated individual who desires to work for the same or another promoter shall make an original application in order to engage in further timeshare sales activities.

(3) A timeshare salesperson registration shall terminate when the one year period of registration expires unless an application for renewal has been timely received by the agency. Where a registration terminates because of expiration, an individual shall make an original application to engage in further timeshare sales activity.

(4) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request for renewal on or before the expiration of the individual's existing registration and subsequently issues a renewal registration. The effective date of the renewal shall be the anniversary date of the previous registration.

(5) An application for an original registration or a renewal of a registration shall not be complete unless it is accompanied by payment of a fee of twenty-five dollars. Payment of the fee with a check which is subsequently dishonored shall be a deficient application. Upon notification to the promoter by the agency, the promoter shall return the mistakenly issued registration and cease employing the applicant as a timeshare salesperson. An original registration application shall be required in order to register the individual as a timeshare salesperson.

[Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-220, filed 12/6/83.]

WAC 308-127-300 Impoundment. (1) The agency may require impoundment authorized in the Timeshare Act, sec. 13(1), chapter 22, Laws of 1983 1st ex. sess., under circumstances which include, but are not limited to, the following:

(a) For the registration of any cooperative or right-to-use project whenever adequate assurances of continued quiet enjoyment cannot be provided by means of bonds, escrows, trusts, or other devices; or,

(b) For the registration of any form of timeshare project whenever the timeshare properties and other facilities promised are not yet constructed or otherwise available, and where completion of construction or delivery of accommodations and facilities cannot be assured by bonds, escrows, trusts, or other devices.

(2) Funds subject to impoundment shall be placed in a separate and independent trust account with a bank or

depository institution acceptable to the director. A written consent of the depository to act in such capacity shall be filed with the director.

(3) The director will authorized the depository to release to the promoter or an affiliate when appropriate, such amounts of the impounded funds applicable to a specified purpose such as, payment of selling costs or timeshare expenses, purchase of property, or the construction of an improvement, upon a showing that the promoter can satisfy its obligations under the purchaser contracts to furnish purchasers the accommodations, facilities and services promised, or that for other reasons the impoundment is no longer required for the protection of purchasers. An application for an order of the director authorizing the release of the impounded funds to the promoter or an affiliate, shall be verified and contain, the following:

(a) A statement of the promoter, or affiliate where appropriate, that all required proceeds from the sale of timeshares have been placed with the depository in accordance with the terms and conditions of the impoundment agreement; and

(b) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of funds placed with the depository, and any interest earned by these funds; and

(c) The name of each timeshare contract purchaser and the amount impounded for the account of each purchaser; and

(d) Such other information as the director may request in a particular case.

[Statutory Authority: 1983 1st ex.s. c 22 §§ 13 and 26. 83-24-057 (Order 733 DOL), § 308-127-300, filed 12/6/83.]

Chapter 308-128A WAC ESCROW—ORGANIZATION AND ADMINISTRATION

WAC

308-128A-010 Promulgation—Authority.
308-128A-020 Organization.
308-128A-030 Meeting notice.
308-128A-040 Definitions.

WAC 308-128A-010 Promulgation—Authority. The director of the department of licensing, state of Washington, pursuant to the authority vested by chapter 18.44 RCW, does hereby promulgate the following rules and regulations relating to the registration of escrow agents and licensing of escrow officers.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128A-010, filed 9/9/88; Order RE 122, § 308-128A-010, filed 9/21/77.]

WAC 308-128A-020 Organization. The real estate/escrow program management of the business and professions administration of the department of licensing administers the Washington Escrow Agent Registration Act, chapter 18.44 RCW. The escrow commission, composed of the director of the department of licensing and five board members, appointed by the governor, approve

examination questions for license applicants, act in an advisory capacity to the director in the activities of escrow agents and escrow officers and perform such other duties and functions as prescribed by chapter 18.44 RCW. Information regarding escrow licenses, the escrow commission or the real estate/escrow program management may be obtained by writing to the Program Manager, Real Estate/Escrow Program Management, Department of Licensing, P.O. Box 9012, Olympia, Washington 98504.

The office of the real estate/escrow program management is located at 1300 Quince Street, Olympia, Washington.

[Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128A-020, filed 9/9/88; Order RE 122, § 308-128A-020, filed 9/21/77.]

WAC 308-128A-030 Meeting notice. Individuals desiring to be informed as to date, time, place and agenda of the escrow commission meetings must make a written request to the program manager of real estate/escrow program management.

[Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128A-030, filed 9/9/88; Order RE 122, § 308-128A-030, filed 9/21/77.]

WAC 308-128A-040 Definitions. (1) The terms and definitions used in chapter 18.44 RCW have the same meanings given therein when used in these rules.

(2) "Closing" means the transfer of title of real or personal property or execution of a real estate 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 lieu of an errors and omissions policy, 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 tendered in lieu of an errors and omissions policy. It does not mean or include any insurance or endowment policy, annuity contract or letter of credit.

[Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128A-040, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128A-040, filed 6/7/79; Order RE 122, § 308-128A-040, filed 9/21/77.]

Chapter 308-128B WAC

ESCROW--LICENSING AND EXAMINATION

WAC

- 308-128B-010 Credit and character report.
- 308-128B-020 Fingerprint identification.
- 308-128B-030 Notice required of intention to take examination.
- 308-128B-050 Successful applicants must apply for license.
- 308-128B-060 Inactive escrow officer license.

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- 308-128B-070 Misuse of escrow officer license prohibited.
- 308-128B-080 Escrow officer and agent fees.
- 308-128B-090 Dishonored checks and insufficient payment of fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-128B-040 License expiration—Renewal. [Order RE 122, § 308-128B-040, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.

WAC 308-128B-010 Credit and character report. Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer, shall, as an integral part of the application, supply the director with satisfactory proof of applicant's character and credit rating. Such proof shall be obtained and provided by a recognized credit reporting agency in a form approved by the department.

Any person making application for an escrow agent certificate of registration shall, as an integral part of the application, supply the director with satisfactory proof of character and credit rating for the natural person making the application, principal officers, designated escrow officer, controlling persons and partners. Such proof shall be obtained and provided by a recognized credit reporting agency in a form approved by the department.

[Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-010, filed 9/9/88; Order RE 122, § 308-128B-010, filed 9/21/77.]

WAC 308-128B-020 Fingerprint identification. (1) Any person making application for an escrow officer license after passing an examination, or to be a designated escrow officer who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, submit fingerprint identification on a form provided by the department.

(2) Any person making application for an escrow agent certificate of registration who has been convicted of a felony or misdemeanor within ten years of application, shall, as an integral part of the application, submit fingerprint identification of the natural person making the application, principal officers, designated escrow officer and partners for those persons who have been convicted of a felony or misdemeanor within ten years of application on a form provided by the department.

[Statutory Authority: RCW 18.44.320, 88-19-016 (Order PM 763), § 308-128B-020, filed 9/9/88; Order RE 122, § 308-128B-020, filed 9/21/77.]

WAC 308-128B-030 Notice required of intention to take examination. Any person desiring to take an examination for an escrow officer license must file a completed application together with the correct fee, and supporting documents with the department. Dishonored checks will be considered as an incomplete application. The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for submission of a completed application for any specific examination is available upon request. An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has

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applied and does not take for any reason, other than through the fault or mistake of the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-030, filed 9/9/88; Order RE 122, § 308-128B-030, filed 9/21/77.]

WAC 308-128B-050 Successful applicants must apply for license. Any person who has passed the examination for escrow officer must apply to become licensed within one year from the date of such examination in order to be eligible for such license. Failure to comply with this provision will necessitate the taking and passing of another examination.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-050, filed 9/9/88; Order RE 122, § 308-128B-050, filed 9/21/77.]

WAC 308-128B-060 Inactive escrow officer license. Any escrow officer license, not otherwise revoked or cancelled, shall be placed on an inactive status at any time it is delivered to the department. An inactive license may be renewed over a period of three consecutive years from the date of inactive status on the same terms and conditions as an active license.

On the termination of three consecutive years from the date of inactive status the license shall be cancelled. Any subsequent application will necessitate the taking and passing of another examination. No refund shall be made of the unexpended renewal fee.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-060, filed 9/9/88; Order RE 122, § 308-128B-060, filed 9/21/77.]

WAC 308-128B-070 Misuse of escrow officer license prohibited. An escrow officer shall not permit the use of his or her license, whether for compensation or not, to enable any person to in fact establish and carry on an escrow agency wherein the escrow officer does not have full management and supervisory responsibilities as required by RCW 18.44.200 and these regulations.

[Order RE 122, § 308-128B-070, filed 9/21/77.]

WAC 308-128B-080 Escrow officer and agent fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Escrow officer:	
First examination	\$100.00
Reexamination	100.00
License	150.00
License renewal	175.00
Transfer of license	15.00
Duplicate license	15.00
Escrow agent:	
Application	275.00
Renewal	275.00
Late renewal penalty	250.00
Transfer of license	15.00
Duplicate license	15.00

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Title of Fee	Fee
Escrow agent branch office:	
Application	275.00
Renewal	275.00
Late renewal penalty	250.00
Transfer of license	15.00
Duplicate license	15.00

[Statutory Authority: RCW 43.24.086. 87-18-032 (Order PM 668), § 308-128B-080, filed 8/27/87.]

WAC 308-128B-090 Dishonored checks and insufficient payment of fees. Payment of any fee required under chapter 18.44 RCW by a check which is dishonored, or is an insufficient payment, shall be considered a non-payment and the license action for which the dishonored check, or insufficient payment, was tendered shall not be completed by the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128B-090, filed 9/9/88.]

Chapter 308-128C WAC ESCROW—ESCROW AGENT OFFICE

WAC

- 308-128C-020 Office identification.
- 308-128C-030 Display of licenses.
- 308-128C-040 Change of office location.
- 308-128C-050 Deceptive names prohibited.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-128C-010 Prevention of the same or deceptively similar escrow agent firm names. [Order RE 122, § 308-128C-010, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.

WAC 308-128C-020 Office identification. Any main or branch office of the escrow agent shall be identified by displaying the name, visible to the public, of the escrow agent as licensed at the address appearing on the office license.

[Order RE 122, § 308-128C-020, filed 9/21/77.]

WAC 308-128C-030 Display of licenses. Licenses of the designated escrow officer, branch escrow officer and other escrow officers shall be displayed prominently in the office located at the address appearing on the individual license.

[Order RE 122, § 308-128C-030, filed 9/21/77.]

WAC 308-128C-040 Change of office location. The escrow agent shall notify the department of any change of location or mailing address of the agent's office prior to engaging in business at the new location or address. Notification shall be made by filing a change of address application with the department, accompanied by all licenses issued to the former address or location, and all applicable fees.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128C-040, filed 9/9/88; Order RE 122, § 308-128C-040, filed 9/21/77.]

WAC 308-128C-050 Deceptive names prohibited. An escrow agent shall not be issued a certificate nor advertise in any manner using names or trade styles which are similar to currently issued certificates or imply that the agent is a nonprofit organization, research organization, public bureau or public group, or which uses or makes reference to the existence of financial responsibility. A bona fide franchisee may be issued a certificate using the name of the franchisor with the firm name of the franchisee.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128C-050, filed 9/9/88; Order RE 122, § 308-128C-050, filed 9/21/77.]

Chapter 308-128D WAC

ESCROW--RECORDS AND RESPONSIBILITIES

WAC

- 308-128D-010 Designated escrow officer responsibilities.
- 308-128D-020 Required records.
- 308-128D-030 Accuracy and accessibility of records.
- 308-128D-040 Agreements and closings.
- 308-128D-050 Expeditious performance.
- 308-128D-060 Disbursement of funds.
- 308-128D-070 Suit or complaint notification.
- 308-128D-080 Escrow licensees' responsibilities.

WAC 308-128D-010 Designated escrow officer responsibilities. The designated escrow officer shall be responsible for the custody, safety, and correctness of entries of all required escrow records. The escrow officer retains this responsibility even though another person or persons may be assigned by the escrow officer the duties of preparation, custody, recording or disbursing.

The branch escrow officer shall bear responsibilities for the custody, safety and correctness of entries of all transactions at the branch office.

Prior to issuing a new certificate reflecting a change of the designated escrow officer of a registered escrow agent, the agent must submit evidence that the responsibility for preexisting escrows is transferred to the incoming designated escrow officer. Such evidence may take either of the following forms:

(1) A statement signed by both the outgoing designated escrow officer and the incoming designated escrow officer, listing all outstanding trust liabilities and certifying that funds in hand in the trust account maintained by the agent are adequate to meet all such trust liabilities.

(2) An audit, performed at the request of, and at the expense of, the escrow agent by the audit staff of the department. The incoming designated escrow officer shall not be deemed responsible for any discrepancy identified during such audit.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-010, filed 9/9/88; Order RE 122, § 308-128D-010, filed 9/21/77.]

WAC 308-128D-020 Required records. Escrow agents shall be required to keep the following transaction records as a minimum; and all records except the reconciled bank statements, shall identify the transaction to which they pertain:

- (1) Trust account records.
 - (a) Duplicate receipt book recording all receipts;
 - (b) Prenumbered checks;
 - (c) Trust account receipt and disbursement records;
 - (d) Duplicate bank deposit slips, either validated by the bank or bearing the signature of the designated escrow officer and the date of actual deposit;
 - (e) Client's ledger containing an individual ledger sheet for each transaction: *Provided however*, That for computerized record systems, an individual ledger sheet need not be maintained in the transaction files until the closing of the transaction if the computer records demonstrate on a daily basis the status of the transaction funds.

(2) Other records.

(a) A transaction file shall be maintained to contain all agreements, contracts, documents, leases, escrow instructions, closing statements and correspondence for each transaction;

(b) Reconciled bank statements and cancelled checks for all bank accounts of the escrow agent.

[Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-020, filed 11/14/88; 88-19-016 (Order PM 763), § 308-128D-020, filed 9/9/88; Order RE 122, § 308-128D-020, filed 9/21/77.]

WAC 308-128D-030 Accuracy and accessibility of records. All records shall be accurate, posted and kept up to date. All records shall be kept at an address where the escrow agent is licensed to maintain an escrow office. Such records shall be retained and available for inspection by the department for a minimum of six years: *Provided, however*, That records of transactions closed or completed for two years or more may be stored at a remote location. If the records are stored at a remote location, the records shall be available upon demand of the department and maintained in a manner to be readily retrievable.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-030, filed 9/9/88; Order RE 122, § 308-128D-030, filed 9/21/77.]

WAC 308-128D-040 Agreements and closings. The escrow agent shall be responsible for the effecting and closing of escrow agreements between the principal parties. The agent shall as a minimum:

(1) Prepare or accept an instrument of escrow instructions among each principal and the agent based upon a written agreement signed by the principals. The escrow instructions shall not be modified except by written agreement signed by the principals and accepted by the agent.

(2) Require an addendum to the purchase agreement for any and all material changes in the terms of the transaction, including but not limited to, changes in the financing of the transaction.

(3) Provide the services and perform all acts pursuant to the escrow instructions.

(4) Provide a complete detailed closing statement as it applies to each principal at the time the transaction is closed. The agent shall retain a copy of all closing statements, even though funds are not handled by the agent, in the transaction file. The closing statements shall show:

- (a) The date of closing.
- (b) The total purchase price.
- (c) An itemization of all adjustments, monies or things of value received or paid.
- (d) To whom each item is debited and/or credited.
- (e) Date each adjustment was made.
- (f) Names of payees, makers and assignees of all notes paid, made or assumed.
- (g) Pay the net proceeds of sale directly to the seller unless otherwise provided in writing by the seller or a court of competent jurisdiction.
- (h) Obtain original signatures of the principals on either the preliminary or final closing statement and maintain a copy of the signed closing statement in the transaction file.

[Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-040, filed 11/14/88; Order RE 122, § 308-128D-040, filed 9/21/77.]

WAC 308-128D-050 Expedient performance. An escrow agent shall perform all acts required of the agent by agreement as expeditiously as possible and within the time period of the agreement. Intentional or negligent delay in such performance shall be considered in violation of RCW 18.44.260(2).

[Order RE 122, § 308-128D-050, filed 9/21/77.]

WAC 308-128D-060 Disbursement of funds. Disbursement of any money or other items in violation of the trust or before the happening of the conditions of the escrow agreement or escrow instructions is a violation of RCW 18.44.260(5). If the ownership of the funds is in dispute or is unclear based on the written agreement of the parties, the escrow agent may interplead the funds into a court of competent jurisdiction pursuant to chapter 4.08 RCW.

Funds and other items or documents must be paid and/or disbursed immediately upon closing of the transaction or as specifically agreed to in writing by the principals: *Provided*, That disbursement of funds may be withheld to allow for checks to clear.

[Statutory Authority: RCW 18.44.320. 88-23-049 (Order PM 790), § 308-128D-060, filed 11/14/88; Order RE 122, § 308-128D-060, filed 9/21/77.]

WAC 308-128D-070 Suit or complaint notification. Every escrow agent and escrow officer shall, within twenty days after service or knowledge thereof, notify the department of any suit, complaint, counterclaim or cross complaint served or filed in any court of competent jurisdiction, civil or criminal, in which the agent, escrow officer, or employee thereof is named as a defendant;

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and in which the subject matter involves any escrow or business activity of the defendants therein named.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-070, filed 9/9/88; Order RE 122, § 308-128D-070, filed 9/21/77.]

WAC 308-128D-080 Escrow licensees' responsibilities. (1) It is the responsibility of every licensee to be knowledgeable of and keep current with the rules implementing chapter 18.44 RCW.

(2) It is the responsibility of every licensee to keep the department informed of his or her current home address.

(3) It is the licensee's responsibility to ensure accessibility of their offices and records to representatives of the department.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128D-080, filed 9/9/88.]

Chapter 308-128E WAC

ESCROW--TRUST ACCOUNT PROCEDURES

WAC

308-128E-011 Administration of funds held in trust.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-128E-010 Administration of trust accounts. [Order RE 122, § 308-128E-010, filed 9/21/77.] Repealed by 89-07-077 (Order PM 825), filed 3/21/89, effective 6/1/89. Statutory Authority: RCW 18.44.320.

WAC 308-128E-011 Administration of funds held in trust. The escrow agent shall be responsible for all funds received from any principal or any party to an escrow transaction or escrow collection account and shall hold the funds in trust for the purposes of the transaction or agreement and shall not utilize such funds for the benefit of the agent or any person not entitled to such benefit. The escrow agent shall establish a trust bank account(s) in a recognized Washington state depository. The escrow agent is responsible for depositing, holding, disbursing, and accounting for funds in trust as provided herein.

(1) The trust bank account(s) shall be designated as a trust account in the name of the escrow agent as certified. Trust bank accounts shall be noninterest bearing demand deposit accounts except as follows:

(a) Interest-bearing trust bank accounts or dividend earning investment accounts containing funds pertaining to an individual escrow transaction or escrow collection account may be established by the agent if directed by written agreement signed by the principals to the transaction and specifying the manner of distribution of accumulated interest to the parties to the transaction.

(b) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an owner, vendor, lessor, etc., involving escrow collections may be established by the agent when directed by written agreement or directive signed by the principals: *Provided*, That all interest or earnings shall accrue to the principals as directed in the agreement.

(2) The agent shall establish and maintain a system of records and procedures as provided in this section. Any alternative records or procedures proposed for use by the escrow agent shall be approved in advance by the department.

(3) The agent is responsible for the disbursement of all funds received and held in trust, whether disbursed by personal signature, signature plate, or signature of another person authorized to act on the agents behalf.

(4) All funds received for any reason pertaining to an escrow transaction or collection account shall be deposited in the escrow agents trust bank account(s) not later than the first banking day following receipt thereof except funds owned exclusively by the agent.

(5) All funds received shall be identified by the day received and by the amount, source, and purpose on either a cash receipts journal or duplicate receipt which shall be retained as a permanent record.

(6) All deposits to the trust bank account(s) shall be documented by a duplicate bank deposit slip, validated by bank imprint or attached deposit receipt which shall bear the signature of the authorized representative of the agent indicating that the funds were actually deposited into the proper trust bank account. Receipt of funds by wire transfer are to be posted in the same manner as other receipts and there shall be a traceable identifying name or number supplied by the financial institution or transferring entity. The agent must also make arrangements for a follow-up "hard copy" receipt for the deposit.

(7) An individual client's ledger sheet shall be established and maintained for each escrow transaction for which funds are received in trust and to which all receipts and disbursements shall be posted.

(a) Credit entries must show the date of deposit or wire transfer, amount, and name of remitter.

(b) Debit entries must show the date of check, check number, amount of check, and name of payee.

(8) The reconciled trust bank account(s) must equal at all times the outstanding trust liability to clients. The outstanding trust liability to clients must equal the trial balance of all escrows with undisbursed balances.

(9) The agent shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account receipts and disbursement records. Such reconciliations are to be retained as permanent records.

(10) All disbursement of trust funds shall be made by check, drawn on the trust bank account, and identified on the check as pertaining to a specific escrow transaction or collection account except as provided in (a) through (e) of this subsection. The number of each check, amount, date, payee, and the specific client's ledger sheet debited must be shown in the cash register or cash disbursement journal and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipt until the deposit has been verified.

(b) The escrow agent must make arrangements with the financial institution in which the trust bank account is located to provide a follow-up "hard copy" debit memo when funds are disbursed via wire transfer.

(c) The escrow agent shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(d) Transfers between closing escrows may be made by ledger entries alone provided a transfer form is used containing the date of the transfer, the amount of the funds being transferred, the identity of the escrow accounts being debited and credited, and the signature of the person authorized to sign checks on the escrow bank account. Intra-bank debit memo transfer forms may be used only where the escrow accounts involved in the transfer are closed through the same bank account. The authorization for the transfer must be placed in each escrow file involved.

(e) Transfers between collection escrows of a recurring nature must be authorized by standing instructions on file from the appropriate parties.

(11) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(12)(a) A separate check shall be drawn on the trust bank account payable to the escrow agent as certified, for each escrow fee earned as set forth in the escrow instructions or settlement statement upon the closing of the escrow transaction. Each check for escrow fees shall be identified to the transaction to which it applies.

(b) Collection account fees may be withdrawn by a single check provided such check is supported by a schedule of fees identified to each individual account. Such fees shall be withdrawn at least once monthly or as provided in the collection contract agreement if the fees are payable for a greater term than monthly.

(13) No deposits to the trust bank accounts shall be made of funds that do not pertain to an escrow transaction or not received in connection with an escrow collection account, or that belong to the agent, including fees to "open" the bank account or to keep the account from being closed.

(14) No disbursement from the trust bank account shall be made:

(a) For items not pertaining to a specific escrow transaction or escrow collection account;

(b) In advance of the closing of an escrow transaction, or before the happening of a condition set forth in the escrow instructions, to any person or for any reason without a written release from all principals of the escrow transaction or collection account, except that if the earnest money agreement terminates according to its own terms prior to closing, disbursement of earnest money funds shall be made as provided by the earnest money agreement without a written release unless the funds are handled as provided in WAC 308-128D-060;

(c) Pertaining to a specific escrow transaction or collection account in excess of the actual amount held in the trust bank account in connection with such account;

(d) In payment of a fee owed to any employee of an agent or in payment of any business expense of the

agent. Payment of fees to employees of an agent or of any business expense of the agent shall be paid from the regular business bank account of the agent;

(e) For bank charges of any nature. Arrangements must be made with the bank to have any such charges applicable to the trust bank accounts charged to the regular business bank account, or to provide a separate statement of bank charges so that they may be paid from the agents regular business bank account;

(f) For preauthorization of payments by the financial institution for recurring expenses such as mortgage payments on behalf of the owner if the account contains tenant security deposits or funds belonging to more than one client;

(g) Of funds received as a damage or security deposit involving a lease or rental contract, to the property owner or to any person(s) without the written authority of the lessee. Such funds are to be held until the end of the tenancy when they are to be disbursed to the person(s) entitled to the funds as provided by the terms of the rental or lease agreement and consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act, or other appropriate statute.

(15) The provisions of this section are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files;

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record;

(c) The escrow agent will maintain a printed, dated source document file to support any changes to existing accounting records;

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier (printer). The program may assign suffixes or subaccount codes before or after the check number for identification purposes;

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer;

(f) All checks written must be included within the computer accounting system.

[Statutory Authority: RCW 18.44.320. 89-07-077 (Order PM 825), § 308-128E-011, filed 3/21/89, effective 6/1/89.]

Chapter 308-128F WAC

ESCROW--FINANCIAL RESPONSIBILITY

WAC

- 308-128F-010 Bond.
- 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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-128F-030 Deductible amount. [Order RE 122, § 308-128F-030, filed 9/21/77.] Repealed by 88-19-016 (Order PM 763), filed 9/9/88. Statutory Authority: RCW 18.44.320.

WAC 308-128F-010 Bond. Each certificated escrow agent shall obtain and keep in effect a bond in an aggregate minimum amount of \$200,000 providing fidelity coverage on all corporate officers, escrow officers, partners, and employees engaged in escrow transactions. Such bond shall be structured to provide coverage for the total amount of all claims up to an aggregate minimum of \$200,000.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-010, filed 9/9/88; Order RE 122, § 308-128F-010, filed 9/21/77.]

WAC 308-128F-020 Errors and omissions policy. Each certificated escrow agent shall obtain and keep in effect an errors and omissions policy providing coverage in the minimum aggregate amount of \$50,000 or, alternatively, cash deposit or securities in the principal amount of \$50,000. Securities used in alternative to an errors and omissions policy shall be physically delivered to the director, department of licensing, for the purpose of fulfilling the requirements of chapter 18.44 RCW and these rules. Securities which are stocks or other interest in the registered escrow agency are not acceptable securities for the purposes of fulfilling the requirements of chapter 18.44 RCW and these rules.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-020, filed 9/9/88; 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 No. 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 upon 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, cancellation, or revocation of the escrow agents certificate of registration.

(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. 88-19-016 (Order PM 763), § 308-128F-040, filed 9/9/88; 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 department under WAC 308-128D-070, the department shall notify the complaining party of the existence of any cash deposit or securities and the provisions of this chapter.

(2) A claim against the cash deposit or securities shall be in the form of certified copy of a final judgment from a court of competent jurisdiction. Upon receipt of a claim, the department shall release the cash deposit or securities sufficient to pay the final judgment.

(3) The department shall notify the agent of the receipt of the claim and advise the agent that the agent must deposit cash or securities with the department to maintain the principal amount of \$50,000 after payment of the claim.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-050, filed 9/9/88; 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 or fidelity bond, the escrow agent shall file a new policy or bond. Failure to file a new policy or bond shall be sufficient grounds for the suspension or revocation of the escrow agent's certificate of registration. During the time the escrow agent does not have an errors and omissions policy or fidelity bond coverage in effect, the escrow agent may not transact business pursuant to RCW 18.44.050.

[Statutory Authority: RCW 18.44.320. 88-19-016 (Order PM 763), § 308-128F-070, filed 9/9/88; 79-07-009 (Order RE 126), § 308-128F-070, filed 6/7/79.]

Chapter 308-130 WAC NATUROPATHS

WAC

308-130-320	General provisions.
308-130-330	Mandatory reporting.
308-130-340	Health care institutions.
308-130-350	Naturopathic associations or societies.
308-130-360	Health care service contractors and disability insurance carriers.
308-130-370	Professional liability carriers.
308-130-380	Courts.
308-130-390	State and federal agencies.
308-130-400	Cooperation with investigation.
308-130-410	AIDS prevention and information education requirements.

WAC 308-130-320 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Naturopath" means a person licensed pursuant to chapter 18.36A RCW.

(6) "Mentally or physically disabled naturopath" means a naturopath who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice naturopathy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-320, filed 6/30/89.]

WAC 308-130-330 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the naturopath being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-330, filed 6/30/89.]

WAC 308-130-340 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home shall report to the department when any naturopath's services are terminated or are restricted based on a determination that the naturopath has either committed an act or acts which

may constitute unprofessional conduct or that the naturopath may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-340, filed 6/30/89.]

WAC 308-130-350 Naturopathic associations or societies. The president or chief executive officer of any naturopathic association or society within this state shall report to the department when the association or society determines that a naturopath has committed unprofessional conduct or that a naturopath may not be able to practice naturopathy with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-350, filed 6/30/89.]

WAC 308-130-360 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a naturopath has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-360, filed 6/30/89.]

WAC 308-130-370 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to naturopaths shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured naturopath's incompetency or negligence in the practice of naturopathy. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the naturopath's alleged incompetence or negligence in the practice of naturopathy.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-370, filed 6/30/89.]

WAC 308-130-380 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed naturopaths, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-380, filed 6/30/89.]

WAC 308-130-390 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a naturopath is employed to

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provide patient care services, to report to the department whenever such a naturopath has been judged to have demonstrated his/her incompetency or negligence in the practice of naturopathy, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled naturopath. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-390, filed 6/30/89.]

WAC 308-130-400 Cooperation with investigation.

(1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-130-400, filed 6/30/89.]

WAC 308-130-410 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show

compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-130-410, filed 11/2/88.]

Chapter 308-138 WAC

OSTEOPATHIC PHYSICIANS AND SURGEONS

WAC

308-138-055	Osteopathic medicine and surgery examination.
308-138-065	Acceptable intern or residency programs.
308-138-070	Renewal of licenses.
308-138-080	Osteopathic fees.
308-138-180	Ethical considerations.
308-138-200	Continuing professional education required.
308-138-210	Categories of creditable continuing professional education activities.
308-138-220	Certification of compliance.
308-138-230	Prior approval not required.
308-138-300	Prohibited publicity and advertising.
308-138-310	Permitted publicity and advertising.
308-138-320	Malpractice suit reporting.
308-138-321	General provisions for mandatory reporting rules.
308-138-322	Mandatory reporting.
308-138-323	Health care institutions.
308-138-324	Medical associations or societies.
308-138-325	Health care service contractors and disability insurance carriers.
308-138-326	Courts.
308-138-327	State and federal agencies.
308-138-328	Professional review organizations.
308-138-330	License reinstatement after lapse of licensure for failure to renew.

308-138-340	Use of drugs or autotransfusion to enhance athletic ability.
308-138-350	AIDS education and training.
308-138-360	Application for registration.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-138-010	Waiver of basic science certificate. [Order PL 119, § 308-138-010, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020.
308-138-020	Osteopathic physicians' assistants. [Order PL 223, § 308-138-020, filed 11/5/75; Order PL 120, § 308-138-020, filed 4/13/72.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-020.
308-138-025	Osteopathic physician's assistant prescriptions. [Statutory Authority: RCW 18.57A.020. 79-12-067 (Order PL 325), § 308-138-025, filed 11/29/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138A-025.
308-138-050	License renewal fee. [Order PL 162, § 308-138-050, filed 3/15/74.] Repealed by Order PL 223, filed 11/5/75.
308-138-060	Osteopathic physician—Fees. [Statutory Authority: RCW 43.24.085. 80-14-022 (Order 356), § 308-138-060, filed 9/25/80; Order PL 223, § 308-138-060, filed 11/5/75. Formerly WAC 308-138-050.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-138-080.
308-138-100	Education. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-100, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-100.
308-138-110	Equivalency examination. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-110, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-110.
308-138-120	Experience. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-120, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-120.
308-138-130	Investigation. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-130, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-130.
308-138-140	English fluency. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-140, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-140.
308-138-150	Supervising physicians' knowledge of acupuncture. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-150, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-150.
308-138-160	Utilization. [Statutory Authority: RCW 18.57A.020. 79-02-011 (Order 297), § 308-138-160, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-160.

308-138-170 X-rays and laboratory tests. [Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-170, filed 1/11/79.] Repealed by 82-17-005 (Order PL 402), filed 8/5/82. Statutory Authority: RCW 18.57.005 and 18.57A.020. Later promulgation, see WAC 308-138B-170.

WAC 308-138-055 Osteopathic medicine and surgery examination. Applicants for licensure as osteopathic physicians must pass the Federation of State Licensing Board (FLEX) with a minimum score of seventy-five on each component of the FLEX I and II examination, and obtain at least a seventy-five percent overall average on a board administered examination on osteopathic principles and practices.

An applicant who has passed the examination given by the National Board of Osteopathic Examiners may be granted a license without further examination.

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-14-113 (Order 745), § 308-138-055, filed 7/6/88. Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 88-09-030 (Order PM 723), § 308-138-055, filed 4/15/88. Statutory Authority: RCW 18.57.005, 85-10-025 (Order PL 527), § 308-138-055, filed 4/24/85. Statutory Authority: 1979 c 117 § 3(3), 79-12-068 (Order PL 321), § 308-138-055, filed 11/29/79.]

WAC 308-138-065 Acceptable intern or residency programs. The board accepts the following training programs.

(1) Nationally approved one-year internship programs;

(2) The first year of a residency program approved by the American Osteopathic Association, the American Medical Association or by their recognized affiliate residency accrediting organizations.

[Statutory Authority: 1979 c 117 § 3(3), 79-12-068 (Order PL 321), § 308-138-065, filed 11/29/79.]

WAC 308-138-070 Renewal of licenses. (1) Individuals receiving an initial osteopathic physician and surgeon license will be issued a license to expire on the applicant's next birth date.

(2) Licensees shall renew their license annually on or before their birth date. Failure to renew shall invalidate the license to practice osteopathic medicine and surgery. Any practice engaged in with an expired license shall be deemed to be unlicensed practice.

(3) On a one-time basis, effective January 1, 1989, all persons applying for license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138-350.

Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of WAC 308-138-350 with their renewal application. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989.

[Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138-070, filed 11/23/88; Order PL 262, § 308-138-070, filed 1/13/77.]

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WAC 308-138-080 Osteopathic fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Osteopath:	
Renewal	\$ 30.00
Osteopathic physician:	
Application	250.00
License renewal	170.00
Reciprocity	250.00
Retake—Single subject	50.00
Retake—Full day	125.00
Retake—Over one day	200.00
Duplicate license	15.00
Certification	25.00
Osteopathic physician assistant:	
Application	150.00
Renewal	50.00
Duplicate license	15.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-138-080, filed 5/1/87. Statutory Authority: 1983 c 168 § 12, 83-17-031 (Order PL 442), § 308-138-080, filed 8/10/83. Formerly WAC 308-138-060.]

WAC 308-138-180 Ethical considerations. The following acts and practices are unethical and unprofessional conduct warranting appropriate disciplinary action:

(1) The division or "splitting" of fees with other professionals or nonprofessionals as prohibited by chapter 19.68 RCW. Specifically, a person authorized by this board shall not:

(a) Employ another to so solicit or obtain, or remunerate another for soliciting or obtaining, patient referrals.

(b) Directly or indirectly aid or abet an unlicensed person to practice acupuncture or medicine or to receive compensation therefrom.

(2) Use of testimonials, whether paid for or not, to solicit or encourage use of the licensee's services by members of the public.

(3) Making or publishing, or causing to be made or published, any advertisement, offer, statement or other form of representation, oral or written, which directly or by implication is false, misleading or deceptive.

[Statutory Authority: RCW 18.57A.020, 79-02-011 (Order 297), § 308-138-180, filed 1/11/79.]

WAC 308-138-200 Continuing professional education required. (1) The board requires one hundred fifty credit hours of continuing professional education every three years.

(2) In case licensees fail to meet the requirements because of illness, retirement (with no further provision of osteopathic medical services to consumers), 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. In the case of a permanent retirement or illness, the board may grant indefinite waiver of continuing education as a requirement for relicensure, provided an affidavit is received indicating that the osteopathic physician and surgeon is not providing osteopathic medical service to consumers. If such permanent retirement or illness status is changed or osteopathic medical services are resumed, it is incumbent upon the licensee to immediately notify the board and show proof of practice competency as determined necessary by the board.

[Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070, 84-05-011 (Order PL 457), § 308-138-200, filed 2/7/84. 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 § 3(4), 79-12-066 (Order 324), § 308-138-210, filed 11/29/79.]

WAC 308-138-220 Certification of compliance. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance

with the one hundred fifty hour continuing professional education requirement on a form supplied by the board.

(2) The board reserves the right to require a licensee to submit evidence in addition to the affidavit to demonstrate compliance with the one hundred fifty hour continuing professional education requirement. Accordingly, it is the responsibility of a licensee to maintain evidence of such compliance.

(3) Certification of compliance with the requirement for continuing medical education of the American Osteopathic Association, or receipt of the AMA physicians recognitions award or a current certification of continuing medical education from medical practice academies shall be deemed sufficient to satisfy the requirements of these regulations.

(4) Original certification or recertification within the previous six years by a specialty board will be considered as evidence of equivalent compliance with these continuing professional education requirements.

[Statutory Authority: 1979 c 117 § 3(4). 79-12-066 (Order 324), § 308-138-220, filed 11/29/79.]

WAC 308-138-230 Prior approval not required. (1) It will not be necessary for a physician to inquire into the prior approval of any continuing medical education. The board will accept any continuing professional education that reasonably falls within these regulations and relies upon each individual physician's integrity in complying with this requirement.

(2) Continuing professional education program sponsors need not apply for nor expect to receive prior board approval for continuing professional education programs. The continuing professional education category will depend solely upon the status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing professional education that constitutes a meritorious learning experience.

[Statutory Authority: 1979 c 117 § 3(4). 79-12-066 (Order 324), § 308-138-230, filed 11/29/79.]

WAC 308-138-300 Prohibited publicity and advertising. An osteopathic physician shall not use or allow to be used any form of public communications or advertising connected with his or her profession or in his or her professional capacity as an osteopathic physician 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 as described in RCW 18.57.140;
- (7) Otherwise exceeds the limits of WAC 308-138-310.

[Statutory Authority: RCW 18.57.005. 85-22-016 (Order PL 562), § 308-138-300, filed 10/30/85. Statutory Authority: 1979 c 117 § 3(5). 79-12-064 (Order PL 322), § 308-138-300, filed 11/29/79.]

WAC 308-138-310 Permitted publicity and advertising. To facilitate the process of informed selection of a physician by potential patients, a physician may publish or advertise the following information, provided that the information disclosed by the physician in such publication or advertisement complies with all other ethical standards promulgated by the board;

(1) Name, including name of professional service corporation or clinic, and names of professional associates, addresses and telephone numbers;

(2) Date and place of birth;

(3) Date and fact of admission to practice in Washington and other states;

(4) Accredited schools attended with dates of graduation, degrees and other scholastic distinction;

(5) Teaching positions;

(6) Membership in osteopathic or medical fraternities, societies and associations;

(7) Membership in scientific, technical and professional associations and societies;

(8) Whether credit cards or other credit arrangements are accepted;

(9) Office and telephone answering service hours;

(10) Fee for an initial examination and/or consultation;

(11) Availability upon request of a written schedule of fees or range of fees for specific services;

(12) The range of fees for specified routine professional services, provided that the statement discloses that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each patient, and the patient is entitled without obligation to an estimate of the fee within the range likely to be charged;

(13) fixed fees for specified routine professional services, the description of which would not be misunderstood by or be deceptive to a prospective patient, provided that the statement discloses that the quoted fee will be available only to patients whose matters fall into the services described, and that the client is entitled without obligation to a specific estimate of the fee likely to be charged.

[Statutory Authority: 1979 c 117 § 3(5). 79-12-064 (Order PL 322), § 308-138-310, filed 11/29/79.]

WAC 308-138-320 Malpractice suit reporting. Every osteopathic physician shall, within sixty days after settlement or judgment, notify the board of any and all malpractice settlements or judgments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by a physician's incompetency or negligence in the practice of osteopathic medicine. Every osteopathic physician shall also report the settlement or judgment of three or more claims or actions for damages during a year as the result of the alleged physician's incompetence or negligence in the practice of osteopathic medicine regardless of the dollar amount of the settlement or judgment.

[Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050. 88-09-030 (Order PM 723), § 308-138-320, filed 4/15/88. Statutory

Authority: 1979 c 117 § 3(6). 79-12-065 (Order 323), § 308-138-320, filed 11/29/79.]

WAC 308-138-321 General provisions for mandatory reporting rules. (1) "Unprofessional conduct" shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" shall mean any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" shall mean any health care institution regulated under chapter 18.51 RCW.

(4) "Board" shall mean the Washington state board of osteopathic medicine and surgery, whose address is:

Department of Licensing
Division of Professional Licensing
P.O. Box 9649
Olympia WA 98504

(5) "Physician" shall mean an osteopathic physician and surgeon licensed pursuant to chapter 18.57 RCW.

(6) "Physician's assistant" shall mean an osteopathic physician's assistant approved pursuant to chapter 18.57A RCW.

(7) "Mentally or physically impaired practitioner" shall mean an osteopathic physician and surgeon or osteopathic physician's assistant who has been determined by a court to be mentally incompetent or mentally ill or who is unable to practice medicine with reasonable skill and safety to patients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-321, filed 5/20/87.]

WAC 308-138-322 Mandatory reporting. (1) All reports required by these regulations shall be submitted to the board as soon as possible, but no later than sixty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone number of the physician or physician's assistant being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which give rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-322, filed 5/20/87.]

WAC 308-138-323 Health care institutions. The chief administrator or executive officer of any hospital or nursing home shall report to the board when any physician's clinical privileges are terminated or are restricted based on a determination that a physician has committed an act or acts which may constitute unprofessional conduct or that a physician may be mentally or

physically impaired. Said officer shall also report if a physician accepts voluntary termination or restriction of clinical privileges in lieu of formal action based upon unprofessional conduct or upon being mentally or physically impaired.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-323, filed 5/20/87.]

WAC 308-138-324 Medical associations or societies. The president or chief executive officer of any medical association or society within this state shall report to the board when a medical society hearing panel or committee determines that a physician or physician's assistant may have committed unprofessional conduct or that a physician or physician's assistant may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition and constitutes an apparent risk to the public health, safety, or welfare. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the termination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-324, filed 5/20/87.]

WAC 308-138-325 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer regulated under chapters 48.20, 48.21, 48.21A, or 48.44 RCW, shall report to the board all final determinations that an osteopathic physician may have engaged in unprofessional conduct, or by reason of mental or physical impairment may be unable to practice the profession with reasonable skill and safety.

[Statutory Authority: RCW 18.130.270 [18.130.070]. 88-01-104 (Order PM 698), § 308-138-325, filed 12/22/87.]

WAC 308-138-326 Courts. The board requests the assistance of all clerks of trial courts within the state to report all medical malpractice judgments and all convictions of physicians and physician's assistants, other than minor traffic violations.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-326, filed 5/20/87.]

WAC 308-138-327 State and federal agencies. The board requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a physician or physician's assistant is employed to provide patient care services, to report to the board whenever such a physician or physician's assistant has been judged to have demonstrated his/her incompetency or negligence in the practice of medicine, or has otherwise committed unprofessional conduct; or is a mentally or physically disabled practitioner.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-327, filed 5/20/87.]

WAC 308-138-328 Professional review organizations. Unless prohibited by federal law, every professional review organization operating within the state of Washington shall report to the board any determinations that an osteopathic physician or osteopathic physician's assistant may have engaged in unprofessional conduct, or by reason of mental or physical impairment may be unable to practice the profession with reasonable skill and safety.

[Statutory Authority: RCW 18.130.270 [18.130.070], 88-01-104 (Order PM 698), § 308-138-328, filed 12/22/87.]

WAC 308-138-330 License reinstatement after lapse of licensure for failure to renew. (1) A license that has been expired for less than one year may be brought current by payment of the renewal fees and completion of the continuing education, if due.

(2) Any osteopathic physician and surgeon whose license has been expired for one year or more must pay the current fee for original application and apply for reinstatement on an application form provided by the board. The application will include an explanation for the license lapse and a chronology of their activities since first licensed. A statement outlining the continuing education acquired since the last report made or since January 1, 1980, if no previous report has been required, must be submitted for the board's review and approval.

(3) All applications for reinstatement will be reviewed by the board. The board may require a physical or mental evaluation of an applicant to confirm fitness for practice.

(4) If a licensee has been out of active practice for one year or more or has allowed their license to lapse for a period of three years or more, the board may also require that the applicant pass an examination to determine the applicant's fitness to practice osteopathy or osteopathic medicine and surgery.

[Statutory Authority: RCW 18.57.005 and 18.130.070. 87-11-062 (Order PM 651), § 308-138-330, filed 5/20/87. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138-330, filed 8/5/82.]

WAC 308-138-340 Use of drugs or autotransfusion to enhance athletic ability. (1) A physician shall not prescribe, administer or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician shall complete and maintain patient medical records which accurately reflect the prescription, administering or dispensing of any substance or drug described in this rule or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug or autotransfusion is prescribed, administered or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this rule shall constitute grounds for disciplinary action under RCW

18.130.180(7). A violation of subsection (1) of this rule shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1). 88-21-081 (Order PM 780), § 308-138-340, filed 10/19/88; 88-14-113 (Order 745), § 308-138-340, filed 7/6/88.]

WAC 308-138-350 AIDS education and training. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for licensure application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The license holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138-350, filed 11/23/88.]

WAC 308-138-360 Application for registration. Effective January 1, 1989, persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138-350.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138-360, filed 11/23/88.]

Chapter 308-138A WAC

OSTEOPATHIC PHYSICIANS' ASSISTANTS

WAC

- 308-138A-020 Osteopathic physicians' assistants program approval.
- 308-138A-025 Osteopathic physician's assistant prescriptions.
- 308-138A-030 Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability.

308-138A-040 AIDS education and training.
 308-138A-050 Application for registration.
 308-138A-060 Registration renewal requirement.
 308-138A-070 Osteopathic physicians' assistants registration.
 308-138A-080 Osteopathic physicians' assistants utilization.
 308-138A-090 Osteopathic physicians' assistants reregistration.

WAC 308-138A-020 Osteopathic physicians' assistants program approval. (1) Program approval required. No osteopathic physician shall be entitled to register an osteopathic physicians' assistant who has not successfully completed a program of training approved by the Board in accordance with these rules.

(2) Program approval procedures. In order for a program for training osteopathic physicians' assistants to be considered for approval by the board it must meet the minimal criteria for such programs established by the committee on allied health education and Accreditation Association of the American Medical Association as of 1985. The director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director shall also advise the board concerning the basic medical skills which are attained in such course, and the method by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(3) Approved programs. The board shall approve programs in terms of skills attained by its graduates. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

(4) Reapproval. Programs maintaining standards as defined in the "essentials" of the council of medical education of the American Medical Association will continue to be approved by the board without further review. Each approved program not maintaining the standards as defined in the "essentials" of the council of medical education of the American Medical Association will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(5) Additional skills. No osteopathic physician's assistant shall be registered to perform skills not contained in the program approved by the board unless the osteopathic physician's assistant submits with his or her application a certificate by the program director or other acceptable evidence showing that he or she was trained in the additional skill for which authorization is requested, and the board is satisfied that the applicant has the additional skill and has been properly and adequately tested thereon.

[Statutory Authority: RCW 18.57.005(2), 89-22-065 (Order PM 863), § 308-138A-020, filed 10/31/89, effective 12/1/89. Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-14-113 (Order 745), § 308-138A-020, filed 7/6/88. Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 88-09-030 (Order PM 723), § 308-138A-020, filed 4/15/88. Statutory Authority: RCW 18.57A.020, 87-20-099 (Order PM 671), § 308-138A-020, filed 10/7/87. Statutory Authority: RCW 18.57.005, 87-13-004 (Order PM 655), § 308-138A-020, filed 6/4/87. Statutory Authority: RCW

18.57A.020, 83-16-024 (Order PL 440), § 308-138A-020, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138A-020, filed 8/5/82. Formerly WAC 308-138-020.]

WAC 308-138A-025 Osteopathic physician's assistant prescriptions. An osteopathic physician's assistant may issue written or oral prescriptions as provided herein when approved by the board and assigned by the supervising physician.

(1) Except for schedule two controlled substances as listed under federal and state controlled substances acts, a physician's assistant may issue prescriptions for a patient who is under the care of the physician responsible for the supervision of the physician's assistant.

(a) Written prescriptions shall be written on the blank of the supervising physician and shall include the name, address and telephone number of the physician and physician assistant. 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.

(c) Prescriptions for legend drugs and schedule three through five controlled substances must each be approved or signed by the supervising physician prior to administration, dispensing or release of the medication to the patient, except as provided in subsection (6) of this section.

(2) A physician's assistant extended privileges by a hospital, nursing home or other health care institution may, if permissible under the bylaws, rules and regulations of the institution, write medical orders, except those for schedule two controlled substances, for inpatients under the care of the physician responsible for his or her supervision.

(3) To be authorized to issue prescriptions for schedule three through five controlled substances, a physician's assistant must be registered with the board of pharmacy and the drug enforcement administration.

(4) The registration of a physician's assistant who issues a prescription in violation of these provisions shall be subject to revocation or suspension.

(5) Physician's assistants may not dispense prescription drugs to exceed treatment for forty-eight hours, except as provided in subsection (7) of this section. The medication so dispensed must comply with the state law prescription labeling requirements.

(6) Authority to issue prescriptions for legend drugs and schedule three through five controlled substances without the prior approval or signature of the supervising physician may be granted by the board to an osteopathic physician's assistant who has:

(a) Provided a statement signed by the supervising physician that he or she assumes full responsibility and that he or she will review the physician assistant's prescription writing practice on an ongoing basis;

(b) A current certification from the National Commission on Certification of Physician Assistants';

(c) Demonstrated the necessity in the practice for authority to be granted permitting a physician assistant to issue prescriptions without prior approval or signature of the supervising physician.

(7) A physician assistant authorized to issue prescriptions under subsection (6) of this section may dispense medications the physician assistant has prescribed from office supplies. The physician assistant shall comply with the state laws concerning prescription labeling requirements.

[Statutory Authority: RCW 18.57A.020, 18.57.005 and 18.130.050, 89-23-067 (Order 018), § 308-138A-025, filed 11/15/89, effective 12/16/89; 88-09-030 (Order PM 723), § 308-138A-025, filed 4/15/88. Statutory Authority: RCW 18.57A.020, 87-20-099 (Order PM 671), § 308-138A-025, filed 10/7/87. Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070, 84-05-011 (Order PL 457), § 308-138A-025, filed 2/7/84. Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138A-025, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138A-025, filed 8/5/82. Formerly WAC 308-138-025.]

WAC 308-138A-030 Osteopathic physician's assistant use of drugs or autotransfusion to enhance athletic ability. (1) An osteopathic physician's assistant shall not prescribe, administer, or dispense anabolic steroids, growth hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), other hormones, or any form of autotransfusion for the purpose of enhancing athletic ability and/or for nontherapeutic cosmetic appearance.

(2) A physician's assistant shall complete and maintain patient medical records which accurately reflect the prescription, administering, or dispensing of any substance or drug described in this section or any form of autotransfusion. Patient medical records shall indicate the diagnosis and purpose for which the substance, drug, or autotransfusion is prescribed, administered, or dispensed and any additional information upon which the diagnosis is based.

(3) A violation of any provision of this section shall constitute grounds for disciplinary action under RCW 18.130.180(7). A violation of subsection (1) of this section shall also constitute grounds for disciplinary action under RCW 18.130.180(6).

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-21-081 (Order PM 780), § 308-138A-030, filed 10/19/88.]

WAC 308-138A-040 AIDS education and training. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology;

testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for registration application, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The registration holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138A-040, filed 11/23/88.]

WAC 308-138A-050 Application for registration. Effective January 1, 1989, persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138A-040.

[Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138A-050, filed 11/23/88.]

WAC 308-138A-060 Registration renewal requirement. On a one-time basis, effective January 1, 1989, all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138A-040. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989.

[Statutory Authority: 1988 c 206 § 604, 88-23-124 (Order PM 801), § 308-138A-060, filed 11/23/88.]

WAC 308-138A-070 Osteopathic physicians' assistants registration. (1) Applications. All applications shall be made to the board on forms supplied by the board. All applications shall be submitted at least thirty days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and assistant.

(2) Authorization by board, powers. In granting authorizations for the utilization of the osteopathic physician's assistant, the board may limit the authority for utilizing an osteopathic physician's assistant to a specific task or tasks, or may grant specific approval in conformity with the program approved and on file with the board.

[Statutory Authority: RCW 18.57.005(2), 89-22-065 (Order PM 863), § 308-138A-070, filed 10/31/89, effective 12/1/89.]

WAC 308-138A-080 Osteopathic physicians' assistants utilization. (1) Limitations, number. No osteopathic physician shall supervise more than one osteopathic physician's assistant without specific authorization by the board. The board shall consider the individual qualifications and experience of the physician and physician assistant, community need, and review mechanisms available in making their determination.

(2) Limitations—Geographic limitations. No osteopathic physician's assistant shall ordinarily be utilized in a place other than the supervising osteopathic physician's regular place for meeting patients, unless personally accompanied by the supervising osteopathic physician. The "regular place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his or her patients are hospitalized or confined, or the homes of patients for whom a physician-patient relationship has already been established.

(3) Limitations—Remote practice. Special permission may be granted to utilize an osteopathic physician assistant in a place remote from the physician's regular place for meeting patients if:

- (a) There is a demonstrated need for such utilization;
- (b) Adequate provision for immediate communication between the physician and his physician assistant exists;
- (c) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising osteopathic physician and patients who may be seen initially by the osteopathic physician assistant;

(d) The responsible physician spends at least one-half day per week in the remote office.

(4) Limitations, hospital functions. An osteopathic physician assistant working in or for a hospital, clinic or other health organization shall be registered in the same manner as any other osteopathic physician assistant and his/her functions shall be limited to those specifically approved by the board. His/her responsibilities, if any, to other physicians must be defined in the application for registration.

(5) Limitations, trainees. An individual enrolled in a training program for physician assistants may function only in direct association with his/her preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

(6) Supervising osteopathic physician, responsibility. It shall be the responsibility of the supervising osteopathic physician to see to it that:

(a) Any osteopathic physician's assistant employed by him or her at all times when meeting or treating patient(s) wears a placard or other identifying plate in a prominent place upon his or her person identifying him or her as a physician's assistant;

(b) No osteopathic physician's assistant in his employ represents himself or herself in any manner which would tend to mislead anyone that he or she is a physician;

(c) That the osteopathic physician's assistant in his or her employ performs only those tasks which he or she is authorized to perform under the authorization granted by the board;

(d) All EKG's and x-rays and all abnormal laboratory tests shall be reviewed by the physician within twenty-four hours;

(e) The charts of all patients seen by the physician's assistant shall be reviewed and countersigned by the supervising physician within one week;

(f) All telephone advice given by the supervising physician through the physician's assistant shall be documented, reviewed, and countersigned by the physician within one week.

(7) Alternate physician, supervisor—Approved by board. In the temporary absence of the supervising osteopathic physician, the osteopathic physician assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms are provided by a delegated alternate osteopathic physician supervisor. If an alternate osteopathic physician is not available in the community, the board may authorize a physician licensed under chapter 18.71 RCW to act as the alternate physician supervisor.

[Statutory Authority: RCW 18.57.005(2). 89-22-065 (Order PM 863), § 308-138A-080, filed 10/31/89, effective 12/1/89.]

WAC 308-138A-090 Osteopathic physicians' assistants reregistration. Reregistration. The annual reregistration fee shall be paid by the first day of July of each year by the supervising osteopathic physician. Any failure to reregister and pay the annual registration fee shall render the registration invalid but registration may be reinstated by payment of a penalty fee together with all delinquent annual registration fees.

[Statutory Authority: RCW 18.57.005(2). 89-22-065 (Order PM 863), § 308-138A-090, filed 10/31/89, effective 12/1/89.]

Chapter 308-138B WAC

OSTEOPATHIC PHYSICIANS' ACUPUNCTURE ASSISTANTS

WAC

- 308-138B-100 Acupuncture assistant education.
- 308-138B-105 Acupuncture—Program approval.
- 308-138B-110 Osteopathic acupuncture physicians' assistant's examination.
- 308-138B-130 Investigation.
- 308-138B-140 English fluency.
- 308-138B-150 Supervising physicians' knowledge of acupuncture.
- 308-138B-160 Utilization.
- 308-138B-165 Acupuncture—Definition.
- 308-138B-170 Prohibited techniques and tests.
- 308-138B-180 AIDS education and training.
- 308-138B-190 Application for registration.
- 308-138B-200 Registration renewal requirement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-138B-120 Experience. [Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-120, filed 8/5/82. Formerly WAC 308-138-120.] Repealed by 84-05-011 (Order PL 457), filed

2/7/84. Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070.]

WAC 308-138B-100 Acupuncture assistant education. Each applicant for an authorization to perform acupuncture must present evidence satisfactory to the board which discloses in detail the formal schooling or other type of training the applicant has previously undertaken which qualifies him or her as a practitioner of acupuncture. Satisfactory evidence of formal schooling or other training may include, but is not limited to, certified copies of certificates or licenses which acknowledge that the person has the qualifications to practice acupuncture, issued to an applicant by the government of the Republic of China (Taiwan), People's Republic of China, Korea or Japan. Whenever possible, all copies of official diplomas, transcripts and licenses or certificates should be forwarded directly to the board from the issuing agency rather than from the applicant. Individuals not licensed by the listed countries must document their education by means of transcripts, diplomas, patient logs verified by the preceptor, or by other means requested by the board. Applicants for registration must have successfully completed the following training:

(1) The applicant must have completed a minimum or two academic years or 72 quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program. The obtaining of a degree is not required for the educational credits to qualify. Credits granted by the college towards prior life experience will not be accepted under this requirement.

(2) The applicant must have successfully completed a course of didactic training in basic sciences and acupuncture over a period of two academic years. The basic science training must include a minimum of 250 hours or 21 quarter credits and include such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and a survey in Western clinical sciences. The basic science classes must be equivalent to courses given in accredited bachelor of science programs. The acupuncture training must include a minimum of 700 hours or 58 quarter credits in acupuncture theory, and acupuncture diagnosis and treatment techniques. The board will not accept credits obtained on the basis of challenging an exam. Transfer credits from accredited colleges or board approved acupuncture programs will be accepted.

(3) The applicant must have successfully completed a course of clinical training in acupuncture over a period of one academic year. The training must include a minimum of 100 hours or 9 quarter credits of observation, which shall include case presentation and discussion. The observation portion of the clinical training may be conducted during the didactic training but will be considered part of the clinical training for calculation of hours or credits. There must also be a minimum of 350 hours or 29 quarter credits of supervised practice, consisting of 400 separate patient treatments. A minimum of 120 different patients must have been treated.

[Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138B-100, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020, 82-17-005 (Order PL 402), § 308-138B-100, filed 8/5/82. Formerly WAC 308-138-100.]

WAC 308-138B-105 Acupuncture—Program approval. (1) Procedure. The board will consider for approval any school, program, apprenticeship or tutorial which meets the requirements outlined in this regulation and provides the training required under WAC 308-138B-100 - Acupuncture assistant education. Approval may be granted to an individual registration applicant's training, or to existing institutions which operate on a continuing basis. Clinical and didactic training may be approved as separate programs or as a joint program. The program approval process is as follows:

(a) Programs seeking approval shall file an application with the board in the format required by the board.

(b) The board will review the application and determine whether a site review is necessary (in the case of an institution) or an interview is appropriate (in the case of individual training) or approval may be granted on the basis of the application alone.

(c) The site review committee shall consist of two board members and one member of the board staff. The review committee may visit the program any time during school operating hours. The committee will report to the board in writing concerning the program's compliance with each section of the regulations.

(d) After reviewing all of the information collected concerning a program; the board may grant or deny approval, or grant approval conditional upon program modifications being made. In the event of denial or conditional approval, the program may request a hearing before the board. No approval shall be extended to an institution for more than three years, at which time a request for reapproval may be made.

(e) The board expects approved programs to not make changes which will result in the program not being in compliance with the regulations. Programs must notify the board concerning significant changes in administration, faculty or curriculum. The board may inspect the school at reasonable intervals to check for compliance. Program approval may be withdrawn, after a hearing, if the board finds the program no longer in compliance with the regulations.

(2) Didactic faculty. Didactic training may only be provided by persons who meet the criteria for faculty as stated in the council for postsecondary education's WAC 250-55-090 - Personal qualifications. Under no circumstances will an unregistered instructor perform or supervise the performance of acupuncture.

(3) Clinical faculty. Clinical training may be provided only by persons who meet the following criteria:

(a) The instructor must be a practitioner who has had a minimum of five years of full time acupuncture practice experience.

(b) If the training is conducted in this state, the practitioner must be registered to practice in this state. In the case of a school or program, the approval of the institution will include a review of the instructor's qualifications and the training arrangements. Approval of the

instructors will extend to instruction conducted within the program.

(c) For training not conducted in this state to be acceptable, the instructor must be licensed by a state or country with equivalent license standards.

(4) Supervision of training. Clinical training in this state must be conducted under the general supervision of the instructor's sponsoring physician. During any given clinic period, the acupuncture instructor may not supervise more than four students. The number of students present during an observation session should be limited according to the judgment of the instructor. Supervision by the instructor during clinical training must be direct. Each diagnosis and treatment must be done with the knowledge and concurrence of the instructor. During at least the first 100 treatments, the instructor must be in the room during treatment. Thereafter, the instructor must at least be in the facility, available for consultation and assistance. An osteopathic physician may only supervise two acupuncture assistance instructors per clinical instruction period.

[Statutory Authority: RCW 18.57A.020. 83-16-024 (Order PL 440), § 308-138B-105, filed 7/27/83.]

WAC 308-138B-110 Osteopathic acupuncture physicians' assistant's examination. (1) Applicants for registration who have not been issued a license or certificate to practice acupuncture from the governments listed in RCW 18.57A.070, or from a country or state with equivalent standards of practice determined by the board, must pass the Washington acupuncture examination.

(2) A written and practical examination in English shall be given twice yearly for qualified applicants at a time and place determined by the board and shall examine the applicants' knowledge of anatomy, physiology, bacteriology, biochemistry, pathology, hygiene and acupuncture.

(3) An applicant must be approved by the board at least forty-five days in advance of the scheduled examination date to be eligible to take the written portion of the examination. The applicant shall provide his or her own needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

(4) An applicant must have successfully completed the written portion of the examination prior to being eligible for the practical examination.

(5) The passing score for the examination is a converted score of seventy-five.

(6) Applicants requesting to retake either the written or practical portion of the examination shall submit the request for reexamination at least forty-five days in advance of the scheduled examination date.

[Statutory Authority: RCW 18.57.005(2), 18.57A.020 and 18.130.050(1), 88-21-081 (Order PM 780), § 308-138B-110, filed 10/19/88. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-110, filed 8/5/82. Formerly WAC 308-138-110.]

WAC 308-138B-130 Investigation. An applicant for an authorization to perform acupuncture shall, as part of

his or her application, furnish written consent to an investigation of his or her personal background, professional training and experience by the board or any person acting on its behalf.

[Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-130, filed 8/5/82. Formerly WAC 308-138-130.]

WAC 308-138B-140 English fluency. Each applicant must demonstrate sufficient fluency in reading, speaking and understanding the English language to enable the applicant to communicate with supervising physicians and patients concerning health care problems and treatment.

[Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-140, filed 8/5/82. Formerly WAC 308-138-140.]

WAC 308-138B-150 Supervising physicians' knowledge of acupuncture. Osteopathic physicians applying for authorization to utilize the services of an osteopathic physician's acupuncture assistant shall demonstrate to the board that the osteopathic physician possesses sufficient understanding of the application of acupuncture treatment, its contraindications and hazards so as to adequately supervise the practice of acupuncture.

[Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-150, filed 8/5/82. Formerly WAC 308-138-150.]

WAC 308-138B-160 Utilization. (1) Persons authorized as osteopathic physicians' acupuncture assistants shall be restricted in their activities to only those procedures which a duly licensed, supervising osteopathic physician may request them to do. Under no circumstances may an osteopathic physician's acupuncture assistant perform any diagnosis of patients or recommend or prescribe any forms of treatment or medication.

(2) An acupuncture assistant shall treat patients only under the direct supervision of a physician who is present on the same premises where the treatment is to be given.

(3) An osteopathic physician shall not employ or supervise more than one acupuncture assistant.

[Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-160, filed 8/5/82. Formerly WAC 308-138-160.]

WAC 308-138B-165 Acupuncture--Definition. Acupuncture is a traditional system of medical theory, oriental diagnosis and treatment used to promote health and treat organic or functional disorders, by treating specific acupuncture points or meridians. Acupuncture includes the following techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians.

(b) Use of electrical, mechanical or magnetic devices to stimulate acupuncture points and meridians.

(c) Moxibustion.

(d) Acupressure.

(e) Cupping.

(f) Gwa hsa (dermal friction technique).

- (g) Infrared.
- (h) Sonopuncture.
- (i) Laser puncture.
- (j) Dietary advice.
- (k) Manipulative therapies.
- (l) Point injection therapy (aqua puncture).

These terms are to be understood within the context of the oriental medical art of acupuncture and as the board defines them.

[Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070. 84-05-011 (Order PL 457), § 308-138B-165, filed 2/7/84.]

WAC 308-138B-170 Prohibited techniques and tests. No osteopathic physician's acupuncture assistant may prescribe, order, or treat by any of the following means, modalities, or techniques:

- (1) Diathermy treatments
- (2) Ultrasound or sonopuncture treatments
- (3) Infrared treatments
- (4) Electromuscular stimulation for the purpose of stimulating muscle contraction
- (5) X-rays
- (6) Laboratory tests
- (7) Laser puncture
- (8) Dietary therapy
- (9) Manipulative therapies
- (10) Point injection therapy (aqua puncture)
- (11) Herbal remedies.

[Statutory Authority: RCW 18.57A.020, 87-20-099 (Order PM 671), § 308-138B-170, filed 10/7/87. Statutory Authority: RCW 18.57.005, 18.57A.020 and 18.57A.070. 84-05-011 (Order PL 457), § 308-138B-170, filed 2/7/84. Statutory Authority: RCW 18.57A.020, 83-16-024 (Order PL 440), § 308-138B-170, filed 7/27/83. Statutory Authority: RCW 18.57.005 and 18.57A.020. 82-17-005 (Order PL 402), § 308-138B-170, filed 8/5/82. Formerly WAC 308-138-170.]

WAC 308-138B-180 AIDS education and training.

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective January 1, 1989, the requirement for registration application, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

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(5) Documentation. The registration holder shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138B-180, filed 11/23/88.]

WAC 308-138B-190 Application for registration. Effective January 1, 1989, persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138B-180.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138B-190, filed 11/23/88.]

WAC 308-138B-200 Registration renewal requirement. On a one-time basis, effective January 1, 1989, all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-138B-180. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989.

[Statutory Authority: 1988 c 206 § 604. 88-23-124 (Order PM 801), § 308-138B-200, filed 11/23/88.]

Chapter 308-150 WAC

VETERINARY BOARD OF GOVERNORS— VETERINARY CODE OF PROFESSIONAL CONDUCT/ETHICS

WAC

- 308-150-005 Definitions.
- 308-150-006 Objectives.
- 308-150-007 Degree of skills.
- 308-150-008 Exercise of professional judgment and skills.
- 308-150-009 Emergency care of animals of unknown ownership.
- 308-150-011 Patient abandonment.
- 308-150-013 Emergency services.
- 308-150-014 Honesty, integrity and fair dealing.
- 308-150-030 Validation of health certificate.
- 308-150-035 Inspection of animals.
- 308-150-045 Drugs and controlled substances.
- 308-150-050 Nonnarcotic Schedule II controlled substances—Prohibited.
- 308-150-055 Minimum sanitary conditions.
- 308-150-060 Prohibited publicity and advertising.
- 308-150-061 Honoring of publicity and advertisements.
- 308-150-062 Prohibited transactions.
- 308-150-070 Cooperation with the board.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-150-010 Neglect of patients. [Order PL 179, § 308-150-010, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-012 Provision of alternate veterinary services for clients. [Statutory Authority: RCW 18.92.030. 80-09-106]

- (Order PL 351), § 308-150-012, filed 7/23/80.] Repealed by 86-01-085 (Order PL 575), filed 12/18/85. Statutory Authority: RCW 18.92.030.
- 308-150-015 Advertisement. [Order PL 179, § 308-150-015, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-020 Third party advertisement. [Order PL 179, § 308-150-020, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-025 Procuring or aiding unlicensed practice. [Order PL 179, § 308-150-025, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.
- 308-150-040 Testimonials. [Order PL 179, § 308-150-040, filed 11/27/74.] Repealed by 80-09-106 (Order PL 351), filed 7/23/80. Statutory Authority: RCW 18.92.030.

WAC 308-150-005 Definitions. (1) "Patient" means any animal under the care and treatment of a veterinarian.

(2) "Advertise" means to announce publicly by any form of media in order to aid directly or indirectly in the sale of a commodity or service.

(3) "Veterinary board of governors" is that board appointed by the governor pursuant to chapter 18.93 RCW.

(4) "Health certificate" means a written testimony to the fact that an animal is in a certain state of health.

(5) "Drugs" as defined in RCW 69.50.101.

(6) "Controlled substances" as defined in RCW 69.50.101.

(7) "Animal" means any species normally recognized as treatable by veterinary medicine.

(8) Unless otherwise stated, words used in the singular may be read in the plural.

(9) "Nonnarcotic Schedule II controlled substance" means: Amphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and its salts; any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of its isomers; and methyl phenidate.

[Order PL 179, § 308-150-005, filed 11/27/74.]

WAC 308-150-006 Objectives. The principal objectives of the veterinary profession are to render veterinary services to society, to assist in conserving livestock resources, and to assist in relieving suffering of animals. The veterinarian shall always endeavor to conduct himself or herself in such a manner to further these objectives.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-006, filed 7/23/80.]

WAC 308-150-007 Degree of skills. The veterinarian owes to his or her patients a reasonable degree of skill and care. To this end, the veterinarian shall endeavor to keep abreast of new developments in veterinary medicine, surgery and dentistry, and shall endeavor to improve his or her knowledge and skill in the practice of veterinary medicine, surgery and dentistry.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-007, filed 7/23/80.]

WAC 308-150-008 Exercise of professional judgment and skills. The veterinarian shall not accept employment under terms and conditions that interfere with the free exercise of the veterinarian's professional judgment or infringe upon the utilization of his or her professional skills.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-008, filed 7/23/80.]

WAC 308-150-009 Emergency care of animals of unknown ownership. The veterinarian shall endeavor to provide at least minimal treatment to alleviate the suffering of an animal presented in the absence of the owner or his agent.

[Statutory Authority: RCW 18.92.030. 86-01-085 (Order PL 575), § 308-150-009, filed 12/18/85; 80-09-106 (Order PL 351), § 308-150-009, filed 7/23/80.]

WAC 308-150-011 Patient abandonment. The veterinarian shall always be free to accept or reject a particular patient, but once care is undertaken, the veterinarian shall not neglect the patient, as long as the person presenting the patient requests and authorizes the veterinarian's services for the particular problem. Emergency treatment not authorized by the owner shall not constitute acceptance of a patient.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-011, filed 7/23/80.]

WAC 308-150-013 Emergency services. (1) Emergency services shall mean the delivery of veterinary care by a licensed veterinarian during the hours when the majority of regional, daytime veterinary practices have no regularly scheduled office hours (are closed).

(2) Emergency service shall be provided at all times. This requirement does not mean that a veterinary medical facility must be open to the public at all times but that the provision of professional services must be accomplished by appropriate means including the assignment of veterinarians or cooperation between practices or after-hours emergency veterinary medical facilities serving the area. In the absence of an emergency veterinary medical facility serving the area, the phone shall be answered at all times so that inquirers can be told if the veterinarian is available and, if not, where emergency service is available.

(3) A veterinarian who represents, in any way, that he or she provides emergency veterinary services, including but not limited to, using names or terms such as "after hours clinic," or "after hours veterinary hospital," or use of the word "emergency" in any way, shall include in all advertisements the following information:

The availability of the veterinarian who is to provide emergency services, in print at least as large as that used to advertise the availability of emergency services, as either:

(a) "Veterinarian on premises," or term of like import, which phrase shall be used when there is a veterinarian actually present at the facility who is prepared to render veterinary services and the hours such services are available; or

(b) "Veterinarian on call," or term of like import, which phrase shall be used when the veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency veterinary services and has been designated to so respond.

(4) All licensees shall comply with this section by December 1, 1989.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-150-013, filed 4/1/88; 86-01-085 (Order PL 575), § 308-150-013, filed 12/18/85.]

WAC 308-150-014 Honesty, integrity and fair dealing. A veterinarian shall conduct his/her practice on the highest plane of honesty, integrity and fair dealing with his/her clients in time and services rendered, and in the amount charged for services, facilities, appliances and drugs. It is unprofessional and unethical for a veterinarian to attempt to mislead or deceive a client or to make untruthful statements or representations to a client.

It is also unprofessional and unethical for a veterinarian to attempt to dissuade a client from filing a disciplinary complaint by, but not limited to, a liability release, waiver, or written agreement, wherein the client assumes all risk or releases the veterinarian from liability for any harm, damage, or injury to an animal while under the care, custody, or treatment by the veterinarian.

[Statutory Authority: 1988 c 206 § 604 and RCW 18.92.030. 89-10-076 (Order PM 836), § 308-150-014, filed 5/3/89. Statutory Authority: RCW 18.92.030. 86-01-085 (Order PL 575), § 308-150-014, filed 12/18/85.]

WAC 308-150-030 Validation of health certificate. It is unethical to sign or otherwise validate any health certificate without actually, physically inspecting the animal. A health certificate must be dated as of the time of examination.

[Order PL 179, § 308-150-030, filed 11/27/74.]

WAC 308-150-035 Inspection of animals. It is unethical for a veterinarian when employed to inspect an animal for health and soundness, to accept a fee or other compensation in relation to the inspection from a person other than his employer.

[Order PL 179, § 308-150-035, filed 11/27/74.]

WAC 308-150-045 Drugs and controlled substances. It is unethical to violate any laws or regulations of either the state of Washington or the United States relating to prescription drugs or controlled substances.

[Order PL 179, § 308-150-045, filed 11/27/74.]

WAC 308-150-050 Nonnarcotic Schedule II controlled substances—Prohibited. It is unethical for a veterinarian to use, possess, dispense or prescribe noninjectable nonnarcotic Schedule II controlled substances in the practice of veterinary medicine; EXCEPT a veterinarian may use, possess, dispense or prescribe

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noninjectable nonnarcotic Schedule II controlled substances in connection with a bona fide veterinary medical research program approved by the board.

[Order PL 179, § 308-150-050, filed 11/27/74.]

WAC 308-150-055 Minimum sanitary conditions. It is unethical for a veterinarian to own or operate a clinic, office, hospital, mobile veterinary clinic, or other animal facility contrary to the health and sanitary standards as established by the rules and regulations as adopted by the veterinary board of governors.

[Order PL 179, § 308-150-055, filed 11/27/74.]

WAC 308-150-060 Prohibited publicity and advertising. A veterinarian shall not, on behalf of himself or herself, his or her partner, associate or any other veterinarian affiliated with his or her office or clinic, use or allow to be used any form of public communication or advertising which:

- (1) Is false, fraudulent, deceptive or misleading;
- (2) Refers to secret methods of treatment;
- (3) Is not identified as a paid advertisement or solicitation;
- (4) States or implies that a veterinarian is a certified specialist unless he or she is certified in such specialty by a board recognized by the American Veterinarian Medical Association.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-060, filed 7/23/80.]

WAC 308-150-061 Honoring of publicity and advertisements. (1) If a veterinarian advertises a fee for a service, the veterinarian must render that service for no more than the fee advertised.

(2) Unless otherwise specified in the advertisement, if a veterinarian publishes any fee information, the veterinarian shall be bound by any representation made therein for the periods specified in the following categories:

(a) If in a publication which is published more frequently than one time per month, for a period of not less than thirty days after such publication.

(b) If in a publication which is published once a month or less frequently, until the publication of the succeeding issue.

(c) If in a publication which has no fixed date for publication of the succeeding issue, for a reasonable period of time after publication, but in no event less than one year.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-061, filed 7/23/80.]

WAC 308-150-062 Prohibited transactions. A veterinarian shall not compensate or give anything of value to representatives of the press, radio, television or other communication media in anticipation of or in return for professional publicity of any individual veterinarian in a news item.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-062, filed 7/23/80.]

WAC 308-150-070 Cooperation with the board. The veterinarian shall endeavor to cooperate with the veterinary board of governors in the investigation of alleged violations of the laws and regulations governing the practice of veterinary medicine, surgery and dentistry.

[Statutory Authority: RCW 18.92.030. 80-09-106 (Order PL 351), § 308-150-070, filed 7/23/80.]

**Chapter 308-151 WAC
VETERINARY BOARD OF GOVERNORS--
VETERINARY EDUCATION AND EXAMINATION
REQUIREMENTS**

WAC

- 308-151-050 Approval of courses.
- 308-151-060 Foreign trained veterinarians.
- 308-151-070 Practical examination requirement.
- 308-151-080 Examination procedures.
- 308-151-090 Frequency and location of examinations.
- 308-151-100 Examination results.
- 308-151-110 Examination review procedures.

WAC 308-151-050 Approval of courses. A course of instruction conducted by a school, that has obtained accreditation of the course of instruction in the care and treatment of animals from the American Veterinary Medical Association, is an approved course within the meaning of section 1, chapter 44, Laws of 1974 1st ex. sess., RCW 18.92.015.

[Order PL 179, § 308-151-050, filed 11/27/74.]

WAC 308-151-060 Foreign trained veterinarians. A person who is a graduate of a college of veterinary medicine not accredited by the American Veterinary Medical Association shall be eligible to take the regularly scheduled licensing examination given by the board upon furnishing the certificate of the American Veterinary Medical Association Education Commission For Foreign Veterinary Graduates (ECFVG). Applications and instructions for certification are obtained from:

ECFVG
American Veterinary Medical Association
930 North Meacham Road
Schaumburg, Illinois 60172.

[Order PL 232, § 308-151-060, filed 11/17/75.]

WAC 308-151-070 Practical examination requirement. In order to be licensed, any applicant for licensure after November 1, 1979 who has a current license by examination in another state, or who has passed a written examination approved by the board will be required to pass a practical examination prepared and administered by the board. This requirement may be waived for applicants who apply to licensure pursuant to RCW 18.92.130.

[Statutory Authority: RCW 18.92.030. 79-10-087 (Order 318), § 308-151-070, filed 9/21/79.]

WAC 308-151-080 Examination procedures. (1) The examination consists of three parts: The National

Board Examination for Veterinary Medical Licensing (NBE), the clinical competency test (CCT), and the Washington state examination. No part of the examination may be taken prior to six months preceding graduation from a course of instruction as described in WAC 308-151-050.

(2) Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination will be considered grounds for expulsion from the examination.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-151-080, filed 4/1/88; 85-03-085 (Order PL 509), § 308-151-080, filed 1/18/85. Statutory Authority: RCW 18.92.030 and 18.92.070. 83-07-050 (Order PL 429), § 308-151-080, filed 3/18/83. Statutory Authority: RCW 18.92.030. 80-05-032 (Order 340), § 308-151-080, filed 4/15/80.]

WAC 308-151-090 Frequency and location of examinations. (1) The examination for veterinarians shall be scheduled at such times and places as the director may authorize.

(2) Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the division of professional licensing in writing of his or her inability to appear for the scheduled exam at least five days before the designated time.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-151-090, filed 4/1/88; 80-05-032 (Order 340), § 308-151-090, filed 4/15/80.]

WAC 308-151-100 Examination results. (1) In order to pass the examination for licensure as a veterinarian, the applicant must attain a minimum grade of:

- (a) 1.5 standard deviations below the national mean of the criterion population on the National Board Examination, and
- (b) 1.5 standard deviations below the national mean of the criterion population on the clinical competency test, and
- (c) 70% in the Washington state examination.

(2) Applicants who fail the National Board Examination, the clinical competency test, or the Washington state examination may retake the examination that they failed (NBE, CCT or state) by again completing an application and by submitting the reexamination fee to the division of professional licensing: Provided, however, that a passing CCT score remains acceptable only if obtained within the last five years at the time of application and if taken after 1983, and that only the most recently obtained CCT and NBE scores will be considered in an application.

[Statutory Authority: RCW 18.92.030. 85-07-021 (Order PL 523), § 308-151-100, filed 3/13/85; 85-03-085 (Order PL 509), § 308-151-100, filed 1/18/85. Statutory Authority: RCW 18.92.030 and 18.92.070. 83-07-050 (Order PL 429), § 308-151-100, filed 3/18/83. Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-151-100, filed 10/29/80; 80-05-032 (Order 340), § 308-151-100, filed 4/15/80.]

WAC 308-151-110 Examination review procedures. (1) Each individual who takes the Washington state examination for licensure as a veterinarian and does not

pass the Washington state examination section may request review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty days of notification of the examination results. The request must state the reason or reasons the applicant feels the results of the examination should be changed. The board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a license. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(2) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of receipt of the result of the board's review of the examination results. The board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a license.

[Statutory Authority: RCW 18.92.030. 86-08-068 (Order PL 584), § 308-151-110, filed 4/1/86.]

Chapter 308-152 WAC VETERINARY FEES

WAC

- 308-152-020 Renewal of licenses.
308-152-030 Veterinary fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-152-010 Veterinary—Fees. [Statutory Authority: RCW 43.24-.085. 80-14-022 (Order 356), § 308-152-010, filed 9/25/80; Order PL 229, § 308-152-010, filed 11/6/75.] Repealed by 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-152-015.
- 308-152-015 Fees. [Statutory Authority: 1983 c 168 § 12. 83-22-060 (Order PL 446), § 308-152-015, filed 11/2/83; 83-17-031 (Order PL 442), § 308-152-015, filed 8/10/83. Formerly WAC 308-152-010.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.

WAC 308-152-020 Renewal of licenses. (1) Effective with the renewal period beginning July 1, 1977, the annual license renewal date for veterinarians will be changed to coincide with the licensee's birthdate. Conversion to this staggered renewal system will be accomplished as follows:

(a) Current licensees, as of June 30, 1977. Licensed veterinarians desiring to renew their license will be required to pay a fee of fifteen dollars plus one-twelfth of that amount for each month, or fraction thereof, in order

to extend their license to expire on their birth anniversary date next following June 30, 1978.

(b) On and after July 1, 1977, all new or initial veterinarian licenses issued will expire on the applicant's next birth anniversary date.

(2) After this conversion to a staggered renewal system, licensees may annually renew their license from birth anniversary date to the next birth anniversary date. However, licensees who fail to pay the license renewal fee on or before the license expiration date will be subject to the late payment penalty fee as set forth in WAC 308-152-010.

[Order PL 262, § 308-152-020, filed 1/13/77.]

WAC 308-152-030 Veterinary fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Veterinarian:	
National board examination (NBE) (initial/retake)	\$110.00
Clinical competency test (CCT) (initial/retake)	85.00
State examination (initial/retake)	75.00
Temporary permit	35.00
Initial license	40.00
Renewal	75.00
Late renewal penalty	25.00
Duplicate license	15.00
Certification	25.00
Animal technician:	
National examination (initial/retake)	70.00
State examination (initial/retake)	50.00
Initial license	30.00
Renewal	30.00
Late renewal penalty	10.00
Duplicate license	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-152-030, filed 5/1/87.]

Chapter 308-153 WAC MINIMUM STANDARDS FOR VETERINARY MEDICAL FACILITIES AND PRACTICE MANAGEMENT

WAC

- 398-153-010 Definitions.
308-153-020 General requirements for all veterinary medical facilities.
308-153-030 Minimum physical facilities.
308-153-045 Practice management.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-153-040 Minimum aseptic surgery facility. [Order PL-236, § 308-153-040, filed 2/18/76.] Repealed by 86-13-070 (Order PM 600), filed 6/18/86. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139.

WAC 308-153-010 Definitions. (1) **Veterinary medical facility:** Any premise, unit, structure or vehicle where any animal is received and/or confined to be examined, diagnosed or treated medically, surgically or prophylactically, as defined in RCW 18.92.010.

(2) **Mobile clinic:** A vehicle, including a camper, motor home, trailer or mobile home, used as a veterinary medical facility. A mobile clinic is not required for house calls or farm calls.

(3) **Aseptic surgery:** Aseptic surgical technique exists when everything that comes in contact with the wound is sterile and precautions are taken to ensure such sterility during the procedure. These precautions include, but are not limited to, such things as the surgery room itself, sterilization procedures, scrubbing hands and arms, sterile gloves, caps and masks, sterile long-sleeved gowns, and sterile draping and operative techniques.

(4) **Antiseptic surgery:** Antiseptic surgical technique exists when care is taken to avoid bacterial contamination but the precautions are not as thorough and extensive as in aseptic surgery. Surgeons and surgical assistants must wear clean attire and sterile gloves, and the patient must be appropriately draped. A separate sterile surgical pack must be used for each animal.

[Statutory Authority: RCW 18.92.030. 89-02-006 (Order PM 804), § 308-153-010, filed 12/27/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139. 86-13-070 (Order PM 600), § 308-153-010, filed 6/18/86; Order PL-236, § 308-153-010, filed 2/18/76.]

WAC 308-153-020 General requirements for all veterinary medical facilities. (1) **Construction and maintenance:** All facilities must be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities must comply with applicable state, county and municipal laws, ordinances and regulations.

(2) **Ventilation:** Adequate heating and cooling must be provided for the comfort of the animals, and the facility must have sufficient ventilation in all areas.

(3) **Lighting:** Proper lighting must be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting should be adequate to identify the building and to assist the clients.

(4) **Water:** Potable water must be provided.

(5) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals must be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) **Waste disposal:** Covered waste containers, impermeable by water, must be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) **Records:** Every veterinarian shall keep daily written reports of the animals he or she treats. Records for companion animals shall be kept for each animal, but records for economic animals may be maintained on a group or client basis. These records must be readily retrievable and must be kept for a period of three years following the last treatment or examination. They shall include, but not be limited to, the following:

(a) Name, address and telephone number of the owner.

(b) Name, number or other identification of the animal or group.

(c) Species, breed, age, sex and color of the animal.

(d) Immunization record.

(e) Beginning and ending dates of custody of the animal.

(f) A short history of the animal's condition as it pertains to its medical status.

(g) Physical examination findings and any laboratory data.

(h) Provisional or final diagnosis.

(i) Treatment and medication administered, prescribed or dispensed.

(j) Surgery and anesthesia.

(k) Progress of the case.

(8) **Storage:** All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) **Biologicals and drugs:** Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia*, 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary*, Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-153-020, filed 4/1/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139. 86-13-070 (Order PM 600), § 308-153-020, filed 6/18/86; Order PL-236, § 308-153-020, filed 2/18/76.]

WAC 308-153-030 Minimum physical facilities. All veterinary medical facilities in which animals are received for medical, surgical or prophylactic treatment must have the following minimum facilities, but are not limited to only these facilities:

(1) **Reception room and office:** Or a combination of the two.

(2) **Examination room:** Should be separate but may be combined with a room having a related function, such as

a pharmacy or laboratory. It must be of sufficient size to accommodate the veterinarian, patient and client.

Examination tables must have impervious surfaces. Waste receptacles must be lined, covered or in a closed compartment, and properly maintained. A sink with clean or disposable towels must be within easy access.

(3) **Surgery:** If surgery is performed, a separate and distinct area so situated as to keep contamination and infection to a minimum; provided, however, that effective January 1, 1988, a separate and distinct room so situated as to keep contamination and infection to a minimum will be required.

(4) **Laboratory:** May be either in the facility or through consultative facilities, adequate to render diagnostic information.

(5) **Radiology:** Facilities for diagnostic radiography must be available either on or off the premises. The facilities must meet federal and Washington state protective requirements and be capable of producing good quality diagnostic radiographs.

(6) **Animal housing areas:** Any veterinary medical facility confining animals must have individual cages, pens, exercise areas or stalls to confine said animals in a comfortable, sanitary and safe manner.

Cages and stalls must be of impervious material and of adequate size to assure patient comfort and sanitation.

Runs and exercise pens must be of a size to allow patient comfort and exercise. Effective January 1, 1988, runs and exercise pens must provide and allow effective separation of adjacent animals and their waste products, and must be constructed in such a manner as to protect against escape or injury. Floors of runs must be of impervious material.

Animals that are hospitalized for treatment of contagious diseases must be isolated in such a manner as to prevent the spread of contagious diseases.

[Statutory Authority: RCW 18.92.030, 89-02-006 (Order PM 804), § 308-153-030, filed 12/27/88; 88-08-033 (Order PM 719), § 308-153-030, filed 4/1/88. Statutory Authority: RCW 18.92.030, 18.130-.050 (1) and (12) and 1986 c 259 § 139, 86-13-070 (Order PM 600), § 308-153-030, filed 6/18/86; Order PL-236, § 308-153-030, filed 2/18/76.]

WAC 308-153-045 Practice management. All veterinary medical facilities shall maintain a sanitary environment to avoid sources and transmission of infection. This includes the proper sterilization or sanitation of all equipment used in diagnosis or treatment and the proper routine disposal of waste materials.

(1) **Surgery:** Surgery shall be performed in a manner compatible with current veterinary practice with regard to anesthesia, sepsis or antisepsis, life support and monitoring procedures, and recovery care. The minimum standards for surgery shall be:

(a) Effective January 1, 1988, aseptic or antiseptic surgery shall be performed in a room designated and reserved for surgery and directly related noncontaminating activities.

(b) The surgery room shall be clean, orderly, well lighted and maintained in a sanitary condition, free of offensive odors.

(c) Storage in the surgery room shall be limited only to items and equipment related to surgery and surgical procedures.

(d) Instruments and equipment utilized in the surgery room shall be appropriate for the type of surgical service being provided.

(e) The operating table shall be constructed of a smooth and impervious material.

(f) Chemical disinfection ("cold sterilization") may be used only for field conditions or minor surgical procedures. Sterilizing of all appropriate equipment is required. Effective January 1, 1988, provisions for sterilization must include a steam pressure sterilizer (autoclave) or a gas sterilizer (e.g., ethylene oxide).

(g) Surgical packs include towels, drapes, gloves, sponges and proper instrumentation. They shall be properly prepared for sterilization by heat or gas (sufficient to kill spores) for each sterile surgical procedure.

(h) For any major procedure, such as opening the abdominal or thoracic cavity or exposing bones or joints, a separate sterile surgical pack must be used for each animal. Surgeons and surgical assistants shall use aseptic technique throughout the entire surgical procedure.

(i) Uncomplicated ovariohysterectomy or castration of normal healthy animals, and minor surgical procedures, such as excising small skin lesions or suturing superficial lacerations, may be performed under clean, antiseptic conditions. Surgeons and surgical assistants shall wear clean attire and sterile gloves, and care shall be taken to avoid introducing bacterial contamination.

(j) All animals shall be properly prepared for surgery as follows:

(i) Clipping and shaving of the surgical area for major procedures requiring aseptic technique as in (h) must be performed in a room other than the surgery room. Loose hair must be removed from the surgical area.

(ii) Scrubbing the surgical area with soap and water.

(iii) Disinfecting the surgical area.

(iv) Draping the surgical area if appropriate.

(k) Anesthetic equipment appropriate for the type of patient and surgery performed shall be available at all times.

(l) Compressed oxygen or other adequate means shall be available to be used for resuscitation.

(m) Emergency drugs must be available to the surgery area.

(n) Grossly contaminated procedures, such as lancing and draining abscesses, shall not be performed in the room designated for aseptic or antiseptic surgery.

(2) **Library:** A library of appropriate veterinary journals and textbooks shall be available on the premises for ready reference.

(3) **Laboratory:** Veterinary medical facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, bacterial cultures and antibiotic sensitivity examinations, complete blood counts, histopathologic examinations and complete necropsies. The in-house laboratory facility shall meet the following minimum standards:

(a) The laboratory room shall be clean and orderly with provision for ample storage.

(b) Ample refrigeration shall be provided.

(c) Any tests performed shall be properly conducted by currently recognized methods to assure reasonable accuracy and reliability of results.

(4) **Radiology:** Veterinary medical facilities shall have the capability for use of either in-house or consultant services for obtaining radiographs of diagnostic quality. Radiology equipment and use must be in compliance with federal and Washington state laws, and should follow the guidelines approved by the American Veterinary Medical Association.

(5) **Biologicals and drugs:** The minimum standards for drug procedures shall be:

(a) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(b) Among things otherwise provided by RCW 69.41-.050, legend drugs dispensed by a veterinarian shall be labeled with the following:

- (i) Name of client or identification of animal.
- (ii) Date dispensed.
- (iii) Complete directions for use.
- (iv) Name and strength of the drug.
- (v) Name of prescribing veterinarian.

(c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals this record shall be by individual animal.

(6) **Limited services:** If veterinary medical services are limited to specific aspects of practice,

(a) The public shall be informed of the limitation of services provided.

(b) All veterinary services provided in the facility must conform to the requirements for those services listed in WAC 308-153-030 and this section.

(c) The general requirements prescribed in WAC 308-153-020 shall apply to all veterinary medical facilities.

(7) **Exceptions:**

(a) The standards and requirements prescribed in WAC 308-153-030(3) and subsection (1)(a), (c), (j)(i), (n) of this section, shall not apply to equine or food animal veterinary procedures performed in medical facilities.

(b) The standards and requirements prescribed in WAC 308-153-020 (1), (2), (3), (4), (6), (8), 308-153-030 and subsections (1)(a), (b), (c), (e), (h), (j)(i), (l), (n), (2), (3), (4), (6)(b), (c) of this section, shall not apply to equine or food animal veterinary procedures performed on the owner's premises by a veterinarian.

[Statutory Authority: RCW 18.92.030. 89-02-006 (Order PM 804), § 308-153-045, filed 12/27/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139. 86-13-070 (Order PM 600), § 308-153-045, filed 6/18/86.]

Chapter 308-154 WAC

CONTINUING EDUCATION REQUIREMENTS FOR VETERINARIANS

WAC

308-154-010 Citation and purpose.
308-154-020 Basic requirement—Amount.

(1989 Ed.)

308-154-030	Effective date of requirement.
308-154-040	Exceptions.
308-154-050	Qualification of program for continuing education credit.
308-154-060	Programs approved by the veterinary board.
308-154-080	Continuing education—Certification of compliance.
308-154-085	AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-154-070	Reporting of continuing education requirement. [Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-154-070, filed 10/29/80; Order 233, § 308-154-070, filed 2/16/77.] Repealed by 86-13-070 (Order PM 600), filed 6/18/86. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12) and 1986 c 259 § 139.
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WAC 308-154-010 Citation and purpose. These rules may be cited and referred to as the "Veterinary continuing education rules." The purpose of these rules is to require licensed veterinarians to continue their professional educations as a condition of maintaining a license to practice veterinary medicine in this state.

[Order 233, § 308-154-010, filed 2/16/77.]

WAC 308-154-020 Basic requirement—Amount. In the three-year period immediately preceding the annual renewal of the license to practice veterinary medicine, the applicant must have completed 3-3/4 days or accumulated thirty hours of acceptable continuing education.

(1) Measurement is in full academic hours only (a 50-minute period equals one hour). A one-day course will constitute eight hours of credit.

(2) Credit will be granted only for class hours, and not preparation hours.

(3) Acceptable courses taken after July 1, 1977 may be included in the first computation of continuing education hours necessary for renewal.

[Order 233, § 308-154-020, filed 2/16/77.]

WAC 308-154-030 Effective date of requirement.

(1) The effective date of the continuing education requirement will be three years after the 1977 renewal date. Therefore, the required number of hours must first be met by the 1980 license renewal date.

(2) With respect to any individual, the regulation will become effective on the 1980 renewal or three years after initial licensure in this state, whichever is later.

[Order 233, § 308-154-030, filed 2/16/77.]

WAC 308-154-040 Exceptions. The following are exceptions from the continuing education requirements:

(1) Upon a showing of good cause by a licensee to the board, the board may exempt such licensee from any, all[,] or part of the continuing education requirement. Good cause includes, but is not limited to:

- (a) Illness;
- (b) Hardship to practice.

[Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-154-040, filed 10/29/80; Order 233, § 308-154-040, filed 2/16/77.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-154-050 Qualification of program for continuing education credit. Generally: Generally a formal completion of program of learning which contributes directly to the professional competence of an individual to practice veterinary medicine after he/she has been licensed to do so will qualify an individual to receive credit for continuing education.

[Order 233, § 308-154-050, filed 2/16/77.]

WAC 308-154-060 Programs approved by the veterinary board. Completion of the following are deemed to qualify an individual for continuing education credit: Attendance at a recognized local, state, national, or international continuing education program having a featured speaker.

[Order 233, § 308-154-060, filed 2/16/77.]

WAC 308-154-080 Continuing education—Certification of compliance. (1) In conjunction with the application for renewal of licensure at the end of each three-year period as provided for in WAC 308-154-030, each licensee shall submit an affidavit of compliance on a form supplied by the board indicating the thirty hours of continuing education completed by the licensee.

(2) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate compliance with the continuing education requirement. It is therefore the responsibility of each licensee to maintain records, certificates or other evidence of compliance with the continuing education requirements.

[Statutory Authority: RCW 18.92.030. 80-16-023 (Order PL 358), § 308-154-080, filed 10/29/80.]

WAC 308-154-085 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective September 1, 1989 persons applying for licensure shall submit, prior to obtaining a license, and in addition to the other requirements for licensure, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of licenses. Effective with the renewal period beginning September 1, 1989 and ending August 31, 1990, all persons making application for licensure

renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education.

(a) Acceptable education. The board will accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective September 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of subsection (a).

(c) Documentation. The licensee shall:

(i) Certify, on forms provided, that the minimum education has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance or description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.

[Statutory Authority: 1988 c 206 § 604 and RCW 18.92.030. 89-10-076 (Order PM 836), § 308-154-085, filed 5/3/89.]

Chapter 308-156 WAC

REGISTRATION OF ANIMAL TECHNICIANS

WAC

308-156-010	Definitions.
308-156-020	Applications—Animal technicians.
308-156-030	Grounds for denial, suspension or revocation of registration.
308-156-045	Responsibilities of veterinarian supervising an animal technician or an unregistered assistant.
308-156-050	Animal health care tasks.
308-156-055	Approval of post high school courses.
308-156-060	Examination for registration as animal technician.
308-156-070	Grading of examinations.
308-156-075	Examination review procedures.
308-156-080	Reexamination.
308-156-090	Examination procedures.
308-156-100	Frequency and location of examination.
308-156-200	AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-156-040	Unrestricted animal health care services. [Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-040, filed 12/21/79.] Repealed by 83-19-055 (Order PL 445), filed 9/19/83. Statutory Authority: RCW 18.92.015 and 18.92.030.
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WAC 308-156-010 Definitions. (1) "Animal technician" shall mean any person who has met the requirements of RCW 18.92.015 and who is registered as required by chapter 18.92 RCW.

(2) "Veterinarian" shall mean a person authorized by chapter 18.92 RCW to practice veterinary medicine in the state of Washington.

(3) "Unregistered assistant" shall mean any individual who is not an animal technician or veterinarian.

(4) "Supervisor" shall mean a veterinarian or, if a task so provides, an animal technician.

(5) "Immediate supervision" shall mean the supervisor is in audible and visual range of the animal patient and the person treating the patient.

(6) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the animal has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task.

(7) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the animal patient and the animal has been examined by a veterinarian at such times as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task and the animal is not anesthetized.

(8) "Veterinary medical facility" is as defined by WAC 308-153-010.

(9) "Emergency" means that the animal has been placed in a life-threatening condition where immediate treatment is necessary to sustain life.

[Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-010, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-010, filed 12/21/79.]

WAC 308-156-020 Applications--Animal technicians. Applications for registration as an animal technician shall be made on forms prepared by the director of the department of licensing and submitted to the division of professional licensing. Applications must be received at least forty-five days prior to the scheduled examination.

[Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-020, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-020, filed 12/21/79.]

WAC 308-156-030 Grounds for denial, suspension or revocation of registration. The board may suspend, revoke or deny the issuance or renewal of registration of any animal technician and file its decision in the director's office if the animal technician:

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

(2) Has within ten years prior to the date of application been found guilty of a criminal offense relating to the practice of veterinary medicine, surgery and dentistry, including, but not limited to:

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

(b) Chronic inebriety;

(c) Cruelty to animals;

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

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

(5) Has performed any animal health care service not authorized by WAC 308-156-045 or 308-156-050.

[Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-030, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-030, filed 12/21/79.]

WAC 308-156-045 Responsibilities of veterinarian supervising an animal technician or an unregistered assistant. (1) No veterinarian shall:

(a) Permit any registered animal technician in his/her employ to perform any animal health care services not authorized by WAC 308-156-045 or 308-156-050.

(b) Permit any unregistered assistant to perform any animal health care services not authorized by WAC 308-156-045 or 308-156-050.

(2) For purposes of the rules and regulations applicable to animal health care tasks for animal technicians and unregistered assistants, the supervising veterinarian of an animal technician or unregistered assistant shall:

(a) Have legal responsibility for the health, safety and welfare of the animal patient which the animal technician or unregistered assistant serves.

(b) Not delegate an animal health care task to an animal technician or unregistered assistant who is unqualified to perform the particular task.

(c) Not use a level of supervision which is lower than that designated for a specific task.

(d) Make all decisions relating to the diagnosis, treatment, management, and future disposition of an animal patient.

(e) Not authorize more than two unregistered assistants to act under indirect supervision at any single time.

(3) A supervising veterinarian shall have examined the animal patient prior to the delegation of any animal health care task to either an animal technician or unregistered assistant. The examination of the animal patient shall be conducted at such times as acceptable veterinary medicine practice requires, consistent with the particular delegated animal health care task.

(4) Where an animal technician is authorized, pursuant to these regulations, to provide supervision for an unregistered assistant performing a specified health care task, the animal technician shall be under the same degree of supervision by the veterinarian, as specified in these regulations, as if the animal technician were performing the task.

(5) Unless specifically so provided by regulation, a veterinarian shall not authorize an animal technician or an unregistered assistant to perform the following functions:

(a) Surgery, other than injections or inoculations;

(b) Diagnosis and prognosis of animal disease;

(c) Prescribing of drugs, medicines and appliances.

[Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-045, filed 9/19/83.]

WAC 308-156-050 Animal health care tasks. (1) ANIMAL TECHNICIANS.

(a) Immediate supervision. An animal technician may perform the following tasks only under the immediate supervision of a veterinarian:

- (i) Assist veterinarian in surgery by tissue handling;
- (ii) Assist veterinarian in surgery by instrument handling.

(b) Direct supervision. An animal technician may perform the following tasks only under the direct supervision of a veterinarian:

- (i) Endotracheal intubation;
- (ii) Blood administration;
- (iii) Fluid aspiration;
- (iv) Intraperitoneal injections;
- (v) Monitoring of vital signs of anesthetized patient;
- (vi) Application of splints;
- (vii) Induce anesthesia by intravenous, intramuscular, or subcutaneous injection or by inhalation;
- (viii) When the animal is anesthetized, those tasks listed under subsection (c) "indirect supervision" of this section;

(ix) Administration of immunological agents.

(c) Indirect supervision. An animal technician may perform the following tasks only under the indirect supervision of a veterinarian. (If the animal is anesthetized, these tasks require the direct supervision of a veterinarian.):

- (i) Teeth cleaning;
- (ii) Enema;
- (iii) Electrocardiography;
- (iv) Application of bandages;
- (v) Catheterization of the unobstructed bladder;
- (vi) Gavage;
- (vii) Ear flush;
- (viii) Radiology;
- (A) Patient positioning
- (B) Operation of X-ray machines
- (C) Oral and rectal administration of radio-opaque materials

(ix) Injections of medications not otherwise prohibited:

- (A) Intramuscular
- (B) Subcutaneous
- (C) Intravenous
- (x) Oral medications;
- (xi) Topical medications;
- (xii) Laboratory (specimen collections):
- (A) Collection of tissue during or after a veterinarian has performed necropsy
- (B) Urine (except cystocentesis)
- (C) Hematology
- (D) Parasitology
- (E) Exfoliative cytology
- (F) Microbiology
- (xiii) Administration of preanesthetic drugs;
- (xiv) Oxygen therapy;

(xv) Removal of partially exposed foxtails from skin and feet;

(xvi) Euthanasia (all circumstances) as otherwise allowed by law;

(xvii) Removal of sutures.

(2) UNREGISTERED ASSISTANTS.

(a) Immediate supervision by veterinarian. An unregistered assistant may perform the following tasks only under the immediate supervision of a veterinarian:

- (i) Assist veterinarian in surgery by tissue handling;
- (ii) Assist veterinarian in surgery by instrument handling;

(iii) Endotracheal intubation;

(iv) Fluid aspiration;

(v) Intraperitoneal injections.

(b) Immediate supervision by veterinarian or animal technician. An unregistered assistant may perform the following tasks only under the immediate supervision of either a veterinarian or animal technician:

(i) Blood administration;

(ii) Catheterization of unobstructed bladder;

(iii) Gavage;

(iv) Radiology:

(A) Patient positioning

(B) Film exposure

(C) Rectal and oral administration of radio-opaque materials

(v) Intravenous injections of medications not otherwise prohibited;

(vi) Laboratory (specimen collections):

(A) Hematology

(B) Exfoliative cytology

(C) Microbiology

(c) Direct supervision by veterinarian. An unregistered assistant may perform the following tasks only under the direct supervision of a veterinarian:

(i) Monitor vital signs of anesthetized patient;

(ii) When the animal is anesthetized, those tasks listed under subsection (e) "indirect supervision" of this section.

(iii) Laboratory (specimen collection):

(A) Collection of tissues during or after a veterinarian has performed necropsy

(iv) Euthanasia (all circumstances) as otherwise allowed by law;

(v) Removal of sutures.

(d) Direct supervision by veterinarian or animal technician. An unregistered assistant may perform the following tasks only under supervision of either a veterinarian or an animal technician:

(i) Application of bandages;

(ii) Ear flush;

(iii) Electrocardiography.

(e) Indirect supervision. An unregistered assistant may perform the following tasks only under the indirect supervision of a veterinarian (If the animal is anesthetized, these tasks require the direct supervision of a veterinarian.):

(i) Teeth cleaning (without anesthetic);

(ii) Enema;

(iii) Injections of medications not otherwise prohibited;

(A) Intramuscular

(B) Subcutaneous

(iv) Oral medications;

(v) Topical medications;

(vi) Administering medication through an established intravenous catheter;

(vii) Laboratory (specimen collection):

(A) Collecting of voided urine and fecal material

(B) Parasitology (except skin scraping)

(viii) Oxygen therapy;

(ix) Removal of partially exposed foxtails.

(3) EMERGENCY ANIMAL CARE.

(a) Under conditions of an emergency, an animal technician may render the following life saving aid to an animal:

(i) Application of tourniquets and/or pressure bandages to control hemorrhage;

(ii) Administration of pharmacologic agents to prevent or control shock, including parenteral fluids, shall only be performed after direct communication with a veterinarian, and only if such veterinarian is either present or immediately enroute to the location of the distressed animal;

(iii) Resuscitative oxygen procedures;

(iv) Establishing open airways including intubation appliances but excluding surgery;

(v) External cardiac resuscitation;

(vi) Application of temporary splints or bandages to prevent further injury to bones or soft tissues;

(vii) Application of appropriate wound dressings and external supportive treatment in severe burn cases;

(viii) External supportive treatment in heat prostration cases.

(b) Under conditions of an emergency, an unregistered assistant may render the following life saving aid to an animal:

(i) Application of tourniquets and/or pressure bandages to control hemorrhage;

(ii) Resuscitative oxygen procedures;

(iii) Establishing open airways including intubation appliances but excluding surgery.

[Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-050, filed 9/19/83.]

WAC 308-156-055 Approval of post high school courses. The board, pursuant to RCW 18.92.015, hereby adopts the accreditation standards of the American Veterinary Medical Association (AVMA), "Accreditation policies and procedures" of the committee for animal technician activities and training (CATAT), in effect as of July 31, 1983 or as subsequently amended, and approved by the board. The board approves all and only those institutions accredited by, and in good standing with, the AVMA in accordance with these standards. Other institutions which apply for the board's approval and which meet the standards to the board's satisfaction may be approved, but it is the responsibility of an institution to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

(1989 Ed.)

The board reserves the right to withdraw approval of any post high school course which ceases to meet the approval of the board and/or the AVMA after notifying the institution in writing and granting it an opportunity to contest the board's proposed withdrawal.

[Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-055, filed 9/19/83.]

WAC 308-156-060 Examination for registration as animal technician. (1) All applicants shall be required to complete an examination consisting of a written and practical test.

(2) The written test will consist of questions on any of the following subjects as they pertain to the animal health care services technicians may perform:

(a) Anatomy

(b) Physiology

(c) Chemistry

(d) Obstetrics

(e) Bacteriology

(f) Histology

(g) Radiology

(h) Nursing techniques

(i) Hygiene

(j) Dental prophylaxis

(k) Laboratory procedures

(l) Other subjects prescribed by the board.

The questions will be divided equally between large and small animal health care problems and shall be sufficient in number to satisfy the board of governors that the applicant has been given adequate opportunity to express his or her knowledge relating to these subjects.

(3) The practical examination will be supervised by the board of governors or their designees. Each applicant may be required to perform or demonstrate basic animal health care techniques as directed by the board. During the practical examination, each applicant may be required to demonstrate his/her ability to:

(a) Take accurate case histories;

(b) Prepare patient instruments;

(c) Perform dental prophylaxis;

(d) Monitor anesthesia or oxygen equipment;

(e) Apply wound and surgical dressings;

(f) Administer inoculations or vaccinations;

(g) Properly analyze laboratory specimens;

(h) Restrain animals;

(i) Other animal health care services authorized by the board.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-060, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-060, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-060, filed 12/21/79.]

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 70 percent.

(2) Each applicant must obtain a final grade of 70 percent or better on both the written and the practical

portions of the examination to be considered technically qualified and approved for registration by the board.

(3) All scores shall be expressed in whole numbers, fractions being rounded to the closest whole number.

[Statutory Authority: RCW 18.92.030. 85-03-085 (Order PL 509), § 308-156-070, filed 1/18/85. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-070, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-070, filed 12/21/79.]

WAC 308-156-075 Examination review procedures.

(1) Each individual who takes the examination for registration as an animal technician and does not pass the examination may request review by the board of his or her examination results. This request must be in writing and must be received by the board within thirty days of notification of the examination results. The request must state the reason or reasons the applicant feels the results of the examination should be changed. The board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a registration. The board will consider the following to be adequate reasons for consideration for review and possible modification of examination results:

(a) A showing of a significant procedural error in the examination process;

(b) Evidence of bias, prejudice or discrimination in the examination process;

(c) Other significant errors which result in substantial disadvantage to the applicant.

(2) Any applicant who is not satisfied with the result of the examination review may appeal the board's decision and may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of receipt of the result of the board's review of the examination results. The board will not consider any challenges to examination scores unless the total revised score could result in the issuance of a registration.

[Statutory Authority: RCW 18.92.030. 86-08-068 (Order PL 584), § 308-156-075, filed 4/1/86.]

WAC 308-156-080 Reexamination. An applicant who has failed the animal technician examination may apply for reexamination, provided the required reexamination fee is submitted. Applicants who have failed either the written or the practical portion of the examination will be required to be reexamined in the specific portion of the examination previously failed.

[Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-080, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-080, filed 12/21/79.]

WAC 308-156-090 Examination procedures. Failure to follow written or oral instructions relative to the conduct of the examination, including termination times of the examination, will be considered grounds for expulsion from the examination.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-090, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-090, filed 9/19/83.]

Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-090, filed 12/21/79.]

WAC 308-156-100 Frequency and location of examination. (1) The examination for animal technicians shall be given at least once a year at such times and places as the director may authorize.

(2) Should an applicant fail to appear for examination at the designated time and place, he or she shall forfeit the examination fee unless he or she has notified the division of professional licensing in writing of his or her inability to appear for the scheduled exam at least five days before the designated time.

[Statutory Authority: RCW 18.92.030. 88-08-033 (Order PM 719), § 308-156-100, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-100, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-100, filed 12/21/79.]

WAC 308-156-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for registration. Effective September 1, 1989 persons applying for registration shall submit prior to becoming registered and in addition to the other requirements for registration, evidence to show compliance with the education requirements of subsection (4).

(3) Renewal of registration. Effective with the renewal period beginning September 1, 1989 and ending August 31, 1990, all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(4) AIDS education.

(a) Acceptable education. The board will accept education that is consistent with the topical outline available from the office on AIDS. Alternatives to formal coursework may be in the form of video tapes, professional journal articles, periodicals, or audio tapes, that contain current or updated information. Such education shall include the subjects of prevention, transmission and treatment of AIDS, and may include the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues including confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective September 1, 1989, the requirement for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education. All persons affected by this section shall show evidence of completion of education which meets the requirement of subsection (a).

(c) Documentation. The registrant shall:

- (i) Certify, on forms provided, that the minimum education has been completed after January 1, 1987;
- (ii) Keep records for two years documenting attendance or description of the learning;
- (iii) Be prepared to validate, through submission of these records, that attendance or learning has taken place.

[Statutory Authority: 1988 c 206 § 604 and RCW 18.92.030. 89-10-076 (Order PM 836), § 308-156-200, filed 5/3/89.]

Chapter 308-157 WAC MISCELLANEOUS PROCEDURES AND REQUIREMENTS

WAC

308-157-010 Disciplinary reinstatement procedures.

WAC 308-157-010 Disciplinary reinstatement procedures. (1) Unless a final order of the board indicates otherwise, all persons whose license has been suspended, revoked, or placed on probation shall:

- (a) Submit a written request to the board for reinstatement of the license when eligible to do so;
- (b) Be scheduled for an appearance before the board in the form of a reinstatement hearing;
- (c) Have the burden of proving to the board that the license should be reinstated.

(2) The board, in reviewing a request for reinstatement subsequent to disciplinary action, may consider the following criteria:

- (a) The applicant's character, standing, and professional reputation in the community in which he or she resided and practiced prior to discipline;
- (b) The ethical standards which he or she observed in the practice of veterinary medicine;
- (c) The nature and character of the charge(s) for which he or she was disciplined;
- (d) The sufficiency of the punishment undergone in connection therewith, and the compliance or failure to comply with the board's order;
- (e) His or her attitude, conduct, and reformation subsequent to discipline;
- (f) The time that has elapsed since discipline;
- (g) His or her current proficiency in veterinary medicine; and
- (h) The sincerity, frankness, and truthfulness of the applicant in presenting and discussing the factors relating to the discipline and reinstatement.

(3) The board reserves the right to reinstate a license subject to terms and conditions deemed appropriate.

[Statutory Authority: RCW 18.92.030. 89-02-006 (Order PM 804), § 308-157-010, filed 12/27/88.]

Chapter 308-170 WAC LICENSING OF REGISTERED SANITARIANS

WAC

308-170-040 Application for registration—Process.

(1989 Ed.)

308-170-050 Registered sanitarians—Written examination.

WAC 308-170-040 Application for registration—Process. To be eligible to take any particular written examination, an applicant must file his or her application with the department of licensing not less than sixty days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in August of each year.

[Statutory Authority: RCW 18.90.020(2). 81-01-082 (Order PL 364), § 308-170-040, filed 12/17/80.]

WAC 308-170-050 Registered sanitarians—Written examination. Written examination requirements: The written examination that is used in the state of Washington is the examination for registration of sanitarians. The examination consists of approximately 200 objective multiple choice questions and covers the following subject matters:

1. Air and water quality management
2. Liquid waste disposal
3. Solid waste disposal
4. Radiation
5. Noise
6. Land use
7. Environmental chemicals
8. Environmental safety
9. Housing and institutional care
10. Population/environmental demands
11. Food protection
12. Vector controls
13. Administration

The applicant must satisfactorily pass the written examination acceptable to and approved for use by the board under the provisions of RCW 18.90.020. A passing score is 70 percent. Any applicant who fails to make a passing score on the examination shall be allowed to take the examination again, subject to the standard examination fee. Written examinations shall be administered at least once a year at a location within the state as determined by the director.

A notification will be sent to each examination applicant at least fifteen days prior to each applicant's scheduled examination dates. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is to appear for examination. Should an applicant fail to appear for examination at the designated time and place, he shall forfeit the examination fee unless he has notified the division of professional licensing of his inability to appear for the scheduled examination at least five days before the designated date.

[Statutory Authority: RCW 18.90.020(2). 81-01-082 (Order PL 364), § 308-170-050, filed 12/17/80.]

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Chapter 308-171 WAC
OCCUPATIONAL THERAPY

WAC

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308-171-200	Definition of "commonly accepted standards for the profession."
308-171-201	Supervised fieldwork experience—Occupational therapists.
308-171-202	Supervised fieldwork experience—Occupational therapy assistants.
308-171-300	Unprofessional conduct or gross incompetency.
308-171-301	Code of ethics and standards of professional conduct.
308-171-302	Mandatory reporting.
308-171-310	Occupational therapy fees.
308-171-320	AIDS education and training.
308-171-330	Application for licensure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-171-030	Fees. [Statutory Authority: RCW 18.59.110. 87-04-015 (Order PM 636), § 308-171-030, filed 1/26/87; 85-06-012 (Order PL 514), § 308-171-030, filed 2/22/85.] Repealed by 87-10-028 (Order PM 650), filed 5/1/87. Statutory Authority: RCW 43.24.086.
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WAC 308-171-001 Definitions. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 308-171-300 (4) and (14), 308-171-301 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:

(a) Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;

(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and

(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once a month.

The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient

intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 308-171-300 (4) and (14), 308-171-301 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

(7) "Work site" in RCW 18.59.080 means the primary work location.

(8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-001, filed 4/14/87. Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-001, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.020(5). 86-10-004 (Order PL 588), § 308-171-001, filed 4/24/86. Statutory Authority: RCW 18.59.130(2). 85-12-010 (Order PL 529), § 308-171-001, filed 5/23/85. Statutory Authority: RCW 18.59.130(2) and 18.59.020. 85-05-008 (Order PL 513), § 308-171-001, filed 2/11/85.]

WAC 308-171-002 Persons exempt from the definition of an occupational therapy aide. An "occupational therapy aide" for whom an occupational therapist must provide professional supervision pursuant to RCW 18.59.020(5) does not include persons employed at a facility who are performing services under the supervision or direction of another licensed health care practitioner or certified teacher if the occupational therapist serves solely in a consulting capacity to the facility.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-002, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 87-01-088 (Order PM 630), § 308-171-002, filed 12/22/86.]

WAC 308-171-003 Occupational therapists acting in a consulting capacity. (1) "Consulting capacity" shall mean the providing of information and recommendations which the facility, licensed health care practitioners, or certified teachers employed at that facility may accept, reject, or modify at the election of the facility, the licensed health care practitioners, or certified teachers and if the occupational therapist's recommendations are

accepted or modified then the recommendations shall be incorporated into the patient's health care plan as part of the nursing or physician's care plan or educational care plan and not held out as the providing of occupational therapy services to the patients or public or billed by the facility as the providing of occupational therapy services to the patients.

(2) An occupational therapist acting in a consulting capacity shall include the following information in the occupational therapist's documentation:

- (a) Date of consultation;
- (b) To whom the consultation is provided;
- (c) Description of services provided;
- (d) Consultation recommendation; and
- (e) Recommendations concerning who should implement the consultation recommendations.

The documentation described above shall be retained by the consulting occupational therapist.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-003, filed 4/14/87.]

WAC 308-171-010 Recognized educational programs—Occupational therapists. The board recognizes and approves courses of instruction conducted by schools that have obtained accreditation of the program in occupational therapy from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the American Occupational Therapy Association as recognized in the 1987-1988 *Listing of Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc. The following school program is also approved: Worcester State College.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-010, filed 12/20/88. Statutory Authority: RCW 18.59.050. 88-09-031 (Order PM 721), § 308-171-010, filed 4/15/88. Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-010, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-010, filed 2/11/85.]

WAC 308-171-020 Recognized educational programs—Occupational therapy assistants. The board recognizes and approves courses of instruction conducted by schools that have obtained approval of the occupational therapy assistant associate degree programs and occupational therapy assistant certificate programs from the American Occupational Therapy Association as recognized in the 1987-1988 *Listing of Educational Programs in Occupational Therapy* published by the American Occupational Therapy Association, Inc. The following school programs are also approved: Austin Community College, Cincinnati Technical College, and Williamsport Area Community College.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-020, filed 12/20/88. Statutory Authority: RCW 18.59.050. 88-09-031 (Order PM 721), § 308-171-020, filed 4/15/88. Statutory Authority: RCW 18.59.130 and 18.130.050. 87-09-044 (Order PM 645), § 308-171-020, filed 4/14/87. Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-020, filed 2/11/85.]

WAC 308-171-040 License renewal registration date and fee. (1) Individuals making application for initial license, provided they meet the requirements for licensure in the state of Washington, will be issued a license to expire on their next birth anniversary date.

(2) Licenses shall be renewed upon a biennial basis on or before the licensee's birth anniversary date. Licenses not renewed on or before the licensee's biennial birth anniversary date shall expire immediately after the licensee's birth anniversary date and any practice engaged in with an expired license shall be deemed unlicensed practice.

(3) Limited permits shall expire in accordance with RCW 18.59.040(7).

(4) On a one-time basis, effective February 1, 1989, all persons applying for license renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-171-320.

Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of WAC 308-171-320 with their renewal application. Persons who are unable to verify compliance by their 1989 renewal date may, upon written application, be granted an extension to December 31, 1989. Those persons who must renew during 1990 shall submit evidence of compliance with WAC 308-171-320 on or before December 31, 1989.

[Statutory Authority: RCW 18.59.130 and 18.130.050. 89-01-081 (Order PM 805), § 308-171-040, filed 12/20/88. Statutory Authority: RCW 18.59.110. 87-04-015 (Order PM 636), § 308-171-040, filed 1/26/87; 85-06-012 (Order PL 514), § 308-171-040, filed 2/22/85.]

WAC 308-171-045 Inactive status. An occupational therapist or occupational therapy assistant, in good standing, may place his or her license on inactive status by giving written notice to the director, and may within four years thereafter resume active practice upon payment of a late renewal penalty. A license may be reinstated after a period of inactive status of more than four years, under such circumstances as the director determines with the advice of the board. An inactive status may be maintained at no fee. A person whose license is on inactive status shall not practice as an occupational therapist or occupational therapy assistant until his or her license is activated.

[Statutory Authority: RCW 18.59.090(3). 86-21-026 (Order PM 620), § 308-171-045, filed 10/8/86.]

WAC 308-171-100 Examinations. (1) The current series of the American Occupational Therapy Association certification examination shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) The examination for licensure as an occupational therapist shall be conducted twice a year, in January and July.

(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year, in January and July.

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(4) The executive secretary of the board shall negotiate with the American Occupational Therapy Association, Inc. for the use of the certification examination.

(5) The examination shall be conducted in accord with the American Occupational Therapy Association, Inc.'s security measures and contract.

(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy Association, Inc.

(7) Examination scores will not be released except as authorized by the applicant in writing.

(8) Public notice of the examination dates shall be provided by issuance of press releases by the department at least ninety days prior to the examination dates.

(9) To be eligible for a license, applicants must attain a passing score on the examination administered by the American Occupational Therapy Association, Inc.

[Statutory Authority: RCW 18.59.130(2). 86-10-004 (Order PL 588), § 308-171-100, filed 4/24/86; 85-05-008 (Order PL 513), § 308-171-100, filed 2/11/85.]

WAC 308-171-101 Proof of actual practice. An applicant seeking waiver of the education and experience requirements as provided in RCW 18.59.070(3) shall submit the following as proof of actual practice:

(1) Applicant's affidavit containing the following information:

(a) Location and dates of employment between June 7, 1981 and June 7, 1984;

(b) Description of capacity in which applicant was employed, including job title and description of specific duties;

(c) Description of nature of clientele; and

(d) Name and title of direct supervisor.

(2) Written job description.

(3) Affidavit from employer(s), from June 7, 1981 through June 7, 1984, containing the following information:

(a) Dates of applicant's employment,

(b) Description of applicant's specific duties, and

(c) Employer's title.

After reviewing the information submitted, the board may require submission of additional information if the board deems additional information necessary for purposes of clarifying the information previously submitted.

The proof of actual practice shall be submitted to the board's office no later than March 1, 1985.

[Statutory Authority: RCW 18.59.130(2) and 18.59.070(3). 85-05-008 (Order PL 513), § 308-171-101, filed 2/11/85.]

WAC 308-171-102 Examination dates for applicants under RCW 18.59.070(3). (1) Applicants for an occupational therapist license under RCW 18.59.070(3) shall take the examination no later than June 29, 1985.

(2) Applicants for an occupational therapy assistant license under RCW 18.59.070(3) shall take the examination no later than July 20, 1985.

[Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-102, filed 2/11/85.]

WAC 308-171-103 Persons exempt from licensure pursuant to RCW 18.59.040(5). (1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); or

(b) If the exemption is claimed pursuant to RCW 18.59.040 (5)(b), the individual shall submit a signed notarized statement attesting to having passed the American Occupational Therapy Association certification examination and having engaged in occupational therapy practice; not having engaged in unprofessional conduct or gross incompetency as established in WAC 308-171-300 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986; and not having been convicted of a crime [of] [involving] moral turpitude or a felony relating to the profession of occupational therapy; and

(c) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) "Working days" in RCW 18.59.040(5) shall mean days state offices are open to conduct business.

[Statutory Authority: RCW 18.59.130(2) and 18.59.050(1). 86-17-064 (Order PM 610), § 308-171-103, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.040 (5)(b). 86-10-004 (Order PL 588), § 308-171-103, filed 4/24/86. Statutory Authority: RCW 18.59.130(2). 85-12-010 (Order PL 529), § 308-171-103, filed 5/23/85.]

Reviser's note: RCW 34.04.395 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 308-171-104 Foreign trained applicants. An applicant obtaining education and training at foreign institutions shall submit the following information to the board's consideration in determining whether or not to waive the education and experience requirements for licensure, pursuant to RCW 18.59.070(1):

(1) An official description of the education program at the educational institution and if the description is not in English, then an English translation signed by the translator shall be submitted with the official description;

(2) An official transcript of the applicant's grades from the educational institution and if the transcript is not in English, then an English translation signed by the translator shall be submitted with the official transcript;

(3) Applicant's affidavit containing the following information:

(a) Location and dates of employment as an occupational therapist or occupational therapy assistant for up

to three years immediately prior to the date of application;

(b) Description of capacity in which applicant was employed, including job titles and description of specific duties;

(c) Description of nature of clientele; and

(d) Name and title of direct supervisors;

(4) Written job description for each employment as an occupational therapist or occupational therapy assistant for up to three years immediately prior to the date of application;

(5) Signed, written statements from all employers or direct supervisors for up to three years immediately prior to the date of application containing the following information:

(a) Dates of applicant's employment;

(b) Description of applicant's specific duties; and

(c) Employer or direct supervisor's title;

(6) If the applicant graduated from the educational institution within the three years immediately prior to the application, the applicant shall obtain a signed, written statement from the applicant's program director at the educational institution discussing the applicant's fieldwork experience at the educational institution.

After reviewing the information submitted, the board may require submission of additional information necessary for purposes of clarifying the information previously submitted.

[Statutory Authority: RCW 18.59.130(2). 86-17-064 (Order PM 610), § 308-171-104, filed 8/19/86; 86-10-004 (Order PL 588), § 308-171-104, filed 4/24/86.]

WAC 308-171-200 Definition of "commonly accepted standards for the profession." "Commonly accepted standards for the profession" in RCW 18.59.040 (5)(b) and 18.59.070 shall mean having passed the American Occupational Therapy Association certification examination, not having engaged in unprofessional conduct or gross incompetency as established by the board in WAC 308-171-300 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986, and not having been convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy.

[Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-200, filed 8/19/86. Statutory Authority: RCW 18.59.130(2), 18.59.040 (5)(b) and 18.59.070(1). 86-10-004 (Order PL 588), § 308-171-200, filed 4/24/86. Statutory Authority: RCW 18.59.130(2) and 18.59.070. 85-05-008 (Order PL 513), § 308-171-200, filed 2/11/85.]

WAC 308-171-201 Supervised fieldwork experience—Occupational therapists. "Supervised fieldwork experience" in RCW 18.59.050 (1)(c)(i) shall mean a minimum six months of Level II fieldwork conducted in settings approved by the applicant's academic program. Level II fieldwork is to provide an in-depth experience in delivering occupational therapy services to clients and to provide opportunities for supervised practice of occupational therapist entry-level roles. The minimum six months supervised fieldwork experience required by

RCW 18.59.050 (1)(c)(i) shall not include Level I fieldwork experience as defined by the American Occupational Therapy Association.

The supervised fieldwork experience shall consist of a minimum of six months sustained fieldwork on a full-time basis. "Full-time basis" is as required by the fieldwork setting.

[Statutory Authority: RCW 18.59.130(2). 87-01-088 (Order PM 630), § 308-171-201, filed 12/22/86; 85-05-008 (Order PL 513), § 308-171-201, filed 2/11/85.]

WAC 308-171-202 Supervised fieldwork experience—Occupational therapy assistants. "Supervised fieldwork experience" in RCW 18.59.050 (1)(c)(ii) shall mean a minimum two months of Level II fieldwork conducted in settings approved by the applicant's academic or training program. Level II fieldwork is to provide an in-depth experience in delivering occupational therapy services to clients and to provide opportunities for supervised practice of occupational therapy assistant entry-level roles. The minimum two months supervised fieldwork experience required by RCW 18.59.050 (1)(c)(ii) shall not include Level I fieldwork experience as defined by the American Occupational Therapy Association.

The supervised fieldwork experience shall consist of a minimum of two one-month sustained fieldwork placements not less than forty full-time workdays. "Full-time workdays" is as required by the fieldwork setting.

[Statutory Authority: RCW 18.59.130(2). 85-05-008 (Order PL 513), § 308-171-202, filed 2/11/85.]

WAC 308-171-300 Unprofessional conduct or gross incompetency. The following conduct, acts, or conditions constitute unprofessional conduct or gross incompetency for any license holder or applicant if the conduct, acts, or conditions occurred or existed prior to June 11, 1986:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;

(3) All advertising which is false, fraudulent, or misleading;

(4) Incompetence, negligence, or actions in the practice of the profession which result in, or have a significant likelihood of resulting in, harm to the patient or public;

(5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order or agreement being conclusive evidence of the revocation, suspension, or restriction;

(6) The possession, use, addiction to, prescription for use, diversion, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or violation of any drug law;

(7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(8) Failure to cooperate with the disciplining authority by:

(a) Not furnishing any papers or documents;

(b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or

(c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;

(9) Failure to comply with an order issued by the disciplining authority;

(10) Aiding or abetting an unlicensed person to practice when a license is required;

(11) Willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof;

(12) Practice beyond the scope of practice as defined by law;

(13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;

(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

(18) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;

(19) Violation of chapter 19.68 RCW;

(20) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any

patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;

(21) Any mental or physical condition which results in, or has a significant likelihood of resulting in, an inability to practice with reasonable skill and safety to consumers.

(22) Abuse of a client or patient or sexual contact resulting from abuse of the client-practitioner relationship.

[Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-300, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.100. 85-05-008 (Order PL 513), § 308-171-300, filed 2/11/85.]

WAC 308-171-301 Code of ethics and standards of professional conduct. (1) It is the professional responsibility of occupational therapists and occupational therapy assistants to provide services for clients without regard to race, creed, national origin, gender, handicap or religious affiliation.

(2) Treatment objectives and the therapeutic process must be formulated to ensure professional accountability.

(3) Services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability.

(4) Occupational therapists and occupational therapy assistants shall recommend termination of services when established goals have been met or when further services would not produce improved client performance.

(5) Occupational therapists and occupational therapy assistants shall accurately represent their competence, education, training and experience.

(6) Occupational therapists and occupational therapy assistants shall accurately record information and report information as required by facility standards and state and federal laws.

(7) All data recorded in permanent files or records shall be supported by the occupational therapist or the occupational therapy assistant's observations or by objective measures of data collection.

(8) Client's records shall only be divulged as authorized by law or with the client's consent for release of information.

(9) Occupational therapists and occupational therapy assistants shall not delegate to other personnel those client-related services where the clinical skills and expertise of an occupational therapist or occupational therapy assistant are required.

(10) If, after evaluating the client, the case is a medical case, the occupational therapist shall refer the case to a physician for appropriate medical direction if such direction is lacking.

(a) Appropriate medical direction shall be sought on at least an annual basis.

(b) A case is not a medical case if the following is present:

(i) There is an absence of pathology; or

(ii) If a pathology exists, the pathology has stabilized; and

(iii) The occupational therapist is only treating the client's functional deficits.

[Statutory Authority: RCW 18.59.130(2) and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-301, filed 8/19/86. Statutory Authority: RCW 18.59.130(2) and 18.59.100 (1)(b). 85-12-010 (Order PL 529), § 308-171-301, filed 5/23/85.]

WAC 308-171-302 Mandatory reporting. (1) All persons, including licensees, corporations, organizations, health care facilities, and state or local governmental agencies shall report to the board any conviction, determination, or finding that an occupational therapist or an occupational therapy assistant has committed an act which constitutes unprofessional conduct as established in RCW 18.130.180 and shall report information which indicates that an occupational therapist or occupational therapy assistant may not be able to practice occupational therapy with reasonable skill and safety to consumers as a result of a mental or physical condition.

(2) All required reports shall be submitted to the board as soon as possible, but no later than sixty days after a conviction, determination, or finding is made or information is received.

(3) A report shall contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name, address, and telephone numbers of the occupational therapist or occupational therapy assistant being reported.

(c) The case number of any patient or the name of the patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and cause number.

(f) Any further information which would aid in the evaluation of the report.

[Statutory Authority: RCW 18.59.070 and 18.130.050(1). 86-17-064 (Order PM 610), § 308-171-302, filed 8/19/86.]

WAC 308-171-310 Occupational therapy fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Occupational therapist:	
Application fee (nonrefundable)	\$ 90.00
Initial license	80.00
License renewal	125.00
Limited permit fee	40.00
Late renewal fee	60.00
Duplicate	15.00
Certification	25.00
Occupational therapy assistant:	
Application fee (nonrefundable)	60.00
Initial license	50.00
License renewal	60.00
Late renewal fee	40.00

Title of Fee	Fee
Limited permit fee	20.00
Duplicate	15.00
Certification	25.00

[Statutory Authority: RCW 43.24.086, 87-10-028 (Order PM 650), § 308-171-310, filed 5/1/87.]

WAC 308-171-320 AIDS education and training. (1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(3) Acceptable education and training. The department of licensing will accept education and training that is consistent with the model curriculum available from the office on AIDS. Such education and training shall be a minimum of six clock hours of which three hours must be didactic instruction and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(4) Implementation. Effective February 1, 1989, the requirement for licensing application, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (3) of this section.

(5) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before the renewal date or December 31, 1989, whichever date is earlier;

(b) Keep records for two years documenting attendance and description of the learning; and

(c) Be prepared to validate, through submission of these records, that learning has taken place.

[Statutory Authority: RCW 18.59.130 and 18.130.050, 89-01-081 (Order PM 805), § 308-171-320, filed 12/20/88.]

WAC 308-171-330 Application for licensure. (1) Effective February 1, 1989, all persons applying for licensure including a limited permit, shall submit compliance with the education requirements of WAC 308-171-320.

(2) Those persons submitting application in 1989 who are unable to comply with WAC 308-171-320 may upon written application be granted an extension to December 31, 1989.

[Statutory Authority: RCW 18.59.130 and 18.130.050, 89-01-081 (Order PM 805), § 308-171-330, filed 12/20/88.]

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Chapter 308-173 WAC NURSING ASSISTANTS

WAC

308-173-010	General provisions.
308-173-020	Mandatory reporting.
308-173-070	Courts.
308-173-080	State and federal agencies.
308-173-090	Cooperation with investigation.
308-173-100	AIDS prevention and information education requirements.
308-173-130	Nursing assistant—Fees.

WAC 308-173-010 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9649
Olympia, Washington 98504-8001

(5) "Nursing assistant" means a person certified pursuant to chapter 267, Laws of 1988.

(6) "Mentally or physically disabled nursing assistant" means a nursing assistant who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice nursing assistance with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-173-010, filed 6/30/89.]

WAC 308-173-020 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the nursing assistant being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report

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would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

(5) The administrator, executive officer, or their designee of any nursing home shall report to the department of licensing when any nursing assistant under chapter 18.130 RCW is terminated or such person's services are restricted based on a determination that the nursing assistant has committed an act or acts which may constitute unprofessional conduct as defined in RCW 18.130.180 or that the nursing assistant may be mentally or physically impaired as defined in RCW 18.130.170.

(6) The administrator, executive officer, or their designee of any nursing home shall report to the department of licensing when any person practices, or offers to practice as a nursing assistant in the state of Washington when the person is not registered in the state; or when a person uses any title, abbreviation, card, or device to indicate the person is registered when the person is not.

(7) The department of licensing requests the assistance of responsible personnel of any state or federal program operating in the state of Washington, under which a nursing assistant is employed, to report to the department whenever such a nursing assistant is not registered pursuant to this act or when such a nursing assistant has committed an act or acts which may constitute unprofessional conduct as defined in RCW 18.130.180 or may be mentally or physically impaired as defined in RCW 18.130.170.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-020, filed 6/30/89.]

WAC 308-173-070 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of nursing assistants, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-070, filed 6/30/89.]

WAC 308-173-080 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a nursing assistant is employed to provide patient care services, to report to the department whenever such a nursing assistant has been judged to have demonstrated his/her incompetency or negligence in the practice of nursing assistance, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled nursing assistant. These requirements do not supersede any state or federal law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-080, filed 6/30/89.]

WAC 308-173-090 Cooperation with investigation.

(1) A certificant or registrant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the

department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or registrant or their attorney, whichever is first. If the certificant or registrant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant or registrant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant or registrant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-173-090, filed 6/30/89.]

WAC 308-173-100 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for registration. Effective January 1, 1989 persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Initial applicants may have a four month extension upon written application to the department.

(3) 1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of

seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-173-100, filed 11/2/88.]

WAC 308-173-130 Nursing assistant—Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application – registration	\$ 5.00
Renewal of registration	10.00
Duplicate registration	15.00
Certification of registration	25.00

[Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-173-130, filed 10/5/88.]

Chapter 308-175 WAC HEALTH CARE ASSISTANTS

WAC

308-175-010	Delegation of functions to health care assistants.
308-175-020	Supervision of health care assistants.
308-175-030	Certification of health care assistants.
308-175-040	Recertification of health care assistants.
308-175-050	Department of licensing responsibilities.
308-175-060	Maintenance of listing of drugs and functions authorized.
308-175-065	Medication and diagnostic agent list.
308-175-070	Decertification or disciplinary actions.
308-175-075	Health care assistant classification.
308-175-085	Qualified trainer.
308-175-090	Provision of health care assistants training.
308-175-095	Category A minimum requirements.
308-175-100	Category B minimum requirements.
308-175-105	Category C minimum requirements.
308-175-110	Category D minimum requirements.
308-175-115	Category E minimum requirements.
308-175-120	Category F minimum requirements.
308-175-125	Grandfather clause.
308-175-130	Hospital or nursing home drug injection.
308-175-135	Intravenous medications flow restrictions.
308-175-140	Health care assistant fees.

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308-175-200 AIDS prevention and information education requirements—Health care assistants.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-175-080 Minimum training and demonstrated proficiency of health care assistants. [Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-080, filed 2/25/85.] Repealed by 88-17-043 (Order PM 759), filed 8/15/88. Statutory Authority: RCW 18.135.040.

WAC 308-175-010 Delegation of functions to health care assistants. The authority to perform the functions authorized in chapter 18.135 RCW may only be personally delegated from one individual (the delegator) to another individual (the delegatee). The delegator can only delegate those functions that he or she can order within the scope of his or her license. A licensee who is performing a function at or under the direction of another may not further delegate that function. Functions may not be delegated unless a completed and current certification/delegation form is on file with the department of licensing.

[Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-010, filed 2/25/85.]

WAC 308-175-020 Supervision of health care assistants. A health care assistant may be supervised by either the practitioner who delegated the act or by a practitioner who could order the act under his or her own license. The practitioner who is supervising the health care assistant must be physically present and immediately available in the facility during the administration of injections. The supervising practitioner need not be present during procedures to withdraw blood.

[Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-020, filed 2/25/85.]

WAC 308-175-030 Certification of health care assistants. Health care assistants' certification is valid for two years. The delegating practitioner or health care facility is responsible for certifying or recertifying health care assistants. An updated form must be submitted if a health care assistant is to be delegated functions by a practitioner other than the delegating practitioner indicated on his or her delegation/certification form.

[Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-030, filed 2/25/85.]

WAC 308-175-040 Recertification of health care assistants. Updated certification/delegation forms must be submitted within two years from the date of the most recent certification/delegation form on file with the department of licensing. Recertification forms are available from the department of licensing. The department of licensing will not send renewal forms or notifications of necessity to renew certification. It shall be the responsibility of every health care facility and every health care practitioner who certifies health care assistants to submit a recertification form and fees on or before each certification expiration date.

(1989 Ed.)

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-040, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-040, filed 2/25/85.]

WAC 308-175-050 Department of licensing responsibilities. The department of licensing will maintain files with regard to certification of health care assistants and delegation of functions. Department of licensing will not approve training programs.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-050, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-050, filed 2/25/85.]

WAC 308-175-060 Maintenance of listing of drugs and functions authorized. Each delegator must maintain a list of the specific medications/diagnostic agents and the route of administration of each that he or she has authorized for injection. Both the delegator and the delegatee shall sign the above list, indicating the date of each signature. The signed list shall be available for review by the director of the department of licensing or his designee.

[Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-060, filed 2/25/85.]

WAC 308-175-065 Medication and diagnostic agent list. The list of specific medications, diagnostic agents, and the route of administration of each that has been authorized for injection pursuant to RCW 18.135-.065 shall be submitted to the director within sixty days of initial certification registration and again with every recertification registration. If any changes occur which alter the list, a new list with the delegator and delegatee's signatures must be submitted to the department within thirty days of the change. All submitted lists will be maintained in the department of licensing filed under the name of the certifying practitioner or facility and shall be available for review.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-065, filed 11/12/87.]

WAC 308-175-070 Decertification or disciplinary actions. Any proceeding taken pursuant to these rules or chapter 18.135 RCW by the department of licensing, by the licensing authority of health care facilities or by the disciplinary board of the delegating or supervising health care practitioner shall be pursuant to the provisions of the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 18.135.030. 85-06-018 (Order PL 515), § 308-175-070, filed 2/25/85.]

WAC 308-175-075 Health care assistant classification. Effective September 1, 1988, there shall be six categories of health care assistants:

(1) Category A assistants may perform venous and capillary invasive procedures for blood withdrawal.

(2) Category B assistants may perform arterial invasive procedures for blood withdrawal.

(3) Category C assistants may perform intradermal, subcutaneous and intramuscular injections for diagnostic agents and administer skin tests.

(4) Category D assistants may perform intravenous injections for diagnostic agents.

(5) Category E assistants may perform intradermal, subcutaneous and intramuscular injections for therapeutic agents.

(6) Category F assistants may perform intravenous injections for therapeutic agents.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-075, filed 11/12/87.]

WAC 308-175-085 Qualified trainer. Qualified trainers for health care assistant trainees are:

(1) Delegator with a minimum of two years of current experience (within the last five years) in the appropriate category in which they are providing the training.

(2) Delegatee from the appropriate category of health care assistants who has a minimum of two years experience obtained within the last five years in the appropriate procedures.

(3) Licensed nurses who meet the educational and experiential criteria for the appropriate category.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-085, filed 11/12/87.]

WAC 308-175-090 Provision of health care assistants training. The training of health care assistants may be provided either:

(1) Under a licensed physician, osteopathic physician, podiatrist or certified registered nurse with prescriptive authorization, who shall ascertain the proficiency of the health care assistant; or under a registered nurse, physician's assistant, osteopathic physician's assistant, health care assistant, or LPN acting under the direction of a licensed physician, osteopathic physician, podiatrist or certified registered nurse with prescriptive authorization who shall be responsible for determining the content of the training and for ascertaining the proficiency of the health care assistant; or

(2) In a training program provided by a postsecondary institution registered with the Washington state council for post secondary education, or a community college approved by the Washington state board for community college education, or a vocational education program approved by the superintendent of public instruction, or in a private vocational school registered with the Washington state commission on vocational education, or in a program or post-secondary institution accredited by an accrediting agency recognized by the U.S. Department of Education.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-090, filed 11/12/87; 85-06-018 (Order PL 515), § 308-175-090, filed 2/25/85.]

WAC 308-175-095 Category A minimum requirements. Effective September 1, 1988, Category A assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform venous and capillary invasive procedures for blood withdrawal:

(a) High school education or its equivalent;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability, including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category A assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process, including forms used, accessing process, and collection patterns;

(e) Materials to be used;

(f) Anatomic considerations for performing such functions as venipuncture, capillary finger collection, heel sticks;

(g) Procedural standards and techniques for blood collection;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category A assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedures on patients until the trainee demonstrates proficiency to be certified at the minimum entry level of competency. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This will be completed, signed by the qualified trainer, trainee and delegator and be placed in employee personnel file.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-095, filed 11/12/87.]

WAC 308-175-100 Category B minimum requirements. Effective September 1, 1988, Category B assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform arterial invasive procedures for blood withdrawal:

(a) Minimum high school education or its equivalent with additional education to include but not be limited to anatomy, physiology, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability, including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category B assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process, including forms used, accessing process, and collection patterns;

(e) Materials to be used;

(f) Anatomic considerations for performing such functions as venipuncture, capillary finger collection, heel sticks, arterial puncture, line draws, and use of local anesthetic agents;

(g) Procedural standards and techniques for blood collection;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category B assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedures on patients until the trainee demonstrates proficiency to be certified at the minimum level of competency. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-100, filed 11/12/87.]

WAC 308-175-105 Category C minimum requirements. Effective September 1, 1988, Category C assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform intradermal (including skin tests), subcutaneous, and intramuscular injections for diagnostic agents:

(a) One academic year of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, basic pharmacology, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language;

(c) Possess a basic knowledge of mathematics; and

(d) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category C assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category C assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file. The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-105, filed 11/12/87.]

WAC 308-175-110 Category D minimum requirements. Effective September 1, 1988, Category D assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform intravenous injections for diagnostic agents:

(a) Two academic years of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, basic pharmacology, mathematics, chemistry, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category D assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category D assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file. The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-110, filed 11/12/87.]

WAC 308-175-115 Category E minimum requirements. Effective September 1, 1988, Category E assistants shall meet all of the following minimum requirements:

(1) Educational and occupational qualifications to perform intramuscular, intradermal (including skin tests), and subcutaneous injections for therapeutic agents:

(a) One academic year of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, pharmacological principles and medication administration, mathematics, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category E assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction, and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category E assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file. The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-115, filed 11/12/87.]

WAC 308-175-120 Category F minimum requirements. Effective September 1, 1988, Category F assistants shall meet all of the following minimum requirements:

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(1) Educational and occupational qualifications to perform intravenous injections for therapeutic agents:

(a) Two academic years of formal education at the post-secondary level. Education shall include but not be limited to anatomy, physiology, pharmacological principles and medication administration, chemistry, mathematics, concepts of asepsis, and microbiology;

(b) The ability to read, write, and converse in the English language; and

(c) Adequate physical ability including sufficient manual dexterity to perform the requisite health care services.

(2) Training and instruction. The Category F assistant shall receive training, evaluation(s), and assessment of knowledge and skills to determine entry level competency in the following areas:

(a) Job responsibilities – to cover all areas of the responsibilities to be delegated which include ethical implications and patient confidentiality;

(b) Patient identification process;

(c) Identification of and relationship to licensed health care practitioner;

(d) Procedure requesting process to include, but not be limited to, forms used;

(e) Materials to be used;

(f) Anatomic considerations for performing injections;

(g) Procedures for injections of agents will include readily available written, current, organized information. For each agent there shall be instruction concerning dosage, technique, acceptable route(s) of administration and appropriate anatomic sites, expected reactions, possible adverse reactions, appropriate intervention for adverse reaction and risk to patient and employee;

(h) Common terminology and practices such as medical classifications, standard diagnoses, test synonyms, background information on procedures, interferences;

(i) Physical layout of the work place, including patient care areas; and

(j) Safety requirements including the handling of infectious disease cases and the handling and disposal of biohazardous materials.

(3) Work experience. The Category F assistant should have the following work experience under the direct supervision of a qualified trainer:

(a) Practice technique in a simulated situation;

(b) Observe and perform procedure on patients until the trainee demonstrates proficiency in each drug classification. The time and number of performances will vary with the specific procedure and skill of the trainee; and

(c) Document all health care assistants' training on a checklist appropriate to the facility and the duties and responsibilities of the trainee. This documentation will be completed, signed by the qualified trainer, trainee, and delegator and be placed in employee personnel file. The trainee must demonstrate minimum entry level skill proficiency before certification can be granted.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-120, filed 11/12/87.]

WAC 308-175-125 Grandfather clause. Currently certified health care assistants performing any of the

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practices authorized in RCW 18.135.010 may continue to be certified or recertified by demonstrating proficiency in the appropriate classification to a delegator as defined in RCW 18.135.020. Retraining or completion of a training program shall not be necessary if the health care assistant is able to so demonstrate. Eligibility for recertification by individuals certified under the provisions of this section shall not be restricted by change of employment.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-125, filed 11/12/87.]

WAC 308-175-130 Hospital or nursing home drug injection. (1) Class C, D, E, or F health care assistants working in a hospital or nursing home may administer the following types of drugs by injection as authorized and directed by a delegator and as permitted by the category of certification of the health care assistant:

- Antihistamines
- Antiinfective agents
- Antineoplastic agents
- Autonomic drugs
- Blood derivatives
- Blood formation and coagulation
- Cardiovascular drugs
- CNS agents
- Diagnostic agents
- Electrolytic, caloric and water balance
- Enzymes
- Gastrointestinal drugs
- Gold compounds
- Heavy metal antagonists
- Hormones/synthetic substitutes
- Local anesthetics
- Oxytocics
- Radioactive agents
- Serums toxoids, vaccines
- Skin and mucous membrane agents
- Smooth muscle relaxants
- Vitamins
- Unclassified therapeutic agents

(2) The schedule of drugs in subsection (1) of this section shall not include any controlled substances as defined in RCW 69.50.101 (1)(d), any experimental drug and any cancer chemotherapy agent unless a delegator is physically present in the immediate area where the drug is administered.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-130, filed 11/12/87.]

WAC 308-175-135 Intravenous medications flow restrictions. (1) Category D and F assistants will be permitted to interrupt an IV, administer an injection, and restart at the same rate.

(2) Line draws may be performed by a Category B assistant only if the IV is stopped and restarted by a licensed practitioner.

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-135, filed 11/12/87.]

WAC 308-175-140 Health care assistant fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Initial certification	\$10.00
Continuing certification	\$15.00

[Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-140, filed 11/12/87.]

WAC 308-175-200 AIDS prevention and information education requirements--Health care assistants. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 18.135.030. 88-22-076 (Order PM 785), § 308-175-200, filed 11/2/88.]

Chapter 308-177 WAC DIETITIANS OR NUTRITIONISTS

WAC

308-177-010	General provisions.
308-177-020	Mandatory reporting.
308-177-030	Health care institutions.
308-177-040	Dietitian or nutritionist associations or societies.
308-177-050	Health care service contractors and disability insurance carriers.
308-177-060	Professional liability carriers.
308-177-070	Courts.
308-177-080	State and federal agencies.
308-177-090	Cooperation with investigation.
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308-177-110	Dietitian and nutritionist fees.
308-177-115	Definitions.
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308-177-140	Certification renewal registration date.
308-177-160	Examinations.
308-177-180	Foreign degree equivalency.
308-177-190	Certification for dietitians—Grandfathering.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-177-150	Continuing Education. [Statutory Authority: RCW 18.138.070. 89-03-035 (Order PM 814), § 308-177-150, filed 1/11/89.] Repealed by 89-17-071, filed 8/16/89, effective 9/16/89. Statutory Authority: RCW 18.138.070.
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WAC 308-177-010 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9649
Olympia, Washington 98504-8001

(5) "Dietitian or nutritionist" means a person certified pursuant to chapter 277, Laws of 1988.

(6) "Mentally or physically disabled dietitian or nutritionist" means a dietitian or nutritionist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dietetics or general nutrition services with reasonable skill

and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-010, filed 6/30/89.]

WAC 308-177-020 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the dietitian or nutritionist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-020, filed 6/30/89.]

WAC 308-177-030 Health care institutions. The chief administrator or executive officer or designee of any hospital or nursing home shall report to the department when any dietitian or nutritionist's services are terminated or are restricted based on a determination that the dietitian or nutritionist has either committed an act or acts which may constitute unprofessional conduct or that the dietitian or nutritionist may be unable to practice with reasonable skill or safety to clients by reason of a physical or mental condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-030, filed 6/30/89.]

WAC 308-177-040 Dietitian or nutritionist associations or societies. The president or chief executive officer of any dietitian or nutritionist association or society within this state shall report to the department when the association or society determines that a dietitian or nutritionist has committed unprofessional conduct or that a dietitian or nutritionist may not be able to practice dietetics or general nutrition services with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall

be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-040, filed 6/30/89.]

WAC 308-177-050 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a dietitian or nutritionist has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-050, filed 6/30/89.]

WAC 308-177-060 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to dietitians or nutritionists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured dietitian or nutritionist's incompetency or negligence in the practice of dietetics or general nutrition services. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the dietitian or nutritionist's alleged incompetence or negligence in the practice of dietetics or general nutrition services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-060, filed 6/30/89.]

WAC 308-177-070 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of dietitians or nutritionists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-070, filed 6/30/89.]

WAC 308-177-080 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a dietitian or nutritionist is employed to provide patient care services, to report to the department whenever such a dietitian or nutritionist has been judged to have demonstrated his/her incompetency or negligence in the practice of dietetics or general nutrition services, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled dietitian or nutritionist. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-080, filed 6/30/89.]

WAC 308-177-090 Cooperation with investigation.
(1) A certificant must comply with a request for records,

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documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-177-090, filed 6/30/89.]

WAC 308-177-100 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four

clock hours for dietitians and seven clock hours for nutritionists and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-177-100, filed 11/2/88.]

WAC 308-177-110 Dietitian and nutritionist fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title	Fee
Application	\$75.00
Renewal	65.00
Late renewal	25.00
Certification	25.00
Duplicate	15.00
Reexamination	75.00

[Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-110, filed 8/16/89, effective 9/16/89; 89-03-035 (Order PM 814), § 308-177-110, filed 1/11/89.]

WAC 308-177-115 Definitions. (1) "Accredited college or university" means a college or university accredited by a national or regional accrediting body recognized by the council on postsecondary education at the time the applicant completed the required education.

(2) "Continuous preprofessional experience" means a minimum of 900 hours of supervised competency-based practice in the field of dietetics accumulated over a maximum of thirty-six months. This competency-based practice should include, but not be limited to the following:

(a) Assuring that food service operations meet the food and nutrition needs of clients and target markets.

(b) Utilization of food, nutrition, and social services in community programs.

(c) Providing nutrition care through systematic assessment, planning, intervention, and evaluation of groups and individuals.

(d) Providing nutrition counseling and education to individuals and groups for health promotion, health maintenance, and rehabilitation.

(e) Applying current research information and methods to dietetic practice.

(f) Utilizing computer and other technology in the practice of dietetics.

(g) Integrating food and nutrition services in the health care delivery system.

(h) Promoting positive relationships with others who impact on dietetic service.

(i) Coordinating nutrition care with food service systems.

(j) Participating in the management of cost-effective nutrition care systems.

(k) Utilizing menu as the focal point for control of the food service system.

(l) Participating in the management of food service systems, including procurement, food production, distribution, and service.

(m) Participating in the management of human, financial, material, physical, and operational resources.

(n) Providing education and training to other professionals and supportive personnel.

(o) Engaging in activities that promote improved nutrition status of the public and advance the profession of dietetics.

(p) Recognizing the impact of political, legislative, and economic factors on dietetic practice.

(q) Utilizing effective communication skills in the practice of dietetics.

(r) Participating in the management of a quality assurance program.

(3) "Supervision" means the oversight and responsibility for the dietitian's or nutritionist's continued practice by a qualified supervisor. Methods of supervision may include face-to-face conversations, direct observation, or review of written notes or tapes.

(4) "Qualified supervisor" means a dietitian who is certified under this chapter or who is qualified for certification under this chapter.

(5) "Coordinated undergraduate program" means supervised dietetic practice that is part of a course of study.

[Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-115, filed 8/16/89, effective 9/16/89.]

WAC 308-177-120 Application requirements. (1) Individuals applying for certification as a certified dietitian must submit:

(a) A completed application form with fee;

(b) Verification of AIDS education and training as set forth in WAC 308-177-100; and

(c) Verification of current registration status with the commission on dietetic registration.

(2) Individuals applying for certification as a certified dietitian who have not passed the required written examination or who are not registered with the commission on dietetic registration must:

(a) Provide transcripts forwarded directly from the issuing college or university showing completion of a baccalaureate degree or higher in a major course of study in human nutrition, foods and nutrition, dietetics, or food management;

(b) Provide evidence of completion of a continuous preprofessional experience or coordinated undergraduate program in dietetics under the supervision of a qualified supervisor;

(c) Take and pass the required written examination; and

(d) Provide verification of AIDS education and training as set forth in WAC 308-177-100.

(3) Individuals applying for certification as a certified nutritionist must submit:

(a) A completed application form with fee; and

(b) Documentation that the applicant meets the application requirements for certified dietitians, as set forth in subsection (1) or (2) of this section; or

(c) Transcripts forwarded directly from the issuing college or university showing completion of a masters or doctorate degree in one of the following subject areas: Human nutrition, nutrition education, foods and nutrition, or public health nutrition; and

(d) Verification of AIDS education and training as set forth in WAC 308-177-100.

[Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-120, filed 8/16/89, effective 9/16/89; 89-03-035 (Order PM 814), § 308-177-120, filed 1/11/89.]

WAC 308-177-130 Nutritionist minimum core curriculum. Training for certified nutritionist should include coursework at the collegiate level or equivalent in the following areas:

(1) Basic science - Which should include courses in one or more of the following:

(a) Physiology.

(b) Biochemistry.

(2) Foods - Which should include courses in one or more of the following:

(a) Selection.

(b) Composition.

(c) Food science.

(3) Nutritional science.

(4) Applied nutrition - Which should include courses in one or more of the following:

(a) Diet therapy.

(b) Nutrition of the life cycle.

(c) Cultural/anthropological nutrition.

(d) Public health nutrition.

(5) Counseling/education - Which should include courses in one or more of the following:

(a) Psychological counseling.

(b) Educational psychology.

(c) Communication.

(d) Psychology.

(e) Education.

[Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-130, filed 8/16/89, effective 9/16/89; 89-03-035 (Order PM 814), § 308-177-130, filed 1/11/89.]

WAC 308-177-140 Certification renewal registration date. (1) The annual certification renewal date will coincide with the individual's birth anniversary date.

(2) Failure to pay the renewal fee on or before the expiration date will invalidate the certification. An individual may reinstate the certificate by written application to the department, payment of a single late renewal penalty fee and payment of all delinquent renewal fees.

(3) Dietitians and nutritionists who fail to renew their certifications for a period of three years will be required to reapply.

[Statutory Authority: RCW 18.138.070. 89-03-035 (Order PM 814), § 308-177-140, filed 1/11/89.]

WAC 308-177-160 Examinations. (1) A written examination will be given at least once annually to qualified applicants at a time and place determined by the director.

(2) Applications must be received sixty days in advance of the scheduled examination.

(3) Applicants who fail the examination shall submit the appropriate fee for reexamination.

[Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-160, filed 8/16/89, effective 9/16/89.]

WAC 308-177-180 Foreign degree equivalency. Applicants who obtained their education outside of the United States and its territories must have their academic degree(s) validated as substantially equivalent to the baccalaureate, master's, or doctorate degree conferred by a regionally accredited college or university recognized by the council on postsecondary education at the time the applicant completed the required degree.

[Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-180, filed 8/16/89, effective 9/16/89.]

WAC 308-177-190 Certification for dietitians--Grandfathering. An individual may be certified as a certified dietitian if he or she provides evidence of meeting criteria for registration with the commission on dietetic registration on June 9, 1988, and provides documentation of completion of the AIDS education requirements as set forth in WAC 308-177-100.

[Statutory Authority: RCW 18.138.070. 89-17-071, § 308-177-190, filed 8/16/89, effective 9/16/89.]

Chapter 308-180 WAC ACUPUNCTURE

WAC	
308-180-120	License renewal registration date and fee.
308-180-130	Definitions.
308-180-140	Approval of school, program, apprenticeship or tutorial instruction.
308-180-150	Western sciences.
308-180-160	Acupuncture sciences.
308-180-170	Clinical training.
308-180-190	Documents in foreign language.
308-180-200	Sufficiency of documents.
308-180-210	Examinations.
308-180-220	Consultation plan.
308-180-230	Referral to other health care practitioners.
308-180-240	Patient informed consent.
308-180-250	Application exhibits required.
308-180-260	Acupuncture fees.
308-180-270	Advertising.

308-180-280	Examination appeal procedures.
308-180-290	General provisions.
308-180-300	Mandatory reporting.
308-180-310	Health care institutions.
308-180-320	Acupuncture associations or societies.
308-180-330	Health care service contractors and disability insurance carriers.
308-180-340	Professional liability carriers.
308-180-350	Courts.
308-180-360	State and federal agencies.
308-180-370	Cooperation with investigation.
308-180-400	AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-180-100	Acupuncture fees. [Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-100, filed 3/4/87; 86-10-038 (Order PL 592), § 308-180-100, filed 5/5/86.] Repealed by 87-18-031 (Order PM 667), filed 8/27/87. Statutory Authority: RCW 43.24.086.
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WAC 308-180-120 License renewal registration date and fee. (1) The annual license renewal date will coincide with the licensee's birth anniversary date.

(2) Upon successfully completing the examination, a license will be issued to expire one year from the date of issuance at which time the current renewal fee will be prorated to convert the expiration date to the licensee's next birth anniversary date. The prorated fee will be submitted on or before the licensee's birth anniversary date.

(3) Licensees who fail to pay the license renewal fee within thirty days of the license expiration date will be subject to the late penalty fee as set forth in RCW 18.06.120 and established in WAC 308-180-100.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-120, filed 3/9/88; 86-10-038 (Order PL 592), § 308-180-120, filed 5/5/86.]

WAC 308-180-130 Definitions. For the purpose of administering chapter 18.06 RCW, the following terms shall be considered in the following manner:

(1) "Acupuncture school" is an academic institution which has the sole purpose of offering training in acupuncture.

(2) "Acupuncture program" is training in acupuncture offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(3) "Acupuncture apprenticeship" is training in acupuncture which is offered by a qualified acupuncture employer to an apprentice on the basis of an apprenticeship agreement between the employer and the apprentice. An apprenticeship is of limited duration and ceases at the time the parties to the apprenticeship agreement have performed their obligations under the agreement.

(4) "Acupuncture tutorial instruction" is training in acupuncture which is offered by an academic institution or qualified instructor on the basis of a tutorial agreement between the school or instructor and the student. A tutorial is of limited duration and ceases at the time the parties to the tutorial agreement have performed their obligations under the agreement.

(5) "Academic year" is three quarters or two semesters.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-130, filed 3/4/87.]

WAC 308-180-140 Approval of school, program, apprenticeship or tutorial instruction. The department will consider for approval any school, program, apprenticeship or tutorial instruction which meets the requirements outlined in chapter 18.06 RCW and which provides all or part of the courses required in RCW 18.06.050.

(1) A school or program may be approved by the director without formal application to the department provided that:

(a) The school or program is accredited or has candidacy status as a United States postsecondary school or program; or

(b) The school or program is accredited under the procedures of another country and these procedures satisfy accreditation standards used for postsecondary education in the United States; or

(c) The nonaccredited school or program is approved by or has candidacy status with the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine; or

(d) The nonaccredited school or program is approved by the Washington state board of medical examiners to prepare persons for the practice of acupuncture.

(2) Approval of any other school, program, apprenticeship or tutorial instruction may be requested on a form provided by the department.

(3) Application for approval of a school, program, apprenticeship or tutorial instruction shall be made by the authorized representative of the school or the administrator of the apprenticeship or tutorial agreement.

(4) An applicant may request approval of the school, program, apprenticeship or tutorial instruction as of the date of the application or retroactively to a specified date.

(5) The application for approval of a school, program, apprenticeship or tutorial instruction shall include documentation required by the department pertaining to educational administration, qualifications of instructors, didactic and/or clinical facilities, and content of offered training.

(6) An application fee must accompany the completed application.

(7) The department will evaluate the application and, if necessary, conduct a site inspection of the school, program, apprenticeship or tutorial instruction prior to approval by the department.

(8) Upon completion of the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(9) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant school or program or the administrator of the applicant apprenticeship or tutorial instruction may request a review within ninety days of

the department's adverse action. Should a request for review of an adverse action be made after ninety days following the department's action, the contesting party may obtain review only by submitting a new application.

(10) The authorized representative of an approved school or program or the administrator of an apprenticeship or tutorial agreement shall notify the department of significant changes with respect to educational administration, instructor qualifications, facilities, or content of training.

(11) The department may inspect an approved school, program, apprenticeship or tutorial instruction at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(12) The authorized representative of a school or administrator of an agreement must immediately correct deficiencies which resulted in withdrawal of the department's approval.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-140, filed 3/4/87.]

WAC 308-180-150 Western sciences. The training in western sciences shall consist of forty-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These forty-five academic credits shall consist of the following:

- (1) Anatomy;
- (2) Physiology;
- (3) Bacteriology;
- (4) Biochemistry;
- (5) Pathology;
- (6) Survey of western clinical sciences;
- (7) Hygiene; and
- (8) Cardio-pulmonary resuscitation (CPR).

Training in hygiene and CPR shall consist of a minimum of one academic credit hour or equivalent in each subject. Red Cross certification or documentation of equivalent training may be substituted for one academic credit hour in CPR.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-150, filed 3/4/87.]

WAC 308-180-160 Acupuncture sciences. The training in acupuncture sciences shall consist of seventy-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These seventy-five academic credits shall include the following subjects:

- (1) Fundamental principles of acupuncture;
- (2) Acupuncture diagnosis;
- (3) Acupuncture pathology;
- (4) Acupuncture therapeutics;
- (5) Acupuncture meridians and points; and
- (6) Acupuncture techniques, including electroacupuncture.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-160, filed 3/4/87.]

WAC 308-180-170 Clinical training. (1) A minimum of one hundred hours or nine quarter credits of clinical training shall consist of observation which shall include case presentation and discussion.

(2) Supervised practice consists of at least four hundred separate patient treatments involving a minimum of one hundred patients. Twenty-nine quarter credits of supervised practice shall be completed over a minimum period of one academic year.

(a) A qualified instructor must observe and provide guidance to the student during the first one hundred patient treatments and be available within the clinical facility to provide consultation and assistance to the student for patient treatments performed subsequently. In the case of each and every treatment, the instructor must have knowledge of and approve the diagnosis and treatment plan prior to the initiation of treatment.

(b) "Patient treatment" shall include:

(i) Conducting a patient intake interview concerning the patient's past and present medical history;

(ii) Performing traditional acupuncture examination and diagnosis;

(iii) Discussion between the instructor and the student concerning the proposed diagnosis and treatment plan;

(iv) Applying acupuncture treatment principles and techniques (a minimum of three hundred sixty patient treatments involving point location, insertion and withdrawal of all needles must be performed); and

(v) Charting of patient conditions, evaluative discussions and findings, and concluding remarks.

(c) Supervised practice shall consist of a reasonable time per patient treatment and a reasonable distribution of patient treatment over one or more academic years so as to facilitate the student's learning experience. If the department is not satisfied that the time per patient treatment and distribution of treatments over one or more academic years facilitates the student's learning experience, it may require detailed documentation of the patient treatments.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-170, filed 3/4/87.]

WAC 308-180-190 Documents in foreign language. All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document relative to a person's application shall be at the expense of the applicant.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-190, filed 3/4/87.]

WAC 308-180-200 Sufficiency of documents. In all cases the departments' decision as to the sufficiency of the documentation shall be final. The department may request further proof of qualification.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-200, filed 3/4/87.]

WAC 308-180-210 Examinations. (1) A written and practical examination in English shall be given twice yearly for qualified applicants at a time and place determined by the director.

(2) All applicants must have successfully completed the written portion of the examination prior to being eligible for the practical examination.

(3) Applications and fees for examination or reexamination must be received by the department forty-five days in advance of the scheduled examination date.

(4) The passing score for the written examination is a converted score of seventy-five.

(5) The practical examination will consist of separate segments designed to test the applicant's knowledge of diagnostic methods, acupuncture treatment and aseptic techniques.

(6) To pass the practical examination, candidates must successfully complete each segment of the examination.

(7) Applicants who fail either the written or the practical portion of the examination shall submit an appropriate fee for re-examination.

(8) Applicants who fail more than fifty percent of the segments of the practical examination will be required to be reexamined on all segments of the practical examination.

(9) Applicants who fail fifty percent or less of the segments of the practical examination will be reexamined only on the segments that did not receive a passing score. This provision applies only to the next regularly scheduled practical examination administration.

(10) If an applicant fails to successfully complete the practical examination within two years of passing the written examination, the director may require the applicant to retake the written examination.

(11) Application fees are nonrefundable.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-210, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-210, filed 3/4/87.]

WAC 308-180-220 Consultation plan. Every certified acupuncturist shall develop a written plan for consultation, emergency transfer, and referral. The written consultation plan must be kept on file at the practitioner's place of business and be available on request by the department or its representative. The written consultation plan must include:

(1) The name, address, and telephone numbers of two consulting physicians;

(2) The name, address, and a telephone number of the nearest emergency room facility;

(3) An emergency transport mechanism (i.e., ambulance) with the name, address, and telephone number of the dispatcher nearest to the location of practice; and

(4) Confirmation from the physicians listed as to their agreement to consult with and accept referred patients from the applicant upon becoming a certified acupuncturist and establishing a place of practice.

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[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-220, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-220, filed 3/4/87.]

WAC 308-180-230 Referral to other health care practitioners. When the acupuncturist sees patients with potentially serious disorders including but not limited to:

(1) Cardiac conditions including uncontrolled hypertension;

(2) Acute abdominal symptoms;

(3) Acute undiagnosed neurological changes;

(4) Unexplained weight loss or gain in excess of fifteen percent body weight within a three-month period;

(5) Suspected fracture or dislocation;

(6) Suspected systemic infection;

(7) Any serious undiagnosed hemorrhagic disorder; and

(8) Acute respiratory distress without previous history or diagnosis.

The acupuncturist shall provide the following as medically prudent:

(a) The acupuncturist shall immediately request a consultation or written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW for patients with potentially serious disorders. In the event the patient refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued.

(b) In emergency situations the acupuncturist shall provide life support and emergency transport to the nearest licensed medical facility.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-230, filed 3/4/87.]

WAC 308-180-240 Patient informed consent. The patient informed consent is to advise the patient of the credentials of the practitioner and the scope of practice of acupuncturists in the state of Washington. The following information must be furnished to each patient in writing prior to or at the time of the initial patient visit.

(1) Practitioner's qualifications, including:

(a) Education. Dates and location(s) of didactic and clinical training.

(b) License information, including:

(i) State license number;

(ii) Date of licensure;

(iii) Licensure in other states or jurisdiction.

(2) The "scope of practice" for an acupuncturist in the state of Washington includes but is not limited to the following list of techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

(d) Acupressure;

(e) Cupping;

(f) Dermal friction technique (gwa hsa);

(g) Infra-red;

(h) Sonopuncture;

(i) Lasarpuncture;

- (j) Dietary advice based on traditional Chinese medical theory; and
- (k) Point injection therapy (aquapuncture.)
- (3) Side effects may include, but are not limited to, the following:
- Some pain following treatment in insertion area;
 - Minor bruising;
 - Infection;
 - Needle sickness; and
 - Broken needle.
- (4) Patients with severe bleeding disorders or pace makers should inform practitioners prior to any treatment.

[Statutory Authority: RCW 18.06.160. 87-06-050 (Order PM 641), § 308-180-240, filed 3/4/87.]

WAC 308-180-250 Application exhibits required. Every application shall be accompanied by:

- The application fee;
- Verification of academic or educational study and training at a school or college which may include the following:
 - Photostatic copy of diploma, certificate, or other certified documents and original copy of school transcript from a school or college evidencing completion of a program and a copy of the curriculum in the areas of study involved in the school or college forwarded directly from the issuing agency/organization; or
 - Notarized affidavit or statement bearing the official school seal and signed by an officer of the school or training program certifying the applicant's satisfactory completion of the academic and clinical training and designating the subjects and hours; or
 - If, for good cause shown, the school is no longer existent, an applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed, and such other information and documents as the department may deem necessary; or
 - Certified copies of licenses issued by the applicants jurisdiction which must be forwarded directly to the department of licensing from the issuing licensing and/or translation agency rather than the applicant.
- Verification of clinical training. The applicant shall submit a certification signed by the instructor(s) under oath that the applicant completed a course of clinical training under the direction of the instructor which shall include:
 - The location of the training site.
 - The inclusive dates of training.
 - That the supervised practice included a minimum of four hundred patient treatments involving a minimum of one hundred different patients.
 - One hundred hours of observation including case presentation and discussion.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-250, filed 3/9/88; 87-06-050 (Order PM 641), § 308-180-250, filed 3/4/87.]

WAC 308-180-260 Acupuncture fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application/examination	\$500.00
Retake examination—Written	200.00
Retake examination—Practical	300.00
Partial retake examination —Practical	150.00
Annual license renewal	960.00
Late renewal penalty	200.00
Duplicate license	15.00
Certification	25.00
Acupuncture training program application	300.00

[Statutory Authority: RCW 43.24.086. 88-15-030 (Order PM 735), § 308-180-260, filed 7/13/88; 87-18-031 (Order PM 667), § 308-180-260, filed 8/27/87.]

WAC 308-180-270 Advertising. (1) A person certified under chapter 18.06 RCW shall use the title certified acupuncturist or C.A. following their name in all forms of advertising, professional literature and billings. A certified acupuncturist may not represent that he or she holds a degree from an acupuncture school other than that degree which appears on his or her application for certification which has been verified in accordance with the director's requirements, unless the additional degree has also been verified in accordance with WAC 308-180-140.

(2) A certified acupuncturist may not use the title "doctor," "Dr.," or "Ph.D." on any advertising or other printed material unless the nature of the degree is clearly stated.

(3) A certified acupuncturist shall not engage in false, deceptive, or misleading advertising including but not limited to the following:

- Advertising which misrepresents the potential of acupuncture.
- Advertising of any service, technique, or procedure that is outside the scope of the certified acupuncturist as provided in RCW 18.06.010.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-270, filed 3/9/88.]

WAC 308-180-280 Examination appeal procedures.

(1) Any candidate who takes the state written examination for licensure and does not pass may request informal review by the director of his or her examination results. This request must be in writing and must be received by the department of licensing, professional program management division within thirty days of the postmark on the notification of the examination results. The director will not set aside the examination results unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness, or manifest unfairness. The director will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(2) The procedure for filing an informal review is as follows:

(a) Contact in writing the department of licensing office in Olympia for an appointment to appear personally to review incorrect answers on failed examinations.

(b) Candidate will be provided a form to complete in the department of licensing office in Olympia in defense of examination answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the department.

(e) Candidate may not bring in any resource materials for use while completing the informal review form.

(f) Candidate will not be allowed to remove any notes or materials from the office upon leaving.

(g) The following procedure apply to an appeal of the results of the practical examination.

(i) In addition to the written request required in (a) of this subsection, the candidate must, within thirty days of the date on the notification of examination results, request in writing a breakdown of the candidate's scores in the various areas of the examination.

(ii) The candidate will be sent the breakdown and will also be provided a form to complete in defense of the candidate's examination performance. The candidate must complete the form and specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate believes the results should be modified. This form must be returned to the department within fifteen days of the date on the breakdown sent to the candidate.

(h) The acupuncture advisory committee will review and evaluate the comments submitted by the candidate on the forms provided for the informal review and make its recommendations to the director.

(i) The candidate will be notified in writing of the director's decision by the department.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before an administrative law judge pursuant to the Administrative Procedure Act. Such hearing must be requested within thirty days of the postmark of the result of the committee's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. The prior determination will not be set aside unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness, or manifest unfairness. The director will not consider any challenges to examination scores unless the total revised score could result in a passing score.

(4) The hearing will not be scheduled until after the candidate and the state's attorney have appeared before an administrative law judge for a prehearing conference to consider the following:

(a) The simplification of issues;

(b) The necessity of amendments to the notice of specific reasons for examination result change;

(c) The possibility of obtaining stipulations, admissions of fact, and documents;

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

(e) A schedule for completion of all discovery; and

(f) Such other matters as may aid in the disposition of the proceeding.

(5) The administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order of the director.

(6) Candidates seeking formal appeal will receive at least twenty days advance notice of the time and place of the formal hearing. The hearing will be restricted to the specific reasons the candidate has identified as the basis for a change in the examination score.

[Statutory Authority: RCW 18.06.160. 88-07-031 (Order PM 713), § 308-180-280, filed 3/9/88.]

WAC 308-180-290 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Acupuncturist" means a person certified under chapter 18.06 RCW.

(6) "Mentally or physically disabled acupuncturist" means an acupuncturist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice acupuncture with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-290, filed 6/30/89.]

WAC 308-180-300 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the acupuncturist being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-300, filed 6/30/89.]

WAC 308-180-310 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home shall report to the department when any acupuncturist's services are terminated or are restricted based on a determination that the acupuncturist has either committed an act or acts which may constitute unprofessional conduct or that the acupuncturist may be mentally or physically disabled.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-310, filed 6/30/89.]

WAC 308-180-320 Acupuncture associations or societies. The president or chief executive officer of any acupuncture association or society within this state shall report to the department when the association or society determines that an acupuncturist has committed unprofessional conduct or that an acupuncturist may not be able to practice acupuncture with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the license holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-320, filed 6/30/89.]

WAC 308-180-330 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that an acupuncturist has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-330, filed 6/30/89.]

WAC 308-180-340 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to acupuncturists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured acupuncturist's incompetency or negligence in the practice of acupuncture. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the acupuncturist's alleged incompetence or negligence in the practice of acupuncture.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-340, filed 6/30/89.]

WAC 308-180-350 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of licensed acupuncturists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-350, filed 6/30/89.]

WAC 308-180-360 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which an acupuncturist is employed to provide patient care services, to report to the department whenever such an acupuncturist has been judged to have demonstrated his/her incompetency or negligence in the practice of acupuncture, or has otherwise committed unprofessional conduct. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-360, filed 6/30/89.]

WAC 308-180-370 Cooperation with investigation.
(1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or

the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-180-370, filed 6/30/89.]

WAC 308-180-400 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

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[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-180-400, filed 11/2/88.]

**Chapter 308-183 WAC
RADIOLOGICAL TECHNOLOGISTS**

WAC

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WAC 308-183-010 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Radiological technologist" means a person certified pursuant to chapter 18.84 RCW.

(6) "Mentally or physically disabled radiological technologist" means a radiological technologist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice radiological technology with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-010, filed 6/30/89.]

WAC 308-183-020 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, profession, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the radiological technologist being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-020, filed 6/30/89.]

WAC 308-183-030 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home shall report to the department when any radiological technologist's services are terminated or are restricted based on a determination that the radiological technologist has either committed an act or acts which may constitute unprofessional conduct or that the radiological technologist may be unable to practice with reasonable skill or safety to clients by reason of a mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-030, filed 6/30/89.]

WAC 308-183-040 Radiological technologist associations or societies. The president or chief executive officer of any radiological technologist association or society within this state shall report to the department when the association or society determines that a radiological technologist has committed unprofessional conduct or that a radiological technologist may not be able to practice radiological technology with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-040, filed 6/30/89.]

WAC 308-183-050 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to radiological

technologists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured radiological technologist's incompetency or negligence in the practice of radiology technology. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the radiological technologist's alleged incompetence or negligence.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-050, filed 6/30/89.]

WAC 308-183-060 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified radiological technologists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-060, filed 6/30/89.]

WAC 308-183-070 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a radiological technologist is employed to provide client care services, to report to the department whenever such a radiological technologist has been judged to have demonstrated his/her incompetency or negligence in the practice of radiological technology, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled radiological technologist. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-070, filed 6/30/89.]

WAC 308-183-080 Cooperation with investigation.

(1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or

the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-183-080, filed 6/30/89.]

WAC 308-183-090 Definitions--Alternative training radiologic technologists. (1) Definitions. For the purposes of certifying radiologic technologists by alternative training methods the following definitions shall apply:

(a) "One quarter credit hour" equals eleven "contact hours";

(b) "One semester credit hour" equals sixteen contact hours;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "One clinical year" is considered to be 1900 contact hours.

(e) "Immediate supervision" means the radiologist or nuclear medicine physician is in audible or visual range of the patient and the person treating the patient.

(f) "Direct supervision" means the supervisory clinical evaluator is on the premises, is quickly and easily available.

(g) "Indirect supervision" means the supervising radiologist or nuclear medicine physician is on site no less than half-time.

(h) "Allied health care profession" means an occupation for which programs are accredited by the American Medical Association Committee on Allied Health Education and Accreditation, Sixteenth Edition of the Allied Health Education Directory, 1988 or a previous edition.

(i) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A certified radiologic technologist designated in the specialty area the individual is requesting certification who provides direct supervision; and

(b) A radiologist for those individuals requesting certification in practice of diagnostic radiologic technology or therapeutic radiologic technology; or for those individuals requesting certification as a nuclear medicine technologist, a physician specialist in nuclear medicine who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-090, filed 12/9/88.]

WAC 308-183-100 Diagnostic radiologic technologist--Alternative training. An individual must possess the following alternative training qualifications to be certified as a diagnostic radiologic technologist.

(1) Have obtained a high school diploma or GED equivalent, a minimum of four clinical years supervised practice experience in radiography, and completed the course content areas outlined in subsection (2) of this section; or have obtained an associate or higher degree in an allied health care profession or meets the requirements for certification as a therapeutic radiologic technologist or nuclear medicine technologist, have obtained a minimum of three clinical years supervised practice experience in radiography, and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained directly by supervised clinical practice experience: Introduction to radiography, medical ethics and law, medical terminology, methods of patient care, radiographic procedures, radiographic film processing, evaluation of radiographs, radiographic pathology, introduction to quality assurance, and introduction to computer literacy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology - 100 contact hours; principles of radiographic exposure - 45 contact hours; imaging equipment - 40 contact hours; radiation physics, principles of radiation protection, and principles of radiation biology - 40 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a diagnostic radiologic technologist with the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-100, filed 12/9/88.]

WAC 308-183-110 Therapeutic radiologic technologist--Alternative training. An individual must possess the following alternative training qualifications to be certified as a therapeutic radiologic technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, or allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or nuclear medicine technologist; have obtained a minimum of five clinical years supervised practice experience in therapeutic radiologic technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Orientation to radiation therapy technology, medical ethics and law, methods of patient care, computer applications, and medical terminology. At least fifty percent of the clinical practice experience must have been in operating a linear accelerator. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human anatomy and physiology – 100 contact hours; oncologic pathology – 22 contact hours; radiation oncology – 22 contact hours; radiobiology, radiation protection, and radiographic imaging – 73 contact hours; mathematics (college level algebra or above) – 55 contact hours; radiation physics – 66 contact hours; radiation oncology technique – 77 contact hours; clinical dosimetry – 150 contact hours; quality assurance – 12 contact hours; and hyperthermia – 4 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a therapeutic radiologic technologist by the American Registry of Radiologic Technologists shall be considered to have met the alternative education and training requirements.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-110, filed 12/9/88.]

WAC 308-183-120 Nuclear medicine technologist—Alternative training. An individual must possess the following alternative training qualifications to be certified as a nuclear medicine technologist.

(1) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or a therapeutic radiologic technologist; have obtained a minimum of four clinical years supervised practice experience in nuclear medicine technology; and completed course content areas outlined in subsection (2) of this section.

(2) The following course content areas of training may be obtained by supervised clinical practice experience: Methods of patient care, computer applications, department organization and function, nuclear medicine in-vivo and in-vitro procedures, and radionuclide therapy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Radiation safety and protection – 10 contact hours; radiation biology – 10 contact hours; nuclear medicine physics and radiation physics – 80 contact hours; nuclear medicine instrumentation – 22 contact hours; statistics – 10 contact hours; radionuclide chemistry and radiopharmacology – 22 contact hours.

(3) Must satisfactorily pass an examination approved or administered by the director.

(4) Individuals who are registered as a nuclear medicine technologist with the American Registry of Radiologic Technologists or with the nuclear medicine technology certifying board shall be considered to have met the alternative education and training requirements.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-120, filed 12/9/88.]

WAC 308-183-130 Approved schools. Approved schools and standards of instruction for diagnostic radiologic technologist, therapeutic radiologic technologist, and nuclear medicine technologist are those recognized

as radiography, radiation therapy technology, and nuclear medicine technology educational programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association as recognized in the publication Allied Health Education Directory, Sixteenth Edition, published by the American Medical Association, 1988 or any previous edition.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-130, filed 12/9/88.]

WAC 308-183-140 Certification designation. A certificate shall be designated in a particular field of radiologic technology by:

(1) The educational program completed; diagnostic radiologic technologist – radiography program; therapeutic radiologic technologist – radiation therapy technology program; and nuclear medicine technologist – nuclear medicine technology program; or

(2) By meeting the alternative training requirements established in WAC 308-183-100, 308-183-110, or 308-183-120.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-140, filed 12/9/88.]

WAC 308-183-150 Certification renewal registration date. (1) Individuals receiving initial certification will be issued a certificate to expire on their next birth date.

(2) Certifications shall be renewed upon a biennial basis on or before the individual's birth date. Certifications not renewed on or before the individual's biennial birth date shall expire immediately. Any representation engaged in after a certification has expired shall be deemed unauthorized representation.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-150, filed 12/9/88.]

WAC 308-183-160 Reinstatement fee assessment. A certificate which has lapsed for three years may be reinstated by paying a reinstatement fee and demonstrating competence by the standards established by the director. A single reinstatement fee shall be assessed for the lapsed certification period.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-160, filed 12/9/88.]

WAC 308-183-170 Contrast media administration guidelines. A certified radiologic diagnostic technologist may administer radiopaque diagnostic agents under the direction and immediate supervision of a radiologist if the following guidelines are met:

(1) The radiologic technologist has had the prerequisite training and thorough knowledge of the particular procedure to be performed;

(2) Appropriate facilities are available for coping with any complication of the procedure as well as for emergency treatment of severe reactions to the contrast agent itself, including the ready availability of appropriate resuscitative drugs, equipment, and personnel; and

(3) After parenteral administration of a radiopaque agent, competent personnel and emergency facilities shall be available for at least thirty minutes in case of a delayed reaction.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-170, filed 12/9/88.]

WAC 308-183-180 Fees--Radiologic technologists. The figures below are the fees to be charged radiologic technologists to cover the costs of the program.

Application	\$ 50.00
Duplicate license	15.00
Verification/certification	25.00
Renewal	50.00
Late renewal penalty	25.00

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-180, filed 12/9/88.]

WAC 308-183-190 State examination/examination waiver/examination application deadline. (1) The American Registry of Radiologic Technologists certification examinations for radiography, radiation therapy technology, and nuclear medicine technology shall be the state examinations for certification as a radiologic technologist.

(a) The examination for certification as a radiologic technologist shall be conducted three times a year in the state of Washington, in March, July, and October.

(b) The examination shall be conducted in accordance with the American Registry of Radiologic Technologists security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application, supporting documents, and fees to the department of licensing no later than the fifteenth day of December, for the March examination; the fifteenth day of April, for the July examination; and the fifteenth day of July, for the October examination.

(3) A scaled score of seventy-five is required to pass the examination.

[Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-190, filed 12/9/88.]

WAC 308-183-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons

making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-183-200, filed 11/2/88.]

Chapter 308-190 WAC COUNSELORS

WAC

308-190-010	Fees.
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308-190-140	Cooperation with investigation.
308-190-200	AIDS prevention and information education requirements.

WAC 308-190-010 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title	Fee
Certified mental health counselor:	
Application and certification	\$60.00
Application assessment	3.00
Retake examination	35.00
Renewal	60.00
Renewal assessment	3.00
Late renewal penalty	10.00
Duplicate license	15.00
Certification/verification	25.00
Certified social worker:	
Application and certification	60.00
Application assessment	3.00
Retake examination	35.00
Renewal	60.00
Renewal assessment	3.00
Late renewal penalty	10.00
Duplicate license	15.00
Certification/verification	25.00
Certified marriage/family therapist:	
Application and certification	60.00
Application assessment	3.00
Retake examination	35.00
Renewal	60.00
Renewal assessment	3.00
Late renewal penalty	10.00
Duplicate license	15.00
Certification/verification	25.00
Registered counselor:	
Application and registration	30.00
Application assessment	1.50
Renewal	30.00
Renewal assessment	1.50
Duplicate license	15.00
Certification/verification	25.00
Registered counselor-hypnotherapist:	
Application and registration	30.00
Application assessment	1.50
Renewal	30.00
Renewal assessment	1.50
Duplicate license	15.00
Certification/verification	25.00

[Statutory Authority: RCW 43.24.086. 87-18-033 (Order PM 669), § 308-190-010, filed 8/27/87.]

WAC 308-190-020 Expiration of registration or certification. A registration or certification shall expire

on the registered or certified practitioner's second birthdate following the date of original issue at which time it will be subject to renewal. Thereafter, the registration or certification will be renewable at two-year intervals, on or before the birthdate of the registered or certified practitioner.

[Statutory Authority: 1987 c 512 § 10. 87-21-011 (Order PM 686), § 308-190-020, filed 10/9/87.]

WAC 308-190-030 Definitions. The following terms are defined within the meaning of this chapter.

(1) "Fee" as referred to in RCW 18.19.030 means compensation paid in exchange for counseling service whether or not the fee is paid on a contractual basis through a government agency or another third party, or is charged by a company, corporation, or any other type of firm, business, or individual provider.

(2) "Similarly regulated" means individuals who are currently registered, certified, or licensed under other laws of this state wherein disciplinary standards defining acts of unprofessional conduct apply to each individual under the regulation.

(3) "Therapeutic techniques" means the method of procedures used when assisting an individual with emotional, behavioral, or mental issues.

(4) "Treatment" means assisting or attempting to assist an individual and does not include the initial assessment/evaluation.

(5) "Counselor trainee" means any individual who is learning to be a counselor through on-the-job training while providing counseling services.

(6) "Student" means any individual enrolled in a college or university who is taking part in a counseling practicum for course credit.

(7) "Counselor intern" means any individual defined as a student.

[Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-030, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-030, filed 5/11/88.]

WAC 308-190-040 Client disclosure information. The term "counselor" as used in the wording of these rules includes all counselors, hypnotherapists, marriage and family therapists, mental health counselors, and social workers, whether registered or certified.

Counselors must provide disclosure information to each client in accordance with chapter 18.19 RCW prior to implementation of a treatment plan. The disclosure information must be specific to the type of counseling service offered; in language that can be easily understood by the client; and contain sufficient detail to enable the client to make an informed decision whether or not to accept treatment from the disclosing counselor.

Firms, agencies, or businesses may supply generic information relative to a counselor's disclosure to the client, in a format which does not duplicate disclosure information provided when more than one counselor is involved in treatment.

The disclosure information must be printed in a format selected by the counselor. Whatever format is chosen must include all required disclosure information.

[Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-040, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-040, filed 5/11/88.]

WAC 308-190-041 Required disclosure information.

(1) The following information shall be provided to each counseling client:

(a) Name of firm, agency, business, or counselor's practice.

(b) Counselor's business address and telephone number.

(c) Washington state registration or certification number.

(d) The counselor's name and type of counseling they provide.

(e) The methods or techniques the counselor uses.

(f) The counselor's education, training, and experience.

(g) Client's cost per each counseling session and the course of treatment where known.

(h) The following language must appear on every client's disclosure statement:

"Counselors practicing counseling for a fee must be registered or certified with the department of licensing for the protection of the public health and safety. Registration of an individual with the department does not include a recognition of any practice standards, nor necessarily implies the effectiveness of any treatment."

(i) Counseling clients are to be informed of the purpose of the Counselor Credentialing Act. The purpose of the law regulating counselors is: (A) To provide protection for public health and safety; and (B) to empower the citizens of the state of Washington by providing a complaint process against those counselors who would commit acts of unprofessional conduct.

(j) Counseling clients are to be informed that they as individuals have the right to choose counselors who best suit their needs and purposes. (This subsection is not intended to provide new rights by superseding those adopted by previous statutes.)

(k) Counseling clients are to be informed of the extent of confidentiality provided by RCW 18.19.180 (1) through (6).

(l) Counseling clients are to be provided a list of or copy of the acts of unprofessional conduct in RCW 18.130.180 with the name, address, and contact telephone within the department of licensing.

(2) Signatures are required of both the counselor providing the disclosure information and the client following a statement that the client had been provided a copy of the required disclosure information and the client has read and understands the information provided. The date of signature by each party is to be included at the time of signing.

(3) The department of licensing publishes a brochure for the education and assistance of the public. The department brochure may be photocopied and provided to each client as an option to satisfy the required disclosure information of subsection (1)(j) through (l) of this section.

[Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-041, filed 6/30/89.]

WAC 308-190-042 Reporting of suspected abuse or neglect of a child, dependent adult, or a developmentally disabled person. As required by chapter 26.44 RCW, all hypnotherapists and counselors, registered or certified, shall report abuse or neglect of a child, dependent adult, or developmentally disabled person when they have reasonable cause to believe that such an incident has occurred.

The report shall be made to the local law enforcement agency or to the department of social and health services at the first opportunity, but no longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

[Statutory Authority: RCW 18.19.060. 89-14-070 (Order PM 840), § 308-190-042, filed 6/30/89.]

WAC 308-190-050 Failure to provide client disclosure information. Failure to provide to the client any of the disclosure information as set forth in WAC 308-190-040 and as required by the law shall constitute an act of unprofessional conduct as defined in RCW 18.130.180(21).

[Statutory Authority: RCW 18.19.050. 88-11-024 (Order PM 728), § 308-190-050, filed 5/11/88.]

WAC 308-190-060 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Counselor" means a person registered pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled counselor" means a counselor who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice counseling with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-060, filed 6/30/89.]

WAC 308-190-070 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the registered counselors being reported.

(c) The case number of any client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-070, filed 6/30/89.]

WAC 308-190-080 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any registered counselor's services are terminated or are restricted based upon a determination that the registered counselor has committed an act which may constitute unprofessional conduct or that the registered counselor may be unable to practice with reasonable skill or safety to clients by reason of a mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-080, filed 6/30/89.]

WAC 308-190-090 Counselor associations or societies. The president or chief executive officer of any counselor association or society within this state shall report to the department when the association or society determines that a registered counselor has committed unprofessional conduct or that a registered counselor may not be able to practice counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the registration holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-090, filed 6/30/89.]

WAC 308-190-100 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a

registered counselor has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-100, filed 6/30/89.]

WAC 308-190-110 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to registered counselors shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured registered counselor's incompetency or negligence in the practice of counseling. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the counselor's alleged incompetence or negligence in the practice of counseling.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-110, filed 6/30/89.]

WAC 308-190-120 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of registered counselors, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-120, filed 6/30/89.]

WAC 308-190-130 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a registered counselor is employed to provide client care services, to report to the department whenever such a registered counselor has been judged to have demonstrated his/her incompetency or negligence in the practice of counseling, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled counselor. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-130, filed 6/30/89.]

WAC 308-190-140 Cooperation with investigation.

(1) A registrant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the registrant or their attorney, whichever is first. If the registrant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the registrant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items.

A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the registrant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-190-140, filed 6/30/89.]

WAC 308-190-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for registration. Effective January 1, 1989 persons applying for registration shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for registration, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show

evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-190-200, filed 11/2/88.]

Chapter 308-195 WAC

RESPIRATORY CARE PRACTITIONERS

WAC

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308-195-050	Definition of "commonly accepted standards for the profession."
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308-195-200	AIDS prevention and information education requirements.
308-195-210	Temporary practice.
308-195-220	Definitions—Alternative training respiratory care practitioners.
308-195-230	Alternative training requirements.

WAC 308-195-020 Recognized educational programs—Respiratory care practitioners. Approved courses of instruction for respiratory care practitioners are recognized as the respiratory therapy technician and respiratory therapy education programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association in collaboration with the Joint Review Committee for Respiratory Therapy Education as recognized in the publication *Respiratory Therapy Educational Programs* published by the Joint Review Committee for Respiratory Therapy Education, revised May, 1987.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-020, filed 4/27/88.]

WAC 308-195-030 State examination—Examination waiver—Examination application deadline. (1) The entry level certification examination of the National

Board of Respiratory Care, Inc. shall be the official examination for certification as a respiratory care practitioner.

(a) The examination for certification as a respiratory care practitioner shall be conducted three times a year in the state of Washington, in March, July, and November.

(b) The examination shall be conducted in accordance with the National Board of Respiratory Care, Inc.'s security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application and supporting documents to the department of licensing no later than the first day of December, for the March examination; the first day of April, for the July examination; and the first day of August for the November examination.

(3) An applicant who has passed the certification or registry examination given by the National Board of Respiratory Care, Inc., or an equivalent examination administered by a predecessor organization that is accepted and verified by the National Board of Respiratory Care, Inc. for certification, may be granted a certificate without further examination.

(4) A scaled score of 75 is required to pass the examination.

[Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-030, filed 4/7/89; 88-10-015 (Order 724), § 308-195-030, filed 4/27/88.]

WAC 308-195-040 Examination eligibility. (1) Graduates of approved respiratory care technician and respiratory care therapy programs or those individuals that have met the criteria for alternate training may be eligible to take the state examination.

(2) Respiratory care technician or respiratory care therapy students in their last year may apply for certification by examination prior to graduation under the following circumstances:

(a) Receipt of a letter of verification from the program director indicating that the applicant is in good standing and verifying the probability of completion prior to the last day of the calendar month preceding the examination for which they are applying.

(b) Results of the examination will be withheld until official transcripts from the program, indicating degree or certificate of completion earned, is received by the department.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-040, filed 4/27/88.]

WAC 308-195-050 Definition of "commonly accepted standards for the profession." "Commonly accepted standards for the profession" as indicated in RCW 18.89.130 shall mean having completed training in an approved respiratory care technician or respiratory care therapy program or having completed sufficient on-the-job training and experience to have qualified the applicant to take the National Board of Respiratory Care examination prior to July 26, 1987, satisfactorily passed the certification or registry examination given by

the National Board of Respiratory Care, Inc. with a minimum scaled score of 75, not having engaged in unprofessional conduct as established in RCW 18.130.180, and not been convicted of a crime of moral turpitude or felony which relates to the profession of respiratory care.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-050, filed 4/27/88.]

WAC 308-195-060 Grandfather--Verification of practice. Proof of practice. Applicants requesting certification as permitted in RCW 18.89.130 shall submit the following as proof of being in practice on July 26, 1987.

(1) Applicant's affidavit containing the following information:

(a) Location and date of employment on July 26, 1987;

(b) Description of capacity in which applicant was employed, including job title and description of specific duties;

(c) Name and title of direct supervisor.

(2) Affidavit from direct supervisor containing the following information:

(a) Applicant's employment beginning and ending dates;

(b) Statement confirming applicant's duties as described;

(c) Supervisor's title.

After review of the documentation submitted in support of the application, additional information may be requested for the purpose of clarification.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-060, filed 4/27/88.]

WAC 308-195-070 Grandfather--Examination dates. (1) Applicants qualifying for respiratory care practitioner certification under RCW 18.89.130(2) shall have one year from July 26, 1988, to apply for examination.

(2) Applicants who qualify for respiratory care practitioner certification under RCW 18.89.130(2) and are eligible for exemption under the rural hospital designation shall have one year from September 15, 1988, to apply for examination.

(3) Applicants must satisfactorily complete the examination in four consecutive sittings.

[Statutory Authority: RCW 18.89.050. 88-23-001 (Order PM 787), § 308-195-070, filed 11/3/88; 88-10-015 (Order 724), § 308-195-070, filed 4/27/88.]

WAC 308-195-080 Reciprocity--Requirements for certification. Before reciprocity is extended to any individual licensed, certified or registered to practice respiratory care under the law of another state, territory, or District of Columbia, the applicant shall meet the qualifications established in this state for certification.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-080, filed 4/27/88.]

WAC 308-195-090 Certification renewal registration date. (1) Individuals receiving initial certification

will be issued a certificate to expire on their next birth anniversary date.

(2) Certifications shall be renewed at two year intervals on or before the individual's birth anniversary date. Certifications not renewed on or before the individual's biennial birth anniversary date shall expire immediately after the individual's birth anniversary date. Failure to renew shall invalidate the certificate and all privileges granted by the certification.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-090, filed 4/27/88.]

WAC 308-195-100 Rural hospital exemption. Individuals may qualify for exemption from certification as specified in RCW 18.89.900 until September 15, 1988 if they are employed in a rural hospital.

"Rural hospital" shall be defined as those hospitals listed on Table 6 of the October, 1986, *Rural Access to Medical Care in Washington State* report by the state health coordinating council.

[Statutory Authority: RCW 18.89.050. 88-10-015 (Order 724), § 308-195-100, filed 4/27/88.]

WAC 308-195-110 Fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	\$ 85.00
Examination application	110.00
Examination retake	25.00
Duplicate license	15.00
Verification/certification	25.00
Renewal	100.00
Late renewal penalty	50.00

[Statutory Authority: RCW 43.24.086. 88-17-099 (Order PM 741), § 308-195-110, filed 8/23/88.]

WAC 308-195-120 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Respiratory care practitioner" means a person certified pursuant to chapter 18.89 RCW.

(6) "Mentally or physically disabled respiratory care practitioner" means a respiratory care practitioner who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice respiratory care with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

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[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-120, filed 6/30/89.]

WAC 308-195-130 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the respiratory care practitioner being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-130, filed 6/30/89.]

WAC 308-195-140 Health care institutions. The chief administrator, executive officer, or their designee of any hospital or nursing home shall report to the department when any respiratory care practitioner's services are terminated or are restricted based on a determination that the respiratory care practitioner has either committed an act or acts which may constitute unprofessional conduct or that the respiratory care practitioner may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-140, filed 6/30/89.]

WAC 308-195-150 Respiratory care practitioner associations or societies. The president or chief executive officer of any respiratory care practitioner association or society within this state shall report to the department when the association or society determines that a respiratory care practitioner has committed unprofessional conduct or that a respiratory care practitioner may not be able to practice respiratory care with reasonable skill and safety to patients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination

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made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-150, filed 6/30/89.]

WAC 308-195-160 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to respiratory care practitioners shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured respiratory care practitioner's incompetency or negligence in the practice of respiratory care. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the respiratory care practitioner's alleged incompetence or negligence.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-160, filed 6/30/89.]

WAC 308-195-170 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified respiratory care practitioners, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-170, filed 6/30/89.]

WAC 308-195-180 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a respiratory care practitioner is employed to provide patient care services, to report to the department whenever such a respiratory care practitioner has been judged to have demonstrated his/her incompetency or negligence in the practice of respiratory care, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled respiratory care practitioner. These requirements do not supersede any state or federal law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-180, filed 6/30/89.]

WAC 308-195-190 Cooperation with investigation.

(1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-195-190, filed 6/30/89.]

WAC 308-195-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement

of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-195-200, filed 11/2/88.]

WAC 308-195-210 Temporary practice. An applicant may practice under supervision of a certified respiratory care practitioner while waiting to complete the examination requirement. The applicant must take the first available examination administered following determination of their eligibility, except in the case of a bona fide emergency. An applicant may engage in temporary practice only prior to taking their first examination.

An individual shall cease practice immediately upon receipt of notice of failure to pass the examination. Resumption of practice may only occur after successfully passing the examination and issuance of a certificate.

[Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-210, filed 4/7/89.]

WAC 308-195-220 Definitions--Alternative training respiratory care practitioners. (1) For the purposes of certifying respiratory care practitioners by alternative training methods the following definitions shall apply:

(a) "One credit hour" equals "one contact hour";

(b) "One semester hour" equals sixteen contact hours;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "Direct supervision" shall mean the clinical evaluator is on the premises, quickly and easily available, and has provided sufficient supervision during the practical clinical experience to assure acceptable skills in the course content areas being verified;

(e) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be verified by a certified respiratory care practitioner certified in the state of Washington, or certified or registered by the National Board of Respiratory Care, Inc. who has provided "direct supervision."

[Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-220, filed 4/7/89.]

WAC 308-195-230 Alternative training requirements. An individual must possess the following alternative training qualifications to be certified as a respiratory care practitioner:

(1) Completed a program recognized by the Canadian Society of Respiratory Therapists in their current list, or any previous lists and are eligible to sit for the Canadian Society of Respiratory Therapists registry examination; or

(2) Been registered by the Canadian Society of Respiratory Therapists; or

(3) Obtained a minimum of three thousand hours supervised practical clinical experience within the past five years and meet the following criteria:

(a) The following course content areas of training may be obtained directly by supervised clinical practical experience:

(i) Physical assessment;

(ii) Chest percussion/postural drainage;

(iii) Oxygen administration;

(iv) Incentive spirometry;

(v) Aerosol administration via:

(A) Pneumatic nebulization;

(B) Ultrasonic nebulization.

(vi) Clearance of secretions via oro- and nasopharyngeal suction devices;

(vii) Gas metering and analyzing devices;

(viii) Ventilator care including CMV, IMV, SIMV, and PEEP;

(ix) Artificial airways including oro- and nasopharyngeal airways, oral and nasal endotracheal tubes, tracheostomy tubes and buttons, esophageal obturator airways and intubation equipment;

(x) IPPB;

(xi) CPAP;

(xii) Interpretation of blood gases;

(xiii) Fundamentals of patient care.

(b) The following course content areas of training must be obtained through formal education:

(i) Anatomy and physiology – Ten quarter or six semester credit hours;

(ii) Microbiology – Five quarter or three semester credit hours;

(iii) Math (college level algebra or higher) – Five quarter or three semester credit hours;

(iv) Chemistry – Five quarter or three semester credit hours;

(v) Biology – Five quarter or three semester credit hours;

(vi) Physics – Five quarter or three semester credit hours;

(vii) Medical terminology – Three quarter or two semester credit hours;

(viii) CPR certification – Basic life support; and

(4) Satisfactorily pass an examination approved or administered by the director.

[Statutory Authority: RCW 18.89.050. 89-09-006 (Order PM 832), § 308-195-230, filed 4/7/89.]

Chapter 308-200A WAC

DEPARTMENT OF LICENSING ENVIRONMENTAL REGULATIONS

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WAC 308-200A-010 Authority. The department adopts by reference the text of WAC 197-10-010, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-010, filed 8/3/78. Formerly WAC 308-200-010.]

WAC 308-200A-020 Purpose. (1) The purpose of this chapter is to establish department of licensing rules interpreting and implementing the State Environmental Policy Act of 1971 (SEPA), which rules will apply to the department, its divisions, and its affiliated agencies.

(2) These rules do not govern compliance by the department with respect to the National Environmental Policy Act of 1969 (NEPA). When the department is required by federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these rules.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-020, filed 8/3/78. Formerly WAC 308-200-020.]

WAC 308-200A-025 Scope and coverage of this chapter. The department adopts by reference the text of WAC 197-10-025, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-025, filed 8/3/78. Formerly WAC 308-200-025.]

WAC 308-200A-030 Integration of SEPA procedures with other governmental operations. The department adopts by reference the text of WAC 197-10-030, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-030, filed 8/3/78. Formerly WAC 308-200-030.]

WAC 308-200A-040 Definitions. The department adopts by reference the text of WAC 197-10-040, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-040, filed 8/3/78. Formerly WAC 308-200-040.]

WAC 308-200A-050 Use of the environmental checklist form. The department adopts by reference the text of WAC 197-10-050, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-050, filed 8/3/78. Formerly WAC 308-200-050.]

WAC 308-200A-055 Timing of the EIS process. (1) When acting as a lead agency, the department shall identify the times at which the EIS process must be completed on a case-by-case basis.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) The maximum time limits contained in these regulations for the threshold determination and EIS process do not apply to a proposal for a governmental action when the proponent of the action is also the lead agency.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-055, filed 8/3/78. Formerly WAC 308-200-055.]

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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.]

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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, 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.]

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WAC 308-200A-320 Threshold determination procedures--Initial review of environmental checklist. The department adopts by reference the text of WAC 197-10-320, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-320, filed 8/3/78. Formerly WAC 308-200-320.]

WAC 308-200A-330 Threshold determination procedures--Information in addition to checklist. The department adopts by reference the text of WAC 197-10-330, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-330, filed 8/3/78. Formerly WAC 308-200-330.]

WAC 308-200A-340 Threshold determination procedures--Negative declarations. The department adopts by reference the text of WAC 197-10-340, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-340, filed 8/3/78. Formerly WAC 308-200-340.]

WAC 308-200A-345 Assumption of lead agency status by another agency with jurisdiction over a proposal--Prerequisites, effect and form of notice. The department adopts by reference the text of WAC 197-10-345, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-345, filed 8/3/78. Formerly WAC 308-200-345.]

WAC 308-200A-350 Affirmative threshold determination. The department adopts by reference the text of WAC 197-10-350, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-350, filed 8/3/78. Formerly WAC 308-200-350.]

WAC 308-200A-355 Form of declaration of significance/nonsignificance. The department adopts by reference the text of WAC 197-10-355, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-355, filed 8/3/78. Formerly WAC 308-200-355.]

WAC 308-200A-360 Threshold determination criteria--Application of environmental checklist. The department adopts by reference the text of WAC 197-10-360, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-360, filed 8/3/78. Formerly WAC 308-200-360.]

WAC 308-200A-365 Environmental checklist. The department adopts by reference the text of WAC 197-10-365, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-365, filed 8/3/78. Formerly WAC 308-200-365.]

WAC 308-200A-370 Withdrawal of affirmative threshold determination. The department adopts by reference the text of WAC 197-10-370, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-370, filed 8/3/78. Formerly WAC 308-200-370.]

WAC 308-200A-375 Withdrawal of negative threshold determination. The department adopts by reference the text of WAC 197-10-375, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-375, filed 8/3/78. Formerly WAC 308-200-375.]

WAC 308-200A-390 Effect of threshold determination by lead agency. The department adopts by reference the text of WAC 197-10-390, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-390, filed 8/3/78. Formerly WAC 308-200-390.]

DRAFT EIS PREPARATION AND CONTENTS

WAC 308-200A-400 Duty to begin preparation of a draft EIS. The department adopts by reference the text of WAC 197-10-400, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-400, filed 8/3/78. Formerly WAC 308-200-400.]

WAC 308-200A-405 Purpose and function of a draft EIS. The department adopts by reference the text of WAC 197-10-405, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-405, filed 8/3/78. Formerly WAC 308-200-405.]

WAC 308-200A-410 Predraft consultation procedures. The department adopts by reference the text of WAC 197-10-410, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-410, filed 8/3/78. Formerly WAC 308-200-410.]

WAC 308-200A-420 Preparation of EIS by persons outside the lead agency. The department adopts by reference the text of WAC 197-10-420, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-420, filed 8/3/78. Formerly WAC 308-200-420.]

WAC 308-200A-425 Organization and style of a draft EIS. The department adopts by reference the text of WAC 197-10-425, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-425, filed 8/3/78. Formerly WAC 308-200-425.]

WAC 308-200A-440 Contents of a draft EIS. The department adopts by reference the text of WAC 197-10-440, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-440, filed 8/3/78. Formerly WAC 308-200-440.]

WAC 308-200A-442 Special considerations regarding contents of an EIS on a nonproject action. The department adopts by reference the text of WAC 197-10-442, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-442, filed 8/3/78. Formerly WAC 308-200-442.]

WAC 308-200A-444 List of elements of the environment. The department adopts by reference the text of WAC 197-10-444, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-444, filed 8/3/78. Formerly WAC 308-200-444.]

WAC 308-200A-446 Draft EIS--Optional additional elements--Limitation. At the discretion of the responsible official, there may be added to the list of elements of the environment to be attached to any EIS, the following elements:

- (1) Social factors,
- (2) Cultural concerns, and
- (3) Economic issues.

Such additional elements shall become part of the environment for EIS purposes, and not otherwise.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-446, filed 8/3/78. Formerly WAC 308-200-446.]

PUBLIC AWARENESS, HEARINGS AND CIRCULATION OF DRAFT EIS

WAC 308-200A-450 Public awareness of availability of draft EIS. The department adopts by reference the text of WAC 197-10-450, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-450, filed 8/3/78. Formerly WAC 308-200-450.]

WAC 308-200A-455 Circulation of the draft EIS--Review period. The department adopts by reference the text of WAC 197-10-455, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-455, filed 8/3/78. Formerly WAC 308-200-455.]

WAC 308-200A-460 Specific agencies to which draft EIS shall be sent. The department adopts by reference the text of WAC 197-10-460, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-460, filed 8/3/78. Formerly WAC 308-200-460.]

WAC 308-200A-465 Agencies possessing environmental expertise. The department adopts by reference the text of WAC 197-10-465, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-465, filed 8/3/78. Formerly WAC 308-200-465.]

WAC 308-200A-470 Cost to the public for reproduction of environmental documents. The department adopts by reference the text of WAC 197-10-470, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-470, filed 8/3/78. Formerly WAC 308-200-470.]

WAC 308-200A-480 Public hearing on a proposal--When required. The department adopts by reference the text of WAC 197-10-480, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-480, filed 8/3/78. Formerly WAC 308-200-480.]

WAC 308-200A-485 Notice of public hearing on environmental impact of the proposal. The department adopts by reference the text of WAC 197-10-485, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-485, filed 8/3/78. Formerly WAC 308-200-485.]

WAC 308-200A-490 Public hearing on the proposal—Use of environmental documents. The department adopts by reference the text of WAC 197-10-490, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-490, filed 8/3/78. Formerly WAC 308-200-490.]

WAC 308-200A-495 Preparation of amended or new draft EIS. The department adopts by reference the text of WAC 197-10-495, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-495, filed 8/3/78. Formerly WAC 308-200-495.]

RESPONSIBILITIES OF CONSULTED AGENCIES

WAC 308-200A-500 Responsibilities of consulted agencies—Local agencies. The department adopts by reference the text of WAC 197-10-500, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-500, filed 8/3/78. Formerly WAC 308-200-500.]

WAC 308-200A-510 Responsibilities of consulted agencies—State agencies with jurisdiction. The department adopts by reference the text of WAC 197-10-510, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-510, filed 8/3/78. Formerly WAC 308-200-510.]

WAC 308-200A-520 Responsibilities of consulted agencies—State agencies with environmental expertise. The department adopts by reference the text of WAC 197-10-520, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-520, filed 8/3/78. Formerly WAC 308-200-520.]

WAC 308-200A-530 Responsibilities of consulted agencies—When predraft consultation has occurred. The department adopts by reference the text of WAC 197-10-530, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-530, filed 8/3/78. Formerly WAC 308-200-530.]

WAC 308-200A-535 Cost of performance of consulted agency responsibilities. The department adopts by reference the text of WAC 197-10-535, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-535, filed 8/3/78. Formerly WAC 308-200-535.]

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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 308-210 WAC MENTAL HEALTH COUNSELORS

WAC

308-210-010	Definitions.
308-210-020	Approved schools.
308-210-030	Examination waiver eligibility.

308-210-040	Examination for certified mental health counselors.
308-210-045	Mental health counselors—Professional experience requirement prior to examination for certification.
308-210-046	Applicants with graduate degree by January 26, 1989.
308-210-050	Mental health counselors—Education requirement prior to examination for certification.
308-210-080	General provisions.
308-210-090	Mandatory reporting.
308-210-100	Health care institutions.
308-210-110	Mental health counselor associations or societies.
308-210-120	Health care service contractors and disability insurance carriers.
308-210-130	Professional liability carriers.
308-210-140	Courts.
308-210-150	State and federal agencies.
308-210-160	Cooperation with investigation.
308-210-200	AIDS prevention and information education requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-210-060	National certification equivalent to Washington state certification. [Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-060, filed 5/11/88.] Repealed by 89-14-071 (Order PM 841), filed 6/30/89. Statutory Authority: RCW 18.19.120.
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WAC 308-210-010 Definitions. (1) "Wellness model" is defined as focusing on a client's inherent strengths rather than pathology or restrictions on the clientele to be treated. "Wellness model" is an attitudinal rather than methodological intention.

(2) "Postgraduate supervision" is defined as consisting of a total of one hundred documented hours of individual face-to-face case consultation with an approved supervisor, with no more than six hours per month to be allowed to accrue toward the total.

(3) "Postgraduate professional experience" is defined as consisting of face-to-face counseling service with an individual or with a group of individuals for at least fifty percent of counseling service hours per week for a full-time or part-time employee. The total number of counseling hours is two thousand or more documented hours accumulated over a minimum of twenty-four months but not more than forty-eight months.

(4) "Counseling practicum" is defined as mental health counseling that is supervised as a part of a course.

(5) "Counseling internship" is defined as supervised mental health counseling performed through counseling field placement.

(6) "Approved supervisor" shall include a certified mental health counselor, licensed psychologist, licensed psychiatrist, or other mental health care provider who meets or exceeds the requirements of certified mental health counselor; provided, the supervisor is not a blood or legal relative or cohabitant of the supervisee.

(7) "Related field" is defined as counseling, psychology, social work, nursing, education, or social sciences.

[Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-010, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-010, filed 5/11/88.]

WAC 308-210-020 Approved schools. Approved schools are those colleges or universities which were accredited by Western Association of Schools and Colleges, Northwest Association of Schools and Colleges, or an essentially equivalent national or regional accrediting body recognized by the council on postsecondary accreditation at the time the applicant completed the required education.

[Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-020, filed 5/11/88.]

WAC 308-210-030 Examination waiver eligibility. In order to apply for certification without examination, an applicant must have submitted a written intent to become certified or have become registered by July 26, 1988. All education, experience, and supervision requirements must have been met by July 26, 1988.

(1) Graduate degree applicants.

(a) Graduate degree applicants must have a master's or doctoral degree in mental health counseling or in psychology, social work, nursing, education, or social sciences which includes the substantial equivalent in subject content to a graduate mental health counseling degree as defined in WAC 308-210-050; and

(b) Postgraduate professional experience and postgraduate supervision.

(2) Alternative training and experience equivalent applicants.

(a) Alternative training and experience equivalent applicants must have a minimum of a bachelor's degree in counseling, psychology, social work, nursing, education, or social sciences from a regionally accredited institution; and

(b) At least five years of documented experience employed in a mental health setting with two thousand hours of supervised face-to-face counseling; or

(c) A combination of supervised and unsupervised face-to-face counseling where two and one-half hours without supervision may be considered as replacement for one hour with supervision.

(3) Persons applying for certification as a mental health counselor during the initial certification period shall meet the requirement for supervised practice or shall be required to pass the certification examination.

[Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-030, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-030, filed 5/11/88.]

WAC 308-210-040 Examination for certified mental health counselors. (1) A written, multiple-choice certification examination on knowledge and application of mental health counseling will be administered at least once a year. Applications must be submitted at least ninety days prior to the examination date.

(2) Applicants who successfully complete and pass the National Board of Certified Counselors (NBCC) certification examination have met the examination requirement of RCW 18.19.120. Verification of successful completion and passage of the NBCC certification examination is to be provided directly to the department of

licensing by the NBCC at the request of the applicant for Washington state certified mental health counselor.

(3) Applicants who successfully complete and pass the National Academy of Certified Clinical Mental Health Counselors (NACCMHC) certification examination have met the examination requirement of RCW 18.19.120. Verification of successful completion and passage of the NACCMHC certification examination is to be provided directly to the department of licensing by the NACCMHC at the request of the applicant for Washington state certified mental health counselor.

[Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-040, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-040, filed 5/11/88.]

WAC 308-210-045 Mental health counselors—Professional experience requirement prior to examination for certification. (1) To meet the postgraduate professional experience and supervision requirements provided in RCW 18.19.120(1) an applicant with a master's or doctoral degree in mental health counseling or related field from a regionally accredited college or university must have accumulated:

(a) Twenty-four months of postgraduate professional experience as defined in WAC 308-210-010(3); and

(b) Postgraduate supervision as defined in WAC 308-210-010(2).

(2) To meet the postgraduate professional experience and supervision requirements provided in RCW 18.19.120(1) an applicant who has successfully completed at least thirty graduate semester hours or forty-five graduate quarter hours in the field of mental health counseling or the substantial equivalent in subject content as described in WAC 308-210-050(2) must have accumulated:

(a) Twenty-four months of professional experience as described in WAC 308-210-010(3), accumulated after obtaining a bachelor's degree and the required graduate hours; and

(b) Supervision as defined in WAC 308-210-010(2) which has been provided after obtaining a bachelor's degree and the required graduate hours.

[Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-045, filed 6/30/89.]

WAC 308-210-046 Applicants with graduate degree by January 26, 1989. Applicants who have completed a master's or doctoral degree program in mental health counseling or a related field from a regionally accredited college or university by January 26, 1989, may qualify for examination without the postgraduate professional experience or postgraduate supervision required by WAC 308-210-045.

[Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-046, filed 6/30/89.]

WAC 308-210-050 Mental health counselors—Education requirement prior to examination for certification. (1) To meet the education requirement imposed by RCW 18.19.120, an applicant must possess:

(a) A master's or doctoral degree in mental health counseling or related field from a regionally accredited college or university; or

(b) Have successfully completed at least thirty graduate semester hours or forty-five graduate quarter hours in the field of mental health counseling or the substantial equivalent in subject content.

(2) Subject content includes a core of study relating to counseling theories, counseling philosophy, counseling practicum, counseling internship, and should incorporate content in professional ethics and law and shall include at least five content areas (a) through (h) of this subsection and at least two additional content areas from the entire list:

(a) Assessment/diagnosis.

(b) Career development counseling.

(c) Counseling individuals.

(d) Counseling groups.

(e) Counseling couples and families.

(f) Developmental psychology (may be child, adolescent, adult or life span).

(g) Abnormal psychology/psychopathology.

(h) Research and evaluation.

(i) Multicultural concerns.

(j) Substance/chemical abuse.

(k) Physiological psychology.

(l) Organizational psychology.

(m) Mental health consultation.

(n) Developmentally disabled persons.

(o) Abusive relationships.

(p) Chronically mentally ill.

[Statutory Authority: RCW 18.19.120. 89-14-071 (Order PM 841), § 308-210-050, filed 6/30/89. Statutory Authority: RCW 18.19.050. 88-11-025 (Order PM 730), § 308-210-050, filed 5/11/88.]

WAC 308-210-080 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Mental health counselor" means a person certified pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled mental health counselor" means a mental health counselor who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice mental health counseling with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-080, filed 6/30/89.]

WAC 308-210-090 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone number of the certified mental health counselor being reported.

(c) The case number of any client/patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-090, filed 6/30/89.]

WAC 308-210-100 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any certified mental health counselor's services are terminated or are restricted based upon a determination that the certified mental health counselor has committed an act which may constitute unprofessional conduct or that the certified mental health counselor may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-100, filed 6/30/89.]

WAC 308-210-110 Mental health counselor associations or societies. The president or chief executive officer of any mental health counselor association or society within this state shall report to the department when the association or society determines that a certified mental health counselor has committed unprofessional conduct or that a certified mental health counselor may not be able to practice mental health counseling with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate

holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-110, filed 6/30/89.]

WAC 308-210-120 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a certified mental health counselor has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-120, filed 6/30/89.]

WAC 308-210-130 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to certified mental health counselors shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured certified mental health counselor's incompetency or negligence in the practice of mental health counseling. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the mental health counselor's alleged incompetence or negligence in the practice of mental health counseling.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-130, filed 6/30/89.]

WAC 308-210-140 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified mental health counselors, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-140, filed 6/30/89.]

WAC 308-210-150 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a certified mental health counselor is employed to provide patient/client care services, to report to the department whenever such a certified mental health counselor has been judged to have demonstrated his/her incompetency or negligence in the practice of mental health counseling, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled certified mental health counselor. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-150, filed 6/30/89.]

WAC 308-210-160 Cooperation with investigation. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is

acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-210-160, filed 6/30/89.]

WAC 308-210-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-210-200, filed 11/2/88.]

Chapter 308-220 WAC MARRIAGE AND FAMILY THERAPISTS

WAC

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WAC 308-220-010 Definitions. Definitions within the meaning of this chapter as pertains to the certification of marriage and family therapists.

(1) "Shows evidence" is defined as the official transcript sent directly to the department of licensing by the approved college or university to include course catalogs and syllabi if requested by the department.

(2) "Approved school" and "approved graduate school" both mean any regionally accredited college or university.

(3) "Marriage and family assessment" includes the evaluation and diagnosis of individual, marital, family functioning, and psychopathology.

(4) "Treatment" is a process that is derived from a systemic or interactional theoretical orientation where psychotherapy is employed to improve the individual, marital, and family functioning.

[Statutory Authority: RCW 18.19.050, 89-04-003 (Order PM 817), § 308-220-010, filed 1/19/89; 88-11-079 (Order PM 729), § 308-220-010, filed 5/18/88.]

WAC 308-220-020 Examination. Examinations will be given at least once annually as determined by the director. Applications must be complete and submitted at least ninety days in advance.

[Statutory Authority: RCW 18.19.050, 88-11-079 (Order PM 729), § 308-220-020, filed 5/18/88.]

WAC 308-220-030 Degree equivalents. The following are considered to establish equivalence to a master's or doctoral degree in marriage and family therapy from an approved school or an approved graduate school:

(1) A doctoral or master's degree in any of the behavioral sciences that shows evidence of fulfillment of the coursework requirements set out in WAC 308-220-040;

(2) A doctoral or master's degree in any of the behavioral sciences that shows evidence of partial fulfillment of the equivalent coursework requirements set out in WAC 308-220-040, plus supplemental coursework from either an AAMFT accredited postgraduate institution or from a regionally accredited college or university to satisfy the remaining equivalent coursework requirements set out in WAC 308-220-040; or

(3) A doctoral or master's degree in any of the behavioral sciences and proof of meeting requirements for receiving AAMFT clinical membership.

[Statutory Authority: RCW 18.19.050, 89-04-003 (Order PM 817), § 308-220-030, filed 1/19/89; 88-11-079 (Order PM 729), § 308-220-030, filed 5/18/88.]

WAC 308-220-040 Program equivalency. The equivalent course of graduate study shall include courses in marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, research, professional ethics and law, supervised clinical practice and electives. A total of forty-five semester hours and sixty quarter hours are required in all nine areas of study. A minimum of twenty-seven semester hours or thirty-six quarter hours are required in the first five areas of study: Marital and family systems, marital and family therapy, individual development psychopathology, human sexuality, and research. Distribution follows below:

(1) Marital and family systems.

(a) An applicant must take from two to four courses in marital and family systems. Course hours required are a minimum of six to twelve semester hours or eight to sixteen quarter hours.

(b) Marital and family systems is a fundamental introduction to the systems approach to intervention. The

student should learn to think in systems terms on a number of levels across a wide variety of family structures, and regarding a diverse range of presenting problems. While the most intense focus may be on the nuclear family (in both its traditional and alternative forms), models should be taught which integrate information regarding the marital, sibling, and individual subsystems, as well as the family of origin and external societal influences. Developmental aspects of family functioning should also be considered of the family system, it also provides a theoretical basis for treatment strategy. Some material may be drawn from familiar sources such as family sociology, but it should be integrated with recent clinically-oriented systems concepts. Supplemental studies may include family simulation, the observation of well families, and study of the student's family of origin.

(2) Marital and family therapy.

(a) An applicant must take from two to four courses in marital and family therapy. Course hours required are a minimum of two to four semester hours or three to six quarter hours.

(b) Marital and family therapy is intended to provide a substantive understanding of the major theories of systems change and the applied practices evolving from each orientation. Major theoretical approaches to be surveyed might include strategic, structural, experiential, neoanalytical (e.g., object relations), communications, and behavioral. Applied studies should consider the range of technique associated with each orientation, as well as a variety of treatment structures, including individual, concurrent, collaborative, conjoint marital, marital group, transgenerational, and network therapies.

(3) Individual development.

(a) An applicant must take one course in individual development. Course hours required are a minimum of two to four semester hours or three to six quarter hours.

(b) A course in this area is intended to provide a knowledge of individual personality development and its normal and abnormal manifestations. The student should have relevant coursework in human development across the life span, and in personality theory. An attempt should be made to integrate this material with systems concepts. Several of the courses in this category may be required as prerequisites for some degree programs.

(4) Psychopathology.

(a) An applicant must take one course in psychopathology. Course hours required are a minimum of two to four semester hours and three to six quarter hours.

(b) Psychopathology is the assessment and diagnosis including familiarity with current diagnostic nomenclature, diagnostic categories and the development of treatment strategies.

(5) Human sexuality.

(a) An applicant must take one course in human sexuality. Course hours required are a minimum of two to four semester hours and three to six quarter hours.

(b) Human sexuality includes normal psycho-sexual development, sexual functioning and its physiological aspects and sexual dysfunction and its treatment.

(6) Research.

(a) An applicant must take one course in research methods. Course hours required are a minimum of three semester hours and four quarter hours.

(b) The research area is intended to provide assistance to students in becoming informed consumers of research in the marital and family therapy field. Familiarity with substantive findings, together with the ability to make critical judgments as to the adequacy of research reports, is expected.

(7) Professional ethics and law.

(a) An applicant must take one course in professional ethics and law. Course hours required are a minimum of three semester hours and four quarter hours.

(b) This area is intended to contribute to the development of a professional attitude and identity. Areas of study will include professional socialization and the role of the professional organization, licensure or certification legislation, legal responsibilities and liabilities, ethics and family law, confidentiality, independent practice and interprofessional cooperation.

(8) Supervised clinical practice.

(a) An applicant must have a minimum of one year of supervised clinical practice in marriage and family therapy under the supervision of a qualified marriage and family therapist. Course hours required are a minimum of nine semester hours and twelve quarter hours.

(b) A minimum of five hundred hours of direct contact is required during graduate school. The student shall be involved in direct systemic/interactional clinical work with individuals, couples, and families. This work will continue without interruption for the balance of the student's academic program or at least one calendar year. A total of five hundred direct clinical hours shall be spread evenly throughout the calendar year with a minimum of one hundred hours of supervision (a minimum of fifty group hours and a minimum of fifty individuals).

(c) Applicants who have completed master's programs accredited by the AAMFT commission of accreditation will have met the five hundred hours of direct contact required during graduate school.

(9) Electives.

(a) An individual must take one course in an elective area. Course hours required are a minimum of three semester hours and four quarter hours.

(b) This area will vary with different institutions but is intended to provide supplemental and/or specialized supporting areas.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-040, filed 5/18/88.]

WAC 308-220-050 Supervision. Supervision means the oversight and responsibility for the supervisee's continuing clinical practice of marriage and family therapy for a minimum of one hour every other week. Supervision of marriage and family therapy is expected to have the following characteristics:

(1) It is face-to-face conversations with the supervisor, usually in periods of approximately one hour each.

(2) Marriage and family therapy supervision focuses on the raw data from a supervisee's continuing practice, as this is made directly available to the supervisor through such means as direct observation, cotherapy, written clinical notes and audio and video recordings.

(3) Marriage and family therapy supervision is a process clearly distinguishable from (if in some ways similar to) personal psychotherapy and is contracted in order to serve professional/vocational goals.

(4) Supervision from a family member is not acceptable.

(5) Peer supervision, a contradiction in terms, is not acceptable. Activities between clinical peers are not applicable for credit toward supervision.

(6) In order for a supervisee to receive credit, supervision may be done in a group of no more than six supervisees plus their supervisors for group credit and of no more than two supervisees for individual credit.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-050, filed 5/18/88.]

WAC 308-220-060 Supervisor qualifications. Marriage and family therapists qualified to supervise are those that document at least three years of post certification experience to include at least one year of experience in the provision of marriage and family therapy supervision. Documentation shall consist of two letters verifying supervision experience and sent directly to the department of licensing from an agency director, supervisor or certified family therapist, or:

Marital and family therapists certified prior to July 27, 1988, and who have three years of documented marital and family therapy practice, prior to July 27, 1988, will be recognized as a qualified supervisor, or:

An American Association of Marriage and Family Therapy approved supervisor.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-060, filed 5/18/88.]

WAC 308-220-070 Supervised postgraduate practice. Two years of supervised postgraduate practice is required to be eligible for certification examination. The two years would include at least two hundred hours of supervision with at least one hundred of the two hundred hours to be individual supervision. The two hundred hours of supervised practice represents one thousand hours of direct client contact.

Applicants who have completed a master's program accredited by the AAMFT commission on accreditation may be credited with one hundred hours of supervision toward the two hundred hour supervision requirement.

[Statutory Authority: RCW 18.19.050. 88-11-079 (Order PM 729), § 308-220-070, filed 5/18/88.]

WAC 308-220-090 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Marriage and family therapist" means a person certified pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled marriage and family therapist" means a marriage and family therapist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice marriage and family counseling with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-090, filed 6/30/89.]

WAC 308-220-100 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the certified marriage and family therapist being reported.

(c) The case number of any client/patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-100, filed 6/30/89.]

WAC 308-220-110 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any

certified marriage and family therapist's services are terminated or are restricted based upon a determination that the certified marriage and family therapist has committed an act which may constitute unprofessional conduct or that the certified marriage and family therapist may be unable to practice with reasonable skill or safety to clients by reason of any mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-110, filed 6/30/89.]

WAC 308-220-120 Marriage and family therapist associations or societies. The president or chief executive officer of any marriage and family therapist association or society within this state shall report to the department when the association or society determines that a certified marriage and family therapist has committed unprofessional conduct or that a certified marriage and family therapist may not be able to practice marriage and family therapy with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the holder of the certificate appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-120, filed 6/30/89.]

WAC 308-220-130 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a certified marriage and family therapist has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-130, filed 6/30/89.]

WAC 308-220-140 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to certified marriage and family therapists shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured certified marriage and family therapist's incompetency or negligence in the practice of marriage and family therapy. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the marriage and family therapist's alleged incompetence or negligence.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-140, filed 6/30/89.]

WAC 308-220-150 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments

and all convictions of certified marriage and family therapists, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-150, filed 6/30/89.]

WAC 308-220-160 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a certified marriage and family therapist is employed to provide client care services, to report to the department whenever such a certified marriage and family therapist has been judged to have demonstrated his/her incompetency or negligence in the practice of marriage and family therapy, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled certified marriage and family therapist. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-160, filed 6/30/89.]

WAC 308-220-170 Cooperation with investigation.

(1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee, certificant, or registrant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-220-170, filed 6/30/89.]

WAC 308-220-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor

department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270. 88-22-077 (Order PM 786), § 308-220-200, filed 11/2/88.]

**Chapter 308-230 WAC
SOCIAL WORKERS**

WAC

308-230-010 Accredited programs.
308-230-020 Examination required.
308-230-030 Education and supervision equivalency.

308-230-040	Supervision requirements.
308-230-050	Certification of persons credentialed out-of-state.
308-230-060	General provisions.
308-230-070	Mandatory reporting.
308-230-080	Health care institutions.
308-230-090	Social worker associations or societies.
308-230-100	Health care service contractors and disability insurance carriers.
308-230-110	Professional liability carriers.
308-230-120	Courts.
308-230-130	State and federal agencies.
308-230-140	Cooperation with investigation.
308-230-200	AIDS prevention and information education requirements.

WAC 308-230-010 Accredited programs. Accredited graduate school of social work as provided in RCW 18.19.110, means a program accredited by the council of social work education. Program equivalency includes:

- (1) Canadian graduate schools of social work that are approved by the Canadian council of social work; and
- (2) Foreign curriculum which meets the requirements of the foreign equivalency determining service of the council on social work education. Obtaining such equivalency approval is the applicant's responsibility.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-010, filed 5/18/88.]

WAC 308-230-020 Examination required. The American Association of State Social Work Board's level C examination is approved for use as the state examination for certification of social workers.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-020, filed 5/18/88.]

WAC 308-230-030 Education and supervision equivalency. Anyone with current Academy of Certified Social Workers (ACSW) status and proof of forty-five hours of master of social work supervision as provided in WAC 308-230-040(2) is considered to have met the education and supervision requirements for Washington state certification. Documentation of ACSW status for Washington state residents must be verified from the National Association of Social Workers (NASW). Verification must be sent directly to the department of licensing from the national office of NASW or any state chapter office of NASW.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-030, filed 5/18/88.]

WAC 308-230-040 Supervision requirements. Three thousand two hundred hours of supervised social work practice is required.

(1) Within that practice, ninety hours of formal meetings with the supervisor to discuss social work practice related issues shall occur.

(2) Of the ninety hours, at least forty-five hours must be under the supervision of a person who is either a Washington state certified social worker, ACSW or social worker who can demonstrate equal qualifications to those required by the department. No more than forty-five hours may be under the supervision of a professional registered or licensed in the following categories: Psychiatrists, psychologists, psychiatric nurses, mental

health counselors and marriage and family therapists; or a mental health professional from the above list who can demonstrate equal qualifications as required by the department.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-040, filed 5/18/88.]

WAC 308-230-050 Certification of persons credentialed out-of-state. Substantially equal, as referenced in RCW 18.19.160 means having the same qualifications as required by Washington state statute and rules. Certification of persons credentialed out-of-state through grandfathering provisions whereby proof of education, supervised practice experience, and/or examination was not required, is not considered substantially equal.

[Statutory Authority: RCW 18.19.050. 88-11-078 (Order PM 727), § 308-230-050, filed 5/18/88.]

WAC 308-230-060 General provisions. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.

(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.

(4) "Department" means the department of licensing, whose address is:

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

(5) "Social worker" means a person licensed pursuant to chapter 18.19 RCW.

(6) "Mentally or physically disabled social worker" means a social worker who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice social work with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-060, filed 6/30/89.]

WAC 308-230-070 Mandatory reporting. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the certified social worker being reported.

(c) The case number of any patient/client whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-070, filed 6/30/89.]

WAC 308-230-080 Health care institutions. The chief administrator or executive officer or their designee of any hospital or nursing home or alcohol treatment agency as defined in chapters 70.96 and 70.96A RCW, drug treatment agency as defined in chapter 69.54 RCW, and public and private mental health treatment agencies as defined in RCW 71.05.020 (6) and (7), and 71.24.025(3), shall report to the department when any certified social worker's services are terminated or are restricted based upon a determination that the certified social worker has committed an act which may constitute unprofessional conduct or that the social worker may be unable to practice with reasonable skill or safety to clients by reason of a mental or physical condition.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-080, filed 6/30/89.]

WAC 308-230-090 Social worker associations or societies. The president or chief executive officer of any social worker association or society within this state shall report to the department when the association or society determines that a certified social worker has committed unprofessional conduct or that a certified social worker may not be able to practice social work with reasonable skill and safety to clients as the result of any mental or physical condition. The report required by this section shall be made without regard to whether the certificate holder appeals, accepts, or acts upon the determination made by the association or society. Notification of appeal shall be included.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-090, filed 6/30/89.]

WAC 308-230-100 Health care service contractors and disability insurance carriers. The executive officer of every health care service contractor and disability insurer, licensed under chapters 48.20, 48.21, 48.21A, and 48.44 RCW, operating in the state of Washington shall report to the department all final determinations that a certified social worker has engaged in fraud in billing for services.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-100, filed 6/30/89.]

WAC 308-230-110 Professional liability carriers. Every institution or organization providing professional liability insurance directly or indirectly to certified social workers shall send a complete report to the department of any malpractice settlement, award, or payment in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured certified social worker's incompetency or negligence in the practice of social work. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a twelve-month period as a result of the social worker's alleged incompetence or negligence.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-110, filed 6/30/89.]

WAC 308-230-120 Courts. The department requests the assistance of the clerk of trial courts within the state to report all professional malpractice judgments and all convictions of certified social workers, other than minor traffic violations.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-120, filed 6/30/89.]

WAC 308-230-130 State and federal agencies. The department requests the assistance of executive officers of any state or federal program operating in the state of Washington, under which a certified social worker is employed to provide client care services, to report to the department whenever such a certified social worker has been judged to have demonstrated his/her incompetency or negligence in the practice of social work, or has otherwise committed unprofessional conduct, or is a mentally or physically disabled certified social worker. These requirements do not supersede any federal or state law.

[Statutory Authority: RCW 18.130.070. 89-14-092 (Order PM 842), § 308-230-130, filed 6/30/89.]

WAC 308-230-140 Cooperation with investigation.

(1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the director or the director's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the director's designee. Settlements are not considered final until the director signs the settlement agreement.

[Statutory Authority: RCW 18.130.070, 89-14-092 (Order PM 842), § 308-230-140, filed 6/30/89.]

WAC 308-230-200 AIDS prevention and information education requirements. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4).

(3) 1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

(ii) Keep records for two years documenting attendance and description of the learning;

(iii) Be prepared to validate, through submission of these records, that attendance has taken place.

[Statutory Authority: RCW 70.24.270, 88-22-077 (Order PM 786), § 308-230-200, filed 11/2/88.]

Chapter 308-250 WAC

TRIPPLICATE PRESCRIPTION FORM PROGRAM

WAC

308-250-010	Scope and purpose of chapter.
308-250-020	Official triplicate prescription forms.
308-250-030	Distribution and retention of the triplicate prescription forms.
308-250-040	Drugs administered or dispensed by the health care practitioner.
308-250-050	Emergency prescriptions.

WAC 308-250-010 Scope and purpose of chapter. This chapter is intended to implement RCW 69.50.311. The purpose of this chapter is to establish a triplicate prescription program participation which may be imposed by the appropriate disciplinary authority upon licensed health care practitioners with prescription or dispensing authority. Participation in this triplicate prescription program may be required of licensees as a part of disciplinary action or board-supervision of the licensee's practice. The determination as to whether to impose participation in this program upon a licensee shall be within the sole discretion of the disciplinary authority.

[Statutory Authority: RCW 69.50.311, 86-10-036 (Order 197), § 308-250-010, filed 5/5/86.]

WAC 308-250-020 Official triplicate prescription forms. Any licensed health care practitioner upon whom participation in the triplicate prescription form program is imposed shall obtain official triplicate prescription forms from the Washington state department of licensing. The practitioner shall pay a fee for these forms that is equal to the cost to the department of the forms. The official triplicate prescriptions forms shall be utilized by the practitioner with respect to the drug or drugs specified by the disciplinary authority. The official triplicate prescriptions forms utilized in this program will be sequentially numbered. The practitioner shall account for all numbered prescriptions provided to him or her.

[Statutory Authority: RCW 69.50.311, 86-10-036 (Order 197), § 308-250-020, filed 5/5/86.]

WAC 308-250-030 Distribution and retention of the triplicate prescription forms. The triplicate prescriptions utilized pursuant to this program shall be retained as follows:

(1) The original prescription shall be provided to the patient unless the drug is dispensed or administered to

the patient by the practitioner, or if an emergency prescription is issued. In instances where the drug is dispensed or administered, the provisions of WAC 308-250-040 shall apply. In the case of an emergency prescription, the provisions of WAC 308-250-050 shall apply;

(2) One copy shall be transmitted to the department. These copies shall be transmitted to the department monthly unless otherwise directed by the disciplinary authority;

(3) One copy shall be retained by the health care practitioner and shall be available for inspection by an authorized representative of the department.

(4) Any official triplicate prescription forms improperly completed, damaged or otherwise not utilized shall be accounted for by the practitioner. An explanation and accounting for the forms not properly utilized, along with any improperly completed or damaged triplicate prescriptions forms shall be returned to the department along with the other copies to be submitted pursuant to this rule.

[Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-030, filed 5/5/86.]

WAC 308-250-040 Drugs administered or dispensed by the health care practitioner. A health care practitioner participating in the triplicate prescription program shall complete a prescription form for all drugs specified by the disciplinary authority. If the drugs are administered or dispensed to the patient, the original shall be transmitted to the department along with the copy as required by WAC 308-250-030.

[Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-040, filed 5/5/86.]

WAC 308-250-050 Emergency prescriptions. In an emergency, unless prohibited by the order of the disciplinary authority, a practitioner participating in this program may orally prescribe and a pharmacist may dispense a drug specified by the disciplinary authority to be included in the triplicate prescription program. For the purposes of this rule, "emergency" means that the immediate provision of the drug is necessary for proper treatment, that no alternative treatment is available and it is not possible for the practitioner to provide a written prescription for the drug. If such a drug is orally prescribed, the practitioner shall:

(1) Contemporaneously reduce the prescription to writing;

(2) Cause the original of the written prescription to be delivered to the pharmacy filling the prescription within 72 hours; and,

(3) Retain and transmit copies of the prescription as provided in WAC 308-250-030.

[Statutory Authority: RCW 69.50.311. 86-10-036 (Order 197), § 308-250-050, filed 5/5/86.]

Chapter 308-300 WAC
CONSOLIDATED LICENSING SYSTEM FOR
GROCERY RELATED BUSINESS

WAC

308-300-010	Declaration of purpose and authority.
308-300-020	Definitions.
308-300-030	Licenses which are included on the master license.
308-300-040	Businesses covered.
308-300-050	Qualified applicants.
308-300-060	Participation.
308-300-070	Authority to prepare forms.
308-300-080	Procedures for obtaining master application.
308-300-090	Transfer of master license.
308-300-100	Notification of changes.
308-300-110	Issuance of master license.
308-300-120	Assignment of renewal schedules.
308-300-130	Renewal notices and procedures.
308-300-140	Renewal of licenses.
308-300-150	Voiding notices and procedures.
308-300-160	Total fee payable—Handling of fees.
308-300-170	Prorating of fees.
308-300-180	Late filing procedures.
308-300-190	Posting.
308-300-200	Misuse 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.
308-300-310	Fee for whitewater river for-hire registration.

WAC 308-300-010 Declaration of purpose and authority. This chapter is enacted to implement chapter 19.02 RCW the Business License Center Act, chapter 319, Laws of 1977 ex. sess., wherein the department of licensing has been directed to establish a consolidated master license system for businesses in the state. It is the belief of the department of licensing that the passage of the Business License Center Act by the legislature has, in certain instances, expressly and by implication amended, repealed or otherwise modified existing statutes and rules in those areas addressed by the act.

Therefore, the following rules are promulgated and published pursuant to the authority granted by sections 3(6) and 6 of the Business License Center Act RCW 19.02.030(6) and 19.02.060 to interpret for affected businesses and state agencies the process by which the licenses, permits, registrations, certificates, and other forms of licensing authorization referred to in this chapter of the regulations are to be administered by the department of licensing.

The department of licensing hereby phases the grocery related consolidated licensing program heretofore operated by the department of commerce and economic development into the department of licensing division entitled the business license center, to further the purposes of the Business License Center Act.

[Order 476-DOL, § 308-300-010, filed 12/30/77.]

WAC 308-300-020 Definitions. The following definitions apply to use of these terms in relation to the Business License Center Act.

(1) "Act" means the Business License Center Act, RCW 19.02, chapter 319, Laws of 1977 ex. sess.

(2) "Agencies" means all state agencies having jurisdiction over businesses covered under this act.

(3) "BLC" means the business license center.

(4) "Business" means any business covered under the terms of this chapter (see WAC 308-300-040).

(5) "Chapter" means this chapter of the administrative code.

(6) "Department" means the department of licensing.

(7) "Grant" means to authorize or approve the issuance of an individual license and granted individual license stickers to businesses covered by this chapter.

(8) "Individual License" means any of the licenses, registrations, permits, certificates or other forms of authorization covered under this chapter (see WAC 308-300-040).

(9) "Issue" means to process fees and applications and transmit master licenses.

(10) "Master application" means a document incorporating pertinent data from existing applications for licenses covered under this chapter.

(11) "Master license" means the single document to be issued by the department of licensing incorporating all individual licenses approved for a business covered under this chapter.

(12) "Person" means any individual, partnership, cooperative, or private corporation, attempting to establish a grocery operation in a new location, or seeking to continue an existing grocery operation.

(13) "Station" means any of the department's driver license examining stations located throughout the state.

(14) "Standard industrial classification (SIC)" is a system for classifying establishments by activity, prepared by the United States Office of Statistical Standards.

(15) "Supplemental license" means a license which is part of the master license issued after a master license has been issued to a business covered by this chapter.

(16) "Unique identifier" is a designation assigned to each master license by which the person licenses [licensed], and the individual licenses issued, may be identified.

[Order 476-DOL, § 308-300-020, filed 12/30/77.]

WAC 308-300-030 Licenses which are included on the master license. The following registrations, licenses and permits as required for those businesses in WAC 308-300-040 shall be included within this chapter:

Registration	Dept. of Revenue
Corporate License (renewal only)	Secretary of State
Corporate Annual Report	Secretary of State
*Registration for Industrial Insurance	Dept. of Labor and Industries
Registration for Unemployment Insurance	Dept. of Employment Security
Permit to Employ Minors	Dept. of Labor and Industries
Cigarette Dealer License	Dept. of Revenue
Cigarette Dealer Vending Machine License	Dept. of Revenue
Nursery License	Dept. of Agriculture
Egg Dealer License	Dept. of Agriculture
Seed Dealer License	Dept. of Agriculture
Bakery and Bakery Distributor's License	Dept. of Agriculture

[Title 308 WAC—p 452]

Pesticide Dealer License
Refrigerated Locker License
**Class E Beer License
**Class F Wine License
Furniture and Bedding Certificate
Shopkeepers License

Dept. of Agriculture
Dept. of Agriculture
Liquor Control Board
Liquor Control Board
Dept. of Social and Health Services
Board of Pharmacy

*If risk classification of industrial insurance other than those required of businesses within SIC group 54 is involved, the applicant must apply directly to the department of labor and industries.

**If A, B, C, or D classes of liquor licenses are required in combination with Class E and/or F licenses, the E and F license(s) shall not be available under this program and the applicant must apply directly to the liquor control board.

[Statutory Authority: RCW 19.02.030(6), 79-01-088 (Order 524-DOL), § 308-300-030, filed 1/3/79; Order 476-DOL, § 308-300-030, filed 12/30/77.]

WAC 308-300-040 Businesses covered. The following businesses shall be covered within this chapter:

(1) Any retail business engaged in the sale of food products (except those businesses selling exclusively fully prepared meals), beverages, and common household goods. Specifically, this will include those businesses classified under SIC group 54 which includes:

Supermarkets, food stores, grocery stores
Delicatessens
Retail coffee, tea, or spice stores
Fruit and/or vegetable stores or stands
Candy, confectionery and/or nut stands
Retail dairy product stores
Retail bakeries
Dietetic food stores
Health food stores
Vitamin food stores
Retail egg and poultry dealers

(2) Businesses owning and servicing vending machines dispensing food products, beverages, or common household goods.

(3) Other retail businesses engaged in the sale of food products (except businesses exclusively selling fully prepared meals), beverages, and common household goods along with other products and/or services. These businesses are covered to the extent of their grocery-related activities (i.e., those licenses referenced in WAC 308-300-030).

(4) This section does not include door-to-door salespersons.

[Order 476-DOL, § 308-300-040, filed 12/30/77.]

WAC 308-300-050 Qualified applicants. Any person requiring a license or other form of authorization for businesses in WAC 308-300-040 shall apply for a master license. A person wishing to do business as a corporation must be duly registered and in good standing with the secretary of state. Prior to issuance of a master license the department will verify corporate status.

[Order 476-DOL, § 308-300-050, filed 12/30/77.]

WAC 308-300-060 Participation. No agency will issue licenses directly to any business within the scope of WAC 308-300-040. It shall be the responsibility of

each agency to direct any persons covered by this program to the business license center and to the provisions for licensing herein which must be followed to lawfully engage in the business covered by this chapter.

[Order 476-DOL, § 308-300-060, filed 12/30/77.]

WAC 308-300-070 Authority to prepare forms. The department shall prepare a master application, master license and other forms as required to implement this act. Revisions will be made as appropriate.

[Order 476-DOL, § 308-300-070, filed 12/30/77.]

WAC 308-300-080 Procedures for obtaining master application. (1) Master application forms, along with appropriate written instructions, will be available at the business license center in the department of licensing, Olympia, Washington. Application forms will also be available at such other locations as the director in the director's discretion elects.

(2) All completed application forms, along with appropriate fees, shall be returned to the business license center. Inquiries concerning the master application form will be directed to the business license center.

Business License Center
Department of Licensing
Highways-Licenses Building
Olympia, Washington 98504.

[Order 476-DOL, § 308-300-080, filed 12/30/77.]

WAC 308-300-090 Transfer of master license. Transfer of the master license, including each license held thereunder, is prohibited, except as specifically provided below.

Persons obtaining such businesses, or interests in such businesses, as require that a new master license be issued, or that any new individual license included under this chapter be issued under the rules of the subject granting agency or agencies, prior to the expiration of the then current master license must submit application for licensure themselves, together with all required fees, to the business license center and themselves receive licensure prior to operating a business. If a reduced fee is, or reduced fees are, permitted by the granting agency(ies) when licensing persons to whom a business has been transferred, or who have acquired interest in the business, those fees shall be used in computing the total fee due for such licensure.

Persons operating or conducting a business or businesses covered by this chapter without first having obtained a master license which includes such business or businesses, shall be subject to all applicable penalties for operating such business or businesses without licensure.

In the event of the proven incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of creditors, who may continue to operate the activity under the license, subject to the rules of the individual agencies.

(1989 Ed.)

[Order 476-DOL, § 308-300-090, filed 12/30/77.]

WAC 308-300-100 Notification of changes. When information filed with the business license center in, or in connection with, a master license application, or otherwise, changes, or becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in the circumstances of the licensee or applicant or any other person, since the information was filed, the applicant or licensee shall immediately notify the business license center in writing of such change or correction. Notification shall be made in advance of the change where possible, and in no event shall be received at the business license center later than thirty days following the change.

Where the rules of the granting agency require notice of a change in advance of a change, or a certain period of time in advance of the change, that requirement shall be met by the licensee.

Where changes require the approval of the granting agency before implementing the change (for example, as is often the case with a change of name or a change of location of the business), the change shall not be implemented until the licensee receives written notice of approval of the change from the state.

Where a fee is required by a granting agency in connection with the change, that fee shall be submitted with notice of the change. Such fees will be processed in the same manner as those fees received with license applications.

Where the change is of such magnitude or character as to require a new master license or a new license from any granting agency or agencies under the rules of such agency or agencies, the person or persons seeking the license shall submit a new master application, setting out the particular licenses sought, together with the total of all fees required by the granting agency for such license. See WAC 308-300-090.

[Order 476-DOL, § 308-300-100, filed 12/30/77.]

WAC 308-300-110 Issuance of master license. (1) Upon compliance with WAC 308-300-160 on payment of fees, the department will issue and mail the applicant a master license incorporating all individual licenses approved at that time. Initial coverage under this chapter will be acknowledged by issuance of a master license with individual stickers affixed for each individual license issued.

An applicant may request that no master license be issued pending approval of liquor licenses and other licenses within subsection (4) in which event the department will withhold processing of all licenses until determination of liquor licenses has been made.

(2) In those instances where a license is granted by an agency upon receipt of the application and fee payment, the department, upon approval of the appropriate agency, shall issue the license upon proper receipt of those items. This subsection applies to:

(a) Department of revenue; registration, cigarette dealer license, cigarette dealer vending machine license.

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(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 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-300-120 Assignment of renewal schedules. (1) The department shall assign to each business a common expiration date for all licenses covered by this chapter, with subsequent renewals to be made at yearly intervals thereafter. This section supersedes existing renewal schedules currently operative for all individual licenses required by businesses covered under the act.

(2) Each business shall be assigned a master license expiration date on the following schedule. Fees for such

licenses will be charged at the full annual rate, except as set forth in WAC 308-300-170(2):

(a) New applicants; last day of the month of receipt of the application.

(b) Existing business brought into the system; distributed evenly on a monthly basis throughout the year.

(c) New branches; expiration date will be adjusted as required to conform to a common date simultaneous to the majority of the applicant's business branches.

(d) Supplemental license(s); will expire on the same date as the master.

(3) The department will consider requests from applicants for exceptions to assigned renewal dates. Approval will be at the discretion of the department.

[Order 476-DOL, § 308-300-120, filed 12/30/77.]

WAC 308-300-130 Renewal notices and procedures. Renewal notices indicating fees to be paid for the licenses then held by the licensee will be mailed to the licensee approximately 45 days prior to license expiration. Applications for renewals shall be made by current licensees by providing the information requested and re-mitting required fees to the department in accordance with WAC 308-300-160. Renewal acknowledgement will be sent to the licensee by the department in the form of a renewal registration sticker to be affixed to the existing master license.

[Order 476-DOL, § 308-300-130, filed 12/30/77.]

WAC 308-300-140 Renewal of licenses. (1) Following issuance of the master license, individual licenses will be renewed and issued by the department under conditions originally imposed by the agencies unless specific instructions have been received by the department from an agency to deny or otherwise restrict a license. The department will verify corporate status with the secretary of state.

(2) It will be the responsibility of the liquor control board to initiate any special investigations sufficiently in advance of the license expiration date to be able to notify the department of appropriate actions 15 days prior to expiration. Provision will be made for the liquor control board to obtain a listing of all expiring licenses at least 60 days prior to the expiration date.

(3) The department will not issue renewals prior to 15 days before the expiration date.

(4) Following issuance of each renewal license, appropriate agencies will be notified of the licenses issued and corresponding expiration dates.

[Order 476-DOL, § 308-300-140, filed 12/30/77.]

WAC 308-300-150 Voiding notices and procedures. (1) The agencies will notify the department of any suspensions, revocations, or denials. Nothing contained herein changes the agencies' rules and regulations for determining when suspensions, revocations, or denials are required. The department will provide stickers for voiding individual licenses on the master license document. When an agency orders denial of an individual license, a voiding sticker shall be placed over the

individual license to be terminated. Voiding stickers may be handled either by mail or affixed by an inspector or enforcement officer when immediate action is necessary.

(2) When a licensee desires to delete any individual license from their master license, they shall notify the department and the department shall send the voiding stickers to be affixed to the master license by the licensee.

[Order 476-DOL, § 308-300-150, filed 12/30/77.]

WAC 308-300-160 Total fee payable--Handling of fees. (1) The total fee payable shall be the total amount of all individual license fees, late filing fees, other penalty fees, and the industrial insurance premium deposit on original application, if applicable. Payment shall be by check or money order, payable to the department of licensing at the time of application.

(2) The total fee payments in subsection (1) will be deposited within one working day of receipt by the department into an undistributed receipts account. The amount of the total fee payment attributable to the assigned initial risk classification and resulting industrial insurance premium deposit will be transferred to the account of the department of labor and industries. An itemization of the amounts received from each applicant and pertinent application information will be transmitted to the department of labor and industries.

(3) The department will distribute the fees received for individual licenses issued or renewed at least once a month to the appropriate agencies. Liquor license fees and fees received for other licenses for which the appropriate agency has withheld notification of approval or denial will be held in the undistributed receipts account of the department until those licenses are issued or denied.

(4) The master license will not be issued until the full amount of the total fee payable is collected. When the fee payment received is less than the total fee payable, the department will bill the applicant for the balance.

(5) When an individual license is denied or when an applicant withdraws an application, a refund shall be made if authorized by the appropriate agency.

[Order 476-DOL, § 308-300-160, filed 12/30/77.]

WAC 308-300-170 Prorating of fees. (1) When additional licenses are added to WAC 308-300-030 or additional businesses are added to WAC 308-300-040, or when licenses within the scope of WAC 308-300-030 and 308-300-040, referred to above are encompassed in the system for the first time there will be a prorating of fees, where necessitated by renewal dates authorized by the department. This prorating of fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and added to or subtracted from the regular annual fee. Prorating shall be based on the number of whole months between the previous expiration date and the next renewal date.

(2) Prorated fees will be made for supplemental licenses and new branch licenses based on the number of whole months to the expiration of the master license, if authorized by the appropriate agency.

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[Order 476-DOL, § 308-300-170, filed 12/30/77.]

WAC 308-300-180 Late filing procedures. A late filing penalty may be charged for licenses not renewed by the expiration date. The late filing fee shall be computed according to existing agency statutes. Agency late filing dates are superseded by the date given by the department on the master license. Penalty fees will be deposited in the department's undistributed receipts fund to be forwarded to each appropriate agency. The department shall notify the other agencies of delinquent renewals.

[Order 476-DOL, § 308-300-180, filed 12/30/77.]

WAC 308-300-190 Posting. The master license shall be posted on the licensee's premises, preferably in the office area, and shall be visible and easily accessible for inspection purposes by the agencies.

[Order 476-DOL, § 308-300-190, filed 12/30/77.]

WAC 308-300-200 Misuse of master license. Defacing, remarking, or misusing the master license in any manner, including noncompliance with official requests of the department, will expose the violator to all penalties applicable to any of the individual licenses appearing on the master license.

[Order 476-DOL, § 308-300-200, filed 12/30/77.]

WAC 308-300-210 Declaration of purpose and authority. This chapter is enacted to implement sections 1 and 3, chapter 22, Laws of 1979 1st ex. sess.; wherein the director of the department of licensing is given the duty to administer chapter 19.80 RCW and is empowered to promulgate rules and regulations.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-210, filed 9/5/79.]

WAC 308-300-220 Definitions. The following definitions apply to use of these terms in RCW 19.80.010:

(1) True and real name means:

(a) The surname of an individual coupled with one or more of his or her other names, one or more of his or her initials, or any combination thereof;

(b) The designation or appellation by which a person is best known and called in the business community where he or she transacts business, if this is used as the legal signature.

(2) Person means: Any individual or general partnership conducting, intending to conduct, or having an interest in a business in the state of Washington.

(3) Style means: As used in these rules, title or appellation of a person.

(4) Trade name, as used in these rules, means assumed name, that is:

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

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(c) Any name that includes words which suggest additional parties of interest such as "company," "and sons," "and associates."

(5) Acknowledgement, as used in these rules, is an acknowledgement as prescribed by chapter 64.08 RCW.

(6) Director means the director of the department of licensing.

(7) Department means the department of licensing.

[Statutory Authority: Chapter 19.80 RCW, 81-02-038 (Order 601-DOL), § 308-300-220, filed 1/6/81. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-220, filed 9/5/79.]

WAC 308-300-230 Required registration—Certificate of trade name. Any person or persons who conduct or intend to conduct a business under a trade name must register that name with the department. The person or all the persons conducting that business or having an interest therein shall sign and cause to have filed an acknowledged certificate of trade name with the department. The certificate of trade name shall set forth:

(1) The designation, name or style under which the business is to be conducted.

(2) The real and true name of each person conducting or intending to conduct the business, or having an interest therein, together with the mailing address and an authorized signature for each such person.

(3) Every county in the state of Washington in which the trade name or other designation, name or style is used or intended to be used to carry on, conduct or transact business.

(4) Any other information as the director may require.

(5) Acknowledgement of signature(s) by an officer authorized to take acknowledgement of deeds.

Upon receipt of a properly completed certificate of trade name and proper fee payment, the department shall register the trade name. Such registration shall remain in effect until cancelled.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-230, filed 9/5/79.]

WAC 308-300-240 Amendment or cancellation. (1) An acknowledged certificate of amendment shall be filed with the department on a form provided by the department when one of the following occurs:

(a) There is a change in the true and real name of an individual conducting or having an interest in the business for which the trade name is registered; or

(b) There is a change in the counties designated for use or intended use of the trade name; or

(c) There is a change of any mailing address set forth on the certificate of trade name.

(2) A notice of cancellation shall be filed with the department when use of a trade name is discontinued.

(3) A notice of cancellation, together with a new certificate of trade name shall be filed when:

(a) There is an addition, deletion or any change of person or persons set forth on the certificate of trade

name as those conducting or intending to conduct business under the registered trade name: *Provided*, That this subsection (3) does not apply to the legal name change of an individual for which a certificate of amendment is required under (1)(a) above;

(b) There is a change in the wording or spelling of the registered trade name.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-240, filed 9/5/79.]

WAC 308-300-250 Forms. The department shall provide forms for certificates of trade name, supplemental pages, and certificates of amendment/notice of cancellation which may be used to make the required filings and which will be available from the following:

(1) Business license center of the department of licensing;

(2) Offices of county clerks;

(3) Persons or institutions, public or private, that request forms for public distribution; and

(4) Other distribution points as the director deems appropriate.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-250, filed 9/5/79.]

WAC 308-300-260 Records—Transfer from counties to department. (1) Trade name records filed with the county clerks prior to the 1979 act, related files, and cross-referenced materials will be transferred to the department no later than October 1, 1979.

(2) Once the records are transferred, the director shall provide for preservation, storage, and access of such records.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-260, filed 9/5/79.]

WAC 308-300-270 Inspection of trade name files encouraged. Each person contemplating use of a trade name is encouraged to make or cause to make an inspection of the trade name files located in the Olympia office of the department of licensing to determine whether the proposed trade name is similar to any already registered.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-270, filed 9/5/79.]

WAC 308-300-280 Fees and refunds. (1) The department shall charge and collect:

(a) Five dollars for initial filing of certificate of trade name;

(b) Two dollars for each certificate of amendment;

(c) Twenty-five cents per page for copies of the document(s);

(d) Two dollars for each letter of certification to accompany copies of the document(s).

(2) All fees remitted to the department shall be deposited with the state treasurer to the general fund.

(3) No refund of less than five dollars shall be made except upon written request by the registrant.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-280, filed 9/5/79.]

WAC 308-300-290 Cross-referencing and public access. The department shall maintain an index of true and real names cross-referenced to trade names and an index of trade names cross-referenced to true and real names, as set forth on certificates of trade name.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-290, filed 9/5/79.]

WAC 308-300-310 Fee for whitewater river for-hire registration. The annual registration application or renewal fee for any person carrying passengers for hire on whitewater river sections in the state shall be \$12.00.

[Statutory Authority: 1986 c 217 § 11(2) and RCW 43.24.086. 86-15-037 (Order BLS 100), § 308-300-310, filed 7/15/86.]

**Chapter 308-310 WAC
NURSING POOL FEES**

WAC	
308-310-010	Nursing pool fees.
308-310-020	Registration of a nursing pool.
308-310-030	Renewal of registration.
308-310-040	Denial, suspension, or revocation of registration.

WAC 308-310-010 Nursing pool fees. The following fees shall be charged by the professional licensing division of the department of licensing.

Title	Fee
Registration application	\$ 75.00
Registration renewal	75.00
Duplicate registration	15.00

[Statutory Authority: RCW 43.24.086. 88-20-076 (Order 784), § 308-310-010, filed 10/5/88.]

WAC 308-310-020 Registration of a nursing pool.
(1) After January 1, 1989, no individual, firm, corporation, partnership or association may advertise, operate, manage, conduct, open or maintain a business providing, procuring, or referring health care personnel for temporary employment in health care facilities without first registering with the department of licensing.

(2) Applicants for nursing pool registration shall submit to the department of licensing:

- (a) A completed application for registration on forms furnished by the department;
- (b) A registration fee;
- (c) The names and addresses of the owner or owners of the nursing pool;
- (d) If the owner is a corporation:
 - (i) Copies of the articles of incorporation and current bylaws;
 - (ii) The names and addresses of officers and directors.

(3) If the applicant meets the requirements of this chapter and chapter 18.130 RCW, the department shall issue a registration which shall remain effective for a period of one year from date of issuance unless revoked or suspended pursuant to chapter 18.130 RCW, or voided pursuant to subsection (4) of this section.

(4) If the registered nursing pool is sold or ownership or management is transferred, the new owner or operator shall apply for a new registration.

(5) Each separate location of the business of a nursing pool shall have a separate registration.

[Statutory Authority: RCW 18.52.030. 89-05-019 (Order PM 794), § 308-310-020, filed 2/10/89.]

WAC 308-310-030 Renewal of registration. Nursing pools requesting renewal of registration shall submit a renewal application and fee to the department. If a nursing pool fails to renew its registration prior to the expiration date, the nursing pool is subject to a penalty fee.

[Statutory Authority: RCW 18.52.030. 89-05-019 (Order PM 794), § 308-310-030, filed 2/10/89.]

WAC 308-310-040 Denial, suspension, or revocation of registration. The director may deny, suspend, or revoke the registration and/or assess penalties if any nursing pool is found to have violated the provisions of chapter 18.130 RCW, the Uniform Disciplinary Act, or of this chapter.

[Statutory Authority: RCW 18.52.030. 89-05-019 (Order PM 794), § 308-310-040, filed 2/10/89.]

**Chapter 308-400 WAC
STANDARDIZED FILING FORMS AND
PROCEDURES—UNIFORM COMMERCIAL CODE,
CROP LIENS, AND PROCESSOR AND PREPARER
LIENS FOR AGRICULTURAL DAIRY AND
COMMERCIAL FISH PRODUCTS AND CERTAIN
FEDERAL LIENS**

WAC	
308-400-010	Authority and purpose.
308-400-020	Applicable statutes.
308-400-025	Filing of crop liens and processor and preparer liens for agricultural, dairy and commercial fish products.
308-400-030	Definitions.
308-400-040	UCC-1 financing statement.
308-400-042	UCC-2 fixture filing form.
308-400-046	UCC-3 change statement.
308-400-047	UCC-4 crop liens and processor and preparer liens for agricultural dairy and commercial fish products filing form.
308-400-048	UCC-11R request for certificate of information.
308-400-050	Official approval of standard forms.
308-400-052	Standard form.
308-400-053	Acceptance of documents for filing.
308-400-054	Power of attorney.
308-400-056	Return of acknowledgment.
308-400-058	Signature requirements.
308-400-059	Termination statement, statement of discharge lien termination statement and certificate of release.
308-400-060	Rejection of documents.
308-400-062	Incompatible actions.
308-400-070	Request for certificate of information.
308-400-080	Delegation of certification authority.
308-400-092	Overpayment of fees.
308-400-095	Fees.
308-400-100	Fees, forms and procedures—Filing processor and preparer liens for agricultural, dairy, or commercial fish products.
308-400-110	Forms, fees and procedures—Filing crop liens.
308-400-120	Forms, fees, and procedures—Filing federal liens.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 308-400-044 UCC-1X financing statement to continue a county filing at the department of licensing. [Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-044, filed 2/9/82, effective 7/1/82.] Repealed by 89-06-078 (Order BLS 130), filed 3/1/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73.
- 308-400-090 Amendment fees. [Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-090, filed 2/9/82. Formerly WAC 434-16-090.] Repealed by 82-13-030 (Order 674-DOL), filed 6/9/82. Statutory Authority: RCW 62A.9-409(1).

WAC 308-400-010 Authority and purpose. These rules are adopted under authority of RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2), and 34.05.220, to standardize filing forms for use under the Uniform Commercial Code and to establish uniform procedures for filing with, and obtaining information from, filing officers.

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-010, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-010, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-010, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-010, filed 2/9/82. Formerly WAC 434-16-010.]

WAC 308-400-020 Applicable statutes. The regulations in this chapter shall be considered a supplement to and not a replacement for Article 62A.9 RCW, or chapters 60.11, 60.13, or 60.68 RCW.

[Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-020, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-020, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-020, filed 2/9/82. Formerly WAC 434-16-020.]

WAC 308-400-025 Filing of crop liens and processor and preparer liens for agricultural, dairy and commercial fish products. Crop liens and processor and preparer liens for agricultural, dairy, and commercial fish products shall be filed under the uniform commercial code section of the department of licensing in accordance with the regulations adopted in this chapter.

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-025, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-025, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-025, filed 12/2/86, effective 1/1/87.]

WAC 308-400-030 Definitions. As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code or crop lien or processor or preparer filing procedure.

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"Person" includes groups of persons, corporations, cooperatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Title 62A RCW and chapters 60.11, 60.13, and 60.68 RCW.

"Claimant" means a person who claims or asserts a right, demand, or claim.

"Secured" means supported or backed by security or collateral.

"Standard filing forms" mean the filing forms approved by the department of licensing.

[Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-030, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-030, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-030, filed 2/9/82. Formerly WAC 434-16-030.]

WAC 308-400-040 UCC-1 financing statement. Effective January 1, 1990, the following form shall be the standard UCC-1 Financing Statement Form prescribed by the department of licensing:

FINANCING STATEMENT INSTRUCTIONS
UCC-1

1. **COMPLETION OF FORM:** Please type or print the information presented on this form clearly and accurately. If you make an error, be certain to correct all copies. Information from the copies will be microfilmed and recorded exactly as you present it. A financing statement must contain the name and mailing address of the debtor, the name and address of the secured party, appropriate signature(s) and a description of the collateral covered by the financing statement.
2. **DEBTOR AND SECURED PARTY NAMES:** The legal name of the debtor, secured party or assignee is required. When the debtor name is a personal name, check the personal box and enter the Social Security number. If the debtor name is a business name, check the business box and enter the federal employer identification number (FEIN). If the filing is being made under both personal and business names, both boxes should be checked. Trade names, DBAs or AKAs (including nicknames), may also be entered in box 1.

If more than one debtor is named, please identify the tax number belonging to each name.
3. **SIGNATURES:** All debtors must sign box 12, an attached signature page or a security agreement, unless box 11 is completed. If box 11 is completed, the secured party must sign box 13. The typed or printed name of the debtor or secured party must appear

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above the signature(s) in boxes 12 or 13 exactly as it appears in boxes 1, 3 or 4.

4. **DEFINITION OF TRANSMITTING UTILITY AND PRODUCTS OF COLLATERAL:** A TRANSMITTING UTILITY is any person primarily engaged in the railroad, street railway or trolley bus business; the electric or electronic communication transmission business; the transmission of goods by pipeline or the transmission or the production and transmission of electricity, steam, gas or water; or the provision of sewer service.

PRODUCTS OF COLLATERAL are things made from collateral in which a security interest has been perfected including things whose original identity may be lost by manufacture, processing, assemblage or commingling.

5. **ATTACHMENTS:** If space provided in any box is inadequate, type or print the words "See Attachments" in the box and continue the information on additional 8 1/2" by 11" sheets. Enter the total number of attached sheets in box 6. Include copies of the attached sheets only if you want copies of the attachments returned. If any attachment(s) are added to the filing form, the fee is \$7.00.
6. **MAILING:** Send copies 1 and 2 to the address provided in box 9. Do not remove the carbons between these pages. Use an envelope 9 1/2" x 6 1/2" to prevent mutilation during the automated mail opening process.
7. **TERMINATION:** When the filing is to be terminated, the acknowledgment copy may be returned to the filing officer with the termination statement signed by the secured party of record. The UCC-3 form may also be used as a termination statement. When either form is used, the current legal name of the secured party of record must be typed or printed above the signature.

If the name of the secured party has changed for any reason since the last filing action on the financing statement you are terminating, the past and current legal name(s) of the secured party(ies) must appear above the appropriate signature.

There is no charge to terminate a filing.

8. **FILING FEES:** The fee for filing a UCC-1 (R/10/89) is \$7.00. If any other form is used or additional sheet(s) have been attached, the filing fee is \$14.00. Filing(s) will not be recorded unless the proper fee is sent. Checks should be made payable to the department of licensing.

PLEASE TYPE FORM--IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-1 FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE, chapter 62A.9 RCW, to perfect a security interest in the below named collateral.

Filing fee \$7.00 Filing with attachment fee \$14.00

<p>1. DEBTOR(S) (see instruction #2)</p> <p><input type="checkbox"/> PERSONAL (last, first, middle name and address)</p> <p><input type="checkbox"/> BUSINESS (legal business name and address)</p> <p>Debtor 1 SSN: _____ FEIN: _____</p> <p>Debtor 2 SSN: _____ FEIN: _____</p> <p>TRADE NAME, DBA, AKA:</p>	<p>2. FOR OFFICE USE ONLY -- DO NOT WRITE IN THIS BOX</p>
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<p>3. SECURED PARTY(IES) (name and address)</p>	<p>4. ASSIGNEE(S) of SECURED PARTY(IES) if applicable (name and address)</p>
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5. CHECK ONLY IF APPLICABLE: (For definitions of TRANSMITTING UTILITY AND PRODUCTS OF COLLATERAL, see instruction sheet.)

Debtor is a Transmitting Utility Products of Collateral are also covered

6. NUMBER OF ADDITIONAL SHEETS PRESENTED: _____

7. THIS FINANCING STATEMENT covers the following collateral: (Attach additional 8 1/2" x 11" sheet(s) if needed.)

<p>8. RETURN ACKNOWLEDGMENT COPY TO: (name and address)</p>	<p>9. FILE WITH:</p> <p>UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504-8007</p> <p>MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING</p> <p>10. FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/></p>
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11. If collateral is described below, this statement may be signed by the Secured Party instead of the Debtor. Please check the appropriate box, complete the adjacent lines and box 13, if collateral is:

a. already subject to a security interest in another jurisdiction when it was brought into this state or when the debtor's location was changed to this state. (complete adjacent lines 1 and 2)

b. proceeds of the original collateral described above in which a security interest was perfected. (complete adjacent lines 1 and 2)

c. listed on a filing which has lapsed. (complete adjacent lines 1 and 2)

d. acquired after a change of name, identity, or corporate structure of the debtor(s). (complete adjacent lines 1, 2 and 3)

1. _____ ORIGINAL FILING NUMBER

2. _____ FILING OFFICE WHERE FILED

3. _____ FORMER NAME OF DEBTOR(S)

TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above. NO FEE REQUIRED FOR TERMINATION. The acknowledgment of this termination will be returned to the name and address listed in box 8. Please complete or correct box 8 as needed.

PRINT OR TYPE NAME OF SECURED PARTY(IES) AS IT APPEARS IN BOX 3 OR 4. (see instruction #7) _____ Date _____

Signature(s) _____ Signature(s) _____

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)

COPY 2 -- FILING OFFICE -- ACKNOWLEDGMENT WASHINGTON UCC-1

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-1 FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE, chapter 62A.9 RCW, to perfect a security interest in the below named collateral.

Filing fee \$7.00 Filing with attachment fee \$14.00

1. DEBTOR(S) (see instruction #2)
Debtor 1
PERSONAL (last, first, middle name and address) SSN:
BUSINESS (legal business name and address) FEIN:
Debtor 2
SSN:
FEIN:

2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX

TRADE NAME, DBA, AKA:

3. SECURED PARTY (IES) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY (IES) if applicable (name and address)

5. CHECK ONLY IF APPLICABLE: (For definitions of TRANSMITTING UTILITY AND PRODUCTS OF COLLATERAL, see instruction sheet.)

Debtor is a Transmitting Utility Products of Collateral are also covered

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

7. THIS FINANCING STATEMENT covers the following collateral: (Attach additional 8 1/2" x 11" sheet(s) if needed.)

8. RETURN ACKNOWLEDGMENT COPY TO: (name and address)

9. FILE WITH:
UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504-8007
MAKE CHECKS PAYABLE TO THE
DEPARTMENT OF LICENSING
10. FOR OFFICE USE ONLY IMAGES TO BE FILMED

11. If collateral is described below, this statement may be signed by the Secured Party instead of the Debtor. Please check the appropriate box, complete the adjacent lines and box 13, if collateral is:

- a. already subject to a security interest in another jurisdiction when it was brought into this state or when the debtor's location was changed to this state.
b. proceeds of the original collateral described above in which a security interest was perfected.
c. listed on a filing which has lapsed.
d. acquired after a change of name, identity, or corporate structure of the debtor(s).

1. ORIGINAL FILING NUMBER
2. FILING OFFICE WHERE FILED
3. FORMER NAME OF DEBTOR(S)

12. DEBTOR NAME(S) AND SIGNATURE(S):
TYPE NAME(S) OF DEBTOR(S) AS IT APPEARS IN BOX 1.
SIGNATURE(S) OF DEBTOR(S)
SIGNATURE(S) OF DEBTOR(S)

13. SECURED PARTY NAME(S) AND SIGNATURE(S) ARE REQUIRED IF BOX 11 HAS BEEN COMPLETED.
TYPE NAME(S) OF SECURED PARTY(IES) AS IT APPEARS IN BOX 3 OR 4.
SIGNATURE(S) OF SECURED PARTY(IES)
SIGNATURE(S) OF SECURED PARTY(IES)

COPY 3 - FILE COPY - DEBTOR

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89) WASHINGTON UCC-1

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-1 FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE, chapter 62A.9 RCW, to perfect a security interest in the below named collateral.

Filing fee \$7.00 Filing with attachment fee \$14.00

<p>1. DEBTOR(S) (see instruction #2)</p> <p><input type="checkbox"/> PERSONAL (last, first, middle name and address)</p> <p><input type="checkbox"/> BUSINESS (legal business name and address)</p> <p>Debtor 1 SSN: _____ FEIN: _____</p> <p>Debtor 2 SSN: _____ FEIN: _____</p> <p>TRADE NAME, DBA, AKA:</p>	<p>2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX</p>
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<p>3. SECURED PARTY(IES) (name and address)</p>	<p>4. ASSIGNEE(S) of SECURED PARTY(IES) if applicable (name and address)</p>
---	--

5. CHECK ONLY IF APPLICABLE: (For definitions of TRANSMITTING UTILITY AND PRODUCTS OF COLLATERAL, see instruction sheet.)

Debtor is a Transmitting Utility Products of Collateral are also covered

6. NUMBER OF ADDITIONAL SHEETS PRESENTED: _____

7. THIS FINANCING STATEMENT covers the following collateral: (Attach additional 8 1/2" x 11" sheets if needed.)

<p>8. RETURN ACKNOWLEDGMENT COPY TO: (name and address)</p>	<p>9. FILE WITH:</p> <p>UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504-8007</p> <p>MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING</p> <p>10. FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/></p>
---	--

11. If collateral is described below, this statement may be signed by the Secured Party instead of the Debtor. Please check the appropriate box, complete the adjacent lines and box 13, if collateral is:

a. already subject to a security interest in another jurisdiction when it was brought into this state or when the debtor's location was changed to this state. (complete adjacent lines 1 and 2)

b. proceeds of the original collateral described above in which a security interest was perfected. (complete adjacent lines 1 and 2)

c. listed on a filing which has lapsed. (complete adjacent lines 1 and 2)

d. acquired after a change of name, identity, or corporate structure of the debtor(s). (complete adjacent lines 1, 2 and 3)

1. _____ ORIGINAL FILING NUMBER

2. _____ FILING OFFICE WHERE FILED

3. _____ FORMER NAME OF DEBTOR(S)

<p>12. DEBTOR NAME(S) AND SIGNATURE(S):</p> <p>TYPE NAME(S) OF DEBTOR(S) AS IT APPEARS IN BOX 1</p> <p>SIGNATURE(S) OF DEBTOR(S)</p> <p>SIGNATURE(S) OF DEBTOR(S)</p>	<p>13. SECURED PARTY NAME(S) AND SIGNATURE(S) ARE REQUIRED IF BOX 11 HAS BEEN COMPLETED.</p> <p>TYPE NAME(S) OF SECURED PARTY(IES) AS IT APPEARS IN BOX 3 OR 4</p> <p>SIGNATURE(S) OF SECURED PARTY(IES)</p> <p>SIGNATURE(S) OF SECURED PARTY(IES)</p>
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COPY 4 - FILE COPY - SECURED PARTY FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89) WASHINGTON UCC-1

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-040, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-040, filed 3/1/89. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-040, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-040, filed 2/9/82, effective 7/1/82.]

WAC 308-400-042 UCC-2 fixture filing form. Effective July 1, 1982, the following form shall be the standard UCC-2 Fixture Filing Form prescribed by the department of licensing:

PLEASE TYPE FULL.
 This FIXTURE FILING is presented pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.
 LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
 CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s)) (last name first, and address(es))	2. FOR OFFICE USE ONLY
3. NUMBER OF ADDITIONAL SHEETS ATTACHED:	

4. SECURED PARTY(IES) (or assignee(s)) (name and address)	5. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))
--	---

6. This FIXTURE FILING covers the following types or items of property:

- The goods are to become fixtures on...
- The property is timber standing on...
- The property is minerals or the like (including gas and oil) or accounts to be financed at the wellhead or minehead of the well or mine located on....

(Describe real estate. Use legal description.)

This fixture filing is to be filed for record in the real estate records. If the debtor does not have an interest of record in the realty, the name of a record owner is _____.

Products of collateral are also covered.

7. RETURN ACKNOWLEDGMENT COPY TO:	FILE FOR RECORD WITH: COUNTY AUDITOR OF COUNTY IN WHICH REAL PROPERTY IS LOCATED
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8. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)

(a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or

(b) which is proceeds of the original collateral described above in which a security interest was perfected, or

(c) as to which the filing has lapsed, or

(d) acquired after a change of name, identity, or corporate structure of the debtor(s).

Complete fully if box (d) is checked; complete as applicable for (a), (b), and (c):

Original recording number _____

Filing office where filed _____

Former name of debtor(s) _____

9. USE IF APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____	TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____
SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____	SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

10. TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the fixture filing bearing the recording number shown above.

DATE: _____

SIGNATURE: _____

DATE: _____

Return to: COUNTY AUDITOR of County where original filing/recording was made.

Note: All other information will be the same on plies 2 and 3 as is on ply 1. The ply legend is as follows:
COPY 2 - DEBTOR
COPY 3 - SECURED PARTY
Plies 1 and 2 will each have a carbon behind them which must end at the bottom of box 9.
Instructions will appear on the back of copy 3.

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INSTRUCTIONS UCC-2 FIXTURE FILING

1. PLEASE TYPE THIS FORM.

2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with one copy of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (1) as an acknowledgment. Indicate in box 7 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-2. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of debtor and/or secured party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (2) and (3). SEND copy (1) to the county auditor of the county in which the real property is located.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy (1) may be sent to the filing officer with the termination statement signed by the secured party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the secured party and assignee are required to terminate. Typed name of secured party of record must appear with the signature. No fee is required for a termination statement.

[Statutory Authority: RCW 62A.9-409(1), 82-08-021 (Order 669-DOL), § 308-400-042, filed 3/30/82, effective 7/1/82.]

WAC 308-400-046 UCC-3 change statement. Effective January 1, 1990, the following form shall be the standard UCC-3 Form prescribed by the department of licensing:

CHANGE STATEMENT INSTRUCTIONS
UCC-3

1. **COMPLETION OF FORM:** Please type or print the information presented on this form clearly and accurately. If you make an error, be certain to correct all copies. Information from the copies will be microfilmed and recorded exactly as you present it. The

UCC-3 form must contain the name and mailing address of the debtor, the name and address of the secured party, the file number and date of the original financing statement, and a description of the action, where applicable.

2. **DEBTOR AND SECURED PARTY NAMES:** The legal name of the debtor, secured party or assignee is required as it appeared on your original filing. When the debtor name is a personal name, check the personal box and enter the Social Security number. If the debtor name is a business name, check the business box and enter the federal employer identification number (FEIN). If the filing is being made under both personal and business names, both boxes should be checked. Trade names, DBAs or AKAs (including nicknames), may also be entered in the space provided.

If more than one debtor is named, please identify the tax number belonging to each name.

3. **SIGNATURES:** The signature of the secured party of record is required on all change actions. If the name of the secured party has changed and you have not submitted a change statement, the past and current legal name(s) of the secured party(ies) must be typed above the appropriate signatures. An amendment also requires the signature of the debtor(s) unless the amendment is only to change the name or address of the secured party.
4. **ATTACHMENTS:** If the space provided in any box is inadequate, type or print the words "See Attachments" within the box and continue the information on additional 8 1/2" x 11" sheets. Enter the total number of attached sheets in box 6. Include copies of the attached sheets only if you want copies of the attachments returned. If any attachments are added to the filing form, the fee is \$7.00 for each action.
5. **MULTIPLE ACTIONS:** If more than one action is requested on a single form, a fee is charged for each action except termination which requires no fee. Multiple changes may be made to a single UCC file number using a single UCC-3 form, except for terminations which may not be combined with any other change.
6. **MAILING:** Send copies 1 and 2 to the address provided in box 12. Do not remove the carbons between these pages. Use an envelope 9 1/2" x 6 1/2" to prevent mutilation during the automated mail opening process.

7. **FILING FEES:** The fee for filing each action requested in box 7 of the UCC-3 (R/10/89) is \$7.00, except for termination which requires no fee. If additional sheets are attached for any of the actions (except termination) the filing fee for each action shall be \$14.00. Filings will not be recorded unless sufficient payment is received. Checks should be made payable to the department of licensing.

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This **UCC-3 CHANGE STATEMENT** is presented for filing pursuant to the Washington Uniform Commercial Code, chapter 62A.9; Crop Lien filings, chapter 60.11 and Processor and Preparer Liens chapter 60.13 RCW.

<p>1. DEBTOR(S) (see instruction #2)</p> <p><input type="checkbox"/> PERSONAL (last, first, middle name and address)</p> <p><input type="checkbox"/> BUSINESS (legal business name and address)</p> <p style="text-align: right;">Debtor 1</p> <p>SSN: _____</p> <p>FEIN: _____</p> <p style="text-align: right;">Debtor 2</p> <p>SSN: _____</p> <p>FEIN: _____</p> <p>TRADE NAME, DBA, AKA: _____</p>	<p>2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX</p>
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<p>3. SECURED PARTY (IES) (name and address)</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>4. ASSIGNEE(S) OF SECURED PARTY (IES) if applicable (name and address)</p> <p>_____</p> <p>_____</p> <p>_____</p>
---	--

5. This change statement effects the original filing statement recorded with the Department of Licensing. List one number and date only.

Original filing number _____ Dated _____

6. FEES: A \$7.00 filing fee is required for each action checked in box 7, except termination which requires no fee. If additional sheets are attached for any of the actions, the filing fee for each action shall be \$14.00.

NUMBER OF ADDITIONAL SHEET(S) ATTACHED: _____

7. Please check one or more of the following actions:
- CONTINUATION. The original financing statement between the Debtor(s) and Secured Party(ies), bearing file number shown in box 5, is still effective.
 - FULL ASSIGNMENT. All of the Secured Party's rights under the financing statement bearing file number shown in box 5 have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
 - PARTIAL ASSIGNMENT. The Secured Party's rights under the financing statement bearing file number shown in box 5, to the property described in box 8, have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
 - AMENDMENT. Financing statement bearing file number shown in box 5 is amended as set forth in box 8.
 - PARTIAL RELEASE. Secured Party releases the collateral described in box 8 from the financing statement bearing file number shown in box 5.
 - TERMINATION. Secured Party(ies) no longer claims a security interest under the financing statement bearing file number shown in box 5.

8. DESCRIPTION of partial assignment, amendment or partial release: (Attach additional 8 1/2" x 11" sheet(s) if needed.)

9. DEBTOR NAME(S) AND SIGNATURE(S)

TYPE NAME(S) OF DEBTOR(S) AS IT APPEARS IN BOX 1

SIGNATURE(S) OF DEBTOR(S)

SIGNATURE(S) OF DEBTOR(S)

10. SECURED PARTY NAME(S) AND SIGNATURE(S)

TYPE NAME(S) OF SECURED PARTY(IES) AS IT APPEARS IN BOX 3 OR 4

SIGNATURE(S) OF SECURED PARTY(IES)

SIGNATURE(S) OF SECURED PARTY(IES)

11. RETURN ACKNOWLEDGMENT COPY TO:

12. FILE WITH:

UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504-8007

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

13. FOR OFFICE USE ONLY:

Images To Be Filmed

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)

COPY 1 FILING OFFICE

WASHINGTON UCC-3

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-3 CHANGE STATEMENT is presented for filing pursuant to the Washington Uniform Commercial Code, chapter 62A.9; Crop Lien filings, chapter 60.11 and Processor and Preparer Liens chapter 60.13 RCW.

<p>1. DEBTOR(S) (see instruction #2)</p> <p><input type="checkbox"/> PERSONAL (last, first, middle name and address)</p> <p><input type="checkbox"/> BUSINESS (legal business name and address)</p> <p>Debtor 1 SSN: _____ FEIN: _____</p> <p>Debtor 2 SSN: _____ FEIN: _____</p> <p>TRADE NAME, DBA, AKA:</p>	<p>2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX</p>
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<p>3. SECURED PARTY(IES) (name and address)</p>	<p>4. ASSIGNEE(S) OF SECURED PARTY(IES) if applicable (name and address)</p>
---	--

5. This change statement effects the original filing statement recorded with the Department of Licensing. List one number and date only.
Original filing number _____ Dated _____

6. FEES: A \$7.00 filing fee is required for each action checked in box 7, except termination which requires no fee. If additional sheets are attached for any of the actions, the filing fee for each action shall be \$14.00.
NUMBER OF ADDITIONAL SHEET(S) ATTACHED: _____

7. Please check one or more of the following actions:

- CONTINUATION. The original financing statement between the Debtor(s) and Secured Party(ies), bearing file number shown in box 5, is still effective.
- FULL ASSIGNMENT. All of the Secured Party's rights under the financing statement bearing file number shown in box 5 have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
- PARTIAL ASSIGNMENT. The Secured Party's rights under the financing statement bearing file number shown in box 5, to the property described in box 8, have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
- AMENDMENT. Financing statement bearing file number shown in box 5 is amended as set forth in box 8.
- PARTIAL RELEASE. Secured Party releases the collateral described in box 8 from the financing statement bearing file number shown in box 5.
- TERMINATION. Secured Party(ies) no longer claims a security interest under the financing statement bearing file number shown in box 5.

8. DESCRIPTION of partial assignment, amendment or partial release: (Attach additional 8 1/2" x 11" sheet(s) if needed.)

<p>9. DEBTOR NAME(S) AND SIGNATURE(S)</p> <p>TYPE NAME(S) OF DEBTOR(S) AS IT APPEARS IN BOX 1</p> <p>SIGNATURE(S) OF DEBTOR(S)</p> <p>SIGNATURE(S) OF DEBTOR(S)</p>	<p>10. SECURED PARTY NAME(S) AND SIGNATURE(S)</p> <p>TYPE NAME(S) OF SECURED PARTY(IES) AS IT APPEARS IN BOX 3 OR 4</p> <p>SIGNATURE(S) OF SECURED PARTY(IES)</p> <p>SIGNATURE(S) OF SECURED PARTY(IES)</p>
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<p>11. RETURN ACKNOWLEDGMENT COPY TO:</p>	<p>12. FILE WITH:</p> <p>UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504-8007</p> <p>MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING</p> <p>13. FOR OFFICE USE ONLY:</p> <p>Images To Be Filmed <input type="checkbox"/></p> <p>FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)</p>
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COPY 2 FILING OFFICE ACKNOWLEDGEMENT WASHINGTON UCC-3

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-3 CHANGE STATEMENT is presented for filing pursuant to the Washington Uniform Commercial Code, chapter 62A.9; Crop Lien filings, chapter 60.11 and Processor and Preparer Liens chapter 60.13 RCW.

1. DEBTOR(S) (see instruction #2) <input type="checkbox"/> PERSONAL (last, first, middle name and address) <input type="checkbox"/> BUSINESS (legal business name and address) Debtor 1 SSN: _____ FEIN: _____ Debtor 2 SSN: _____ FEIN: _____ TRADE NAME, DBA, AKA: _____	2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX
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3. SECURED PARTY(IES) (name and address) <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	4. ASSIGNEE(S) of SECURED PARTY(IES) if applicable (name and address) <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
--	---

5. This change statement effects the original filing statement recorded with the Department of Licensing. List one number and date only.
 Original filing number _____ Dated _____

6. FEES: A \$7.00 filing fee is required for each action checked in box 7, except termination which requires no fee. If additional sheets are attached for any of the actions, the filing fee for each action shall be \$14.00.
 NUMBER OF ADDITIONAL SHEET(S) ATTACHED: _____

7. Please check one or more of the following actions:

- CONTINUATION. The original financing statement between the Debtor(s) and Secured Party(ies), bearing file number shown in box 5, is still effective.
- FULL ASSIGNMENT. All of the Secured Party's rights under the financing statement bearing file number shown in box 5 have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
- PARTIAL ASSIGNMENT. The Secured Party's rights under the financing statement bearing file number shown in box 5, to the property described in box 8, have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
- AMENDMENT. Financing statement bearing file number shown in box 5 is amended as set forth in box 8.
- PARTIAL RELEASE. Secured Party releases the collateral described in box 8 from the financing statement bearing file number shown in box 5.
- TERMINATION. Secured Party(ies) no longer claims a security interest under the financing statement bearing file number shown in box 5.

8. DESCRIPTION of partial assignment, amendment or partial release: (Attach additional 8 1/2" x 11" sheet(s) if needed.)

9. DEBTOR NAME(S) AND SIGNATURE(S)

TYPE NAME(S) OF DEBTOR(S) AS IT APPEARS IN BOX 1

SIGNATURE(S) OF DEBTOR(S)

SIGNATURE(S) OF DEBTOR(S)

10. SECURED PARTY NAME(S) AND SIGNATURE(S)

TYPE NAME(S) OF SECURED PARTY(IES) AS IT APPEARS IN BOX 3 OR 4

SIGNATURE(S) OF SECURED PARTY(IES)

SIGNATURE(S) OF SECURED PARTY(IES)

11. RETURN ACKNOWLEDGMENT COPY TO:

COPY 3 FILE COPY DEBTOR

12. FILE WITH:

**UNIFORM COMMERCIAL CODE
 DEPARTMENT OF LICENSING
 P.O. BOX 9660
 OLYMPIA, WA 98504-8007**

**MAKE CHECKS PAYABLE TO THE
 DEPARTMENT OF LICENSING**

13. FOR OFFICE USE ONLY:

Images To Be Filmed

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-3 CHANGE STATEMENT is presented for filing pursuant to the Washington Uniform Commercial Code, chapter 62A.9; Crop Lien filings, chapter 60.11 and Processor and Preparer Liens chapter 60.13 RCW.

1. DEBTOR(S) (see instruction #2)
PERSONAL (last, first, middle name and address)
BUSINESS (legal business name and address)
Debtor 1
SSN:
FEIN:
Debtor 2
SSN:
FEIN:

2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX

TRADE NAME, DBA, AKA:

3. SECURED PARTY(IES) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES) if applicable (name and address)

5. This change statement effects the original filing statement recorded with the Department of Licensing. List one number and date only.
Original filing number Dated
6. FEES: A \$7.00 filing fee is required for each action checked in box 7, except termination which requires no fee. If additional sheets are attached for any of the actions, the filing fee for each action shall be \$14.00.
NUMBER OF ADDITIONAL SHEET(S) ATTACHED:

7. Please check one or more of the following actions:
CONTINUATION. The original financing statement between the Debtor(s) and Secured Party(ies), bearing file number shown in box 5, is still effective.
FULL ASSIGNMENT. All of the Secured Party's rights under the financing statement bearing file number shown in box 5 have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
PARTIAL ASSIGNMENT. The Secured Party's rights under the financing statement bearing file number shown in box 5, to the property described in box 8, have been assigned to the Assignee(s) whose name(s) and address(es) appear in box 4.
AMENDMENT. Financing statement bearing file number shown in box 5 is amended as set forth in box 8.
PARTIAL RELEASE. Secured Party releases the collateral described in box 8 from the financing statement bearing file number shown in box 5.
TERMINATION. Secured Party(ies) no longer claims a security interest under the financing statement bearing file number shown in box 5.

8. DESCRIPTION of partial assignment, amendment or partial release: (Attach additional 8 1/2" x 11" sheets) if needed.)

9. DEBTOR NAME(S) AND SIGNATURE(S)
TYPE NAME(S) OF DEBTOR(S) AS IT APPEARS IN BOX 1
SIGNATURE(S) OF DEBTOR(S)
SIGNATURE(S) OF DEBTOR(S)

10. SECURED PARTY NAME(S) AND SIGNATURE(S)
TYPE NAME(S) OF SECURED PARTY(IES) AS IT APPEARS IN BOX 3 OR 4
SIGNATURE(S) OF SECURED PARTY(IES)
SIGNATURE(S) OF SECURED PARTY(IES)

11. RETURN ACKNOWLEDGMENT COPY TO:

12. FILE WITH:
UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504-8007
MAKE CHECKS PAYABLE TO THE
DEPARTMENT OF LICENSING
13. FOR OFFICE USE ONLY:
Images To Be Filmed
FORM APPROVED FOR USE IN THE
STATE OF WASHINGTON (R/10/89)

COPY 4 FILE COPY SECURED PARTY WASHINGTON UCC-3

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-046, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409,

60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-046, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055

(Order BLS 105), § 308-400-046, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-046, filed 2/9/82, effective 7/1/82.]

WAC 308-400-047 UCC-4 crop liens and processor and preparer liens for agricultural dairy and commercial fish products filing form. Effective January 1, 1990, the following form shall be the standard UCC-4 form prescribed by the department of licensing.

LIEN FILING INSTRUCTIONS
UCC-4

1. **COMPLETION OF FORM:** Please type or print the information presented on this form clearly and accurately. If you make an error, be certain to correct all copies. Information from the copies will be microfilmed and recorded exactly as you present it.
2. **LIEN DEBTOR AND LIEN HOLDER/CLAIMANT:** The legal name of the debtor, secured party or assignee is required. When the debtor name is a personal name, check the personal box and enter the Social Security number. If the debtor name is a business name, check the business box and enter the federal employer identification number (FEIN). If the filing is being made under both personal and business names, both boxes should be checked. Trade names, DBAs or AKAs (including nicknames), may also be entered in box 1.

If more than one debtor is named, please identify the tax number belonging to each name.
3. **ATTACHMENTS:** If space provided in any box is inadequate, type or print the words "See Attachments" in the box and continue the information on additional 8 1/2" by 11" sheets. Enter the total number of attached sheets in box 7. Include copies of the attached sheets only if you want copies of the attachments returned. If any attachments are added to the filing form, the fee is \$7.00.
4. **MAILING:** Send copies 1 and 2 to the address provided in box 10. Do not remove the carbons between these pages. Use an envelope 9 1/2" x 6 1/2" to prevent mutilation during the automated mail opening process.
5. **TERMINATION:** To terminate a filing, send the acknowledgment (copy 2) back to the Department of Licensing with the termination statement signed by the lien holder/claimant of record. The UCC-3 form also may be used as a termination statement. Fees are not charged for the termination of liens.

If the name of the secured party or the assignee (if an assignment has been made) is a business name, then the exact name of the

business must appear directly above the signature of the person representing the secured party.

6. **FILING FEES:** The fee for filing a UCC-4 (R/10/89) is \$7.00. If any other form is used or additional sheet(s) have been attached, the filing fee is \$14.00. Filings will not be recorded unless the proper fee is sent. Checks should be made payable to the department of licensing.

PLEASE TYPE FORM -- IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-4 LIEN STATEMENT is presented for filing a crop lien pursuant to chapter 60.11 RCW, or a processor and preparer lien for agricultural, dairy and commercial fish products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below. If the form is used to secure a Processor and Preparer Lien for Agricultural, Dairy or Commercial Fish Products, the term lien debtor is to be construed as a processor, preparer, or conditioner and the lien holder/claimant is to be construed as the producer.

1. DEBTOR(S) (see instruction #2)
PERSONAL (last, first, middle name and address)
BUSINESS (legal business name and address)
Debtor 1
SSN:
FEIN:
Debtor 2
SSN:
FEIN:

2. FOR OFFICE USE ONLY -- DO NOT WRITE IN THIS BOX

TRADE NAME, DBA, AKA:
3. LIEN HOLDER/CLAIMANT (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES) if applicable (name and address)

5. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed:
6. TYPE OF LIEN: [] LANDLORD [] SUPPLIER [] PREPARER [] PROCESSOR [] CONDITIONER
7. FEES: Filing fee . . . \$7.00 Filing fee with attachments . . . \$14.00 Number of additional sheets presented:
8. LANDLORD/SUPPLIER: Describe the labor, services, materials or supplies covered by this statement. PREPARER/PROCESSOR/CONDITIONER: Describe the agricultural, dairy or commercial fish product to be charged with the lien. Include the amount demanded after deducting credits and offsets. (Attach additional 8 1/2" x 11" sheet(s) if needed.)

9. RETURN ACKNOWLEDGMENT COPY TO: (name and address)

10. FILE WITH:
UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504-8007
MAKE CHECKS PAYABLE TO THE
DEPARTMENT OF LICENSING
11. FOR OFFICE USE ONLY IMAGES TO BE FILMED []

12. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP: (Attach additional 8 1/2" x 11" sheet(s) if needed)

COUNTY IN WHICH CROP IS GROWN:
13. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.
14. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER exactly as entered in box 3.
15. DATE PAYMENT IS DUE
16. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.

COPY 1 FILING OFFICE FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89) WASHINGTON UCC-4

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This UCC-4 LIEN STATEMENT is presented for filing a crop lien pursuant to chapter 60.11 RCW, or a processor and preparer lien for agricultural, dairy and commercial fish products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below. If the form is used to secure a Processor and Preparer Lien for Agricultural, Dairy or Commercial Fish Products, the term lien debtor is to be construed as a processor, preparer, or conditioner and the lien holder/claimant is to be construed as the producer.

1. DEBTOR(S) (see instruction #2) Debtor 1 SSN: FEIN: Debtor 2 SSN: FEIN: 2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX

TRADE NAME, DBA, AKA: 3. LIEN HOLDER/CLAIMANT (name and address) 4. ASSIGNEE(S) OF SECURED PARTY(IES) if applicable (name and address)

5. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed: 6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR CONDITIONER 7. FEES: Filing fee... \$7.00 Filing fee with attachments... \$14.00 Number of additional sheets presented: 8. LANDLORD/SUPPLIER: Describe the labor, services, materials or supplies covered by this statement. PREPARER/PROCESSOR/CONDITIONER: Describe the agricultural, dairy or commercial fish product to be charged with the lien.

9. RETURN ACKNOWLEDGMENT COPY TO: (name and address) 10. FILE WITH: UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504-8007 MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING 11. FOR OFFICE USE ONLY IMAGES TO BE FILMED

12. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP: (Attach additional 8 1/2" x 11" sheet(s) if needed)

COUNTY IN WHICH CROP IS GROWN:

LIEN TERMINATION STATEMENT OR STATEMENT OF DISCHARGE: The LIEN HOLDER(S) certifies that the LIEN HOLDER(S) no longer claims an interest under the CROP LIEN, PREPARER, PROCESSOR OR CONDITIONER LIEN bearing the file number shown above. The acknowledgment of this termination will be returned to the name and address listed in box 9. Please complete or correct box 9 as needed.

PRINT OR TYPE NAME AS IT APPEARS IN BOX 3 OR 4.(see instruction #5) Date:

Signature:

COPY 2 FILING OFFICE - ACKNOWLEDGMENT WASHINGTON UCC-4 (R/10/89)

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This **UCC-4 LIEN STATEMENT** is presented for filing a crop lien pursuant to chapter 60.11 RCW, or a processor and preparer lien for agricultural, dairy and commercial fish products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below. If the form is used to secure a Processor and Preparer Lien for Agricultural, Dairy or Commercial Fish Products, the term lien debtor is to be construed as a processor, preparer, or conditioner and the lien holder/claimant is to be construed as the producer.

<p>1. DEBTOR(S) (see instruction #2)</p> <p><input type="checkbox"/> PERSONAL (last, first, middle name and address)</p> <p><input type="checkbox"/> BUSINESS (legal business name and address)</p> <p style="text-align: right;"><i>Debtor 1</i> SSN: _____ FEIN: _____</p> <p style="text-align: right;"><i>Debtor 2</i> SSN: _____ FEIN: _____</p>	<p>2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX</p>
<p>TRADE NAME, DBA, AKA:</p>	

<p>3. LIEN HOLDER/CLAIMANT (name and address)</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	<p>4. ASSIGNEE(S) of SECURED PARTY(IES) if applicable (name and address)</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>
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5. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed: _____

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR CONDITIONER

7. FEES: Filing fee . . . \$7.00 Filing fee with attachments . . . \$14.00 Number of additional sheets presented: _____

8. LANDLORD/SUPPLIER: Describe the labor, services, materials or supplies covered by this statement. PREPARER/PROCESSOR/CONDITIONER: Describe the agricultural, dairy or commercial fish product to be charged with the lien. Include the amount demanded after deducting credits and offsets. (Attach additional 8 1/2" x 11" sheet(s) if needed.)

<p>9. RETURN ACKNOWLEDGMENT COPY TO: (name and address)</p> <div style="border: 1px solid black; height: 80px; width: 100%;"></div>	<p style="text-align: right;">\$ _____</p> <p>10. FILE WITH:</p> <p style="text-align: center;">UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504-8007</p> <p style="text-align: center;">MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING</p> <p>11. FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/></p>
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12. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP: (Attach additional 8 1/2" x 11" sheet(s) if needed)

<p>COUNTY IN WHICH CROP IS GROWN: <input style="width: 150px;" type="text"/></p>	
<p>13. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.</p> <p>15. DATE PAYMENT IS DUE _____</p>	<p>14. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER exactly as entered in box 3.</p> <p>16. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.</p>

PLEASE TYPE FORM - IF AN ERROR IS MADE, CORRECT ALL COPIES

This **UCC-4 LIEN STATEMENT** is presented for filing a crop lien pursuant to chapter 60.11 RCW, or a processor and preparer lien for agricultural, dairy and commercial fish products pursuant to chapter 60.13 RCW, to perfect a security interest in the collateral named below. If the form is used to secure a Processor and Preparer Lien for Agricultural, Dairy or Commercial Fish Products, the term lien debtor is to be construed as a processor, preparer, or conditioner and the lien holder/claimant is to be construed as the producer.

<p>1. DEBTOR(S) (see instruction #2)</p> <p><input type="checkbox"/> PERSONAL (last, first, middle name and address) Debtor 1 SSN: _____ FEIN: _____</p> <p><input type="checkbox"/> BUSINESS (legal business name and address) Debtor 2 SSN: _____ FEIN: _____</p>	<p>2. FOR OFFICE USE ONLY - DO NOT WRITE IN THIS BOX</p>
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<p>TRADE NAME, DBA, AKA: _____</p> <p>3. LIEN HOLDER/CLAIMANT (name and address)</p> <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>	<p>4. ASSIGNEE(S) of SECURED PARTY(IES) if applicable (name and address)</p>
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5. LANDLORD/SUPPLIER: Date of commencement of performance for which the lien is claimed: _____

6. TYPE OF LIEN: LANDLORD SUPPLIER PREPARER PROCESSOR CONDITIONER

7. FEES: Filing fee . . . \$7.00 Filing fee with attachments . . . \$14.00 Number of additional sheets presented: _____

8. LANDLORD/SUPPLIER: Describe the labor, services, materials or supplies covered by this statement. PREPARER/PROCESSOR/CONDITIONER: Describe the agricultural, dairy or commercial fish product to be charged with the lien. Include the amount demanded after deducting credits and offsets. (Attach additional 8 1/2" x 11" sheets if needed.)

<p>9. RETURN ACKNOWLEDGMENT COPY TO: (name and address)</p> <div style="border: 1px solid black; height: 80px; margin-top: 10px;"></div>	<p>10. FILE WITH:</p> <p style="text-align: center;">UNIFORM COMMERCIAL CODE DEPARTMENT OF LICENSING P.O. BOX 9660 OLYMPIA, WA 98504-8007</p> <p style="text-align: center;">MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING</p> <p>11. FOR OFFICE USE ONLY IMAGES TO BE FILMED <input type="checkbox"/></p>
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12. KIND OF CROP AND ADDRESS OR PROPERTY DESCRIPTION SUFFICIENT TO IDENTIFY THE LOCATION OF THE CROP: (Attach additional 8 1/2" x 11" sheets if needed)

<p>COUNTY IN WHICH CROP IS GROWN: <input style="width: 150px; height: 15px;" type="text"/></p> <p>13. PRODUCER'S STATEMENT FOR PREPARER/PROCESSOR LIENS: I declare that the amount claimed is a true and bonafide existing debt as of the date of the filing or the notice evidencing the lien.</p> <p>15. DATE PAYMENT IS DUE</p>	<p>14. TYPE NAME OF THE LIEN HOLDER/CLAIMANT OR PRODUCER exactly as entered in box 3.</p> <p>16. SIGNATURE OF LIEN HOLDER/CLAIMANT OR PRODUCER I verify that the information contained on this statement is true and accurate.</p>
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FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)
 WASHINGTON UCC-4

COPY 4 FILE COPY SECURED PARTY

73. 89-06-078 (Order BLS 130), § 308-400-047, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-047, filed 12/2/86, effective 1/1/87.]

WAC 308-400-048 UCC-11R request for certificate of information. Effective January 1, 1990, the following form shall be the standard UCC-11R Form prescribed by the department of licensing:

SEARCH REQUEST INSTRUCTIONS
UCC-11R

- 1. **COMPLETION OF FORM:** Please type or print the information presented on this form clearly and accurately. The search will be conducted using the exact spelling of the debtor name as shown in box 3. If you make an error, be certain to correct all copies.

It would also be helpful to include the Social Security number or the federal employer identification number (FEIN) of the debtor in the space provided in box 3.

- 2. **ONE DEBTOR NAME PER FORM:** Only the first debtor name on this form will be searched. A separate UCC-11R must be submitted for each debtor name. Please check the appropriate square in box 3 to indicate whether the debtor name is a personal name or a business name.

A husband and wife are considered to be two individual debtors and require separate search request forms. DBAs, AKAs, FKAs

and trade names are considered separate debtors and require separate search request forms.

- 3. **DEBTOR NAME:** Correct spelling of the debtor's name is important. A deviation in spelling or an incomplete name may result in failure to disclose the desired information. If unsure of whether the debtor uses other names or other spellings, requestors may wish to submit an additional search request for each probable name or spelling.
- 4. **ADDITIONAL ADDRESSES OF THE DEBTOR:** To search the debtor name at any addresses within the city you designate, enter the name of the city. To search the debtor name at any addresses within the county you designate, enter the county name. To search the debtor name at any possible address, check ALL. If a debtor has a post office box in addition to a street address, please list both.
- 5. **MAILING:** Send copies 1 and 2 to the address shown in box 7. Retain copy 3 for your records.
- 6. **SEARCH FEES:** The proper filing fees must accompany each search request.

CERTIFICATE OF INFORMATION . . .	\$7.00
CERTIFICATE OF INFORMATION AND COPIES	\$12.00

UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION

PLEASE TYPE FORM. IF AN ERROR IS MADE, CORRECT ALL COPIES

1. OFFICE USE ONLY-DO NOT WRITE IN THIS BOX

3. DEBTOR NAME (list one debtor per request)

PERSONAL (last, first, middle name and address) SSN: _____

BUSINESS (legal business name and address) FEIN: _____

2. REQUESTING PARTY (Name and address)

4. ADDITIONAL DEBTOR ADDRESS(ES) (You may request additional addresses by city or county. All addresses may be requested by checking the ALL box.)

CITY _____

COUNTY _____ ALL

5. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED:

TYPE OF SEARCH DESIRED: Check one box only.

All current UCC filings and liens for the debtor named above, at the address(es) shown in boxes 3 and/or 4.

Any current UCC filings and liens from _____ to _____

Federal tax liens only partnership and corporation.

Specific filing numbers listed below in box 6.

TYPE OF INFORMATION REQUESTED: Check one box only.

Certificate of Information * \$ 7.00

Certificate of Information * and true and exact copies. \$12.00

*CERTIFICATE OF INFORMATION CONTAINS FILE NUMBER, FILE DATE, SECURED PARTY NAME AND ADDRESS.

6. SPECIFICALLY REQUESTED FILE NUMBER(S)

7. FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504-8007

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

MAKE CHECKS PAYABLE TO THE
DEPARTMENT OF LICENSING

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. SEARCHING A VARIATION OF THE DEBTOR NAME OR ADDITIONAL NAMES REQUIRES SEPARATE REQUEST FORMS AND FEES.

8. SIGNATURE OF REQUESTING PARTY

9. DATE

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)

COPY 1 FILING OFFICER

WASHINGTON UCC-11R

UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION

PLEASE TYPE FORM. IF AN ERROR IS MADE, CORRECT ALL COPIES

1. OFFICE USE ONLY-DO NOT WRITE IN THIS BOX

3. DEBTOR NAME (list one debtor per request)

PERSONAL (last, first, middle name and address) SSN: _____

BUSINESS (legal business name and address) FEIN: _____

2. REQUESTING PARTY (Name and address)

4. ADDITIONAL DEBTOR ADDRESS(ES) (You may request additional addresses by city or county. All addresses may be requested by checking the ALL box.)

CITY _____

COUNTY _____ ALL

5. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED:

TYPE OF SEARCH DESIRED: Check one box only.

All current UCC filings and liens for the debtor named above, at the address(es) shown in box(es) 3 and/or 4.

Any current UCC filings and liens from _____ to _____

Federal tax liens only partnership and corporation.

Specific filing numbers listed below in box 6.

TYPE OF INFORMATION REQUESTED: Check one box only.

Certificate of Information * \$ 7.00

Certificate of Information * and true and exact copies. \$12.00

*CERTIFICATE OF INFORMATION CONTAINS FILE NUMBER, FILE DATE, SECURED PARTY NAME AND ADDRESS.

6. SPECIFICALLY REQUESTED FILE NUMBER(S)

7. FORWARD TO: UNIFORM COMMERCIAL CODE
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504-8007

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

MAKE CHECKS PAYABLE TO THE
DEPARTMENT OF LICENSING

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. SEARCHING A VARIATION OF THE DEBTOR NAME OR ADDITIONAL NAMES REQUIRES SEPARATE REQUEST FORMS AND FEES.

8. SIGNATURE OF REQUESTING PARTY

9. DATE

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)

COPY 2 FILING OFFICER

WASHINGTON UCC-11R

UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION

PLEASE TYPE FORM. IF AN ERROR IS MADE, CORRECT ALL COPIES

<p>1. OFFICE USE ONLY-DO NOT WRITE IN THIS BOX</p>	<p>3. DEBTOR NAME (list one debtor per request) <input type="checkbox"/> PERSONAL (last, first, middle name and address) SSN: _____ <input type="checkbox"/> BUSINESS (legal business name and address) FEIN: _____</p>
<p>2. REQUESTING PARTY (Name and address)</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>	<p>4. ADDITIONAL DEBTOR ADDRESS(ES) (You may request additional addresses by city or county. All addresses may be requested by checking the ALL box.)</p> <p>CITY _____</p> <p>COUNTY _____ ALL <input type="checkbox"/></p>

5. PLEASE INDICATE BOTH THE TYPE OF SEARCH DESIRED AND THE TYPE OF INFORMATION REQUESTED:

<p>TYPE OF SEARCH DESIRED: Check one box only.</p> <p><input type="checkbox"/> All current UCC filings and liens for the debtor named above, at the address(es) shown in box(es) 3 and/or 4.</p> <p><input type="checkbox"/> Any current UCC filings and liens from _____ to _____</p> <p><input type="checkbox"/> Federal tax liens only partnership and corporation.</p> <p><input type="checkbox"/> Specific filing numbers listed below in box 6.</p>	<p>TYPE OF INFORMATION REQUESTED: Check one box only.</p> <p><input type="checkbox"/> Certificate of Information * \$ 7.00</p> <p><input type="checkbox"/> Certificate of Information * and true and exact copies. \$12.00</p> <p>*CERTIFICATE OF INFORMATION CONTAINS FILE NUMBER, FILE DATE, SECURED PARTY NAME AND ADDRESS.</p>
--	---

6. SPECIFICALLY REQUESTED FILE NUMBER(S)

7. FORWARD TO: UNIFORM COMMERCIAL CODE
 DEPARTMENT OF LICENSING
 P.O. BOX 9660
 OLYMPIA, WA 98504-8007

NOTE: Records of crop related liens and federal liens against the personal property of corporations and partnerships are now filed with the Department of Licensing. Searches of both state and county records should be made during the periods of transition. See Chapters 60.11, 60.13 and 60.68 RCW.

MAKE CHECKS PAYABLE TO THE DEPARTMENT OF LICENSING

THE DEPARTMENT OF LICENSING HEREBY DISCLAIMS RESPONSIBILITY IN THIS RECORD SEARCH AND CERTIFICATION FOR OTHER THAN THE SPECIFICALLY NAMED DEBTOR AT THE EXACT ADDRESS(ES) CITED IN YOUR REQUEST. SEARCHING A VARIATION OF THE DEBTOR NAME OR ADDITIONAL NAMES REQUIRES SEPARATE REQUEST FORMS AND FEES.

<p>8. SIGNATURE OF REQUESTING PARTY</p>	<p>9. DATE</p>
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FORM APPROVED FOR USE IN THE STATE OF WASHINGTON (R/10/89)
 COPY 3-FILE COPY REQUESTING PARTY WASHINGTON UCC-11R

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040 (2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-048, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73, 89-06-078 (Order BLS 130), § 308-400-048, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3), 86-24-055

[Title 308 WAC—p 480] (1989 Ed.)

(Order BLS 105), § 308-400-048, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-048, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-048, filed 2/9/82, effective 7/1/82.]

WAC 308-400-050 Official approval of standard forms. Only forms which have been approved in writing by the department will be considered standard forms.

(1) Forms submitted for approval must demonstrate to the satisfaction of the department that each page of the forms in final printing will conform to the size and construction and other form specific department specifications of the forms set out in WAC 308-400-040, 308-400-046, 308-400-047, and 308-400-048. The department will not give approval for the production of any forms until it is satisfied as to the quality and content of the forms. Forms which have not been approved by the department shall be considered nonstandard forms and shall command the nonstandard filing fee.

(2) A supplier who wishes to produce standard forms for purchase by the public shall submit two sets of camera ready proofs to the department for approval. In lieu of submitting camera ready proofs for approval, a supplier may purchase camera ready proofs from the department at a cost of one dollar and fifty cents per page.

(3) A supplier who has not received official approval in writing from the department shall not print on any form a legend indicating that the forms are officially approved as standard forms.

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040(2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-050, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-050, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-050, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-050, filed 2/9/82. Formerly WAC 434-16-050.]

WAC 308-400-052 Standard form. (1) Beginning January 1, 1990, the only forms which will be considered standard forms for the purpose of assessing standard filing fees are those set out in WAC 308-400-040, 308-400-042, 308-400-046, and 308-400-047. All other forms will be considered nonstandard forms to which the nonstandard filing fees apply.

(2) Beginning January 1, 1990, the only forms which will be considered the standard form for requests for certificates of information shall be those set out as WAC 308-400-048.

(3) A standard form which includes attachments becomes a nonstandard filing and will be assessed the nonstandard filing fee.

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040(2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-052, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-052, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-052, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-052, filed 6/9/82.]

WAC 308-400-053 Acceptance of documents for filing. (1) The department of licensing, Uniform Commercial Code section, does not, by accepting or rejecting a document submitted for filing, determine the legal validity of the document.

(2) When proper filing fees are submitted, the filing officer will accept for filing, documents that meet the basic filing requirements described by statute.

(3) The filing officer will return, without filing, any continuation that is received after the expiration of the original financing statement. No exception will be made for continuation statements which are received following a weekend or holiday during which the original statement or previous continuation statement expired.

[Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-053, filed 12/2/86, effective 1/1/87.]

WAC 308-400-054 Power of attorney. (1) The department will accept for filing a financing statement signed for the debtor by his agent or attorney in fact if such circumstance is clearly indicated on the financing statement or filing form or in accompanying documents.

(2) When a termination statement is signed for the secured party by an attorney in fact, a notarized copy of the document granting the power of attorney to the signer must accompany the statement or filing form.

[Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-054, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-054, filed 6/9/82.]

WAC 308-400-056 Return of acknowledgment. When a document is accepted for filing, the department of licensing shall deposit an acknowledgment in the mails with reasonable promptness for return to the secured party or the person designated by the secured party to receive acknowledgment.

[Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-056, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-056, filed 6/9/82.]

WAC 308-400-058 Signature requirements. (1) A financing statement must be signed by each person listed by name as the debtor.

(2) If a financing statement or filing form lists collateral clearly identified to multiple secured parties, either on the original financing statement or by partial assignment, individual secured parties may terminate their clearly identified security interest(s) without the signature(s) of the remaining secured parties.

(3) All required signatures on UCC-3 actions must be original.

(4) When a filing form is signed by someone in a representative capacity, the signer must be identified as the representative.

[Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-058, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3). 86-24-055 (Order BLS 105), § 308-400-058, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW

62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-058, filed 6/9/82.]

WAC 308-400-059 Termination statement, statement of discharge lien termination statement and certificate of release. (1) A "termination statement" is used to terminate a security interest under a financing statement (RCW 62A.9-404). A "statement of discharge" is used to discharge a processor or preparer lien which has been filed with a filing officer (RCW 60.13.060). A "lien termination statement" is used for terminating a crop lien pursuant to chapter 60.11 RCW.

(2) For a security interest under a financing statement, whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, a secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a properly signed termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. A secured party's failure to file such a termination statement or to send such a termination statement within ten days after proper demand therefor, the secured party shall be liable to the debtor for one hundred dollars plus any damages caused to the debtor by such failure.

(3) For a processor or preparer lien which has been filed with the filing officer, if the producer has received full payment for the obligation, the producer shall promptly file with the filing officer a statement declaring that full payment has been received and that the lien is discharged. If, after payment, the producer fails to file such statement of discharge within ten days following a request to do so, the producer shall be liable to the processor, conditioner or preparer in the sum of one hundred dollars plus actual damages caused by the failure.

(4) For a crop lien, the lienholder shall file with the filing officer a lien termination statement within fifteen days following receipt of full payment of the amount of the lien. Failure to file a lien termination statement by the lienholder or its assignee shall cause the lienholder or its assignee to be liable to the debtor for the attorneys' fees and costs incurred by the debtor to have the lien terminated plus damages incurred by the debtor due to the failure of the lienholder to terminate the lien.

(5) Failure to file a statement of discharge or a lien termination statement with the department of licensing may result in retention of filings records beyond the duration of the secured interest or the lien.

(6) Certificate of release of federal lien. Federal certificates of release shall be filed in accordance with provisions of the Uniform Federal Lien Registration Act, chapter 60.68 RCW.

[Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73, 89-06-078 (Order BLS 130), § 308-400-059, filed 3/1/89. Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3), 86-24-055 (Order BLS 105), § 308-400-059, filed 12/2/86, effective 1/1/87.]

WAC 308-400-060 Rejection of documents. Any document rejected for any reason by any filing officer

shall be deposited in the mails with reasonable promptness for return to the person submitting the same, and shall be accompanied by a brief but specific written statement of the reasons for rejection.

[Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-060, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-060, filed 2/9/82. Formerly WAC 434-16-060.]

WAC 308-400-062 Incompatible actions. The department will reject any UCC-3 change statement where incompatible actions, such as simultaneous release and termination, are requested on the same statement. The parties may not submit a corrected UCC-3 statement, but must submit a new signed UCC-3 statement indicating the desired action to be taken.

[Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-062, filed 6/9/82.]

WAC 308-400-070 Request for certificate of information. A separate written request for information (see WAC 308-400-048, Form UCC-11R) must be submitted with respect to each individual debtor concerning whom information is sought. For this purpose a husband and wife shall be considered to be two individual debtors. An entity identified by a trade name or a DBA (doing business as), will be considered an individual debtor.

[Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3), 86-24-055 (Order BLS 105), § 308-400-070, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-070, filed 6/9/82; 82-05-014 (Order 659-DOL), § 308-400-070, filed 2/9/82. Formerly WAC 434-16-080.]

WAC 308-400-080 Delegation of certification authority. The director of the department of licensing may delegate to other department filing officers the authority to issue and sign all certificates of information issued by the department pursuant to RCW 62A.9-407(2), 60.11.040(3), and 34.04.020.

[Statutory Authority: RCW 62A.9-408(1) and 60.11.040(3), 86-24-055 (Order BLS 105), § 308-400-080, filed 12/2/86, effective 1/1/87. Statutory Authority: RCW 62A.9-409(1), 82-05-014 (Order 659-DOL), § 308-400-080, filed 2/9/82.]

WAC 308-400-092 Overpayment of fees. Beginning July 1, 1982, the department of licensing will not issue a refund for overpayment of UCC fees unless:

(1) The overpayment is in an amount of four dollars or more; or

(2) The department receives a written request for a refund of less than four dollars within sixty days of the date of the department's receipt of the overpayment.

[Statutory Authority: RCW 62A.9-409(1), 82-13-030 (Order 674-DOL), § 308-400-092, filed 6/9/82.]

WAC 308-400-095 Fees. The following fees for filing information with, and for obtaining information from, filing officers are adopted by the department of licensing:

(1) For filing, indexing, and furnishing data pursuant to a security interest created by a deed of trust or mortgage under provisions of RCW 62A.9-302, the fee shall be seven dollars.

(2) For filing and indexing an original financing statement or a continuation statement pursuant to RCW 62A.9-403, and for stamping a copy furnished by the secured party showing the date and place of filing, the fee shall be seven dollars if the statement is in the standard form prescribed by the department of licensing, but if the form of the statement does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.

(3) For filing, indexing, and furnishing filing data for a financing statement indicating an assignment or a separate statement of assignment, under provisions of RCW 62A.9-405, on a form conforming to standards prescribed by the department of licensing shall be seven dollars, but if the form of the financing statement or separate statement of assignment does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.

(4) For filing and noting a statement of release pursuant to RCW 62A.9-406 on a form conforming to standards prescribed by the department of licensing, the fee shall be seven dollars, but if the form of the statement does not conform to the standards prescribed by the department, or if attached pages are added, the fee shall be fourteen dollars.

(5) For a certificate of information pursuant to RCW 62A.9-407, the fee shall be seven dollars. For a certificate of information pursuant to RCW 62A.9-407 and for a copy of any filed financing statements or statements of assignment the fee shall be twelve dollars for each particular debtor's statements requested.

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040(2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-095, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-095, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-095, filed 7/30/87.]

WAC 308-400-100 Fees, forms and procedures-- Filing processor and preparer liens for agricultural, dairy, or commercial fish products. The filing forms, fees and procedures for filing with, and obtaining information from, filing officers, pertaining to processor and preparer liens for agricultural, dairy, or commercial fish products pursuant to chapter 60.13 RCW, shall correspond to the forms, fees and procedures prescribed by the department of licensing pursuant to chapter 62A.9 RCW, for filing statements or information with, and obtaining information from, filing officers.

[Statutory Authority: RCW 62A.9-409(1), 60.11.040(3), 60.13.040(2)(f), 60.68.035(2) and 34.05.220. 89-24-022, § 308-400-100, filed 11/30/89, effective 12/31/89. Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-100, filed 3/1/89. Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-100, filed 7/30/87.]

WAC 308-400-110 Forms, fees and procedures-- Filing crop liens. The filing forms, fees and procedures for filing information with, and obtaining information

from, filing officers, pertaining to crop liens pursuant to chapter 60.11 RCW, shall correspond to the filing forms, fees and procedures prescribed by the department of licensing pursuant to chapter 62A.9 RCW, for filing information statements with, and obtaining information from, filing officers.

[Statutory Authority: RCW 60.11.040, 62A.9-409 as amended by 1987 c 189 § 6, RCW 60.13.040 as amended by 1987 c 189 § 7 and 1987 c 148 § 3. 87-16-059 (Order BLS 115), § 308-400-110, filed 7/30/87.]

WAC 308-400-120 Forms, fees, and procedures-- Filing federal liens. The filing fees and procedures for filing information with and obtaining information from the department of licensing pertaining to federal liens pursuant to chapter 60.68 RCW shall correspond to the filing fees and procedures prescribed by the department of licensing pursuant to Article 62A.9 RCW. The filing forms shall be those forms approved between the department of licensing and the Internal Revenue Service.

[Statutory Authority: RCW 62A.9-409, 60.11.040, 60.13.040 and chapter 60.68 RCW as amended by 1988 c 73. 89-06-078 (Order BLS 130), § 308-400-120, filed 3/1/89.]

Chapter 308-410 WAC

UNIFORM COMMERCIAL CODE FIELD ACCESS

WAC

308-410-010	Purpose and authority.
308-410-020	Definitions.
308-410-030	Filing information available for review.
308-410-040	Application to become a user.
308-410-050	Standard for allocating users.
308-410-060	Contract for use.
308-410-070	Fees.

WAC 308-410-010 Purpose and authority. These rules are adopted under the authority of RCW 62A.9-409(1), RCW 60.11.040(3) and 60.13.040 as amended by section 7, chapter 189, Laws of 1987. These rules pertain to "field access" to the computerized system which allows users direct access to the uniform commercial code computerized files.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-010, filed 1/19/88.]

WAC 308-410-020 Definitions. (1) "Field access" means the review of computerized Uniform Commercial Code filing information and requesting of certified searches by electronic mail from a location outside an established department of licensing Uniform Commercial Code central filing location.

(2) "User" means a search company, lending institution, business, agency or person who has established by contract with the department the privilege of using the field access system.

(3) "Uniform Commercial Code central filing location" means a location designated by the director of the department of licensing to serve as a centralized repository for filing, indexing, amending, terminating and furnishing information about Uniform Commercial Code

filing, processor, preparer and crop lien filings and other related filing information.

(4) "Electronic mail" means the transmission of information or reproductions from one computer terminal to another using surface transmission lines or satellite stations.

(5) "Certified search" means a certified document issued by the department of licensing upon the request and payment of fees by a requester stating whether there is on file with the department, on the date and hour stated on the certificate, any presently effective Uniform Commercial Code filing information involving a named debtor or numbered account.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-020, filed 1/19/88.]

WAC 308-410-030 Filing information available for review. All computerized filing information is available for review by the Uniform Commercial Code field access user. Filing information may be reviewed by debtor name or by filing number.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-030, filed 1/19/88.]

WAC 308-410-040 Application to become a user. Persons or agencies wishing to apply to become a user of the field access program must contact the Uniform Commercial Code section of the department of licensing for application information.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-040, filed 1/19/88.]

WAC 308-410-050 Standard for allocating users. The standard for allocating users of the field access system will be on a first come, first served basis proportionately distributed between Eastern and Western Washington. The department reserves the right to determine when the field access system has reached its maximum user capacity, at which time no additional users will be allocated until system space becomes available.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-050, filed 1/19/88.]

WAC 308-410-060 Contract for use. The conditions and provisions for use must be established by contract between the department and the user.

[Statutory Authority: RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-060, filed 1/19/88.]

WAC 308-410-070 Fees. The fees for use of the Uniform Commercial Code field access system shall be based on the established rate per hour for use of main-frame computer time. The fee for access to the Uniform Commercial Code field access system shall be based on the prevailing rate for surface transmission telephone line use. The specific fees for access and use shall be contained in the user contract.